

**OSHTEMO CHARTER TOWNSHIP BOARD**  
**7275 West Main Street**  
**Kalamazoo, MI 49009**  
**269.375.4260**

**January 8, 2019**  
**BOARD WORK SESSION**  
**6:00 p.m.**  
**AGENDA**

- A. Call to Order
- B. Public Comment
- C. Update from Kalamazoo County
- D. Township Trustee Candidate Interviews
- E. Other Updates and Business

**REGULAR MEETING**  
**7:15 p.m.**  
**AGENDA**

- 1. Call to Order
- 2. Pledge of Allegiance
- 3. Public Comment on Non-Agenda Items
- 4. Consent Agenda
  - a. Approve Minutes – December 11, 2019 Regular Meeting
  - b. Receipts & Disbursements Report
  - c. Township Board Public Comment Policy
  - d. Media Policy
  - e. KCRC 2019 PAR Funds Match Obligation
  - f. KATS Contributed Services Agreement
- 5. Presentation by Sheriff Fuller on New Marijuana Legislation (notify email interest list)
- 6. Recodification of Township Zoning Ordinance & (6) Amendments – First Reading
- 7. Rezoning of Land in Sections 9, 23, and 36 – Second Reading
  - a. Rezoning on Land Section 09, North 6th Street, from “C” Local Business District to the “RR” Rural Residential District
  - b. Rezoning on Land Section 36, 11th and 12th Streets, from “C” Local Business District to “RR” Rural Residential District
  - c. Rezoning on Land Section 23, West KL Avenue, from “C” Local Business District to “R-2” Residence District
- 8. Consideration of Stadium Park Way Brownfield Plan Amendment
- 9. Discussion on Trustee Appointment (Board Action Jan 8<sup>th</sup> or 22<sup>nd</sup>)
- 10. Other Township Business
- 11. Public Comment
- 12. Board Member Comments
- 13. Adjournment

**Policy for Public Comment**  
**Township Board Regular Meetings, Planning Commission & ZBA Meetings**

All public comment shall be received during one of the following portions of the Agenda of an open meeting:

- a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official to respond at a later date.
- b. After an agenda item is presented by staff and/or an applicant, public comment will be invited. At the close of public comment there will be board discussion prior to call for a motion.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name; it is not required unless the speaker wishes to have their comment recorded in the minutes.

All public comment offered during public hearings shall be directed, and relevant, to the item of business on which the public hearing is being conducted. Comment during the Public Comment or Citizen Comment on Non-Agenda Items may be directed to any issue.

All public comment shall be limited to four (4) minutes in duration unless special permission has been granted in advance by the Supervisor or Chairperson of the meeting.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which is in contravention of any of the principles and procedures set forth herein.

(adopted 5/9/2000)  
(revised 5/14/2013)

**Policy for Public Comment**  
**6:00 p.m. "Public Comment"/Portion of Township Board Meetings**

At the commencement of the meeting, the Supervisor shall poll the members of the public who are present to determine how many persons wish to make comments. The Supervisor shall allocate maximum comment time among persons so identified based upon the total number of persons indicating their wish to make public comments, but no longer than ten (10) minutes per person. Special permission to extend the maximum comment time may be granted in advance by the Supervisor based upon the topic of discussion.

While this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official to respond at a later date.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name; it is not required unless the speaker wishes to have their comment recorded in the minutes.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor shall terminate any public comment which is in contravention of any of the principles and procedures set forth herein.

(adopted 2/27/2001)  
(revised 5/14/2013)





# Memorandum

**Date:** 4 January 2019  
**To:** Township Board  
**From:** Libby Heiny-Cogswell, Supervisor  
**Subject:** Township Board Trustee Appointment Process

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## Objectives

Board interview of Township Trustee applicants, starting at 6 pm January 8<sup>th</sup>, 2019.

## Background

The Township Board received applications to fill the vacant Trustee position through midday Friday, January 4<sup>th</sup>. A summary of applicants is provided herein. Also provided are tentative interview questions. The Township Board will determine process at the beginning of the meeting Tuesday. Regardless, given time constraints, succinct responses will be requested. Applicants may also submit brief written responses to the Board during their interview, if questions were not already addressed in resume letter.

1. What were your reasons for submitting your resume for the vacant position?
2. What are the goals you wish to achieve during the remainder of the appointed term?
3. What is your long-term vision for the Township and how do your goals help make that vision a reality?
4. Is there anything currently happening in the Township that you would like to see changed?
5. What do you see as the No. 1 priority the Township should address?

## Information Provided

Trustee Applicant Summary List and Tentative Interview Schedule

**Trustee Applicants 2018-2019**

**Interview Date Tuesday, January 08, 2019**

<u>Last Name</u>	<u>First Name</u>	<u>Address</u>	<u>Career Specialty</u>	<u>Governmental / Board Experience</u>	<u>Years in Oshtemo</u>	<u>Interview Time</u>
Bell	Cheri	3711 North 2nd Street	Regional Development Director	Oshtemo Township Zoning Board of Appeals, Parks Committee, Planning Commission Chair	Lifetime	6:00 PM
Commissaris	Ronald	6392 Buckham Wood Drive	Manager at Upjohn, Texas Township Supervisor	Served on Numerous other Boards including KATS and Kalamazoo County Board of Supervisor	5	6:10 PM
Corakis	Themi	7018 West N. Ave	HVAC Contractor / Restaurateur	DDA	44	6:20 PM
Dickason	Keisha	559 Sawgrass Way	Fund Raising and Budget Planning	Board member for 2 Non-Profits	10	6:30 PM
Gibes	Janet Ann	2522 Strathmore	Staff Nurse / Clinical Instructor	No Board experience but organized community activities	34	6:40 PM
Graham	Paul	7105 Oak Highlands	Retired - Pharmacia - Sales Marketing, Business Development	Board of Luzerne County PA, American Lung Assoc.	8	6:50 PM
Graham	Thomas	3330 S. 4th Street	IT Programming Department Manager	None Mentioned	10	7:00 PM
Taylor	James	2990 Vienna	Academic Dean and Respiratory Therapy Supervisor	Numerous Service projects and Board of Directors	22	7:10 PM
Versalle	Anna	39 Mandalay Drive	Technical Consultant / Analyst / Management System Developer	JCL Board of Directors	10	7:20 PM
Visser	Steve	6279 Shugarbush Trail	Builder / Developer	Oshtemo Township Building Board of Appeals	46	7:30 PM



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Township Board Regular Meetings, Planning Commission & ZBA Meetings**

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a. Citizen Comment on Non-Agenda Items or Public Comment – while this is not intended to be a forum for dialogue and/or debate, if a citizen inquiry can be answered succinctly and briefly, it will be addressed or it may be delegated to the appropriate Township Official or staff member to respond at a later date. More complicated questions can be answered during Township business hours through web contact, phone calls, email ([oshtemo@oshtemo.org](mailto:oshtemo@oshtemo.org)), walk-in visits, or by appointment.

b. After an agenda item is presented by staff and/or an applicant, public comment will be invited.

At the close of public comment there will be Board discussion prior to call for a motion. While comments that include questions are important, depending on the nature of the question, whether it can be answered without further research, and the relevance to the agenda item at hand, the questions may not be discussed during the Board deliberation which follows.

Anyone wishing to make a comment will be asked to come to the podium to facilitate the audio/visual capabilities of the meeting room. Speakers will be invited to provide their name, but it is not required.

All public comment offered during public hearings shall be directed, and relevant, to the item of business on which the public hearing is being conducted. Comment during the Public Comment Non-Agenda Items may be directed to any issue.

All public comment shall be limited to four (4) minutes in duration unless special permission has been granted in advance by the Supervisor or Chairperson of the meeting.

Public comment shall not be repetitive, slanderous, abusive, threatening, boisterous, or contrary to the orderly conduct of business. The Supervisor or Chairperson of the meeting shall terminate any public comment which does not follow these guidelines.

(adopted 5/9/2000)  
(revised 5/14/2013)  
(revised xx/xx/2018)

Questions and concerns are welcome outside of public meetings during Township Office hours through phone calls, stopping in at the front desk, by email, and by appointment. The customer service counter is open from Monday-Thursday 8:00 am- 5:00 pm, and on Friday 8:00 am-1:00 pm. Additionally, questions and concerns are accepted at all hours through the website contact form found at [www.oshtemo.org](http://www.oshtemo.org), email, postal service, and voicemail. Staff and elected official contact information is provided below. If you do not have a specific person to contact, please direct your inquiry to [oshtemo@oshtemo.org](mailto:oshtemo@oshtemo.org) and it will be directed to the appropriate person.

Oshtemo Township Board of Trustees		
<b><u>Supervisor</u></b>		
Libby Heiny-Cogswell	216-5220	libbyhc@oshtemo.org
<b><u>Clerk</u></b>		
Dusty Farmer	216-5224	dfarmer@oshtemo.org
<b><u>Treasurer</u></b>		
Nancy Culp	216-5221	ncoshtwp@oshtemo.org
<b><u>Trustees</u></b>		
Deb Everett	375-4260	deverett@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Ken Hudok	359-0787	khudok@oshtemo.org

Township Department Information		
<b><u>Assessor:</u></b>		
Kristine Biddle	216-5225	assessor@oshtemo.org
<b><u>Fire Chief:</u></b>		
Mark Barnes	375-0487	mbarnes@oshtemo.org
<b><u>Ordinance Enf:</u></b>		
Rick Suwarsky	216-5227	rsuwarsky@oshtemo.org
<b><u>Parks Director:</u></b>		
Karen High	216-5233	khigh@oshtemo.org
Rental Info	216-5224	oshtemo@oshtemo.org
<b><u>Planning Director:</u></b>		
Julie Johnston	216-5223	jjohnston@oshtemo.org
<b><u>Public Works:</u></b>		
Marc Elliott	216-5236	melliott@oshtemo.org

OSHTEMO CHARTER TOWNSHIP

~~SOCIAL~~ MEDIA COMMUNITY GUIDELINES

Oshtemo Charter Township provides information to the Public through many digital outlets including Facebook, LinkedIn, and NextDoor, as well as other ~~social~~ networking sites. ~~Social~~ ~~m~~Media, ~~social~~ networking use by the Township is intended to extend traditional channels to disseminate information to Township residents, businesses, community leaders and other interested persons.

The Township ~~Social~~ Media efforts are directed primarily at providing information to the public. However, the Township does welcome input from the public through:

- Mail: 7275 W. Main Street, Kalamazoo, Michigan 49009
- Email: [oshtemo@oshtemo.org](mailto:oshtemo@oshtemo.org)
- Telephone: 269-375-4260
- Office visits by appointment

In addition, the Township has a drop-off box through which it would be happy to receive any comments from the public.

Where a ~~social~~ networking site does allow for public comment, the Township needs to manage Township content responsibly. Therefore, when engaging with the Township through ~~Social~~ Media, you agree to the following Township ~~Social~~ Media Customer Use Policies.

1. **Township ~~Social~~ Media Customer Use Policy**

When engaging with the Township on ~~social~~ media, ~~social~~ networking sites, you are subject to this Customer Policy. Content (photos, videos, etc.) you share with or post to official Township pages are subject to this Policy. Content shared may be used by the owners of the host site for their own purposes according to the site specific. The Township encourages the public to review this Policy prior to engaging with the Township on Township specific ~~social~~ media, ~~social~~ networking sites so they fully understand their rights and responsibilities.

2. **User-Generated Content**

The public is encouraged to share content, including photographs and ideas with Township ~~social~~ media, ~~social~~ networking sites. Content and comments shared should adhere to the standards outlined in this Consumers Use Policy, and should follow all copyright and trademark laws.

3. **Customer Use Policy**

Comments and content posted to Township maintained ~~social~~ media, ~~social~~ networking sites is reviewed by the Township. While content and comments will not be edited, the Township reserves the right to remove user-generated content or comments if they violate the below criteria:

- The use of obscene, threatening, discriminatory or harassing language.
- Personal attacks on individuals or groups that contains offensive content or language which target racial, ethnic, or religious groups, gender, sexual orientation or disability status.
- Disclosure of information which is confidential by law or regulation.
- Comments advocating illegal activity or posts violating copyrights or trademarks.
- Advertisement or promotion of commercial products, services, entities or individuals.
- Endorsement or opposition of any person campaigning for election to a political office or promoting or opposing any ballot proposition.
- Posting any content that is directed to, or names, a Township employee. Any communication with Township employees on issues under department jurisdiction will be conducted via email or the phone.
- Spamming, trolling or making duplicative comments by the same user or multiple users.
- Sharing fake or discrediting content that is not factual.

Content removed from Township **social** media, **social** networking accounts is archived according to the Township **social** media, **social** networking content archiving practices. The maintenance of these records in either electronic or print format is the responsibility of the department managing the specified **social** media, **social** networking account.

4. **Freedom of Information Act (FOIA)**

Township generated-content posted in third-party **social** media, **social** networking sites or on public servers becomes part of the public domain upon posting. With limited exceptions, such content is therefore not exempt from FOIA requests. FOIA requests should be submitted through official Township FOIA request processes.

5. **Disclaimer**

Township **social** media, **social** networking content posts may include content or hypertext links to information created and maintained by other public or private sources. The Township does not endorse third-party content and does not control nor guarantee the accuracy of completeness of information contained in external content or hypertext links linking to or from third-party websites.



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# OSHTEMO CHARTER TOWNSHIP

## SOCIAL MEDIA POLICY

\_\_\_\_\_, 2018

This ~~Social~~ Media Policy (“Policy”) applies to all existing and future ways that Oshtemo Charter Township (“Township”) can post information of any kind on the Internet and ~~social~~ media. ~~Social m~~Media can include ~~newspaper, television,~~ websites for blogs, photo sharing, video sharing, microblogging, podcasts, and popular applications such as Facebook, LinkedIn, and Nextdoor. ~~Social m~~Media and the technology it employs is constantly changing, so the lack of explicit reference to a specific ~~social~~ media tool or website in this Policy does not limit the extent of the application of this Policy.

The primary purpose of the ~~Social~~ Media Policy is to push out information to the public.

Please read this Policy in conjunction with the Township’s Employee Handbook and any other related policies.

This Policy covers the use of ~~social~~ media by all Township officials and employees working on behalf of the Township. Some officials and employees may be specifically authorized to use ~~and interact with the social~~ media on behalf of the Township as part of their job duties. If you are among those officials or employees, not only does this Policy apply, but additional rules and requirements in other policies apply as well.

### 1. ~~Township Accounts~~

The Township’s ~~public information officers~~ Media Information Manager will establish separate accounts using, as much as is possible, the Township name in the handle or account. These accounts and any followers or connections are the sole property of the Township. Use of these accounts is governed under the Requirements of this policy.

### 2. ~~Public Information Officers-Media Information Managers~~

The Township Supervisor and Clerk shall be the ~~public information officers~~ Media Information Managers for the Township. The ~~public information officers~~ Media Information Managers shall be responsible for supervising the content disseminated as approved by the Township Board through the Township newsletter, website, public service announcements and press releases on Township government events, and responding to inquiries from the media or referring contact to other appropriate Township officials. The ~~public information officers~~ Media Information Managers shall review the content of these materials for:

- Potential violations of the Campaign Finance Act
- Political preference or support
- Promotion of private interests



- Misrepresentations of Township Board actions or policy
- Statements that could expose the Township to legal liability

The ~~public information officers~~ **Media Information Managers** are authorized to determine in his or her sole discretion, whether such content will be removed or edited out, submitted to the Township legal counsel for a further opinion, directed to the Township Board for a final determination, or returned to the author for revision.

The ~~public information officers~~ **Media Information Managers** shall advise Township Board members and other appropriate staff of all press releases and other media contacts at the time of release.

~~Township officials and~~ Designated Township employees will notify the ~~public information officers~~ **Media Information Managers** of all media contacts made in their Township capacity. ~~Elected officials are encouraged to also advise the Media Information Managers of all media contacts. Unless otherwise authorized to speak on behalf of the Township, all other~~ Township employees and volunteers ~~contacted by the news media should will should~~ notify a designated employee to whom s/he reports, or to the ~~public information officers~~ **Media Information Managers**, prior to making any statements to the news media ~~in their on behalf of the Township capacity~~.

### 3. **Requirements for ~~Social~~ Networking Activities for the Township**

Management and participation through ~~social~~ media shall serve to push-out information as a means of informing and engaging with Township residents, business owners, community leaders and other interested individuals to promote our Township. For those who represent the Township image online, the following are important considerations:

#### A. **Representing the Township**

Be mindful that you are representing the Township. We ask that you communicate with honesty and integrity and keep a positive tone when using Township accounts. Most accounts used by the Township will track the user. For accounts without user tracking, employees will be given a method of verification of posting as established by the ~~Public Information Officers~~ **Media Information Managers**.

#### B. **Passwords**

All passwords to Township accounts must be maintained by the official or employee and be recorded with the Township Clerk. The employee shall not change the password unless prior authorization has been received. Passwords must remain secure, and personnel are expressly prohibited from sharing account information with others.

- C. **Ownership of Township Account Content**  
All content that employees or Township officials generate for official Township-authorized ~~social~~ media accounts is the property of the Township. Employees acknowledge that, if properly authorized, s/he has the right to provide or create the content posted in the Township's ~~social~~ media accounts.
- D. **Content Uniformity**  
The Township logo shall be uniformly used in ~~social~~ media posts for Township events, activities, information, and any other authorized content across all platforms and accounts. All material posted by the Township should, likewise, clearly indicate that it is being posted/distributed by the Township.
- E. **Township Account Monitoring**  
For those websites which allow for public comments, authorized employees will be responsible for removing or limiting comments to posts, or deleting content on Township accounts which does not conform with Township policies.
- F. **Responding to Media Posts**  
In an effort to serve the public, and create an open channel of communication, the Township will respond to posts as soon as reasonably practicable during the business hours of the Township.
- G. **Appropriate Channels for Posting Approval**  
All postings shall be approved through the designated ~~Public Information Officers~~ ~~Media Information Managers~~ or his/her designee. Department Heads will submit content for review and posting as needed. Department Heads are responsible for the contents and necessary edits or additions.
- H. **Emergency Information Posts**  
In the event of an emergency (weather, natural disaster, etc.), where providing information to the public quickly and accurately is of the utmost importance, the Township Supervisor, Clerk, or his/her designee will post, as soon as reasonably practicable/information can be verified, a press release addressing the emergency.
- I. **Separation**  
Should the employee or Township official leave the Township for any reason, the individual's prior authorization to use Township accounts shall terminate immediately, and the individual will immediately cease access to any and all accounts.

**Social Media Policy Receipt and Acknowledgment**

I have been given an electronic copy of the Township's **Social** Media Policy. I agree to comply with the **Social** Media Policy or any further revised version of it.

Sign and date the receipt below and return it to the Human Resources Department. A copy will be placed in your personnel file.

Date: \_\_\_\_\_

Date: \_\_\_\_\_

WITNESS:  
\_\_\_\_\_

TOWNSHIP OFFICIAL OR EMPLOYEE:  
\_\_\_\_\_



Motion made by \_\_\_\_\_, seconded by \_\_\_\_\_ to adopt the foregoing Motion.

Upon vote,

The following voted "Aye":

The following voted "Nay":

The following "Abstained":

The Supervisor declared the motion had been adopted.

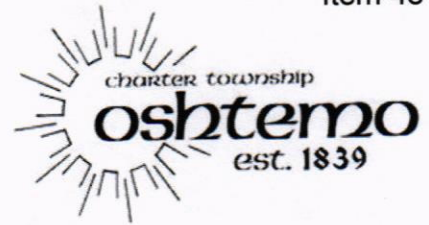
\_\_\_\_\_  
Elizabeth Heiny-Cogswell, Supervisor  
Oshtemo Charter Township

\* \* \* \* \*

CERTIFICATE

I, Dusty Farmer, the duly elected and acting Clerk of the Charter Township of Oshtemo, hereby certify that the foregoing motion was adopted by the Township Board of said Charter Township at a regular meeting of said Board held on January \_\_\_\_, 2019, at which meeting \_\_\_\_ members were present, and voted upon the same as indicated in said Minutes; that said meeting was held in accordance with the Open Meetings Act of the State of Michigan.

\_\_\_\_\_  
Dusty Farmer, Township Clerk



## Memorandum

**Date:** January 4, 2019  
**To:** Oshtemo Charter Township Board  
**From:** Marc Elliott, P.E., Director of Public Works  
**Subject:** RCKC 2019 Par Fund Match Obligation

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### **Objective:**

Maximize the leverage of local road maintenance funding within Oshtemo through the use of “PAR” dollars offered by the Kalamazoo County Road Commission (RCKC) for 2019.

### **Discussion:**

Each year the RCKC offers a portion of state provide roadway maintenance dollars to local communities (Townships) for local roadway maintenance and repair. For 2019 the amount offered to Oshtemo is \$301,567.93 (see attachment). The RCKC requires a dollar for dollar match in order to receive these monies. RCKC had requested a commitment be made by January 20th so that uncommitted funds could be redistributed to other communities.

The Township’s 2019 roadway appropriations are sufficient to provide this match, provided the RCKC will allow a portion of the Township’s programmed roadway expenditures designated to reconstruct local roads within the scope of the 2019 sewer projects. [These discussions with RCKC are ongoing.] If the Township’s sewer work (which will result in new roads) is not deemed by RCKC as eligible match, a Township budget amendment with an additional appropriation of about \$50,000 would be required.

### **Action Requested:**

The Board is requested to approve informing RCKC of the Township’s intent to match the offered PAR funds through a combination of direct cash match plus in-kind contributions of the new roads resulting from the scheduled sanitary sewer projects. Should RCKC fail to recognize the proposed in-kind contribution, the Board shall subsequently consider amending its budget to address the above noted cash defficiency of the currently approved budget. This consideration of a Township budget adjustment will occur concurrent with the board’s formal approval to contract with RCKC for identified 2019 roadway maintenance projects.

### **INFORMATION PROVIDED**

1. Ltr., December, 17, 2018 – RCKC offer of PAR Funds for Local Roadway Maintenance/





Road Commission  
of Kalamazoo County

3801 E. Kilgore Road  
Kalamazoo, MI 49001  
(269) 381-3171  
Fax (269) 381-1760  
www.kalamazoocountyroads.com

December 17, 2018

Dear Kalamazoo County Townships/Partners,

The Board of County Road Commissioners of the County of Kalamazoo (Board) and staff appreciate the participation and level of commitment by our Townships for infrastructure improvements. Together we completed many local construction and preventive maintenance projects countywide. The Road Commission of Kalamazoo County (RCKC) would like to provide the following updated information for 2019.

**Local Road Participation Program:**

Annually, our Board reviews the amount of available participation (PAR) funds for our local road improvement projects as part of our budget process. The local road PAR fund allocation is based on the distribution from the Michigan Transportation Fund (MTF). RCKC has allocated \$1,860,000 toward this partnership which is a record breaking commitment to the local road program.

**Local Road Participation Fund Policy:**

*Key Dates are as follows:*

- RCKC PAR Funds Available: by December 20
- Townships Notify RCKC of PAR Fund Intentions: by January 20

**We ask that each Township please notify RCKC by January 20<sup>th</sup> by EMAIL to [mworden@kalamazoocountyroads.com](mailto:mworden@kalamazoocountyroads.com) if you are;**

1. Unable to use any of the allocated PAR funds, **or**
2. Only able to use a PORTION (amount indicated \$ \_\_\_\_\_) of the allocated PAR funds, **or**
3. Able to use ALL of the allocated PAR funds, but NOT committed to participate in the PAR funds redistribution, **or**
4. Able to use ALL of the allocated PAR funds and COMMITTED to participating in the PAR funds redistribution.

- PAR Fund Redistribution: by January 31
- PAR Fund Contracts HMA Early Bid Letting: by February 15
- **PAR Fund Final Obligation: by March 15**

**Local Road Projects Average Costs:**

A 2018 (average) local road project cost sheet by treatment type has been included for reference. **Please note these costs are based on 2018 average project costs and updated estimates will need to be produced based on current market conditions per project.**

**Non-motorized Facilities:**

To establish adequate planning, communication and coordination of local and primary road projects, RCKC has developed an application process for approval of non-motorized facilities in the public right of way. We have also incorporated the option of an umbrella agreement. Projects to be considered should be submitted at minimum of three (3) years in advance of design engineering for federal projects and prior to the start of design engineering for other projects, unless funding requests makes this impossible, preferably in the early design stages. Projects should be identified as part of the RCKC local and/or primary road plan. Applications submitted after that deadline will be considered for approval and funding after all timely applications are processed, and may be subject to additional charges connected with the late submission and related costs, if any.



**Asset Management:**

We will be updating our asset management data and maps for 2019 to include projects completed and ratings collected in 2018. In 2019, pavement evaluation and rating (PASER) local road data collection will be in Charleston, Comstock, Oshtemo, Schoolcraft and Richland townships.

We appreciate your commitment to asset management planning with the "right fix at the right time." We are also building 5-year local road plans which will add to our interactive map sharing and RCKC website, so that projects can continue coordination with utilities planning for sewer and water. So when you are reviewing 2019 estimates, we will also be building 5-year local road plans for 2019 - 2023 with you, much like our 2019 - 2023 Primary Road Capital Improvement Plan (CIP). We understand these plans are for planning purposes and certainly there may be project adjustments needed annually and as revised for the following 5-year period as with any CIP.

**RCKC Communication:**

We have included an update of our RCKC staff contact list (attached). **We encourage you and our citizens to call our office main switchboard and/or use our website "Contact Us" with any service requests/general questions or areas needing attention vs. direct staff contact for tracking purposes.**

We would appreciate opportunities to share our information in your newsletters or any communication mediums. Also, please check that your Township Websites are linking to our site and/or there is up to date RCKC information.

We also encourage you to help us spread the word on "RCKC Connect". This mass notification service allows us to alert citizens on where, what and how they prefer to be contacted with general RCKC news, construction, and road closures. Just look for this logo on our website to sign up:



RCKC CONNECT  
R.C.K.C. & R.T.V. MANAGED ROAD

We have also outlined informational sessions for the first quarter of 2019: Please consider attending and sharing the opportunity within your Township.

- Transportation Asset Management for Local Officials – Wednesday, January 23<sup>rd</sup>; 8:00am – 11:00am**
- Setting Realistic Speed Limits & More - Tuesday, January 29<sup>th</sup>; 9:00am – 11:00am**
- Understanding Frost Laws – Wednesday, February 13<sup>th</sup>; 9:00am – 11:00am**

**RCKC/Township Joint Meetings:**

We reviewed various options to enhance our communication and joint meetings throughout 2018. For 2019, we will have joint meetings as requested by the Township and ask for topics and agendas well in advance of meetings, at a mutually agreed upon time, to foster continued partnerships on mutually relevant topics. We will also be scheduling road tours and have an opportunity to tour RCKC.

Once again thank you for your support in infrastructure improvements and we look forward to working together in the New Year!

Sincerely,

**Joanna I.**

**Johnson**

Joanna I. Johnson,  
Managing Director

Digitally signed by Joanna I. Johnson  
DN: cn=Joanna I. Johnson, o=Road Commission  
of Kalamazoo County, ou=Managing Director,  
email=jjohnson@kalamazooountyroads.com,  
c=US  
Date: 2018.12.17 15:43:40 -05'00'

**Attachments**

- RCKC Contact Information
- 2019 Local Road Participation Fund Allocation
- Local Road Projects 2018 Project Average Costs
- Local Road Cost Sharing Policy
- Local Road Participation Fund Policy
- Local Road Culvert Replacement Policy
- Local Road Bridge Replacement Policy
- Local Road Delayed Payment by Townships Policy
- Failed Condition Local Road Policy



Road Commission  
of Kalamazoo County  
3801 E. Kilgore Road  
Kalamazoo, MI 49001  
(269) 381-3171  
Fax (269) 381-1760  
www.kalamazoo-countyroads.com

## ROAD COMMISSION OF KALAMAZOO COUNTY 2019 Local Road Participation (PAR) Fund Allocation

Updated: 12/17/18

Township	2010 Census	% of Population	Local 35% Mileage **	% of Mileage	Local 65% Mileage	% of Urban Mileage	Local Urban Mileage	% of Urban Distribution	Urban Distribution	2019 Total	2018 Carryover Par Funds	Total Par Funds Available
Alamo	3,762	3.16%	17,255	37.88	46,750	0.33	0.09%	270	64,275			64,275.00
Brady	3,613	3.03%	16,546	46.63	57,500	9.62	2.60%	7,796	81,842			81,842.00
Charleston	1,942	1.63%	8,901	23.95	29,511	2.44	0.66%	1,979	40,391			40,391.00
Climax	1,696	1.42%	7,754	47.40	58,514				66,268			66,268.00
Comstock	14,854	12.47%	68,094	74.50	91,878	67.19	18.19%	54,539	214,511			214,511.00
Cooper	10,111	8.49%	46,360	62.83	77,579	32.49	8.80%	26,385	150,324	16,055.79		166,379.79
Kalamazoo	21,918	18.40%	100,474	74.89	92,385	74.89	20.28%	60,806	253,665			253,665.00
Oshtemo	21,705	18.22%	99,492	76.56	94,515	48.71	13.19%	39,548	233,555	68,012.93		301,567.93
Pavilion	6,222	5.22%	28,504	48.35	59,630	19.97	5.41%	16,221	104,355			104,355.00
Prairie Ronde	2,250	1.89%	10,321	52.11	64,295				74,616	6,543.24		81,159.24
Richland	6,829	5.73%	31,289	49.24	60,745	22.22	6.02%	18,050	110,084	17,971.36		128,055.36
Ross	3,812	3.20%	17,474	53.44	65,917	2.11	0.57%	1,709	85,100			85,100.00
Schoolcraft	4,418	3.71%	20,259	34.23	42,288	20.39	5.52%	16,551	79,098	26,141.67		105,239.67
Texas	14,697	12.34%	67,384	92.35	113,986	68.94	18.67%	55,978	237,348	49,877.55		287,225.55
Wakeshma	1,301	1.09%	5,952	47.52	58,616				64,568			64,568.00
	<b>119,130</b>	<b>100.00%</b>	<b>546,059</b>	<b>821.88</b>	<b>1,014,109</b>	<b>369.30</b>	<b>100.00%</b>	<b>299,832</b>	<b>1,860,000</b>	<b>184,602.54</b>		<b>2,044,602.54</b>

**January 20<sup>th</sup>**

Townships must provide notice to the Board of one of the following by email:

1. Unable to use any of the allocated PAR Funds;
2. The specific portion of allocated PAR Funds able to use;
3. Able to utilize ALL of the allocated PAR Funds, but not committed to PAR Funds re-distribution; OR
4. Able to utilize ALL of the allocated PAR Funds and COMMITTED to participating in the PAR Funds re-distribution.

**January 31<sup>st</sup>**

The Road Commission will complete the one time re-distribution based on the January 20<sup>th</sup> response, and notify townships.

**February 15<sup>th</sup>**

Townships must provide notice to the Board for the first hot mix asphalt (HMA) projects by this date to be included in the first HMA bid letting.

**March 15<sup>th</sup>**

Local Road Contracts must be received by this date; any local road participation funds allocated, but not obligated by March 15th are reallocated to RCKC primary road fund.

\*Please see RCKC policies for further information.

\*\* Total Local Mileage is based on year-to-date accepted roadways.



## Road Commission of Kalamazoo County

### Local Road Projects

#### 2018 PROJECTS AVERAGE COSTS\*

Treatment Type	Treatment Definition	Anticipated Service Life***	Average Cost per Sq/Yd	Average Cost per ton	Range of bids	Average Cost per mile (20' width)	PASER**
Crack Fill	Material Applied to Prevent Water Infiltration Through Cracks	1 - 3 Years	N/A	N/A	\$1,030 - \$5,975/Mile	\$3,042.74	8,7,6,5,4
22A Gravel	Processed Aggregate Used to Improve Surface Condition	Varies	\$2.06	\$12.46	\$10.25 - \$14.50/Ton	\$24,127.40	ALL
23A Gravel	Processed Aggregate used to Improve Surface Condition	Varies	\$2.08	\$12.60	\$10.35 - \$14.50/Ton	\$24,393.60	ALL
Chip Seal	Emulsion Applied to Pavement Covered with Aggregate	5 - 7 Years	\$1.64	N/A	\$1.23 - \$2.74/SYD	\$19,242.67	7,6,5,4
RCKC Special Chip Seal (Plat)	Emulsion Applied to Pavement Covered with Aggregate	5 - 7 Years	\$1.52	N/A	\$1.28 - \$2.34/SYD	\$17,834.67	7,6,5,4
Fog Seal	Diluted Emulsion Application to Reduce Dust and Lock Aggregate	1 - 3 Years	\$0.32	N/A	\$0.21 - \$0.53/SYD	\$3,754.67	7,6,5,4
Micro Seal	Emulsion, Aggregate and Portland Cement Thin Surface Treatment	6 - 8 Years	no projects in 2018 (2016 Average Cost)	N/A	N/A	(2011 Average Cost) \$27,104.00	7,6,5,4
Double Chip Seal	2 Chip Seal Applications Over an Improved or Recycled Gravel Surface	8 - 10 Years	\$7.06	N/A	N/A	(2016 Average Cost) \$82,862.00	3,2,1
HMA Ultra-Thin Overlay	A Thin Overlay of Hot Mix Asphalt (HMA)	5 - 7 Years	(2014 Average Cost) \$3.11	(2014 Average Cost) \$80.11	(2014 Prices) \$2.80 - \$5.00/SYD	(2014 Average Cost) \$42,123.00	7,6,5
HMA Wedging	Full Lane, Intermittant HMA Repairs	Varies	\$1.06	\$68.25	\$54.00 - \$162.50/Ton	various	5,4,3
36A MOD.	HMA Rehabilitation of Existing Pavement	15 - 20 Years	\$7.85	\$56.95	\$51.00 - \$69.75/Ton	\$92,104.05	5,4
13A MOD. HMA Overlay	HMA Rehabilitation of Existing Pavement	15 - 20 Years	\$8.48	\$54.06	\$52.00 - \$62.88/Ton	\$99,495.84	5,4,3
HMA Overlay 2 inches	HMA Paving Over a Recycled Gravel Surface	20 - 30 Years	\$20.79	\$97.29	\$89.83-\$105.49/Ton	\$243,936.00	3,2,1
Gravel/Pulverize/HMA Paving	Constructing an Improved Gravel Surface with Recycled HMA and Gravel	Varies	\$3.55	N/A	N/A	(Estimated Cost) \$41,653.33	3,2,1

\*Figures provided above are average cost for local road projects in 2018. Project estimates for the 2019 construction season will be determined based on bid/projected material, equipment, labor, and overhead/fringe cost.

\*\* Pavement Surface Evaluation and Rating

\*\*\* Anticipated Service Life may vary based on preventive maintenance investments.





# *POLICY*

## **LOCAL ROAD COST SHARING**

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It is the policy of the Board of County Road Commissioners of the County of Kalamazoo (Board) to have requirements for cost sharing for certain work on the local road system. Annually, the Board determines the amount of Local Road Participation Funds that may be used for matching purposes on local road heavy maintenance and construction projects. The money is distributed to each township on the basis provided for in the Board's Local Road Participation Fund Policy.

The Board has developed other policies addressing its requirement in participation for the placement of certain size culverts and replacement of bridges. However, the Board will approve the allocation of local road participation funds, to the extent they may be available, for use by the township to pay up to one-half the cost of the township share.

The Board will fund all routine maintenance activities from the road commission's local road maintenance budget to the extent that funds are available.

The Board will fund the application of a dust control agents to gravel roads from the road commission's local road maintenance budget to the extent that funds are available. If a township determines it to be desirable to apply additional dust control agents to gravel roads on the local road system, the township may apply for a right-of-way permit in accordance with Board guidelines.

All work entered into with the township shall have a local road contract approved and signed by both the appropriate township official and the Board can designate the Managing Director to sign the local road contract(s) before the commencement of work. The local road contract shall include, at a minimum, the following: project description, including type of proposed improvement; estimated project costs, including engineering/permits; the amount of participation or other matching funds to be applied; and the township share for the improvement activity. In addition, the local road contract shall specify how overruns are to be addressed. The local road contract charges shall include the direct costs, the fringe, the indirect, the equipment, and the overhead charges as calculated by the most recent Act 51 Public Acts of 1951 report as filed with the State of Michigan.

Adopted: 9/20/94  
Amended: 4/23/02  
Amended: 11/30/10  
Amended: 11/28/17



## *Policy*

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### LOCAL ROAD PARTICIPATION FUND

It is the policy of the Board of County Road Commissioners of the County of Kalamazoo (Board) to provide for and have requirements for its Local Road Participation Fund. Annually, the Board shall determine, in accordance with its budget, the amount of participation (PAR) funds to be made available to the townships for use on local road preservation-structural improvement (including special assessment), preventive maintenance and construction projects. Each township, in order to receive local road (PAR) funds, must match the funds on a dollar-for-dollar basis. The source of the township's matching money may be from its own funds, property owners' special assessment contributions, or unique private/public contributions.

**The Board requests each township to work with our Road Commission designee to develop a 5-year road improvement plan supporting asset management for planning purposes and local road preservation.** Eligible local road preservation-structural improvement, preventive maintenance, and construction projects include such activities as: significant storm sewer replacements/improvements, maintenance seals, hot mix asphalt (HMA) overlays, culvert/bridge replacements and road reconstruction activities. The Board will fund the pulverization costs of a local road project, if the road is returned to hard surface (HMA or double chip seal) within the same construction season. The Board will fund the cost of tree removal, ditching, high side shoulder removal and culvert replacements that have been identified as maintenance by the Road Commission for a project.

The Board's PAR fund allocation for use by the township is to be on the same basis that local road fund money is distributed to the Board from the Michigan Transportation Fund. **The Road Commission is to notify each township of the amount of PAR funds available for its use by December 20.**

**Each township shall notify the Road Commission by January 20 their intentions regarding the local road PAR fund allocation, as follows;**

1. Unable to use any of the allocated PAR funds, **or**
2. Only able to use a PORTION (amount indicated \$ \_\_\_\_\_) of the allocated PAR funds, **or**
3. Able to use ALL of the allocated PAR funds, but NOT committed to participate in the PAR funds redistribution, **or**
4. Able to use ALL of the allocated PAR funds and COMMITTED to participating in the PAR funds redistribution.

The PAR funds from townships that are not being used, as indicated by January 20, will be redistributed by January 31<sup>st</sup> one time by the current distribution formula to those townships committed to participating in the additional PAR funds.



To encourage the bidding of HMA paving work early in the construction season and to be included in an early HMA bid letting, interested townships must provide a signed specific local road contract(s) based on a project estimate, by the close of business on February 28 . If February 28 falls on a Saturday or a Sunday, the following Monday is the due date. Beginning January 2016, this deadline will be February 15.

The local road contract(s) with the Board will include language that authorizes the Board to proceed with the award of the bids to the lowest responsive and responsible bidder unless advised in writing (by the appropriate township official by no later than the day before the Board meeting) that due to the cost of the project with overhead, the cost exceeds the local road contract and therefore the township requests not to make the award to the bidder.

Each township must obligate its portion of the PAR funds with signed specific local road contract(s) based on project estimates prepared by the Road Commission, which have been received by the close of business on May 15. If May 15 falls on a Saturday or a Sunday, the following Monday is the due date. Any participation funds not obligated by the close of the business day by the due date will be reallocated to the Board's primary road fund. Beginning January 2016, this deadline will be March 15.

PAR funds that are not obligated prior to May 15 (March 15 beginning in 2016) will be carried over to a subsequent year only with a specific project and a written agreement requiring Board approval. Such agreements will be made only under very special circumstances.

Local road project final billing(s) will be deducted from the township obligated yet unspent PAR funds. The township may use these remaining obligated yet unspent funds on another local road project or may apply it to a new local road project during that year, if time and weather permits, or will be allowed to carry the amount over to the following year with the provision that the carryover funds will be used first in that following year.

Adopted: 10/24/89  
Reviewed: 9/20/94  
Amended: 4/23/02  
Amended: 12/26/06  
Amended: 11/30/10  
Amended: 12/16/14





# *POLICY*

## **LOCAL ROAD CULVERT REPLACEMENT**

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It is the policy of the Board of County Road Commissioners of the County of Kalamazoo to provide for, and to require township participation, in the local costs associated with the replacement or construction of culverts >42" on the local road system. Local costs are defined as those charges associated with the replacement or construction of a bridge on the local road system that is not eligible for reimbursement from other sources. Those costs could include, but are not limited to engineering, permits, land acquisition, mitigation work, legal fees, as well as the construction work itself.

The Board will pay up to seventy percent (70%) of the local cost, outside of the local road participation fund program; to the extent the Board has funds that can be made available for this purpose. The Board will work to secure other funding sources whether from other local, and/or state, and/or federal in nature, to assist in helping financially support the culvert replacement or construction effort.

Adopted: 8/9/83  
Amended: 6/15/93  
Reviewed: 9/20/94  
Amended: 5/07/02  
Amended: 2/8/05  
Amended: 11/9/10



## **LOCAL ROAD BRIDGE REPLACEMENT**

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It is the policy of the Board of County Road Commissioners of the County of Kalamazoo to provide for, and to require township participation, in the local costs associated with the replacement or construction of bridges on the local road system. Local costs are defined as those charges associated with the replacement or construction of a bridge on the local road system that is not eligible for reimbursement from other sources. Those costs could include, but are not limited to engineering, permits, land acquisition, mitigation work, legal fees, as well as the construction work itself.

A bridge is defined as a structure including supports erected over a depression or an obstruction such as water, highway, pedestrian, or railway and having a track or passageway for carrying traffic or other moving loads, and having an opening measured along the center of the roadway of more than twenty (20) feet between under copings of abutment or spring lines of arches, or extreme ends of openings for multiple boxes. This may include multiple culverts and/or pipes, where the clear distances between openings is less than half of the smaller contiguous opening.

The Board will pay up to fifty percent (50%) of the local cost, outside of the local road participation fund program; to the extent the Board has funds that can be made available for this purpose. The Board will work to secure other funding sources whether from other local, and/or state, and/or federal in nature, to assist in helping financially support the bridge replacement or construction effort.

Adopted: 8/7/79  
Reviewed: 9/20/94  
Amended: 5/21/02  
Amended: 11/9/10



**LOCAL ROAD DELAYED PAYMENT BY TOWNSHIPS**

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It is the policy of the Board of County Road Commissioners of Kalamazoo County (Board) to consider and possibly approve requests made by township boards of trustees to delay final payment(s) on specific local road improvement projects.

The Board will consider and approve a delay of the final payment(s) for a local road improvement project when:

1. The request is by official township board action for a specific project and a specific dollar amount.
2. The dollar amount and the length of delay are itemized at the time the local road contract is approved. Under no circumstances, unless otherwise contractually agreed to, will the Board authorize the final payment for a project after April 1 of the year following completion of the project.
3. The Board believes the Road Commission has adequate cash flow to carry the balance.
4. The Board believes that the project is in the best interests of the public, taking into consideration safety, health, and welfare of the public.
5. The township's budget, in relation to its road improvement program, appears appropriate.
6. The requested delay of payment was created by a situation that was unforeseen by the township or the Board, such as a major project cost overrun.
7. The township describes the specifics of the request in writing to the Board in a timely manner.

Although the Board does not normally charge interest on the unpaid balances of these invoices, the Board reserves the right to establish an interest rate as deemed appropriate and in accordance with state statute. In no case will the Board allow the following year's Participation Funds to be applied to the balance due.

Adopted: 4/5/94  
Reviewed: 9/20/94  
Amended 5/07/02  
Amended: 11/9/10





## **FAILED CONDITION LOCAL ROAD**

It is the policy of the Board of County Road Commissioners of the County of Kalamazoo to have requirements for cost sharing for road improvements on our local road system. Annually, the Board determines the amount of Local Road Participation (PAR) Funds that may be used for matching purposes on local road heavy maintenance and construction projects. The money is distributed to each township on the basis provided for in the Board's Local Road Participation Fund Policy.

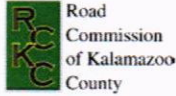
The Road Commission of Kalamazoo County (RCKC) is responsible for the safety of the traveling public and must provide "reasonably safe" road conditions. It is critical to maintain our infrastructure assets as efficiently and cost effectively as possible. A transportation asset management plan on the local road network allows the RCKC to plan and prioritize road improvements. Data is collected on our local road system evaluating surface conditions using the Pavement Surface Evaluation Rating (PASER) system.

This policy applies to local roads deemed as failed condition by the RCKC in partnership with the Township and is the first step to improving the road long term. The first step to improve a failed road is to pulverize the existing surface and return it back to gravel in order to effectively maintain a "reasonably safe" condition. If a failed road is not improved according to our local road cost sharing and local road participation fund program, the RCKC will implement the following steps to decrease our liability and maintain safe travel for the public:

- Attend Township Board meeting to specifically discuss and seek solutions for the failed local road segment.
- Staff will host a public meeting with the Township and the residents along the failed local road to discuss possible options for improvement.
- As an intermediate step, for a maximum of 6 months and/or as deemed in the best interest of public safety the RCKC will:
  - Reduce the speed limit and close the road to thru traffic as an initial step (Rough Road/Advisory Speed)
  - Continue to provide minimal routine maintenance in an effort to sustain the infrastructure reasonably safe for residence access.
- The RCKC will continue to encourage the Township to pursue other avenues for funding a project including special assessment and millage revenue.
- If a repair has not been initiated by the Township and/or residents within 6 months of closure to thru traffic the RCKC Board will require a written request from the Township Board for a local road PAR fund contract to return the failed road to gravel. The local road contract will include the RCKC pay 100% of the pulverizing. The remaining project cost will follow the Local Road Participation Fund policy with RCKC contributing fifty percent (50%) utilizing that Township's current year PAR funds, until the Township's portion of the contract is repaid.
- If the Township is unable to contribute fifty percent (50%) of the remaining project cost, that Township's current and/or future years' PAR funds will be utilized to fund the remaining fifty percent (50%) of the total project cost, until the Township's portion of the contract is repaid, including 100% pulverization.

Adopted: 1/27/15

Amended: 2/10/15



**ROAD COMMISSION OF KALAMAZOO COUNTY (RCKC)**

**3801 E Kilgore Road  
Kalamazoo, MI 49001**

[www.kalamazoocountyroads.com](http://www.kalamazoocountyroads.com)

**Regular Business Hours:** 7:30am - 4:00pm

**We encourage calls to our main switchboard and/or use our website with any service requests/general questions or areas needing attention.**

**You can reach RCKC staff directly by dialing (269) 381-3170 and then the extension number listed below.**

**Fax: (269) 381-1760**

**Extension**

- 226 Ausbury, Rebekkah — Project Engineer
- 240 Bartholomew, Travis — Operations Director
- 202 DeWaters, Diane — Senior Accountant
- 245 DeYoung, Bill — General Superintendent
- 221 Engel, Will — Road Maintenance Superintendent
- 270 Fitzsimmons, Jon — Permit Agent
- 273 Franklin, Brian — Permit Agent
- 241 Graham, Mike — Forester/Consultant
- 276 Hassenzahl, Rich - Road Maintenance Superintendent
- 285 Hendricks, Tara - Administrative Assistant - Operations
- 203 Hill, Debbie — Assistant Finance Director - Human Resources
- 274 Hoekstra, Jim —Traffic Engineer
- 206 Howell, Katie — Accounting Clerk
- 220 Johnson, Joanna — Managing Director
- 221 Jung, Debbie — Project Engineer
- 275 Minkus, Ryan — County Engineer
- 247 Page, Jim — Road Maintenance Superintendent
- 200 Rider, Selena — Administrative Assistant
- 201 Simmons, Ann — Finance Director
- 246 Worden, Mark — Project Superintendent

**If you are unable to reach our staff directly, please dial our main number (269) 381-3171 and ask the operator to connect you.**

**Please route calls after business hours to 911 dispatch for emergency issues.**

**2018 Board of County Road Commissioners of the County of Kalamazoo**

*(2018 Leadership and Townships TBD)*

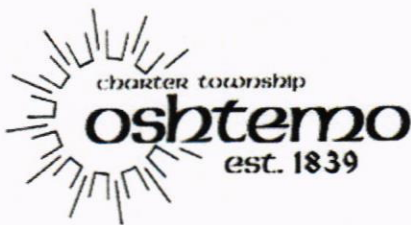
<b>Daniel J. Moyle</b>	<b>Chair - Brady, Charleston, Climax</b>	668-2198
<b>Deborah J. Buchholtz</b>	<b>Vice Chair - Cooper, Kalamazoo, Wakeshma</b>	808-0042
<b>David Q. Worthams</b>	<b>Alamo, Oshtemo, Richland</b>	353-0978
<b>David C. Pawloski</b>	<b>Prairie Ronde, Schoolcraft, Texas</b>	350-1291
<b>Larry Stehouwer</b>	<b>Comstock, Pavilion, Ross</b>	567-0866



**Your Local Road Professionals**



4, F.



# Memorandum

**Date:** 4 January 2019  
**To:** Township Board  
**From:** Libby HC, Supervisor  
**Subject:** KATS Contributed Services Agreement for Board Action

## Objective

Authorize Supervisor to enter into agreement with the Kalamazoo Area Transportation Study (KATS) as proposed.

## Background

Following is the proposed agreement with the Kalamazoo Area Transportation Study (KATS) for member jurisdiction fees. The agreement proposes Oshtemo responsibility for either a monetary payment or in-kind staff/elected officials contributed transportation services. (Not both). Oshtemo's fee liability in the proposed agreement is \$2,000. Historically, Oshtemo has never paid dollars to KATS stemming from similar agreements. Rather, the Township has fulfilled its obligation by means of Township staff/elected officials time tracking of work on transportation efforts and reporting the time to KATS. Supervisor anticipates during the term of the agreement, the situation of "paying" through in-kind services will continue.

## Information Provided

KATS Proposed Agreement



The Metropolitan Planning Organization for the Greater Kalamazoo Area

5220 Lovers Lane, Suite 110  
Portage, MI 49002  
☎ 269-343-0766  
✉ info@KATSmpo.org

December 3, 2018

Ms. Libby Heiny-Cogswell, Supervisor  
Oshtemo Township  
7275 West Main St.  
Kalamazoo, MI 49009

RE: Contributed Services Agreement for Kalamazoo Area Transportation Study (KATS) Match

Dear Ms. Heiny-Cogswell,

Enclosed you will find the approved schedule of contributed services to cover the local match needed for the Kalamazoo Area Transportation Study (KATS) operations. Thank you for agreeing to help KATS meet the local match it needs for Federal planning funds in FY 2020 (beginning October 1, 2019). This local match will come from the value of contributed services that your staff or consultants will be normally doing in FY 2020. This is not a request for cash from your jurisdiction.

While your township does not receive Federal funds directly through KATS, it does benefit from the operations and actions of KATS. These benefits include:

- Federal funding to the Road Commission of Kalamazoo County and Van Buren County Road Commission for road, bridge, non-motorized, and other projects in your township.
- Federal funding to the Kalamazoo County Transportation Authority, the Central County Transportation Authority, Kalamazoo Metro Transit, and Van Buren Public Transit for public transit.
- KATS is a forum where townships, cities, villages, the Road Commissions, public transit agencies, the counties of Kalamazoo and Van Buren, and the Michigan Department of Transportation meet to cooperatively plan and program transportation projects in Kalamazoo County and a portion of eastern Van Buren County
- Land use and master planning at the local level is tied to transportation planning and KATS staff is available to work with your planning commissions on questions or issues.

Enclosed is an agreement that I ask you to complete and return to us by **February 1, 2019**. Again, by agreeing to provide contributed services to KATS, we can use the value of the costs you accrue in completing planning or mapping work that supports the KATS work program. KATS staff will work with you in the coming months to show how you can report this time.

Thank you for your help. Please feel free to call me if you have any questions on this request. I will be happy to meet with you if you would like.

Sincerely,

A handwritten signature in black ink that reads "Jonathan R. Start".

Mr. Jonathan Start  
Executive Director

Enclosure





**Third Party In-Kind Contributions Notification and Assurances  
FY 2020 Unified Planning Work Program  
Kalamazoo Urbanized Area**

**For Federal Highway Administration Consolidated Planning Dollar Funds (FHWA PL 112)**

1. **Notification** - In executing the subject FY 2020 Unified Planning Work Program (UPWP), the Kalamazoo Area Transportation Study (KATS), the Metropolitan Planning Organization (MPO) for the Kalamazoo urbanized area, proposes to use third party in-kind contributions provided by:

- Road Commission of Kalamazoo County
- Van Buren County Road Commission
- City of Kalamazoo
- City of Portage
- Kalamazoo County
- Western Michigan University
- Comstock Township
- Kalamazoo Township
- Oshtemo Township
- Texas Township
- City of Galesburg
- City of Parchment
- Village of Augusta
- Village of Climax
- Village of Mattawan
- Village of Lawton
- Village of Paw Paw
- Village of Richland
- Village of Schoolcraft
- Village of Vicksburg
- Van Buren County
- Alamo Township
- Almena Township
- Antwerp Township
- Brady Township
- Charleston Township
- Climax Township
- Cooper Township
- Pavilion Township
- Paw Paw Township
- Prairie Ronde Township
- Richland Township
- Ross Township
- Schoolcraft Township
- Wakeshma Township
- Waverly Township

to cover all or a portion of the non-federal match on a total UPWP basis.

2. **Identification and Inclusion** - The third party in-kind contributions are identified in the UPWP tasks descriptions and budget tables. The value of these in-kind contributions is included in the total UPWP budget.

3. **Third Party Consent** - The above stated agencies have agreed that the value of the eligible work performed by their staff or consultants may be used as an in-kind contribution.

4. **Not Paid by Other Federal Funds** - The cost of the third-party work will be paid for with funds available to the third party. The cost for such work will not be paid for by Federal funds or used as a match for other federally funded grants or subgrants.

5. **Eligible and Allowable** - The third party in-kind contributions are for:

- Safety Analysis
- Short and Long Range Planning
- Public Participation
- Transportation System Monitoring
- Planning Program Development
- Development of Transportation Model
- Use of social and economic data
- Congestion Mitigation and Air Quality
- Transportation Management Systems
- Environmental Mitigation and Consultation
- Updating GIS Maps and Pictometry Aerials
- Non-Motorized Planning
- Long Range Transportation Development

**Third Party In-Kind Contributions Notifications and Assurances**

**FY 2019 Unified Planning Work Program**

**Page 2**

The eligible amounts paid to gather traffic data under the Traffic Data Collections contract will be included toward agency contributions.

These activities are essential to fulfill Federal transportation planning requirements, are eligible for funding under Title 23, and are allowable under applicable Office of Management and Budget (OMB) Circulars.

6. **Time Period** - The third-party work will be performed during the FY 2020 UPWP time period (October 1, 2019 - September 30, 2020).
7. **Verifiable** - The derivation of the estimated value placed on the third party in-kind contributions is documented and verifiable from the records of the above stated agencies and the MPO. Actual contributions will be recorded and maintained by the MPO and the third party. Such records shall account for all time and costs, not just the portion used as an in-kind contribution.
8. **Amount** - The total amount of estimated third party in-kind contributions approved by the Policy Committee at its February 26, 2014 meeting for the FY 2020 UPWP is \$132,955 based on the following breakdown:

Agency	Match Requested
Road Commission of Kalamazoo County	\$22,000.00
Van Buren County Road Commission	\$10,000.00
City of Kalamazoo	\$22,000.00
City of Portage	\$22,000.00
Kalamazoo County	\$6,000.00
Western Michigan University	\$6,000.00
Comstock Township	\$2,000.00
Kalamazoo Township	\$2,000.00
Oshtemo Township	\$2,000.00
Texas Township	\$2,000.00
City of Galesburg	\$1,200.00
City of Parchment	\$1,200.00
Village of Augusta	\$1,200.00
Village of Climax	\$1,200.00
Village of Mattawan	\$1,200.00
Village of Lawton	\$1,200.00
Village of Paw Paw	\$1,200.00
Village of Richland	\$1,200.00
Village of Schoolcraft	\$1,200.00
Village of Vicksburg	\$1,200.00
Van Buren County	\$500.00
Alamo Township	\$100.00
Almena Township	\$100.00



**Third Party In-Kind Contributions Notifications and Assurances**  
**FY 2019 Unified Planning Work Program**  
**Page 3**

Agency	Match Requested
Antwerp Township	\$100.00
Brady Township	\$100.00
Charleston Township	\$100.00
Climax Township	\$100.00
Cooper Township	\$100.00
Pavilion Township	\$100.00
Paw Paw Township	\$100.00
Prairie Ronde Township	\$100.00
Richland Township	\$100.00
Ross Township	\$100.00
Schoolcraft Township	\$100.00
Wakeshma Township	\$100.00
Waverly Township	\$100.00
Kalamazoo County Transportation Authority	\$10,330.00
Central County Transportation Authority	\$10,330.00
Van Buren Public Transit	\$2,295.00
<b>Estimated FY 2020 Contributions</b>	<b>\$132,955.00</b>

Agencies are encouraged to continue to report activities to the Kalamazoo Area Transportation Study once their contribution has been reached. If this total exceeds the amount needed to provide the non-Federal match for available FHWA Consolidated Planning Dollar funds, only that portion needed to cover the match will be used. If the third party in-kind contributions are not sufficient to cover the match requirement, the additional match will be paid from non-Federal cash resources.

The Kalamazoo Area Transportation Study will not invoice any contributing member that fails to meet their target listed here provided that the local match needed for the KATS program has been satisfied by all contributed services. In case the required KATS match is not reached, KATS will invoice those agencies/municipalities that did not reach their target for the match shortfall. If more than one agency/municipality is short and cash is required to satisfy the KATS local match, the amount needed will be divided between those entities in proportion to their contributed service targets. The amount invoiced will not exceed the difference between the contributed service target and the services actually contributed by an agency/municipality.

*This assurance is provided in support of the Kalamazoo Area Transportation Study's request for prior approval to use in-kind contributions as match to FHWA Consolidated Planning Dollar funds and to convey recognition of the continuing responsibility for record keeping and billing procedures per 49 CFR Part 18. We agree to the estimated third party in-kind contributions for our agency as identified on Pages 2 and 3.*

Printed Name:	Date:
Signature:	Third Party/Agency:
Title:	Department

# Memo



To: Oshtemo Charter Township Board  
From: Julie Johnston, AICP  
Planning Director  
Date: December 27, 2018  
Mtg Date: January 8, 2019  
Subject: Zoning Ordinance Recodification and Amendments

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## **OBJECTIVE**

Consideration of the reorganized Zoning Ordinance for first reading recodification and the following amendments:

- Article 5, Section 5.40, Subsection A to delete “motorized vehicle roadway” as a special exception use allowed in the RR: Rural Residential District (page 19).
- Article 20, Section 20.20, Subsection D and F of the BRP: Business and Research Park District, to delete the references to “drive-through service as a special use” in the permitted uses section (page 37).
- Article 20, Section 20.40 of the BRP: Business and Research Park District, add Subsection G to allow “drive-through service and/or windows” as a special use (page 38).
- Article 27, Section 27.20, Subsection H of the I-1: Industrial District, to delete the reference to “sale of new material” under wholesale or retail lumber yards (page 48).
- Article 49, Section 49.70, under Requirements for Special Uses, to delete the reference to “motorized vehicular roadways” (page 201).
- Article 65, Sections 65.20: Applicability and 65.30: Review Criteria, to add language outlining the standards and requirements to apply for all special uses and their review criteria (pages 319 and 320).

## **BACKGROUND**

In an effort to modernize and make the Township’s Zoning Ordinance more user-friendly, a comprehensive reorganization of the code was completed by Wade Trim, consulting planners, and Township staff. This reorganization was then reviewed and updated by the Planning Commission over the last 6-month period. In addition to the reorganization, some minor amendments are being recommended to the Ordinance. The most significant change is to the Special Use section of the



Ordinance. Article 65: Special Uses outlines the requirements for approval of a special use. Changes are being recommended to Sections 65.20: Applicability and 65.30: Review Criteria to better define the standards for approval and which uses must meet these standards.

It is the intent of this re-organization to assist the public, developers and other stakeholders to better understand Township zoning ordinance regulations, while also assisting staff to more effectively administer the code. If approved, the reorganized Zoning Ordinance will be uploaded to Encode Plus, the Township's current "cloud-based" provider. The web-based ordinance will continue to allow the Township to utilize techniques such as hyperlinks, linked table of contents, links to the zoning map, etc. to promote ease of use.

The Zoning Ordinance has been organized into the following groupings:

- Introduction and Use of Language (definitions)
- Zoning Districts
- Overlay Zones (West Main, 9<sup>th</sup> Street, etc.)
- Special Development Options (Planned Unit Developments, Open Space Community, etc.)
- Use Requirements (conditional and special uses)
- Schedule of Regulations (area requirements, setbacks, etc.)
- General Requirements (landscaping, signs, parking, etc.)
- Non-Conforming Uses
- Review/Approval Procedures and Approval Bodies
- Enforcement

The Planning Commission held their public hearing on December 11, 2018 for both the recodification of the Ordinance and the amendments outlined above. There was a unanimous recommendation to forward the reorganized Ordinance and requested amendments to the Township Board for approval.

### **INFORMATION PROVIDED**

Reorganized Zoning Ordinance can be found under the 2019 Board Agenda Packets for the January 8<sup>th</sup> meeting or at the following link:

<https://www.oshtemo.org/wp-content/uploads/2018/12/Draft-Zoning-Ordinance-12-04-2018.pdf>

Planning Commission Recommendation  
Ordinance

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

RECOMMENDATION OF THE OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION RESULTING FROM A PUBLIC HEARING  
CONDUCTED DECEMBER 13, 2018.

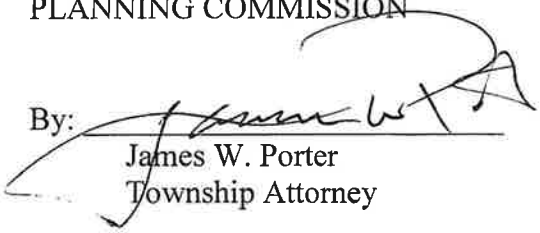
The Oshtemo Charter Township Planning Commission hereby recommends APPROVAL of the following amendments to six sections of the Zoning Ordinance simultaneously with the recodification:

- i. Amendment of Article 5, Section 5.40, Subsection A to delete “motorized vehicle roadways” in the special exception uses allowed in the Rural Residential District.
- ii. Amendment of Article 20, Section 20.20, Subsections D and F of the BRP Business and Research Park District, to delete the references to “drive-through service” in Subsection D and “drive through windows” in Subsection F as special uses permitted elsewhere.
- iii. Amendment of Article 20, Section 20.40 of the BRP Business and Research Park District, by the addition of Subsection G to add “drive through service and/or windows” as a special use.
- iv. Amendment of Article 27, Section 27.20, Subsection H of the I-1 Industrial District, Manufacturing/Serving to delete the reference to “sale of new material” under wholesale or retail lumber yards.
- v. Amendment of Article 49, Section 49.70, under Requirements for Special Uses, to delete the reference to “motorized vehicular roadways.”
- vi. Amendment of Article 65, Sections 65.20 Applicability and 65.30 Review Criteria of special uses to add language outlining the standards and requirements to apply for all special uses and the review criteria therefor.

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

Date: December 13, 2018

By:

  
James W. Porter  
Township Attorney

Final Action by Oshtemo Charter Township Board

\_\_\_\_\_ APPROVED \_\_\_\_\_

\_\_\_\_\_ DENIED \_\_\_\_\_

\_\_\_\_\_ REFERRED BACK TO PLANNING COMMISSION



OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION

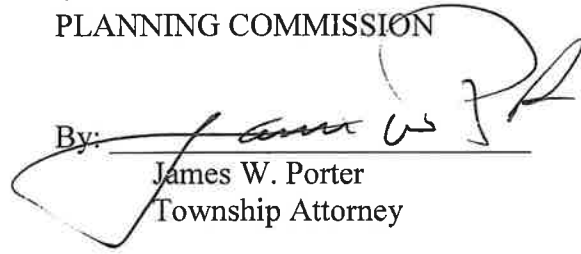
RECOMMENDATION OF THE OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION RESULTING FROM A PUBLIC HEARING  
CONDUCTED DECEMBER 13, 2018.

The Oshtemo Charter Township Planning Commission hereby recommends APPROVAL of the complete recodification of the Township's Zoning Ordinance reorganizing the Zoning Ordinance into the following ten sections:

- |                                      |   |
|--------------------------------------|---|
| 1. Introduction and Use of Language. | 6. Schedule of Regulations.                       |
| 2. Zoning Districts.                 | 7. General Requirements.                          |
| 3. Overlay Zones.                    | 8. Non-Conforming Uses.                           |
| 4. Special Development Options.      | 9. Review and Approval;<br>Procedures and Bodies. |
| 5. Use Requirements.                 | 10. Enforcement.                                  |

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

Date: December 13, 2018

By:   
James W. Porter  
Township Attorney

Final Action by Oshtemo Charter Township Board

\_\_\_\_\_ APPROVED \_\_\_\_\_

\_\_\_\_\_ DENIED \_\_\_\_\_

\_\_\_\_\_ REFERRED BACK TO PLANNING COMMISSION

OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. \_\_\_\_\_

Adopted: \_\_\_\_\_, 2019

Effective: \_\_\_\_\_, 2019

OSHTEMO CHARTER TOWNSHIP ORDINANCE

This Ordinance completely recodifies the Oshtemo Charter Township Zoning Ordinance, and amends simultaneously Article 5, Section 5.40 Subsection A; Article 20, Section 20.20, Subsections D and F; Article 20, Section 20.40 by adding Subsection G; Article 27, Section 27.20, Subsection H; Article 49, Section 49.70 and Article 65, Sections 65.20 and 65.30 by adding language outlining the standards and requirements to apply for all special uses and review criteria therefor. The Ordinance repeals all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO

KALAMAZOO COUNTY, MICHIGAN

ORDAINS:

SECTION I. RECODIFICATION OF THE TOWNSHIP’S ZONING ORDINANCE.

The complete recodification of the Township’s Zoning Ordinance reorganizing the Zoning Ordinance into the following ten sections:

- |                                      |   |
|--------------------------------------|---|
| 1. Introduction and Use of Language. | 6. Schedule of Regulations.                       |
| 2. Zoning Districts.                 | 7. General Requirements.                          |
| 3. Overlay Zones.                    | 8. Non-Conforming Uses.                           |
| 4. Special Development Options.      | 9. Review and Approval;<br>Procedures and Bodies. |
| 5. Use Requirements.                 | 10. Enforcement.                                  |

SECTION II. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 5.

SECTION 5.40, SUBSECTION A. Article 5 Rural Residential District, Section 5.40 Special Uses, Subsection A is hereby amended to delete motorized vehicle roadways, to read as follows:



**5.40 SPECIAL USES**

- A. Golf courses, parks, and outdoor recreational areas.

SECTION III. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 20, SECTION 20.20, SUBSECTIONS D AND F. Article 20 BRP Business and Research Park, Section 20.20 Permitted Uses, Subsections D and F are hereby amended to delete references to drive-through service in Subsection D and drive through windows in Subsection F, to read as follows:

**20.20 PERMITTED USES**

- D. Banks, credit unions, and similar financial institutions.
- F. Retail and/or service establishments, including restaurants and fitness clubs, are permitted provided that such uses shall not be permitted as a principal use of a building and shall have at least one customer entrance off an interior hallway or atrium.

SECTION IV. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 20, SECTION 20.40, Article 20 BRP Business and Research Park, Section 20.40 Special Uses, is hereby amended by the addition of Subsection G to add drive through service and/or windows to read as follows:

**20.40 SPECIAL USES**

- G. Drive through service and/or windows.

SECTION V. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 27, SECTION 27.20, Article 27 I-1 Industrial District, Manufacturing /Servicing, Section 27.20 Permitted Uses, Subsection H is hereby amended to delete reference to sale of new material to read as follows:

**27.20 PERMITTED USES**

- H. Wholesale and retail lumber yards.

SECTION VI. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 49, SECTION 49.70, Article 49 Requirements for Special Uses, Section 49.70 titled Golf Courses, Parks, Motorized Vehicular Roadways, and Outdoor Recreational Areas, is amended to delete the reference to motorized vehicular roadways, to read as follows:

**49.70 GOLF COURSES, PARKS, AND OUTDOOR RECREATIONAL AREAS**

SECTION VII. AMENDMENT OF ZONING ORDINANCE COMPILED ARTICLE 65, SECTIONS 65.20 AND 65.30, Article 65 Special Uses, Section 65.20 Applicability and Section 65.30 Review are amended to add language outlining the standards and requirements to apply for all special uses and the review criteria thereof, to read as follows:

**65.20 APPLICABILITY**

The standards and requirements of this Article apply to all Special Uses outlined in Article 49.

**65.30 REVIEW CRITERIA**

The Planning Commission shall only approve an application for a Special Use that meets the following standards.

- A. Master Plan/Zoning Ordinance. The proposed use will be consistent with the purpose and intent of the Master Plan and Zoning Ordinance, including District in which the use is located.
- B. Site Plan review. The Site Plan Review Criteria of Section 64.80.
- C. Impacts.
  - 1. The proposed use would be compatible, harmonious and appropriate with the existing or planned character and uses of adjacent properties; meaning the proposed use can coexist with neighboring uses in a stable fashion over time such that no neighboring use is unduly negatively impacted.
  - 2. Potentially adverse effects arising from the proposed use on adjacent properties would be minimized through the provision of adequate parking, the placement of buildings, structures and entrances, as well as the location of screening, fencing, landscaping, buffers or setbacks.
  - 3. The proposed use would not be detrimental, hazardous, or disturbing to existing or future adjacent uses or to the public welfare by reason of excessive traffic, noise, smoke, odors, glare, or visual clutter.
- D. Environment. The natural features of the subject property shall only be cleared or altered to the extent necessary to accommodate the site design elements, particularly where the natural features assist in preserving the general character of the area.



- E. Public facilities. Adequate public and/or private infrastructure and services already exist or would be provided, and will safeguard the health, safety, and general welfare of the public.
- F. Specific use requirements. The Special Use development requirements of Article 49.

SECTION VIII. EFFECTIVE DATE AND REPEAL. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed. This Ordinance shall take effect upon publication after adoption in accordance with State law.

DUSTY FARMER, Clerk  
OSHTEMO CHARTER TOWNSHIP

# Memo



To: Oshtemo Charter Township Board  
From: Julie Johnston, AICP  
Date: December 26, 2018  
Mtg. Date: January 8, 2019  
Subject: Township Initiated Rezoning – 1995 North 6<sup>th</sup> Street

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## **OBJECTIVE**

Consideration of second and final reading of a Township initiated rezoning request for 1.95 acres of a 35.4-acre property located at 1995 North 6<sup>th</sup> Street from the C: Local Business District to the RR: Rural Residential District. Parcel number: 3905-09-480-010.

## **FIRST READING**

First reading was held by the Township Board on December 11, 2018. No members of the public spoke in reference to this request. The Township Board unanimously approved first reading and set second reading with a vote of five in favor and one absence.

## **BACKGROUND**

This is a Planning Department initiated request to rezone the portion of the subject parcel that is designated as C: Local Business District to the RR: Rural Residential District. The concern with the current zoning of this property is its incompatibility with surrounding land uses and zoning. In addition, the request to rezone the subject property is a step towards implementation of the Township's Future Land Use Map.

The total parcel size is 35.4 acres and that portion which is zoned C: Local Business District comprises approximately 1.95 acres located adjacent to 6<sup>th</sup> Street. From aerial photography and a site visit, the property contains a single-family home and a number of outbuildings. In addition, most of the acreage is farmed with some undeveloped wooded areas. The accessory building immediately to the north of the home was the location of the commercial operation on the property.



## Rezoning Considerations

The Zoning Enabling Act, which allows Townships to zone property, does not provide any required standards that must be considered when reviewing a rezoning request. However, there are some generally recognized factors that should be deliberated before a rezoning decision is made. These considerations are as follows:

### 1. Master Plan Designation

The Future Land Use Map designation for this property and all surrounding properties is Rural Residential. This designation plans for predominately low density single-family residential with some agricultural uses that engender rural character. The Future Land Use Plan does recognize some small long-standing commercial uses within the Rural Residential area, but references farm stands and other commercial uses serving the local and regional markets. For example, Husted's Market on West Main Street.

The overall intent of this District is to promote a rural lifestyle for residential and agricultural uses. Strategic locations for commercial development were carefully planned to provide opportunities for residents to meet convenience needs. The Neighborhood Commercial District, which was designed for the less developed areas of the Township, indicates commercial uses should maintain rural character and provide services, like small convenience stores, that will support and be compatible with nearby residential developments.

The commercial zoning on the subject property was not future planned in this area and is not compatible with the overall intent of the Rural Residential district.

### 2. Consistency of the Zoning Classification in the General Area

The properties that surround the subject parcel are either the AG: Agricultural District or the RR: Rural Residential District. The C: Local Business District is essentially "spot" zoning at this location. According to an article published by the Michigan State University Extension on June 17, 2016, there are four criteria to remember to avoid spot zoning, as follows:

*"One illegal form of rezoning is spot zoning. This practice gets its name from the appearance of small spots of different zoning districts on a zoning map that otherwise has large contiguous areas in the same zoning district around the spots. To be considered a spot zone, the property, in most cases, must meet the following four criteria:*

- *The area is small compared to districts surrounding the parcel in question.*
- *The new district allows land uses inconsistent with those allowed in the vicinity.*
- *The spot zone would confer a special benefit on the individual property owner not commonly enjoyed by the owners of similar property.*
- *The existence of the spot zone conflicts with the policies in the text of the master plan and the future land use map.*

*Rezoning that have the four characteristics of spot zoning listed above run a high risk of invalidation if challenged in court and not consistent with the master plan. In some cases, master plans anticipate these relationships and provide for them (for example, a small commercial area may serve a residential neighborhood). In those cases where the master plan supports a relatively small zoning district that is dissimilar to the zoning that surrounds it, this is probably not a spot zone.”*

The subject site meets all four of these criteria. The commercial zoning is only 1.95 acres, which is very small in comparison to the acres of property surrounding the site which are zoned Agricultural or Rural Residential. The uses permitted within the C: Local Business District are generally incompatible with the AG and RR District uses, which is why the Master Plan outlines the need for a Neighborhood Commercial District. The commercial zoning confers a benefit on this individual property which is not enjoyed by adjacent properties, namely the right to develop more intense retail, commercial, and convenience uses. Finally, the commercial zoning is not supported by the Future Land Use Map, as previously stated.

### 3. Consistency and Compatibility with General Land Use Patterns in the Area

Properties surrounding the subject site are residential and agricultural in nature and are generally large parcels. A few smaller parcels have been created from the parent parcels along 6<sup>th</sup> Street to allow for residential development. Most of the parcels have either been put into agricultural production or are largely undeveloped and heavily wooded.

The residential and agricultural elements of the subject parcel are more in keeping with the surrounding land use pattern than the commercial zoning.

### 4. Utilities and Infrastructure

Utilities and infrastructure are often considered in a request for rezoning to ensure that public facilities can service any possible development that would occur on the site. Public utilities are particularly important when considering a large commercial zoned parcel. As this is a request to down zone a portion of the property, utilities are not a critical factor. However, public sanitary sewer and water are both available on 6<sup>th</sup> Street.

### 5. Reasonable Use under Current Zoning Classification

As the commercial use has ceased on the subject property, the change to the RR: Rural Residential District would allow the current residential and agricultural uses to continue. In addition, the rezoning will be beneficial as dual zoning often creates use nonconformities which can be problematic when either selling or financing the property.



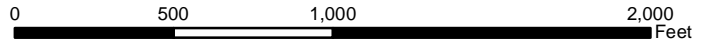
## 6. Effects on Surrounding Property




Rezoning the property to the RR: Rural Residential District will have positive effects on the surrounding properties. The rezoning will allow consistency in use and compatibility of development with adjacent properties. Removing the possibility of a commercial operation will support the rural and residential character of the area.

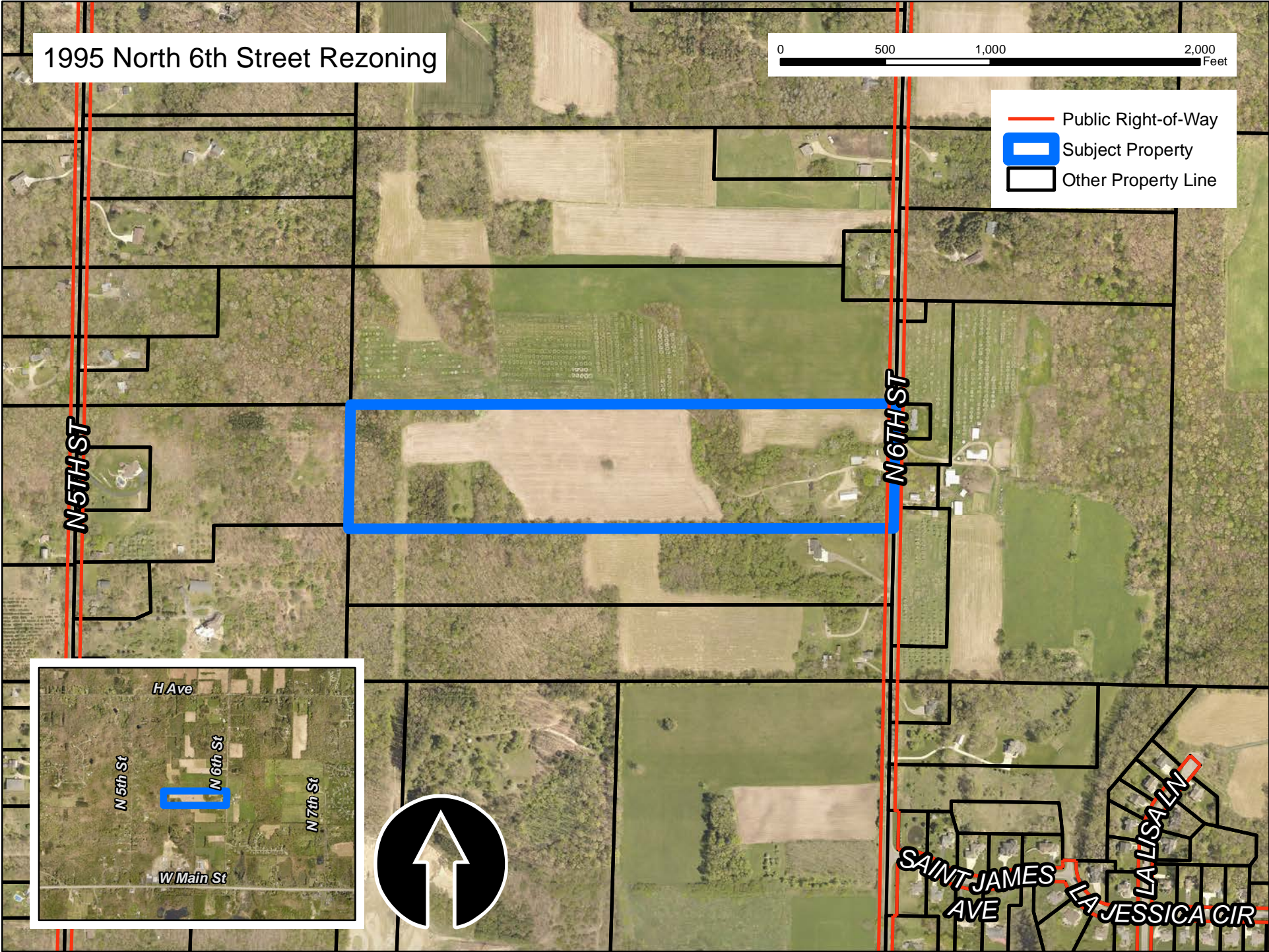
### **INFORMATION PROVIDED**

- Aerial map
- Current zoning map
- Future Land Use map
- Township Ordinance

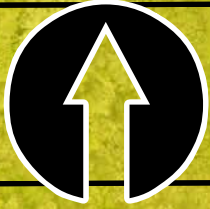
# 1995 North 6th Street Rezoning



-  Public Right-of-Way
-  Subject Property
-  Other Property Line






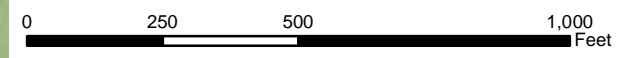




1995 N 6TH ST

N 6TH ST

-  Subject Property
-  Other Property Line
-  AG - AGRICULTURAL DISTRICT
-  RR - RURAL RESIDENTIAL DISTRICT
-  C - LOCAL BUSINESS DISTRICT

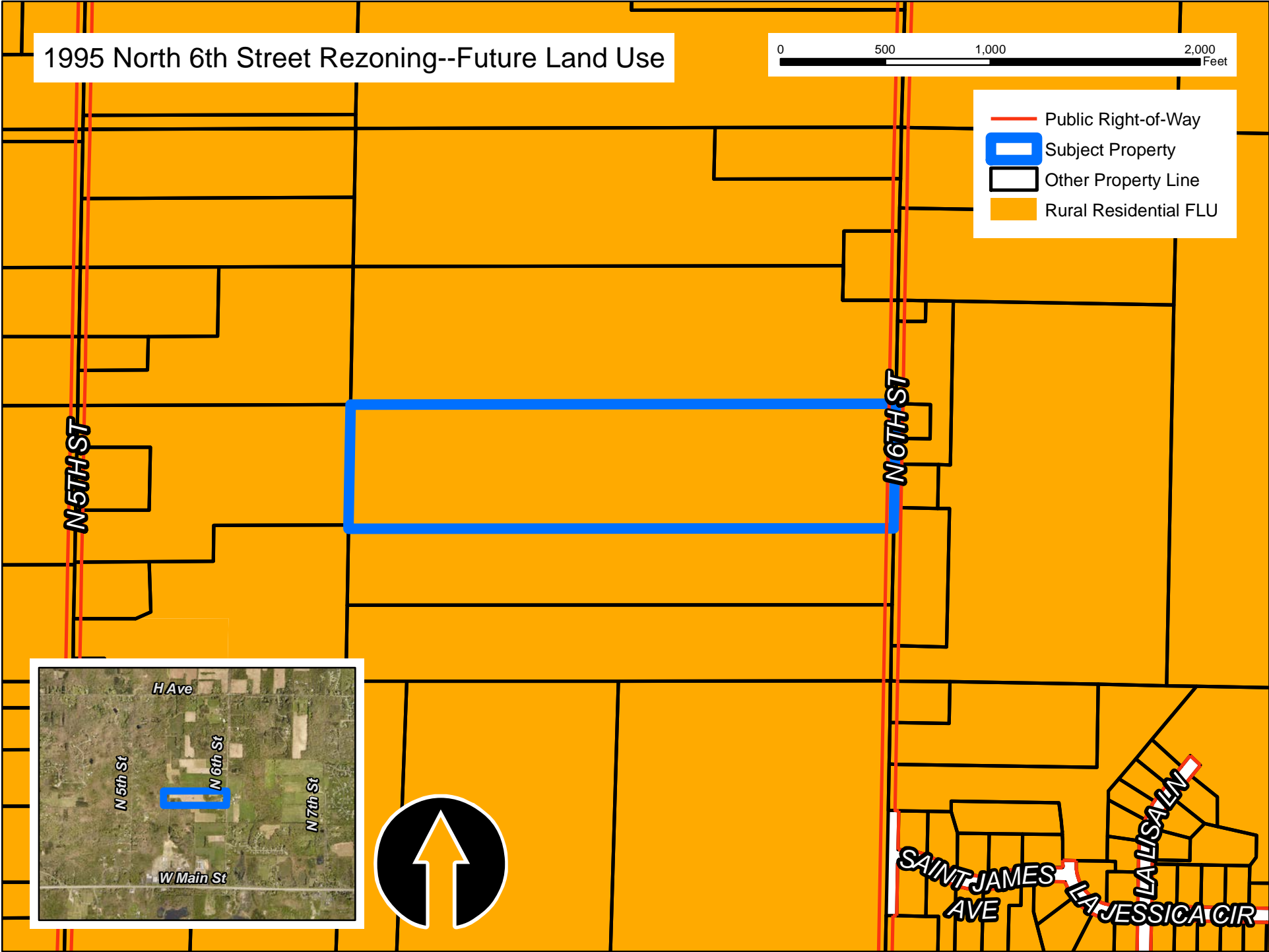




# 1995 North 6th Street Rezoning--Future Land Use

0 500 1,000 2,000 Feet

- Public Right-of-Way
- Subject Property
- Other Property Line
- Rural Residential FLU



OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. \_\_\_\_

Adopted: \_\_\_\_\_, 2018

Effective: \_\_\_\_\_, 2018

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend the Oshtemo Charter Township Zoning Ordinance, by the rezoning of a portion of property on North 6<sup>th</sup> Street in Land Section 09 from the “C” Local Business District to the “RR” Rural Residential District, the rezoning of portions of property on West KL Avenue in Land Section 23 from the “C” Local Business District zoning classification to “R-2” Residence District zoning classification, and the rezoning of portions of property on South 11<sup>th</sup> and 12<sup>th</sup> Streets in Land Section 36 from the “C” Local Business District to the “RR” Rural Residential District. The Ordinance repeals all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO COUNTY, MICHIGAN  
ORDAINS:

SECTION I. AMENDMENT OF LAND SECTION 09. Section 70 of the Oshtemo Charter Township Zoning Ordinance, entitled “Use District Boundaries”, is hereby amended to rezone of a parcel of land located at 1995 North 6<sup>th</sup> Street (that land lying within the first 375 feet of said parcel, approximately 1.95 acres in size), Parcel No. 3905-09-480-010, from the “C” Local Business District to the “RR” Rural Residential District, more particularly described as:

Commencing at the Southeast corner of Section 9, T. 2 S., R. 12 W.; thence North along the East line of said Section, 1044 feet; thence West 33 feet to the Westerly right-of-way line of 6th Street and the place of beginning; thence continuing West 80 feet; thence South 264 feet; thence West 220 feet; thence North 264 feet; thence East 120 feet; thence North 150 feet; thence East 180 feet to said right-of-way line; thence South thereon 150 feet to beginning.

SECTION II. AMENDMENT OF LAND SECTION 23. Section 70 of the Oshtemo Charter Township Zoning Ordinance entitled, "Use District Boundaries," is hereby amended to rezone a portion of each parcel of land located at 6930 West KL Avenue, the land immediately east of 6930 West KL Avenue in the 6900 Block, 6818 West KL Avenue, the land immediately east of 6818 West KL Avenue in the 6800 Block, and 6760 West KL Avenue for land beginning at the West KL Avenue right-of-way to a depth of approximately 132 feet on each parcel of land, Parcel Nos. 3905-23-155-050, 3905-23-155-013, 3905-23-155-080, 3905-23-155-090, and 3905-23-055-100, from the "C" Local Business District to the "R-2" Residence District, more particularly described as:

Commencing at the West 1/4 post of Section 23, T. 2 S., R. 12 W.; thence Easterly along the East and West 1/4 line of said Section, 331.67 feet; thence Northerly parallel with the West line of said Section, 33.00 feet to the North right-of-way line of KL Avenue and the place of beginning; thence continuing Northerly parallel with the West line of said Section, 132.00 feet; thence Easterly parallel with said East and West 1/4 line, 987.36 feet to the East line of the West 1/2 of the Northwest 1/4 of said Section; thence Southerly thereon 132.00 feet to said North right-of-way line; thence Westerly thereon 987.36 feet to beginning.

SECTION III. AMENDMENT OF LAND SECTION 36. Section 70 of the Oshtemo Charter Township Zoning Ordinance entitled, "Use District Boundaries," is hereby amended to rezone a portion of each parcel of land located at 3800 South 12<sup>th</sup> Street, 3941 South 11<sup>th</sup> Street, 3985 South 11<sup>th</sup> Street, and land immediately south of 3985 South 11<sup>th</sup> Street, lying within a portion of the subject properties approximately 165 feet from the center of South 11<sup>th</sup> Street to a depth of approximately 250 feet, (width of 165 feet), a portion of which lies on Parcel Nos. 3905-36-280-010, 3905-36-255-080, 3905-36-405-010, and 3905-36-405-020 from the "C" Local Business District to the "RR" Rural Residential District, more particularly described as:

The East 247.50 feet of the West 412.50 feet of the South 99.00 feet of the Northeast 1/4 of Section 36, T. 2 S., R. 12 W. Also the East 247.50 feet of the West 412.50 feet of the North 66.00 feet of the Southeast 1/4 of said Section 36.



SECTION IV. EFFECTIVE DATE AND REPEAL. All Ordinances or parts of Ordinances inconsistent with this amendment are hereby repealed. This Ordinance shall take effect upon publication after adoption in accordance with State law.

DUSTY FARMER, Clerk  
OSHTEMO CHARTER TOWNSHIP

# Memo



To: Oshtemo Charter Township Board  
From: Julie Johnston, AICP  
Date: December 26, 2018  
Mtg. Date: January 8, 2019  
Subject: Township Initiated Rezoning – South 11<sup>th</sup> Street

---

## **OBJECTIVE**

Consideration of second and final reading of a Township initiated rezoning from the C: Local Business District to the RR: Rural Residential District for 40,837 square feet of property located on the following parcels:

- 3905-36-280-010 - addressed as 3800 South 12<sup>th</sup> Street (Kalamazoo Christian School)
- 3905-36-405-020 - no address (Kalamazoo Christian School)
- 3905-36-255-080 – addressed as 3941 South 11<sup>th</sup> Street
- 3905-36-405-010 – addressed as 3985 South 11<sup>th</sup> Street

## **FIRST READING**

First reading was held by the Township Board on December 11, 2018. No members of the public spoke in reference to this request. The Township Board unanimously approved first reading and set second reading with a vote of five in favor and one absence.

## **BACKGROUND**

The four parcels included in this request have dual C: Local Business District and RR: Rural Residential District zoning. This is a Planning Department initiated request to rezone the portion of the subject parcels that are designated as C: Local Business District to the RR: Rural Residential District. The concern with the current zoning of these properties is the incompatibility with surrounding land uses and zoning. In addition, the request to rezone the subject property is a step towards implementation of the Township's Genesee Prairie Sub-Area Plan.

The C: Local Business District designation is located approximately 130 feet east of South 11<sup>th</sup> Street and touches, to some degree, all four parcels. The total size of the commercial designation is approximately 40,837 square feet, approximately 2,700 square feet shy of an acre. The four properties, moving north to south, include the following:

Parcel Number	Total Acreage	RR Zoning Acreage	Commercial Zoning Acreage
3905-36-280-010	77.04	76.77	0.27
3905-36-255-080	0.77	0.74	0.03
3905-36-405-010	1.34	0.88	0.46
3905-36-405-020	17.26	17.08	0.18

The difficulty with the dual zoning on these properties is the creation of nonconforming uses. Residential uses are not permitted within the C: Local Business District. The home located at 3985 South 11<sup>th</sup> Street is located within the C District and is therefore nonconforming and must comply with all of the nonconforming requirements of the Ordinance. This means the building is not allowed to expand and if it is damaged where reconstruction exceeds one-half of the value of the home, it can only be built in conformance with the code. As residential uses are not permitted, the property owner would have to request a rezoning before the home could be rebuilt.

### Zoning Considerations

The Zoning Enabling Act, which allows Townships to zone property, does not provide any required standards that must be considered when reviewing a rezoning request. However, there are some generally recognized factors that should be deliberated before a rezoning decision is made. These considerations are as follows:

#### 1. Master Plan Designation

The subject properties and all surrounding properties are included in the Genesee Prairie Sub-Area Plan. The future land use map for the Sub-Area indicates most of the properties along 11<sup>th</sup> Street should develop as Conservation Residential, which states the following:

*“Areas designated Conservation Residential will remain much as they are currently. This includes a mix of agriculture, open space, rural residential and low-density residential neighborhoods. As development occurs, it must be consistent with the principles of the Sub-Area. As large-scale agriculture becomes less viable, small organic or community- supported farms may be established in conjunction with low density residential development to capitalize on the prime soils and provide a local food supply.”*

The RR: Rural Residential zoning in this area supports the Conservation Residential future land use designation. The overall intent of the Conservation Residential District is to promote a rural lifestyle for residential and agricultural uses and preserve important open space lands. Commercial development, outside possible small agribusinesses, was not envisioned in this area of the Township.

#### 2. Consistency of the Zoning Classification in the General Area

The properties that surround the subject parcels are zoned RR: Rural Residential District. Some R-2: Residence District zoning is found approximately 1,000 feet to the south of the commercial



zoning designation. The C: Local Business District is essentially “spot” zoning at this location. According to an article published by the Michigan State University Extension on June 17, 2016, there are four criteria to remember to avoid spot zoning, as follows:

*“One illegal form of rezoning is spot zoning. This practice gets its name from the appearance of small spots of different zoning districts on a zoning map that otherwise has large contiguous areas in the same zoning district around the spots. To be considered a spot zone, the property, in most cases, must meet the following four criteria:*

- *The area is small compared to districts surrounding the parcel in question.*
- *The new district allows land uses inconsistent with those allowed in the vicinity.*
- *The spot zone would confer a special benefit on the individual property owner not commonly enjoyed by the owners of similar property.*
- *The existence of the spot zone conflicts with the policies in the text of the master plan and the future land use map.*

*Rezoning that have the four characteristics of spot zoning listed above run a high risk of invalidation if challenged in court and not consistent with the master plan. In some cases, master plans anticipate these relationships and provide for them (for example, a small commercial area may serve a residential neighborhood). In those cases where the master plan supports a relatively small zoning district that is dissimilar to the zoning that surrounds it, this is probably not a spot zone.”*

The subject site meets all four of these criteria. The commercial zoning is less than an acre in size, which is very small in comparison to the acres of property surrounding the site which are zoned Rural Residential. The uses permitted within the C: Local Business District are generally incompatible with the RR District uses, which is why the Township Master Plan designated a Neighborhood Commercial District to provide specific areas in the rural parts of the Township for convenience uses. The commercial zoning confers a benefit on these parcels which is not enjoyed by adjacent properties, namely the right to develop more intense retail, commercial, and convenience uses. Finally, the commercial zoning is not supported by the Genesee Prairie Sub-Area Plan, as previously stated.

### 3. Consistency and Compatibility with General Land Use Patterns in the Area

Two of the four properties included in this request are owned by the Kalamazoo Christian School Association and are large parcels totaling 94.3 acres. While the elementary and middle school are located on the property addressed as 3800 South 12<sup>th</sup> Street, the land adjacent to 11<sup>th</sup> Street near the commercial zoning is currently farmed. The remaining two parcels are smaller and have developed as single-family residential uses.

Properties surrounding the subject site remain predominately agricultural row crops. This area of the Township has prime fertile soils for farmland. The existing farming is the only significant remaining agricultural use in the eastern third of the Township. Additional area land uses include

some smaller residential parcels and two large institutional uses – Kalamazoo Christian Elementary and Middle School and the Lighthouse Community Church.

The residential and agricultural elements of the subject parcels are more in keeping with the surrounding land use pattern than the commercial zoning.

#### 4. Utilities and Infrastructure

Public water is available on 11<sup>th</sup> Street, just not immediately adjacent to the subject parcels. The water system ends both to the north and south of the Kalamazoo Christian School Association parcels. Sanitary sewer is located on N Avenue and moves north up 11<sup>th</sup> Street for approximately 450 feet.

#### 5. Reasonable Use under Current Zoning Classification

With the uncertainty of whether a commercial use was ever active on the subject parcels, the removal of the C: Local Business District should have no impact on the reasonable use of the property. The change to the RR: Rural Residential District would allow the current residential and agricultural uses to continue. In addition, the rezoning will be beneficial as dual zoning often creates use nonconformities which can be problematic when either selling or financing property.

#### 6. Effects on Surrounding Property




Rezoning the property to the RR: Rural Residential District will have positive effects on the surrounding properties. The rezoning will allow consistency in use and compatibility of development with adjacent properties. Removing the possibility of a commercial operation will support the rural and residential character of the area and the Genesee Prairie Sub-Area Plan.

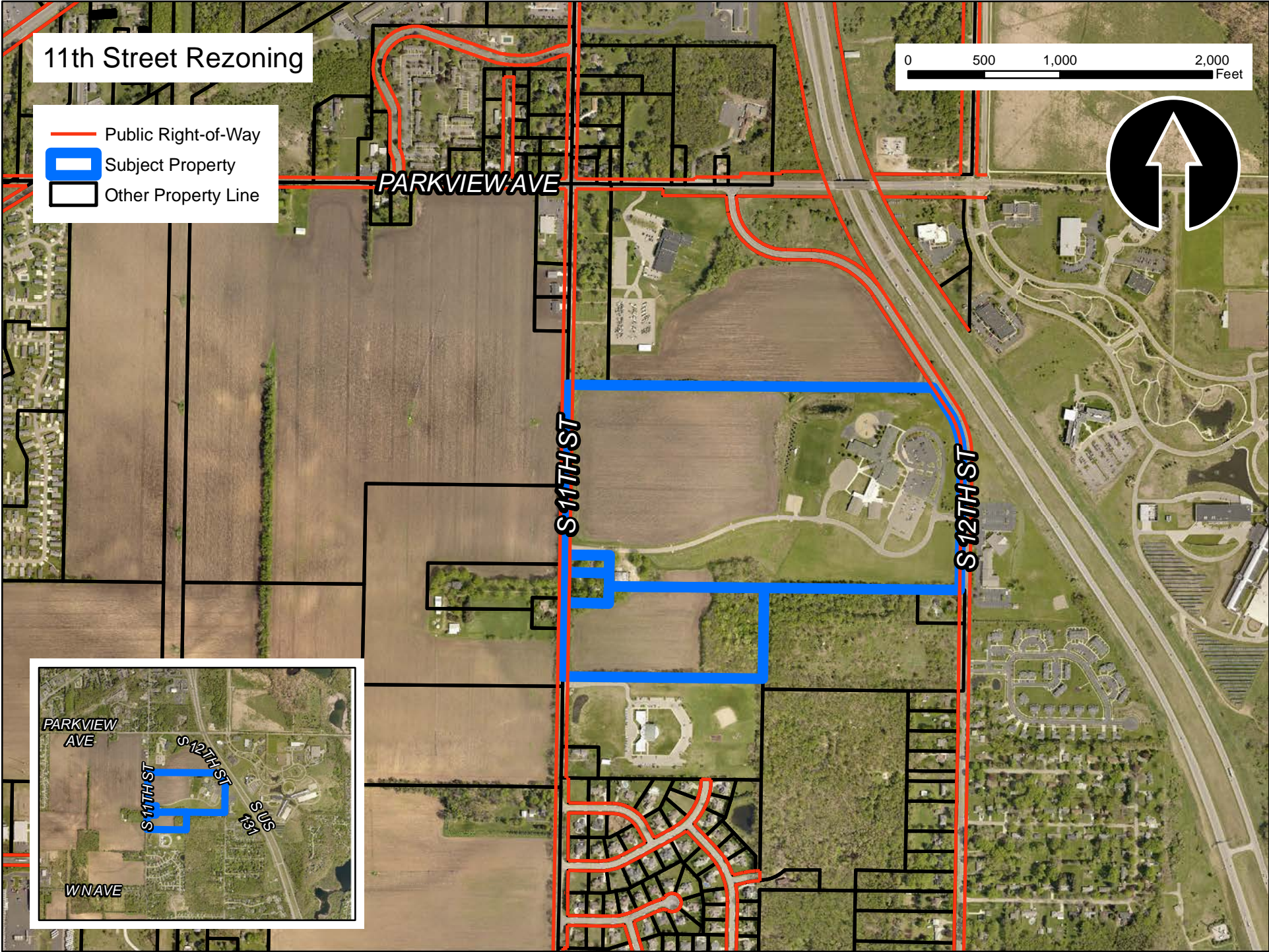
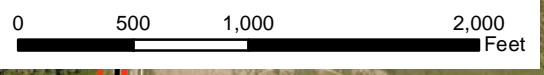
### **INFORMATION PROVIDED**

- Aerial map
- Current zoning map
- Future Land Use map
- Genesee Prairie Sub-Area Plan Map
- Township Ordinance



# 11th Street Rezoning

-  Public Right-of-Way
-  Subject Property
-  Other Property Line












3800 S 12TH ST

3941 S 11TH ST

3985 S 11TH ST

S 11TH ST

S 11TH ST

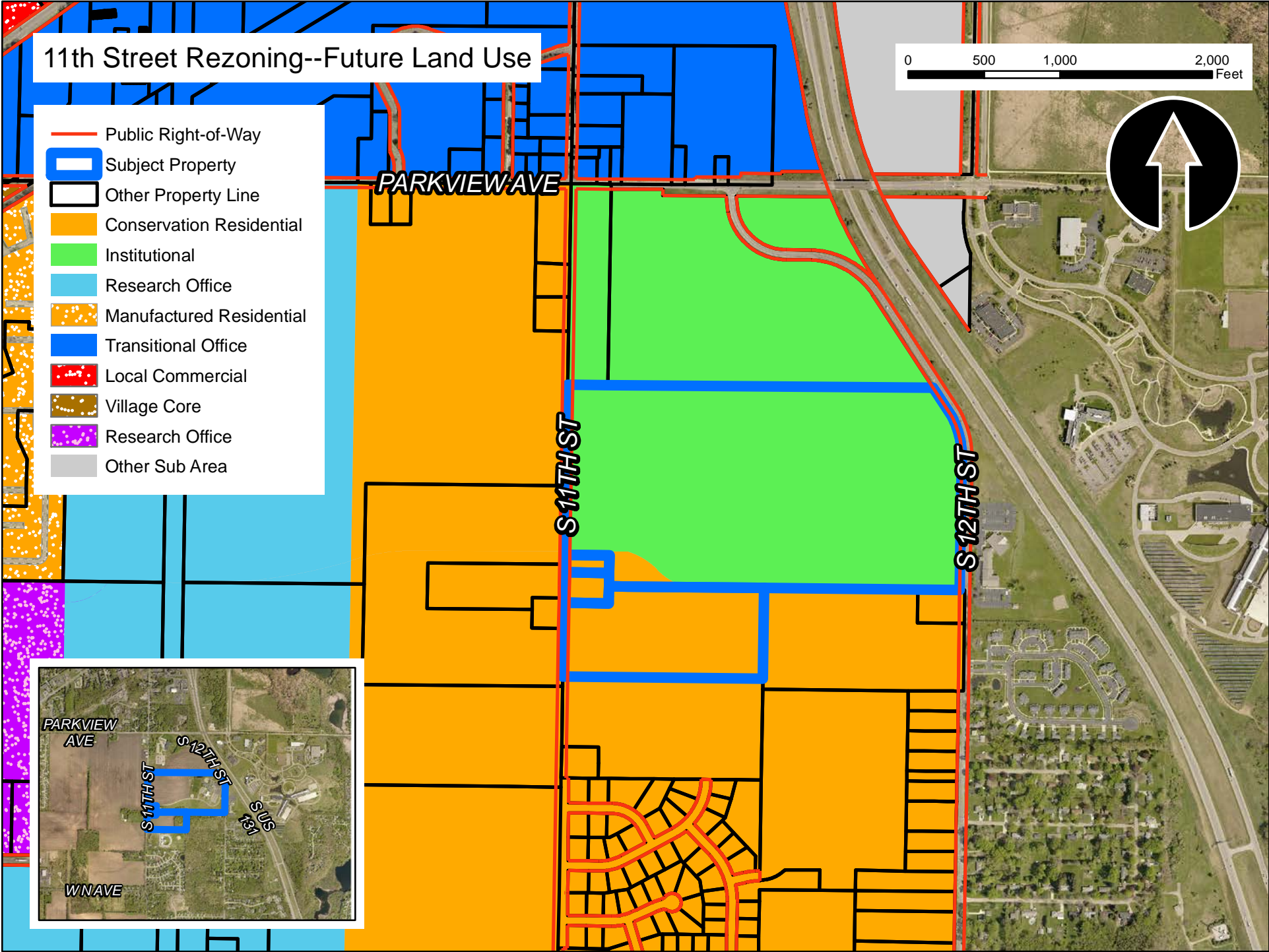
-  Subject Property
-  Other Property Line
-  RR - RURAL RESIDENTIAL DISTRICT
-  R2 - RESIDENCE DISTRICT
-  C - LOCAL BUSINESS DISTRICT

0 150 300 600 Feet

# 11th Street Rezoning--Future Land Use



- Public Right-of-Way
- Subject Property
- Other Property Line
- Conservation Residential
- Institutional
- Research Office
- Manufactured Residential
- Transitional Office
- Local Commercial
- Village Core
- Research Office
- Other Sub Area



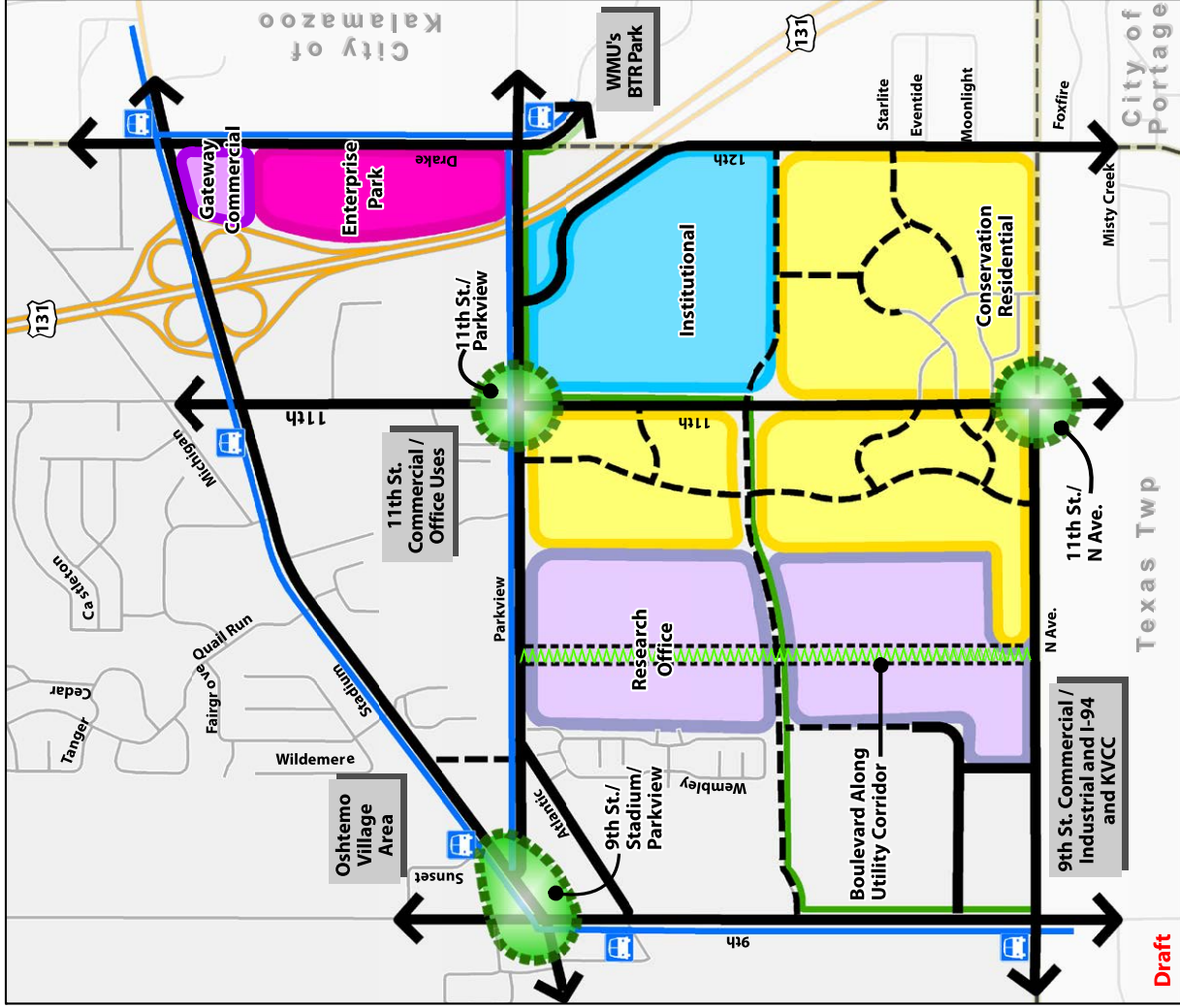


**FIGURE 9.2**  
**Genesee Prairie Sub Area Plan**  
 Osthemo Charter Township, Kalamazoo County, Michigan

**LEGEND**

- Non-motorized connection from KVCC to BTR Park
- Public Transit Routes
- - - Proposed Roadways
- Intersection needing attention

Base Map Source: MfGDL v6b & v7b  
 Data Source: Osthemo Township, 2008;  
 McKenna Associates, 2008



**Draft**

**McKenna**  
 ASSOCIATES



OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. \_\_\_\_

Adopted: \_\_\_\_\_, 2018

Effective: \_\_\_\_\_, 2018

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend the Oshtemo Charter Township Zoning Ordinance, by the rezoning of a portion of property on North 6<sup>th</sup> Street in Land Section 09 from the “C” Local Business District to the “RR” Rural Residential District, the rezoning of portions of property on West KL Avenue in Land Section 23 from the “C” Local Business District zoning classification to “R-2” Residence District zoning classification, and the rezoning of portions of property on South 11<sup>th</sup> and 12<sup>th</sup> Streets in Land Section 36 from the “C” Local Business District to the “RR” Rural Residential District. The Ordinance repeals all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO COUNTY, MICHIGAN  
ORDAINS:

SECTION I. AMENDMENT OF LAND SECTION 09. Section 70 of the Oshtemo Charter Township Zoning Ordinance, entitled “Use District Boundaries”, is hereby amended to rezone of a parcel of land located at 1995 North 6<sup>th</sup> Street (that land lying within the first 375 feet of said parcel, approximately 1.95 acres in size), Parcel No. 3905-09-480-010, from the “C” Local Business District to the “RR” Rural Residential District, more particularly described as:

Commencing at the Southeast corner of Section 9, T. 2 S., R. 12 W.; thence North along the East line of said Section, 1044 feet; thence West 33 feet to the Westerly right-of-way line of 6th Street and the place of beginning; thence continuing West 80 feet; thence South 264 feet; thence West 220 feet; thence North 264 feet; thence East 120 feet; thence North 150 feet; thence East 180 feet to said right-of-way line; thence South thereon 150 feet to beginning.

SECTION II. AMENDMENT OF LAND SECTION 23. Section 70 of the Oshtemo Charter Township Zoning Ordinance entitled, "Use District Boundaries," is hereby amended to rezone a portion of each parcel of land located at 6930 West KL Avenue, the land immediately east of 6930 West KL Avenue in the 6900 Block, 6818 West KL Avenue, the land immediately east of 6818 West KL Avenue in the 6800 Block, and 6760 West KL Avenue for land beginning at the West KL Avenue right-of-way to a depth of approximately 132 feet on each parcel of land, Parcel Nos. 3905-23-155-050, 3905-23-155-013, 3905-23-155-080, 3905-23-155-090, and 3905-23-055-100, from the "C" Local Business District to the "R-2" Residence District, more particularly described as:

Commencing at the West 1/4 post of Section 23, T. 2 S., R. 12 W.; thence Easterly along the East and West 1/4 line of said Section, 331.67 feet; thence Northerly parallel with the West line of said Section, 33.00 feet to the North right-of-way line of KL Avenue and the place of beginning; thence continuing Northerly parallel with the West line of said Section, 132.00 feet; thence Easterly parallel with said East and West 1/4 line, 987.36 feet to the East line of the West 1/2 of the Northwest 1/4 of said Section; thence Southerly thereon 132.00 feet to said North right-of-way line; thence Westerly thereon 987.36 feet to beginning.

SECTION III. AMENDMENT OF LAND SECTION 36. Section 70 of the Oshtemo Charter Township Zoning Ordinance entitled, "Use District Boundaries," is hereby amended to rezone a portion of each parcel of land located at 3800 South 12<sup>th</sup> Street, 3941 South 11<sup>th</sup> Street, 3985 South 11<sup>th</sup> Street, and land immediately south of 3985 South 11<sup>th</sup> Street, lying within a portion of the subject properties approximately 165 feet from the center of South 11<sup>th</sup> Street to a depth of approximately 250 feet, (width of 165 feet), a portion of which lies on Parcel Nos. 3905-36-280-010, 3905-36-255-080, 3905-36-405-010, and 3905-36-405-020 from the "C" Local Business District to the "RR" Rural Residential District, more particularly described as:

The East 247.50 feet of the West 412.50 feet of the South 99.00 feet of the Northeast 1/4 of Section 36, T. 2 S., R. 12 W. Also the East 247.50 feet of the West 412.50 feet of the North 66.00 feet of the Southeast 1/4 of said Section 36.

SECTION IV. EFFECTIVE DATE AND REPEAL. All Ordinances or parts of Ordinances inconsistent with this amendment are hereby repealed. This Ordinance shall take effect upon publication after adoption in accordance with State law.

DUSTY FARMER, Clerk  
OSHTEMO CHARTER TOWNSHIP



# Memo



To: Oshtemo Charter Township Board  
From: Julie Johnston, AICP  
Date: December 26, 2018  
Mtg. Date: January 8, 2019  
Subject: Township Initiated Rezoning – West KL Avenue

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## **OBJECTIVE**

Consideration of second and final reading of a Township initiated rezoning from the C: Local Business District to the R-2: Residence District for 2.99 acres located on the following four parcels:

- 3905-23-155-100 - addressed as 6760 West KL Avenue
- 3905-23-055-090 - no address
- 3905-23-155-080 – addressed as 6818 West KL Avenue
- 3905-23-155-013 – no address (WMU property)
- 3905-23-155-050 – addressed as 6930 West KL Avenue

## **FIRST READING**

First reading was held by the Township Board on December 11, 2018. Two members of the public spoke in reference to this request; one in favor of the rezoning and one requesting the commercial zoning to remain. The Township Board unanimously approved first reading and set second reading with a vote of five in favor and one absence.

## **BACKGROUND**

The five parcels included in this request have dual C: Local Business District and R-2: Residence District zoning. This Township initiated application is to rezone the portion of the parcels designated as C: Local Business District. The concern with the current zoning of these properties is predominately the “spot” zoning characteristics of the designation, as well as the limited utility of the zoning on these properties. In addition, the request to rezone the subject properties is a step towards implementation of the 9<sup>th</sup> Street Sub-Area Plan future land use map.

The C: Local Business District designation is located immediately adjacent to KL Avenue and continues north within the parcels for approximately 130 feet, generally splitting most of the parcels in half. The five properties, moving east to west, include the following:

Parcel Number	Total Acreage	R-2 Zoning Acreage	Commercial Zoning Acreage
3905-23-155-100	1.09	0.61	0.48
3905-23-055-090	1.09	0.61	0.48
3905-23-155-080	1.09	0.61	0.48
3905-23-155-013	28.9	28.25	0.65
3905-23-155-050	1.75	0.87	0.88

From aerial photography and a site visit, the properties are predominately single-family residential. The larger Western Michigan University property is used in an agricultural capacity as grazing land for sheep.

The difficulty with the dual zoning on these properties is the creation of nonconforming uses. Residential uses are not permitted within the C: Local Business District. The homes located within the C District are nonconforming and must comply with all of the nonconforming requirements of the Ordinance. This means the buildings are not allowed to expand and if they are damaged where reconstruction exceeds one-half of the value of the home, they can only be built in conformance with the code. As residential uses are not permitted, the property owner would have to request a rezoning before the home could be rebuilt.

In addition, the relatively small area of the parcels zoned commercial limits the actual uses which could be developed. When considering the requirements for parking, landscaping, on-site storm water retention, and the placement of a commercial building, it is not likely the available commercial zoning could accommodate all of these needs. What this equates to is a zoning designation that restricts the feasibility of commercial development while also hindering the existing residential uses.

### Property History

Staff was not able to find any mention of this zoning designation in previous minutes of either the Zoning Board, Planning Commission, or Township Board. Based on this, we have to assume the commercial zoning was designated during the establishment of the first zoning ordinance for the Township. From conversations with staff, the Husted family owned much of the acreage in this area and it was thought the commercial designation could have been provided for some type of farm market operation. However, past records could not be found to substantiate this hypothesis.

### Zoning Considerations

The Zoning Enabling Act, which allows Townships to zone property, does not provide any required standards that must be considered when reviewing a rezoning request. However, there are some generally recognized factors that should be deliberated before a rezoning decision is made. These considerations are as follows:

#### 1. Master Plan Designation

The 9<sup>th</sup> Street Sub-Area Plan indicates the properties in question should be Transitional Residential, which is defined as follows:

*“Areas designated Transitional Residential will allow for residential development primarily through PUD or cluster development processes in order to allow for innovative neighborhoods while protecting existing natural resources and open space areas. Where the development is adjacent to the 9th Street Commercial designation, medium density residential uses such as condominiums, senior housing, and 2-4 family units would be appropriate. As the development area transitions away from the adjacent commercial use towards existing residential neighborhoods (either along 8th Street or to the north), the density and intensity of development shall decrease. Uses here shall include low density, single-family uses as well as parks and institutional uses.”*

The R-2 District portion of the subject properties meets the intent of the Sub-Area Plan designation. It allows for PUD and cluster developments, as well as condominiums, duplexes, and single-family homes. The commercial zoning designation is incongruent with the intent of the Sub-Area Plan, which instead delineates an area along 9<sup>th</sup> Street for commercial development not along KL Avenue.

The properties to the north, east, and to the immediate west of the subject parcels are also located within the 9<sup>th</sup> Street Sub-Area Plan. The Transitional Residential continues to the north and west. To the east the future land use designation is Commercial. The Sub-Area Plan indicates that uses should consist of office buildings and low intensity commercial uses, similar to the Hannapel Home Center developed as part of the Sky King Meadows PUD. Auto-oriented and big box type retail are not envisioned in this area of the Township.

The properties to the south of KL Avenue and west of 8<sup>th</sup> Street are outside of the Sub-Area Plan and have a Future Land Use designation of General Industrial. The uses permitted in this District include light and general industrial uses, research-office, warehouse and distribution facilities, heavy commercial uses, and storage facilities. The Future Land Use Plan indicates that future development within areas designated as General Industrial be consistent with existing development.

## 2. Consistency of the Zoning Classification in the General Area

The properties that surround the subject parcels to the north, east, and west are all zoned the R-2: Residence District. The properties to the south of KL Avenue and west of 8<sup>th</sup> Street are zoned I-1: Industrial District, consistent the Future Land Use Map designation.

The C: Local Business District is essentially “spot” zoning at this location. According to an article published by the Michigan State University Extension on June 17, 2016, there are four criteria to remember to avoid spot zoning, as follows:

*“One illegal form of rezoning is spot zoning. This practice gets its name from the appearance of small spots of different zoning districts on a zoning map that otherwise has large contiguous areas in the same zoning district around the spots. To be considered a spot zone, the property, in most cases, must meet the following four criteria:*



- *The area is small compared to districts surrounding the parcel in question.*
- *The new district allows land uses inconsistent with those allowed in the vicinity.*
- *The spot zone would confer a special benefit on the individual property owner not commonly enjoyed by the owners of similar property.*
- *The existence of the spot zone conflicts with the policies in the text of the master plan and the future land use map.*

*Rezoning that have the four characteristics of spot zoning listed above run a high risk of invalidation if challenged in court and not consistent with the master plan. In some cases, master plans anticipate these relationships and provide for them (for example, a small commercial area may serve a residential neighborhood). In those cases where the master plan supports a relatively small zoning district that is dissimilar to the zoning that surrounds it, this is probably not a spot zone.”*

The subject zoning meets at least three of the four criteria. The commercial zoning is only 2.99 acres of five parcels that total 33.92 acres. The commercial zoning confers a benefit on these individual properties which is not enjoyed by adjacent residential properties, namely the right to develop more intense retail, commercial, and convenience uses. Finally, the commercial zoning is not supported by the Sub-Area Plan future land use map, as previously stated.

The one criterion which may not meet the definition of spot zoning is that the district allows land uses inconsistent with those allowed in the vicinity. With the I-1 District zoning found along the south side of KL Avenue, some commercial and light industrial uses would likely be compatible in this area. However, the Sub-Area Plan has specifically designated commercial uses to occur along 9<sup>th</sup> Street.

### 3. Consistency and Compatibility with General Land Use Patterns in the Area

This area of the Township is a true mix of almost all land use types, from agricultural to light industrial. The properties to the north and east are generally residential and agricultural. The properties south of KL Avenue and west of 8<sup>th</sup> Street are predominately office, commercial, and light industrial. The existing residential uses on the subject properties are more in keeping with the intended and future land use planned character for properties north of KL Avenue, which generally serves as the boundary between the more intense industrial uses to the south.

### 4. Utilities and Infrastructure

Utilities and infrastructure are often considered in a request for rezoning to ensure that public facilities can service any possible development that would occur on the site. Public utilities are particularly important when considering a large commercial zoned parcel. As this is a request to down zone a portion of these properties, utilities are not a critical factor. However, public sanitary sewer and water are both available on KL Avenue.

## 5. Reasonable Use under Current Zoning Classification

From our investigations into the subject properties, it does not appear that a commercial use was ever developed. Therefore, the change to the R-2: Residence District would allow the current residential and agricultural uses to continue. In addition, the rezoning will be beneficial as dual zoning often creates use nonconformities which can be problematic when either selling or financing property.

## 6. Effects on Surrounding Property

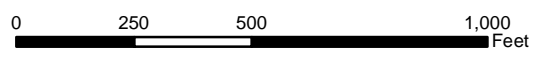
Rezoning the property to the R-2: Residence District should have little to no effect on surrounding properties. As the majority of the parcels are already developed as residential uses, the continuation of these uses under the R-2 District would solidify the status quo.




### **INFORMATION PROVIDED**

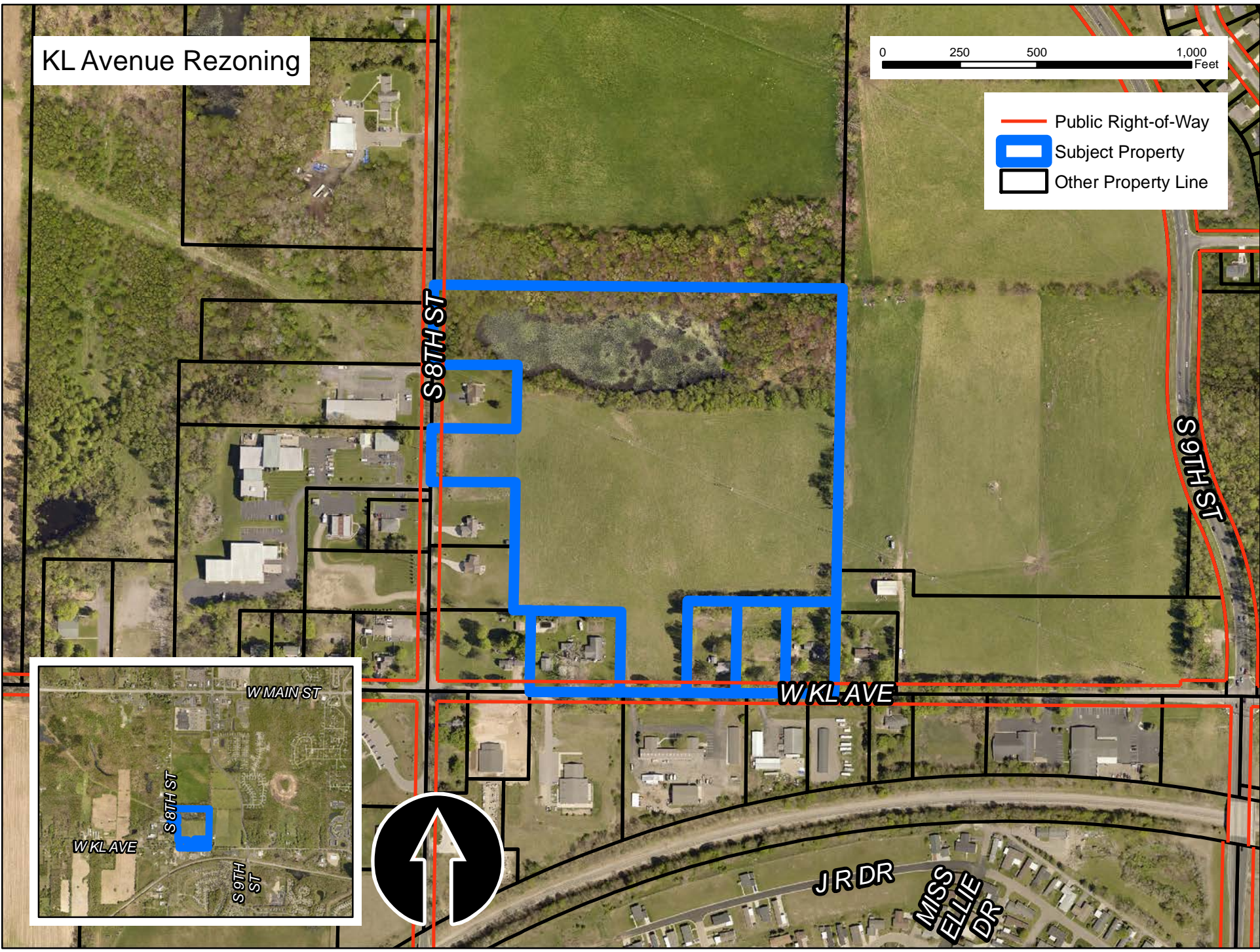
- Aerial map
- Current zoning map
- Future Land Use map
- 9<sup>th</sup> Street Sub-Area Plan map
- Township Ordinance



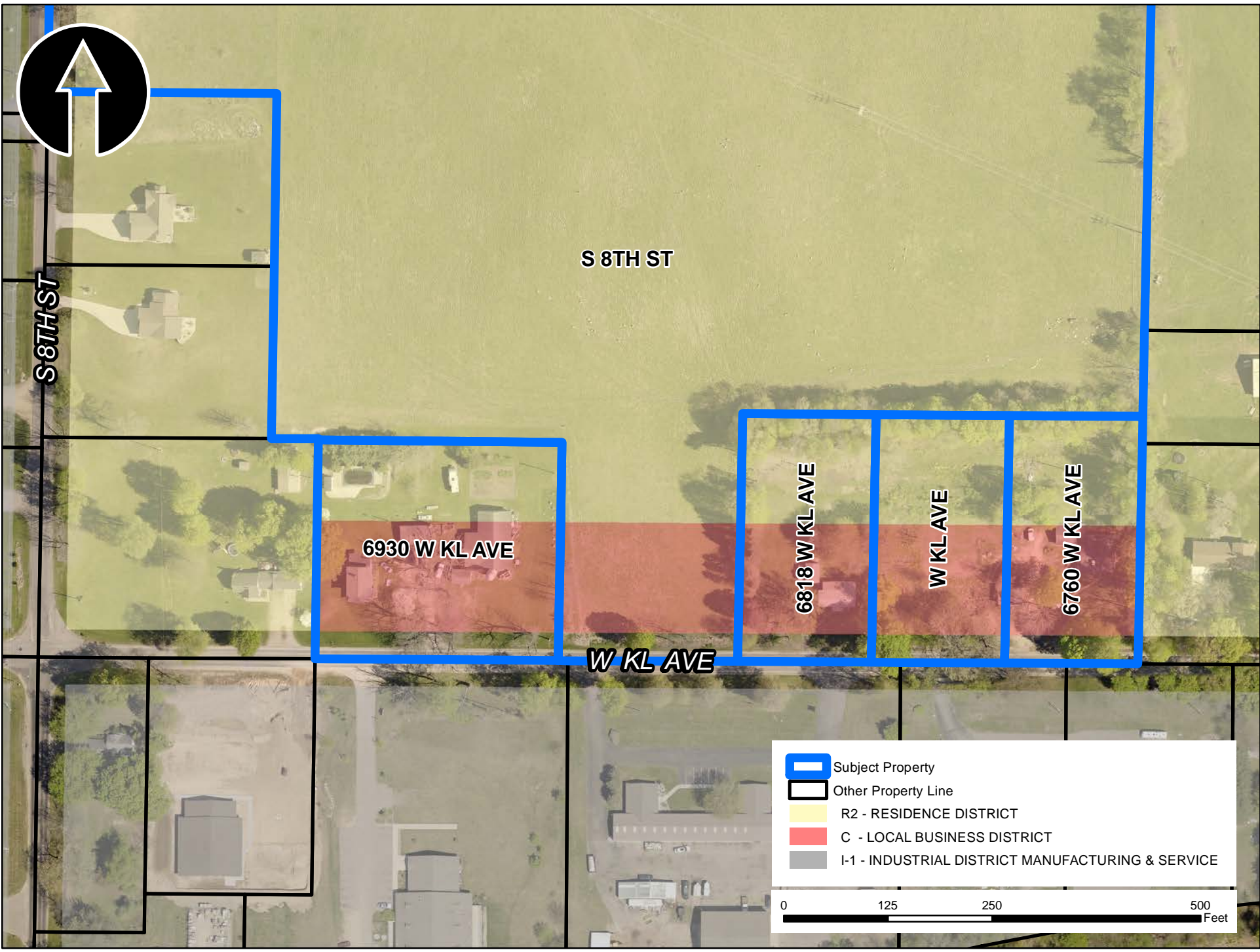
# KL Avenue Rezoning



-  Public Right-of-Way
-  Subject Property
-  Other Property Line







S 8TH ST

S 8TH ST






6930 W KL AVE

6818 W KL AVE

W KL AVE

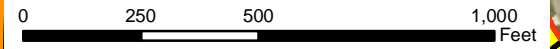
6760 W KL AVE

W KL AVE

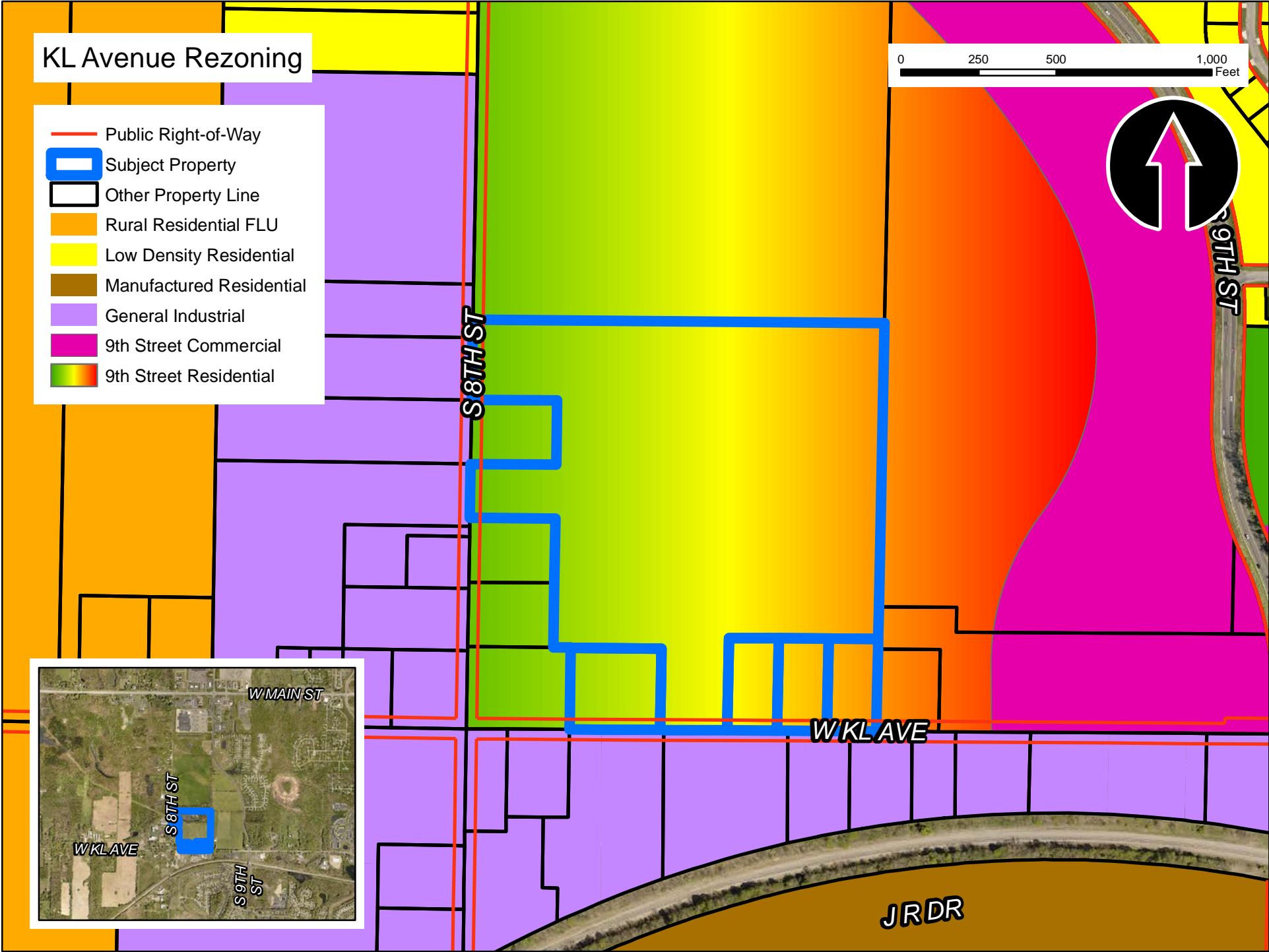
-  Subject Property
-  Other Property Line
-  R2 - RESIDENCE DISTRICT
-  C - LOCAL BUSINESS DISTRICT
-  I-1 - INDUSTRIAL DISTRICT MANUFACTURING & SERVICE

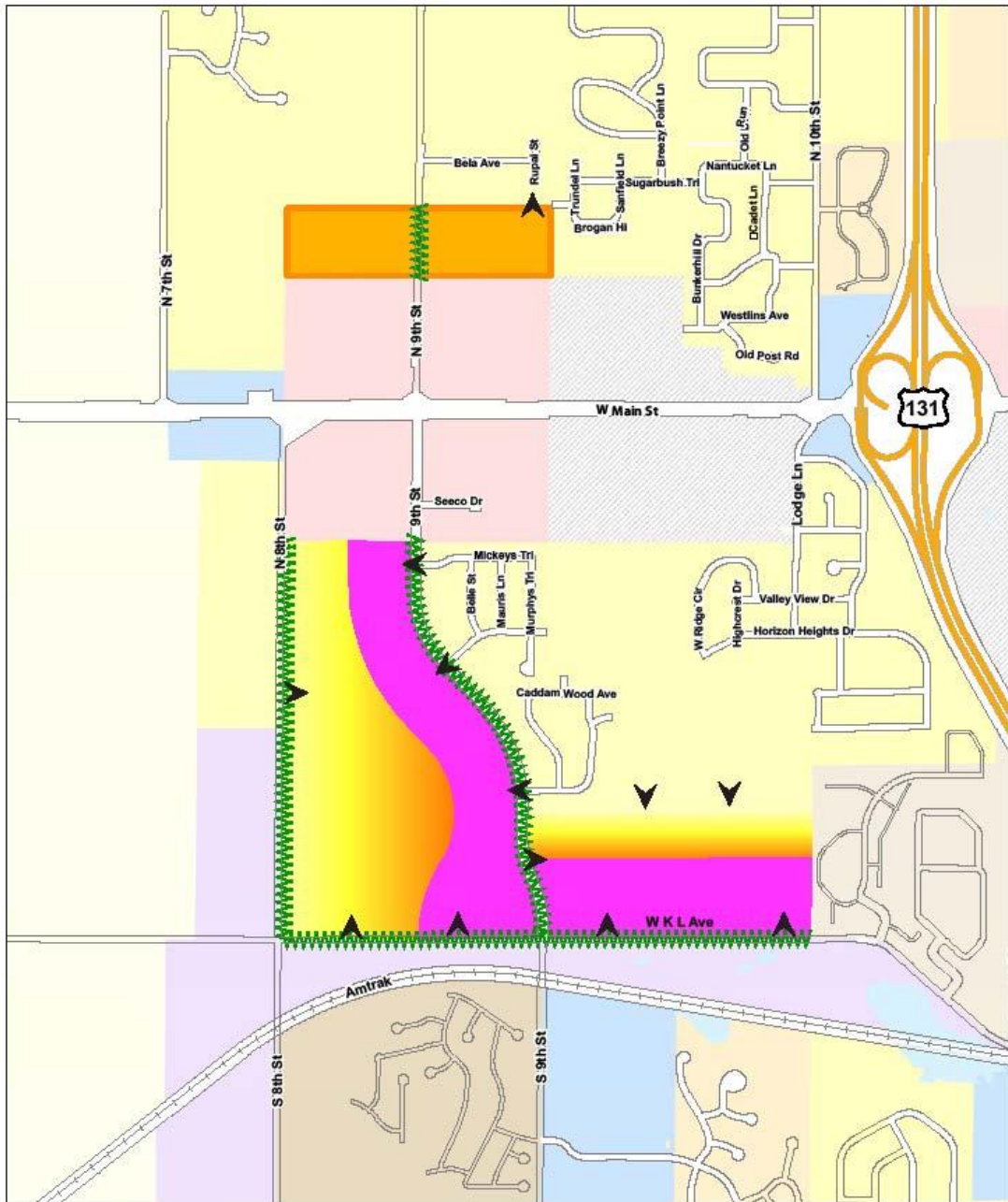
0 125 250 500 Feet

# KL Avenue Rezoning



- Public Right-of-Way
- Subject Property
- Other Property Line
- Rural Residential FLU
- Low Density Residential
- Manufactured Residential
- General Industrial
- 9th Street Commercial
- 9th Street Residential
















DRAFT November 01, 2011

## 9th Street Sub Area Plan

Oshtemo Charter Township, Kalamazoo County, Michigan



- |  |  |
|--|--|
|  Transitional Residential   |  Low Density Residential    |
|  Medium Density Residential |  Medium Density Residential |
|  9th Street Commercial      |  High Density Residential   |
|  Green Corridor             |  Transitional Mixed Use     |
|  Access Points              |  General Commercial         |
|  |  Sub Area                   |

Data Source: Michigan Geographic Framework, Michigan Center for Geographic Information, Version 10s.  
Aerial Source: Kalamazoo County, 2010  
Data Source: Oshtemo Township, 2008; McKenna Associates, 2011



OSHTEMO CHARTER TOWNSHIP ORDINANCE NO. \_\_\_\_

Adopted: \_\_\_\_\_, 2018

Effective: \_\_\_\_\_, 2018

OSHTEMO CHARTER TOWNSHIP ORDINANCE

An Ordinance to amend the Oshtemo Charter Township Zoning Ordinance, by the rezoning of a portion of property on North 6<sup>th</sup> Street in Land Section 09 from the “C” Local Business District to the “RR” Rural Residential District, the rezoning of portions of property on West KL Avenue in Land Section 23 from the “C” Local Business District zoning classification to “R-2” Residence District zoning classification, and the rezoning of portions of property on South 11<sup>th</sup> and 12<sup>th</sup> Streets in Land Section 36 from the “C” Local Business District to the “RR” Rural Residential District. The Ordinance repeals all Ordinances or parts of Ordinances in conflict.

THE CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO COUNTY, MICHIGAN  
ORDAINS:

SECTION I. AMENDMENT OF LAND SECTION 09. Section 70 of the Oshtemo Charter Township Zoning Ordinance, entitled “Use District Boundaries”, is hereby amended to rezone of a parcel of land located at 1995 North 6<sup>th</sup> Street (that land lying within the first 375 feet of said parcel, approximately 1.95 acres in size), Parcel No. 3905-09-480-010, from the “C” Local Business District to the “RR” Rural Residential District, more particularly described as:

Commencing at the Southeast corner of Section 9, T. 2 S., R. 12 W.; thence North along the East line of said Section, 1044 feet; thence West 33 feet to the Westerly right-of-way line of 6th Street and the place of beginning; thence continuing West 80 feet; thence South 264 feet; thence West 220 feet; thence North 264 feet; thence East 120 feet; thence North 150 feet; thence East 180 feet to said right-of-way line; thence South thereon 150 feet to beginning.

SECTION II. AMENDMENT OF LAND SECTION 23. Section 70 of the Oshtemo Charter Township Zoning Ordinance entitled, "Use District Boundaries," is hereby amended to rezone a portion of each parcel of land located at 6930 West KL Avenue, the land immediately east of 6930 West KL Avenue in the 6900 Block, 6818 West KL Avenue, the land immediately east of 6818 West KL Avenue in the 6800 Block, and 6760 West KL Avenue for land beginning at the West KL Avenue right-of-way to a depth of approximately 132 feet on each parcel of land, Parcel Nos. 3905-23-155-050, 3905-23-155-013, 3905-23-155-080, 3905-23-155-090, and 3905-23-055-100, from the "C" Local Business District to the "R-2" Residence District, more particularly described as:

Commencing at the West 1/4 post of Section 23, T. 2 S., R. 12 W.; thence Easterly along the East and West 1/4 line of said Section, 331.67 feet; thence Northerly parallel with the West line of said Section, 33.00 feet to the North right-of-way line of KL Avenue and the place of beginning; thence continuing Northerly parallel with the West line of said Section, 132.00 feet; thence Easterly parallel with said East and West 1/4 line, 987.36 feet to the East line of the West 1/2 of the Northwest 1/4 of said Section; thence Southerly thereon 132.00 feet to said North right-of-way line; thence Westerly thereon 987.36 feet to beginning.

SECTION III. AMENDMENT OF LAND SECTION 36. Section 70 of the Oshtemo Charter Township Zoning Ordinance entitled, "Use District Boundaries," is hereby amended to rezone a portion of each parcel of land located at 3800 South 12<sup>th</sup> Street, 3941 South 11<sup>th</sup> Street, 3985 South 11<sup>th</sup> Street, and land immediately south of 3985 South 11<sup>th</sup> Street, lying within a portion of the subject properties approximately 165 feet from the center of South 11<sup>th</sup> Street to a depth of approximately 250 feet, (width of 165 feet), a portion of which lies on Parcel Nos. 3905-36-280-010, 3905-36-255-080, 3905-36-405-010, and 3905-36-405-020 from the "C" Local Business District to the "RR" Rural Residential District, more particularly described as:

The East 247.50 feet of the West 412.50 feet of the South 99.00 feet of the Northeast 1/4 of Section 36, T. 2 S., R. 12 W. Also the East 247.50 feet of the West 412.50 feet of the North 66.00 feet of the Southeast 1/4 of said Section 36.

SECTION IV. EFFECTIVE DATE AND REPEAL. All Ordinances or parts of Ordinances inconsistent with this amendment are hereby repealed. This Ordinance shall take effect upon publication after adoption in accordance with State law.

DUSTY FARMER, Clerk  
OSHTEMO CHARTER TOWNSHIP



# Memo



To: Oshtemo Charter Township Board  
From: Julie Johnston, AICP  
Planning Director  
Date: January 4, 2019  
Mtg Date: January 8, 2019  
Subject: Stadium Parkway Brownfield Plan - Amendment

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## **OBJECTIVE**

Consideration of a resolution to approve the amended Stadium Park Way Brownfield Plan.

## **BACKGROUND**

The Township Board approved the original Stadium Park Way Brownfield Plan on December 12, 2017. Since that time, Select Products began the development of their site and found the soils would not support the construction of the building as originally planned. They communicated the concern to the Kalamazoo County Brownfield Redevelopment Authority (KCBRA) and indicated the costs involved to remove the unsuitable soils, bring clean fill to the site, and compact the soils to allow construction were significantly higher than anticipated in the original Brownfield Plan.

After consultation with experts, a much better and affordable method to manage construction on the site was proposed, which is the installation of geo-piers to handle the building load. This method was used by developers at the Midlink Property in Comstock Township (both the General Mills building and the Zeigler Motorsports building) so the KCBRA is familiar with its use as a remedy for poor soil conditions. Unfortunately, this activity was not included in the original Brownfield Plan. An amendment to the Plan is needed to allow this activity to be eligible for reimbursement.

Including this activity into the Plan will not impact either the length, total costs, or tax capture revenues that were originally approved, but the amendment is necessary to accommodate the change in activity. The cost for the geo-piers are expected to come in at or under the cost for the original remedy proposed. Under Act 381, for the KCBRA to approve invoices for activities, the specific activity needs to be identified in the Plan.

## **INFORMATION PROVIDED**

- Stadium Park Way Brownfield Plan – amended  
PDF is available at: <https://www.oshtemo.org/boards-and-committees/agenda-and-minutes/township-board-agenda-packets/>
- (Resolution to be provided at the meeting.)



**KALAMAZOO COUNTY  
BROWNFIELD REDEVELOPMENT AUTHORITY**

**BROWNFIELD PLAN AMENDMENT #1**

**FOR**

**STADIUM PARK WAY REDEVELOPMENT  
STADIUM PARK WAY  
OSHTEMO, MICHIGAN**

**Recommended for approval by the Brownfield Redevelopment Authority on 12/20/18**

**Approved by the Oshtemo Township Board on \_\_\_\_\_**

**Approved by the County Board of Commissioners on \_\_\_\_\_**

**Prepared with the assistance of:**

**ENVIROLOGIC TECHNOLOGIES, INC.  
2960 Interstate Parkway  
Kalamazoo, Michigan 49048  
(269) 342-1100**

## TABLE OF CONTENTS

<b>1. INTRODUCTION AND PURPOSE</b> .....	<b>1</b>
<b>2. ELIGIBLE PROPERTY INFORMATION</b> .....	<b>3</b>
<b>3. PROPOSED REDEVELOPMENT</b> .....	<b>4</b>
<b>4. BROWNFIELD CONDITIONS</b> .....	<b>5</b>
<b>5. BROWNFIELD PLAN ELEMENTS (AS SPECIFIED IN SECTION 13[2] OF ACT 381)</b> .....	<b>6</b>
A. DESCRIPTION OF COSTS TO BE PAID FOR WITH TAX INCREMENT REVENUES .....	6
B. SUMMARY OF ELIGIBLE ACTIVITIES.....	9
C. ESTIMATE OF CAPTURED TAXABLE VALUE AND TAX INCREMENT REVENUES .....	10
D. METHOD OF FINANCING AND DESCRIPTION OF ADVANCES BY THE MUNICIPALITY .....	11
E. MAXIMUM AMOUNT OF NOTE OR BONDED INDEBTEDNESS.....	11
F. DURATION OF BROWNFIELD PLAN .....	11
G. ESTIMATED IMPACT OF TAX INCREMENT FINANCING ON REVENUES OF TAXING JURISDICTIONS .....	12
H. LEGAL DESCRIPTION, PROPERTY MAP, STATEMENT OF QUALIFYING CHARACTERISTICS AND PERSONAL PROPERTY.....	12
I. ESTIMATES OF RESIDENTS AND DISPLACEMENT OF FAMILIES .....	13
J. PLAN FOR RELOCATION OF DISPLACED PERSONS.....	14
K. PROVISIONS FOR RELOCATION COSTS .....	14
L. STRATEGY FOR COMPLIANCE WITH MICHIGAN’S RELOCATION ASSISTANCE LAW .....	14
M. OTHER MATERIAL THAT THE AUTHORITY OR GOVERNING BODY CONSIDERS PERTINENT .....	14

## EXHIBITS

FIGURE 1: *Location Map*

FIGURE 2: *Site Plan*

## SCHEDULES/TABLES

TABLE 1: *Summary of Eligible Costs*

TABLE 2: *Estimate of Total Captured Incremental Taxes (Non-IFT Properties)*

TABLE 2B: *Estimate of Total Captured Incremental Taxes (National Flavors)*

TABLE 2C: *Estimate of Total Captured Incremental Taxes (Select Products)*

TABLE 3: *Estimate of Annual Effect on Taxing Jurisdictions (Non-IFT Properties)*

TABLE 3B: *Estimate of Annual Effect on Taxing Jurisdictions during IFT Abatement Period  
(National Flavors)*



- TABLE 3C: *Estimate of Annual Effect of Taxing Jurisdictions during IFT Abatement Period (Select Products)*
- TABLE 4: *Captured Taxable Value and Tax Increment Revenue by Year and Aggregate for Each Taxing Jurisdiction (Non-IFT Properties)*
- TABLE 4B: *Captured Taxable Value and Tax Increment Revenue by Year and Aggregate for Each Taxing Jurisdiction (National Flavors)*
- TABLE 4C: *Captured Taxable Value and Tax Increment Revenue by Year and Aggregate for Each Taxing Jurisdiction (Select Products)*
- TABLE 5: *Estimated Reimbursement Schedule (Combined Parcels)*

## **ATTACHMENTS**

NOTICE OF PUBLIC HEARING

NOTICE TO TAXING JURISDICTIONS

RESOLUTION SUPPORTING A BROWNFIELD PLAN—CHARTER TOWNSHIP OF OSHTEMO

RESOLUTION APPROVING A BROWNFIELD PLAN—KALAMAZOO COUNTY



**KALAMAZOO COUNTY BROWNFIELD REDEVELOPMENT AUTHORITY  
BROWNFIELD PLAN AMENDMENT #1  
STADIUM PARK WAY REDEVELOPMENT  
KALAMAZOO, MICHIGAN**

**1. INTRODUCTION AND PURPOSE**

Envirologic has prepared this Brownfield Plan Amendment on behalf of the Kalamazoo County Brownfield Redevelopment Authority (KCBRA) for five parcels of land, located along Stadium Park Way and Stadium Drive in Kalamazoo, Michigan, being redeveloped by Oshtemo Township. Entities included in the redevelopment project include: Select Products Limited; HCD Properties, LLC (aka National Flavors); Kalamazoo Storage, LLC; and Harrison Packing LLC (Exhibits, Figure 1). The combined redevelopment will be referred to as the Stadium Park Way Redevelopment.

The proposed redevelopment includes a two-phased growth plan by Select Products Limited. Initial construction of a 50,000-square-foot industrial building will consolidate their current operations while providing room for additional growth. The second phase involves construction of an aluminum anodizing facility within the next five years, resulting in a combined approximately 90,000-square-foot manufacturing plant on the 14-acre northern parcel. In addition to the redevelopment by Select Products Limited, HCD Properties, LLC (National Flavors) is also undertaking redevelopment efforts at 7700 Stadium Drive which is included in this Brownfield Plan. At the time of this amendment, HCD Properties, LLC has constructed a new, 30,000-square-foot manufacturing building on the property that was previously vacant. The new investment on the National Flavors parcel is expected to be \$4,900,000. Kalamazoo Storage, LLC, which recently completed new construction in 2017, will also be constructing three new buildings, totaling 19,200 square feet, in the late fall of 2018/spring of 2019. The private investment from Kalamazoo Storage is expected to be \$1,998,400. Two additional contiguous and adjacent parcels (Harrison Packing LLC and the Oshtemo strip parcel) are also included as part of this Plan. The five parcels combined encompass approximately 43 acres.

The proposed project included in this Brownfield Plan Amendment will benefit the local community by creating new jobs, increasing tax revenue, and making productive use of a contaminated piece of property that has been underutilized for several years.

Four parcels have been identified as a “facility” under Part 201 due to soil and groundwater impacts above the Generic Residential Cleanup Criteria (GRCC). Historical operations at the

property located on the north end of Stadium Park Way (05-34-130-050), while operated by Midwest Aluminum Corporation, included the use of wastewater lagoons, industrial processes, and potentially for storage. Some dredging and remediation of soils from the former lagoons was performed; however, select areas of contamination above GRCC remain. Previous investigations have identified that soil has been impacted with chromium, aluminum, barium, mercury, copper, zinc, bis2-ethylhexyl, arsenic, and mercury. Levels of trichloroethylene and lead in water were also identified above GRCC. The Harrison Packing parcel (05-34-155-030: land; 05-99-034-155: real property) was also part of the former Midwest Aluminum property. A Baseline Environmental Assessment (BEA) was filed on behalf of Harrison Packing, indicating that facility levels of contamination remain at the site. Contamination from these former uses has impacted the property and represents an additional cost to the development.

Another parcel included in this Brownfield Plan (05-34-155-050) has also been identified as a “facility” under Part 201. Historic use of the property located at 7700 Stadium Drive, Oshtemo Township, Kalamazoo County, Michigan, includes the southwest portion of the property initially developed as a residence as early as 1890 until approximately 1960. The remaining portion of the property has historical die casting operations and a foundry. The east portion of the property was historically identified as 7696 Stadium Drive and was developed by Midwest Aluminum in approximately 1954; Midwest Aluminum operated on this portion of the property until approximately 1990. The west and central portions of the property, historically identified as 7700 Stadium Drive, were developed in approximately 1962 by Kalamazoo Die Cast. Viking Die Cast operated from approximately 1980 until 1987. The Michigan DEQ removed contaminated soil in 1995 and 1997 and demolished the on-site buildings in 2000. The parcel located at 7700 Stadium Drive, and portions historically identified as 7696 Stadium Drive, has been identified as a “facility” under Part 201 due to soil impacts of zinc and arsenic and groundwater impacts of 1,1-dichloroethane; 1,1-dichloroethene; trichloroethene; and lead in at concentrations above the GRCC. Historic operations have resulted in contamination that has impacted the property and represents an additional cost to the development.

The Kalamazoo Storage parcel (05-34-180-025), located at 7694 Stadium Drive, has also been identified as a “facility” under Part 201 due to soil and groundwater contamination above GRCC. A BEA was filed on behalf of Kalamazoo Storage, LLC identifying the remaining contamination requiring vapor controls. The remaining parcel known as the “Oshtemo Strip Parcel” (05-34-155-040) is adjacent and contiguous to the parcels identified as a “facility” and—based on its



relationship with the overall historical industrial use of the area and the area’s groundwater contamination—is presumed to be a “facility.”

Potential environmental-related costs include BEA activities conducted at the expense of the KCBRA, National Flavors, Harrison Packing, and Kalamazoo Storage. Due Care activities related to vapor extraction will be completed by Kalamazoo Storage. Select Products Limited will be conducting additional response activities, including soil management through the use of specialized foundations, which was determined to be significantly less than the cost to remove, transport, and dispose of contaminated soil. Depending on site conditions observed during construction of both phases of development, it may also be necessary to appropriately manage some contaminated soil, including proper disposal, backfill, and associated activities. These “environmental” costs are eligible for reimbursement through the Brownfield Plan.

This Brownfield Plan identifies the eligible environmental activities that have been completed or will be conducted by the KCBRA or the developer(s), which will be reimbursed through the capture of local tax increment revenues. BEA activities and preparation of the Due Care documentation are statutorily eligible to be reimbursed using both school and local tax increment revenues. An Act 381 Work Plan has also been prepared at the expense of Kalamazoo Storage to allow the capture of school tax increment revenues for costs associated with the vapor extraction system, and future Act 381 Work Plans and/or amendments may be necessary on other portions of the overall development in the future.

The purpose of this plan, to be implemented by the Authority, is to satisfy the requirements for a Brownfield Plan as specified in Act 381 of the Public Acts of the State of Michigan of 1996, as amended, MCL 125.2651 et. seq., which is known as the “Brownfield Redevelopment Financing Act.” Terms used in this document are as defined in Act 381.

## **2. ELIGIBLE PROPERTY INFORMATION**

The property subject to this plan consists of five parcels of land with six parcel IDs associated with the property (Parcel IDs: 05-34-130-050, 05-34-155-030 [land], 05-99-034-155 [real property], 05-34-155-040, 05-34-155-050, and 05-34-180-025) located along Stadium Drive and Stadium Park Way in Oshtemo Charter Township, Kalamazoo County, Michigan (Property). The Property has been identified as a “facility” under Part 201 Standards of which the individual parcels are also adjacent and contiguous.



No.	Parcel ID Number	Address	Current Owner	Acreage
1	05-34-130-050	North End of Stadium Park Way	Oshtemo Township (intended to be purchased by Select Products)	17.52
2	05-34-155-030 (land) 05-99-034-155 (real property)	3420 Stadium Park Way	Harrison Packing LLC	5.55
3	05-34-155-040	Stadium Park Way	Oshtemo Township (strip parcel)	0.92
4	05-34-155-050	7700 Stadium Drive	HCD Properties LLC (National Flavors)	10.89
5	05-34-180-025	7694 Stadium Drive	Kalamazoo Storage LLC	7.96

This Brownfield Plan Amendment will encompass the entire property, inclusive of any new parcel identification numbers or new addresses.

Existing structures on the property include an industrial building owned by Harrison Packing, LLC located on the 5.55-acre parcel at 3420 Stadium Park Way. A newly constructed commercial building used for storage rental units is owned by Kalamazoo Storage, LLC and is located at 7694 Stadium Drive. HCD Properties LLC (National Flavors) has completed construction on the 30,000-square-foot manufacturing building. The vacant parcel owned by Oshtemo Township and described as the “strip parcel” will remain vacant land. No other structures currently exist on the combined five parcels. However, new construction is planned on the Select Products and Kalamazoo Storage parcels.

A location map and site plan including legal descriptions can be found in Exhibit A.

**3. PROPOSED REDEVELOPMENT**

This Brownfield Plan Amendment has been prepared to support the redevelopment efforts of the subject property. The primary redevelopment of the property will be focused on the consolidation and new construction by Select Products Limited. Select Products Limited, also known as Select Hinges, has leased property in Portage, Michigan, since 1999. Select is a manufacturer of commercial continuous geared aluminum door hinges for the architectural

hardware industry. Current operations include light machining and assembly with the potential of adding anodizing operations in the future. They expanded in a nearby location in 2013 and are now in need of consolidating their operations and providing room for additional growth. This growth plan is two phased, which involves initially consolidating their current operations and 30 employees (42,000 to 50,000 square feet) and a second phase involving construction of an aluminum anodizing facility within the next five years resulting in a combined approximately 90,000-square-foot manufacturing plant. The anticipated investment for Phase I of the development is approximately \$3,000,000, with \$2,500,000 in new construction costs. The proposed timeline for the project is to be in their new facility in spring 2019. Phase II will require an additional \$2,500,000 in new construction costs in the next five years.

New construction has occurred on the HCD Properties, LLC (National Flavors) parcel after approval of the adopted Brownfield Plan and prior to this Amendment. National Flavors is a local custom flavoring company that began in Kalamazoo, Michigan, as National Products in 1941. They offer a variety of ingredients for the candy, bakery, and dairy industries. In 2008, the company was renamed National Flavors. In 2015, National Flavors purchased the parcel located at 7700 Stadium Drive and has since constructed a 30,000-square-foot manufacturing building. This larger facility will accommodate growing customer-based production needs and space for anticipated growth within the company. New construction was completed by year-end 2017. Private investment for this portion of the redevelopment is estimated to be \$4,900,000.

New construction of self-storage units also occurred in 2017 on the parcel located at 7694 Stadium Drive and owned by Kalamazoo Storage, LLC. Three additional buildings, with estimated construction costs of \$600,000, are expected to be completed by spring 2019. This new construction will include two 7,200-square-foot buildings and one 4,800 square-foot building utilized for self-storage. This new construction will cause an increase in taxable value on the Kalamazoo Storage property, anticipated in year 2 of the Plan. Private investment for this parcel is based mostly on new construction costs and is estimated to be \$1,998,400.

#### **4. BROWNFIELD CONDITIONS**

Portions of the property were once known as the Midwest Aluminum site (Midwest). Additionally, several other industrial sites were located on or in the vicinity of this property (Viking Die Cast, Kalamazoo Die Cast, GE Carboloy Sites). Midwest conducted extrusion, fabrication, and anodizing of aluminum products since 1954. Various chemicals were used in the process, resulting in processing waste that was discharged to a series of wastewater lagoons



located at the site. Viking Die Cast and Kalamazoo Die were historic die casting operations, and a foundry also existed on the property during these historic operations. Previous owners and the MDEQ have conducted several investigations and cleanups at the site since the 1980s. While some dredging and remediation of soils from the former lagoons was performed, the current level of contamination remaining at the site is unknown.

Previous investigations have identified that soil has been impacted with chromium, aluminum, barium, mercury, copper, zinc, bis(2-ethylhexyl)arsenic, and mercury. Levels of 1,1-dichloroethane; 1,1-dichloroethene; trichloroethylene; and lead in water were also identified above GRCC. The exceedance above GRCC of these contaminants identifies parcels 05-34-155-050, 05-34-180-025, 05-34-130-050, 05-34-155-030 (land), and 05-99-034-155 (real property) as a “facility” under Part 201. The remaining parcel (05-34-155-040) is adjacent and contiguous to the parcels identified as a “facility” and—based on its relationship with the overall historical industrial use of the area and the area’s groundwater contamination—is presumed to be a “facility.”

## **5. BROWNFIELD PLAN ELEMENTS (as specified in Section 13[2] of Act 381)**

### **A. Description of Costs to be Paid for with Tax Increment Revenues**

The approved Brownfield Plan and this Brownfield Plan Amendment have been developed to reimburse existing and anticipated costs to be incurred by the KCBRA, HCD Properties LLC (d.b.a. National Flavors), Select Products Limited, Harrison Packing LLC, and Kalamazoo Storage LLC. Tax increment revenues will be captured for reimbursement from local taxes, except for BEA activities and preparation of Due Care documentation, which are statutorily eligible for reimbursement with both local and school tax increment revenues. An Act 381 Work Plan has also been prepared to allow the capture of school tax increment revenues for reimbursement of Due Care costs associated with vapor extraction on the Kalamazoo Storage parcel, and future Act 381 Work Plans and/or amendments may be necessary on other portions of the overall development in the future. Specific costs to be paid for with tax increment revenues are detailed in Table 1 and described below.

Eligible costs for reimbursement include BEA activities. An updated Phase I Environmental Site Assessment (ESA) was performed on the Select Products parcel for cost of \$3,500. A Phase II ESA, required to further characterize the contamination remaining on the

property, was completed for \$15,000. A BEA and Documentation of Due Care Compliance (DDCC) of the property was prepared, at combined cost of \$3,000, on behalf of Select Products Limited to offer liability protection and outline due care obligations. Previous due diligence costs have also been incurred and are included for reimbursement as part of the Plan for HCD Properties LLC (National Flavors) at a cost of \$8,000, Harrison Packing at a cost of \$15,204.78, and Kalamazoo Storage at a cost of \$25,172.50. These costs are eligible for reimbursement and are incorporated into this Brownfield Plan Amendment.

Due Care costs that are eligible for reimbursement will be incurred by Kalamazoo Storage LLC relating to a sub-slab vapor system. The sub-slab vapor extraction system will include a barrier to prevent exposure to contaminated soil and/or exacerbation, and the installation of a vapor control system. The active sub-slab depressurization system (ASSD) will create a negative pressure gradient across the bottom of the floor slab in those three buildings to maintain a continuous preferential pathway for vapor collection and venting to the atmosphere. This pressure-induced preferential pathway will prevent migration of vapors into the affected buildings. Prior to installing the vapor barrier, approximately 6 inches of gas-permeable gravel (e.g., 6AA stone) will be placed over compacted soil to provide a vapor collection and venting layer. The extraction system and associated pipe work will be installed within the venting layer, followed by re-grading the site, forming the building pad, and installing the vapor barrier. As an active system, fan assembly and pressure monitoring gauges will be installed. Finally, the wire and rebar will need to be installed with extreme care not to puncture the barrier, and then concrete can be poured. \$25,000 is included in this Plan Amendment for additional Due Care requirements associated with the vapor system, such as Due Care documentation and installation inspection. The vapor system and all associated costs are estimated to be \$167,000. A 15% contingency for Due Care activities is also eligible. An Act 381 Work Plan has also been prepared to allow the capture of school tax increment to reimburse a portion of these Due Care costs incurred by Kalamazoo Storage.

Additional response activities totaling \$780,000 (combined phases) will be performed on the Select Products parcel. It was determined that the remediation plan designed by engineering firm, Wightman & Associates, Inc.—inclusive of removal of the required 64,000 cubic yards of contaminated soil and associated transport, disposal, and necessary backfill and compaction—would cost an estimated \$6,751,360. As this is a significant cost, it has been determined that the use of specialized foundations will be a substantial cost

savings and the most appropriate method to employ to redevelop this contaminated property. The specialized foundation activities will include soil borings, engineering support, surveying and design of the geopiers, site preparation, and installation of the estimated 725 geopiers. The total cost for all specialized foundation activities for Phase I of redevelopment is anticipated to be \$455,500. Depending on site conditions observed during construction, it may also be necessary to appropriately manage some of the contaminated soil. This may include soil disposal, clean backfill, and other associated costs including soft costs, at an estimated cost of \$30,000. Phase II of the redevelopment will require similar subgrade improvement and appropriate soil management estimated at \$294,500. Additional response activities required for both phases of redevelopment are anticipated at an estimated total cost of \$780,000. A 15% contingency for additional response activities is also eligible. Financing costs of 3% of these Additional Response activities are also included in this Brownfield Plan. Future Act 381 Work Plans and/or amendments may be necessary on other portions of the overall development.

The development of this Brownfield Plan Amendment and the Act 381 Work Plan are also eligible activities. The development of the Brownfield Plan, inclusive of this brownfield amendment, is estimated at a proposed cost of \$15,000. The preparation of the Act 381 Work Plan is estimated at \$8,000.

In addition, the Plan also includes administrative costs of the KCBRA estimated at \$5,000 annually for the life of the Plan. These total administrative costs of the Authority are estimated at \$90,000.

Interest expenses are also eligible and included as part of this Brownfield Plan. Financing costs (pertaining to Additional Response activities) of 3% will be accrued each year on unreimbursed principal costs. Simple interest will be paid after all principal costs are reimbursed.

The total potential brownfield eligible reimbursement costs are estimated at \$1,514,287.44 and are described in Table 1. Total capture is estimated at \$2,380,198.45, inclusive of funds captured and disbursed to the State Brownfield Redevelopment Fund and additional capture for the Local Brownfield Revolving Fund (LBRF).



## **B. Summary of Eligible Activities**

Eligible costs for reimbursement include BEA activities. An updated Phase I ESA was performed on the Select Products parcel. A Phase II ESA is also required to further characterize the contamination remaining on the property. A BEA and DDCC of the property were prepared on behalf of Select Products Limited to offer liability protection and outline due care obligations. Previous due diligence costs have also been incurred and are included for reimbursement as part of the Plan for HCD Properties LLC (National Flavors), Harrison Packing, and Kalamazoo Storage.

Due Care costs that are eligible for reimbursement will be incurred by Kalamazoo Storage LLC relating to a sub-slab vapor system. The sub-slab vapor extraction system will include a barrier to prevent exposure to contaminated soil and/or exacerbation, and installation of a vapor control system. Prior to installing the vapor barrier, approximately 6 inches of gas permeable gravel (e.g. 6AA stone) will be placed over compacted soil to provide a vapor collection and venting layer. The extraction system and associated pipe work will be installed within the venting layer, followed by re-grading the site, forming the building pad, and installing the vapor barrier. As an active system, fan assembly and pressure monitoring gauges will be installed. Finally, the wire and rebar will need to be installed with extreme care not to puncture the barrier and then concrete can be poured. Additional Due Care requirements associated with the vapor system, such as Due Care documentation and installation inspection, are also included in this Plan Amendment.

Additional Response Activities on the Select Products parcel include the installation of approximately 725 geopiers and associated soil boring, surveying and design of the specialized foundation, as the lower cost option of redevelopment with respect to the contaminated soil on site. Specialized foundation work will also be required during Phase II of construction. Depending on site conditions observed during construction, it may also be necessary to appropriately manage some of the contaminated soil. This may include soil disposal, clean backfill and other associated costs including soft costs. Specialized foundation work and appropriate soil management activities will be needed during both phases of redevelopment.

The development of this Brownfield Plan Amendment and the Act 381 Work Plan are also eligible activities as well as contingencies and interest. Future Act 381 Work Plans and/or amendments may be necessary on other portions of the overall development.



### C. Estimate of Captured Taxable Value and Tax Increment Revenues

Two of the five parcels (05-34-130-050 and 05-34-155-050) will be seeking an Industrial Facilities Tax abatement, which will essentially reduce the millage rate on those parcels by half for 12 years. The IFT abatement on both parcels is anticipated to begin in year 1 of the Plan (2018). The National Flavors parcel (05-34-155-050) is subject to an IFT abatement for years one through 12 of the Plan. Phase II of Select Products will initiate a second IFT abatement, pertaining to parcel 05-34-130-050, starting in year 6 of the Plan and continuing for 12 years (through 2034). This Brownfield Plan will be implemented during this abatement period.

For the purposes of this plan amendment, the initial taxable value is the value of the eligible property in 2017, the year the Brownfield Plan was adopted. The project began in 2017. Select Products Limited is expecting completion of Phase I construction in Spring of 2019. A second phase is anticipated for Select Products in year 5 with an increase in taxable value realized in year 6 of the Plan. HCD Properties LLC (National Flavors) has completed construction of the 30,000-square-foot manufacturing building. New construction also occurred in 2017 on the Kalamazoo Storage LLC parcel. Three additional buildings, totaling 19,200 square feet, will be constructed by Kalamazoo Storage in the late fall of 2018/spring of 2019. This Plan anticipates that increment will first be available for capture, based on the project as a whole, with the 2018 summer and winter taxes. The increase in taxable value for all properties will primarily come from the planned new construction activities.

National Flavors private investment is estimated to be \$4,900,000. New construction of the Phase I 50,000-square-foot industrial building on the Select Products parcel is estimated to be a \$3,000,000 investment. As a result, an increase in the taxable value of the five combined parcels of approximately \$4,569,200 is expected after this initial phase. Also, an additional \$600,000 investment will be made by Kalamazoo Storage LLC. The increased taxable value on the Kalamazoo Storage parcel related to this new construction is expected to be realized in 2019. Private investment for the Phase II portion of the Select Products redevelopment is estimated to be \$2,500,000. All five parcels combined will see an increase in taxable value after the Phase II construction, estimated to be \$6,119,200.

The estimated captured taxable value for this redevelopment by year and in aggregate for each taxing jurisdiction is depicted in tabular form (Tables 2, 2B, 2C, 3, 3B, 3C, 4, 4B, 4C).

A summary of the estimated reimbursement schedule and the amount of capture into the Local Brownfield Revolving Fund (LBRF) by year and in aggregate is presented as Table 5 (showing combined parcels). Once eligible expenses are reimbursed, the Authority may capture up to five full years of the tax increment and deposit the revenues into a LBRF.

**D. Method of Financing and Description of Advances by the Municipality**

A majority of the costs for eligible activities are financed by Select Products Limited. HCD Properties LLC (National Flavors), Harrison Packing LLC, and Kalamazoo Storage LLC did incur some costs associated with due diligence activities. The KCBRA has paid for BEA activities, preparation of the Brownfield Plan, and this Brownfield Plan Amendment. Kalamazoo Storage LLC will also have Due Care expenses and the preparation of the Act 381 Work Plan. Eligible activities include interest expense (financing costs) for Select Product’s eligible expenses only. Financing costs are calculated as 3% interest accrued on unreimbursed principal costs at the end of each year. Simple interest will be paid after all principal costs are reimbursed. The expenses incurred prior to the Brownfield Plan are the costs related to BEA activities incurred by the Authority, National Flavors, Harrison Packing, and Kalamazoo Storage, as well as development of the Plan. The BEA activity costs are statutorily approved for reimbursement with both local and school tax increment revenues.

No advances by the municipality have been made or are anticipated.

**E. Maximum Amount of Note or Bonded Indebtedness**

At this time, there are no plans by the Authority to incur indebtedness to support development of this site though such plans could be made in the future to assist in the development if the Authority so chooses.

**F. Duration of Brownfield Plan**

The Authority intends to begin capture of tax increment in 2018. This Plan will then remain in place until the eligible activities have been fully reimbursed and up to five full years of capture into the LBRF is complete or 30 years, whichever occurs sooner.



### G. Estimated Impact of Tax Increment Financing on Revenues of Taxing Jurisdictions

The estimated amount of tax increment revenues to be captured for this redevelopment from each taxing jurisdiction by year and in aggregate are presented as Table 4, Table 4B, and Table 4C.

### H. Legal Description, Property Map, Statement of Qualifying Characteristics and Personal Property

The property subject to this Brownfield Plan Amendment includes five parcels with a combined total of 42.84 acres and located within Oshtemo Township, Kalamazoo County, Michigan. There are five parcels of land, with six parcel IDs, included as part of this Plan Amendment. Any new parcel IDs or site addresses associated with the property subject to this Brownfield Plan Amendment are eligible for tax capture. A map showing the eligible property is provided in the attached Exhibits.

The legal description of the subject property is as follows:

(05-34-130-050)

SEC 34-2-12 COM AT NW COR TH N89DEG14'37"E ALG N SEC LI 714.28' TO POB; TH CONT N89DEG14'37"E 865.26' TH S00DEG34'58"E 863.03' TH S 89DEG14'37"W 965.25' TH N00DEG34'58"W 751' TO BEG

(05-34-155-030): land

SEC 34-2-12 COMM AT NW COR TH N89DEG14'37"E ALG N SEC LI 1313.54' TO W LI OF E ½, NW1/4, TH S 00DEG34'58"E ALG SD W LI 863.03' TO POB TH N89DEG14'37"E 200' TH S00DEG34'58"E 400' TH S89DEG14'37"W 604.25' TH N00DEG34'58"W 400' TH N89DEG14'37"E 404.25' TO BEG

(05-99-034-155): real property

INDUSTRIAL FACILITIES EXEMPTION CERTIFICATE # 2005-180 REAL PROPERTY BEGINNING DATE 12/31/2005 ENDING DATE 12/31/2017

(05-34-155-040)

SEC 34-2-12 COMM AT NW COR TH N89DEG14'37"E ALG SEC LI 1313.54' TO W LI OF E1/2, NW ¼, TH S00DEG34'58"E ALG SD W LI 1263.03' TO POB TH N89DEG14'37"E 200' TH

S00DEG34'58"E 66' TH S89DEG14'37"W 604.25' TH N 00DEG34'58"W 66' TH  
N89DEG14'37"E 404.25' TO BEG

(05-34-155-050)

SEC 34-2-12 COMM AT NW COR TH N89DEG14'34"E ALG N SEC LI 1313.54' TO W LI E ½,  
NW1/4, TH S00DEG34'58"E ALG SD W LI 1329.03' TO POB; TH N89DEG14'37"E 200' TH  
S00DEG34'58"E 73.90' TH SWLY 106.89' ALG A CURVE TO RT S36DEG05'19"W 55' TH SLY  
210.48' ALG A CURVE TO LEFT WI RAD OF 233' AND CH BEARING 210DEG12'32"W 203.40'  
TH S 15DEG40'15"E 79.75' TO NLY ROW OF STADIUM DR TH S74DEG30'07"W ALG SD  
ROW 737.25' TH N19DEG16'38"W 581.05' TH N74DEG30'07"E 390.80' TH TH  
00DEG34'58"W 31.51' TH N89DEG14'37"E 404.25' TO BEG

(05-34-180-025)

SEC 34-2-12 BEG IN N LI 266 FT E OF NW COR E1/2 NW1.4 TH S PAR W LI SD E1/2 1785.11  
FT TO NLY LI W MICH AVE TH NELY THEREON 206.89 FT TH N PAR SD W LI 1732.24 FT TO  
N LI TH W 200 FT TO BEG

The property meets the definition of a "facility" as defined by Part 201 of NREPA based on the presence of contaminants in soil and groundwater at concentrations in excess of MDEQ Generic Residential Cleanup Criteria for parcels 05-34-155-050, 05-34-180-025, 05-34-130-050, 05-34-155-030 (land), and 05-99-034-155 (real property). The remaining parcel (05-34-155-040) is adjacent and contiguous to the parcels identified as a "facility."

The approved Brownfield Plan and this Brownfield Plan Amendment do intend to capture tax increment revenues associated with personal property if relevant and applicable to the properties in the Plan.

Any tax increment realized on any of the five parcels would be captured through this Brownfield Plan Amendment.

**I. Estimates of Residents and Displacement of Families**

All five parcels are zoned for industrial use. Therefore, no residents exist on the subject property. Further, there are no plans for displacement of families.





**J. Plan for Relocation of Displaced Persons**

Not applicable.

**K. Provisions for Relocation Costs**

Not applicable.

**L. Strategy for Compliance with Michigan's Relocation Assistance Law**

Not applicable.

**M. Other Material that the Authority or Governing Body Considers Pertinent**

Not applicable.



## EXHIBITS

FIGURE 1: *Location Map*

FIGURE 2: *Site Plan*

## SCHEDULES/TABLES

TABLE 1: *Summary of Eligible Costs*

TABLE 2: *Estimate of Total Captured Incremental Taxes (Non-IFT Properties)*

TABLE 2B: *Estimate of Total Captured Incremental Taxes (National Flavors)*

TABLE 2C: *Estimate of Total Captured Incremental Taxes (Select Products)*

TABLE 3: *Estimate of Annual Effect on Taxing Jurisdictions (Non-IFT Properties)*

TABLE 3B: *Estimate of Annual Effect on Taxing Jurisdictions during IFT Abatement Period (National Flavors)*

TABLE 3C: *Estimate of Annual Effect of Taxing Jurisdictions during IFT Abatement Period (Select Products)*

TABLE 4: *Captured Taxable Value and Tax Increment Revenue by Year and Aggregate for Each Taxing Jurisdiction (Non-IFT Properties)*

TABLE 4B: *Captured Taxable Value and Tax Increment Revenue by Year and Aggregate for Each Taxing Jurisdiction (National Flavors)*

TABLE 4C: *Captured Taxable Value and Tax Increment Revenue by Year and Aggregate for Each Taxing Jurisdiction (Select Products)*

TABLE 5: *Estimated Reimbursement Schedule (Combined Parcels)*

## ATTACHMENTS

NOTICE OF PUBLIC HEARING

NOTICE TO TAXING JURISDICTIONS

RESOLUTION SUPPORTING A BROWNFIELD PLAN—CHARTER TOWNSHIP OF OSHTEMO

RESOLUTION APPROVING A BROWNFIELD PLAN—KALAMAZOO COUNTY



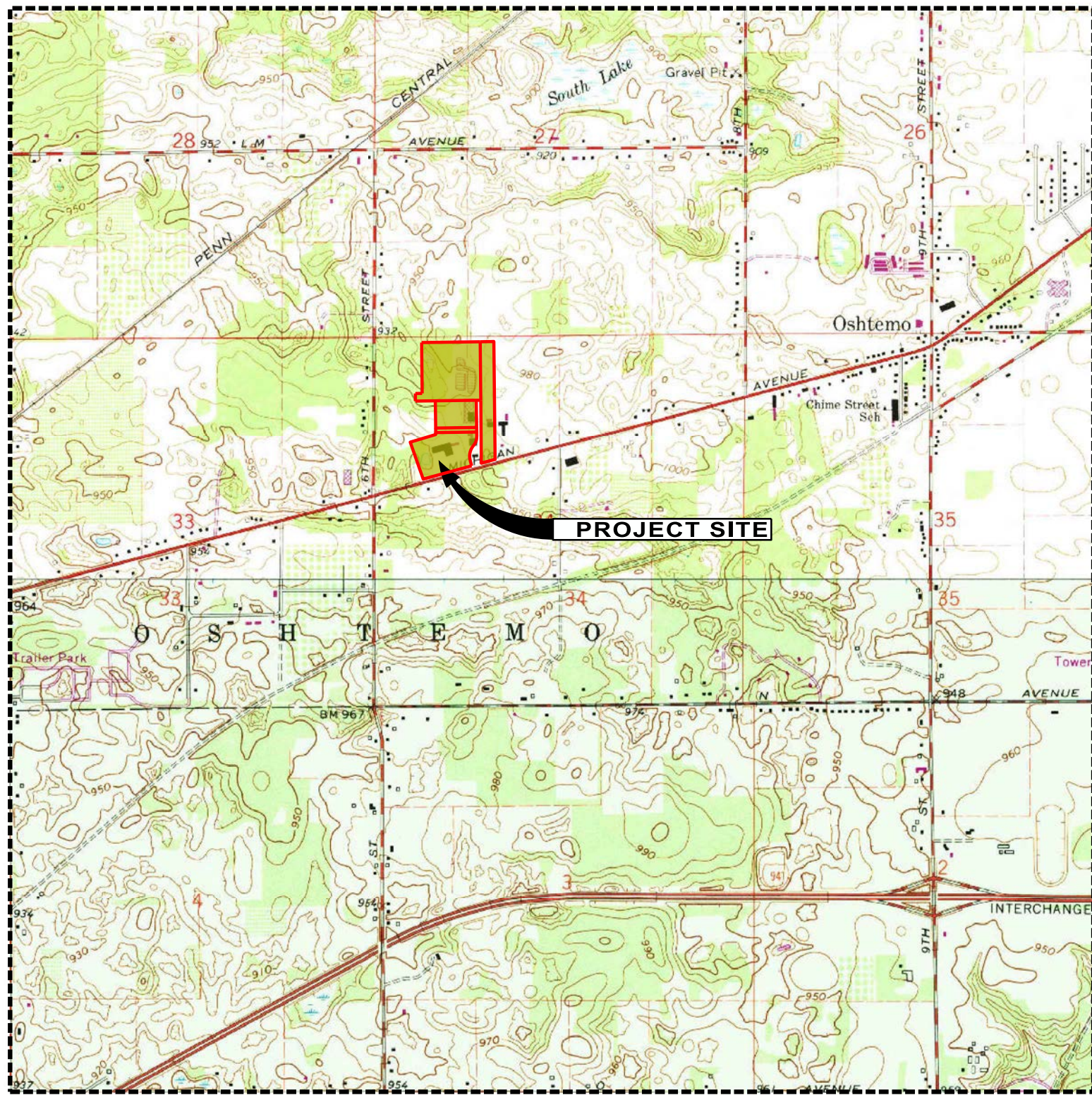
## EXHIBITS

*Figure 1: Location Map*

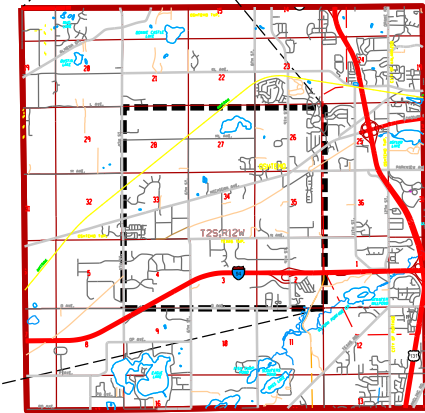
*Figure 2: Site Plan*





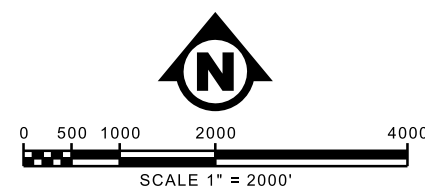


SOURCE: KALAMAZOO SW, MICHIGAN USGS 7.5 MINUTE TOPOGRAPHIC QUADRANGLE MAPS  
 MAPTECH® U.S. TERRAIN SERIES™ ©MAPTECH®, INC. 606-433-8500



T 2 S. R. 12 W.  
 OSHTEMO TOWNSHIP  
 OSHTEMO, MICHIGAN

000000 AAAAAA File: AA.dgn Model: Location Map



**envirollogic**  
 environmental consulting + services  
 2960 INTERSTATE PARKWAY  
 KALAMAZOO, MICHIGAN 49048  
 PH: (269) 342-1100 FAX: (269) 342-4945

**STADIUM PARK WAY  
 REDEVELOPMENT**  
 STADIUM PARK WAY  
 OSHTEMO, MICHIGAN  
**LOCATION MAP**

PROJECT NO.  
 170027  
 FIGURE No.  
**1**





(05-34-130-050)  
 SEC 34-2-12 COM AT NW COR TH N89DEG14'37"E ALG N SEC LI 714.28' TO POB;  
 TH CONT N89DEG14'37"E 865.26' TH S00DEG34'58"E 863.03' TH  
 S 89DEG14'37"W 965.25' TH N00DEG34'58"W 751' TO BEG

(05-34-155-030) LAND / (05-99-034-155) REAL PROPERTY  
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 W LI OF E 1/4, NW 1/4, TH S 00DEG34'58"E ALG SD W LI 863.03' TO POB TH  
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 N00DEG34'58"W 400' TH N89DEG14'37"E 404.25' TO BEG

(05-34-155-040)  
 SEC 34-2-12 COMM AT NW COR TH N89DEG14'37"E ALG SEC LI 1313.54' TO  
 W LI OF E 1/2, NW 1/4, TH S00DEG34'58"E ALG SD W LI 1263.03' TO POB TH  
 N89DEG14'37"E 200' TH S00DEG34'58"E 66' TH S89DEG14'37"W 604.25' TH  
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(05-34-155-050)  
 SEC 34-2-12 COMM AT NW COR TH N89DEG14'34"E ALG N SEC LI 1313.54' TO  
 W LI E 1/4, NW 1/4, TH S00DEG34'58"E ALG SD W LI 1329.03' TO POB; TH  
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 TO RT S36DEG05'19"W 55' TH SLY 210.48' ALG A CURVE TO LEFT WI RAD  
 OF 233' AND CH BEARING 210DEG12'32"W 203.40' TH S 15DEG40'15"E 79.75'  
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 N19DEG16'38"W 581.05' TH N74DEG30'07"E 390.80' TH TH 00DEG34'58"W 31.51'  
 TH N89DEG14'37"E 404.25' TO BEG

(05-34-180-025)  
 SEC 34-2-12 BEG IN N LI 266 FT E OF NW COR E 1/2 NW 1.4 TH S PAR W LI  
 SD E 1/2 1785.11 FT TO NLY LI W MICH AVE TH NELY THEREON 206.89 FT TH  
 N PAR SD W LI 1732.24 FT TO N LI TH W 200 FT TO BEG



SCALE 1" = 300'  
 0 50 100 200 300 600

NOTE:  
 THIS IS NOT A PROPERTY BOUNDARY SURVEY. PROPERTY BOUNDARIES SHOWN ON THIS MAP  
 ARE BASED ON AVAILABLE FURNISHED INFORMATION AND ARE APPROXIMATE ONLY AND  
 SHOULD NOT BE USED TO ESTABLISH PROPERTY BOUNDARY LOCATION IN THE FIELD.

# STADIUM PARK WAY REDEVELOPMENT

STADIUM PARK WAY  
 OSHTEMO, MICHIGAN

## SITE PLAN



2960 INTERSTATE PARKWAY  
 KALAMAZOO, MICHIGAN 49048  
 PH: (269) 342-1100 FAX: (269) 342-4945

PROJECT NO.  
 170027

FIGURE No.

**2**



## SCHEDULES/TABLES

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**Table 4C:** *Captured Taxable Value and Tax Increment Revenue by Year and Aggregate for Each Taxing Jurisdiction (Select Products)*

**Table 5:** *Estimated Reimbursement Schedule (Combined Parcels)*



Summary of Eligible Costs  
Brownfield Plan Amendment #1  
Stadium Park Way Redevelopment (5 Parcels)  
Oshtemo Township, Michigan

Eligible Activities	Estimated Cost	State and Local	Local Only Costs	State Only Costs
<b>BEA Activities</b>	\$ 69,877.28			
Phase I ESA (Select Products-Authority expense)		\$ 3,500.00		
Phase II ESA (Select Products -Authority expense)		\$ 15,000.00		
BEA/Due Care (Select Products-Authority expense)		\$ 3,000.00		
Due Diligence (National Flavors)		\$ 8,000.00		
Due Diligence (Harrison Packing)		\$ 15,204.78		
Due Diligence (Kalamazoo Storage)		\$ 25,172.50		
<b>Due Care (Kalamazoo Storage)**</b>	\$ 167,000.00			
Sub-slab Vapor System		\$ 142,000.00		
Due Care related to Vapor System		\$ 25,000.00		
<b>Additional Response Activities (Select Products)</b>	\$ 780,000.00			
Specialized foundation and potential contaminated soil management activities including disposal, backfill and associated activities (Phase I and II of redevelopment)			\$ 780,000.00	
<b>TOTAL COSTS OF ELIGIBLE ACTIVITIES</b>	<b>\$ 1,016,877.28</b>	<b>\$ 236,877.28</b>	<b>\$ 780,000.00</b>	
Financing Costs (3%)*	\$ 242,360.16		\$ 242,360.16	
Contingencies (15%)	\$ 142,050.00	\$ 25,050.00	\$ 117,000.00	
Administrative Costs of the Authority (estimated)	\$ 90,000.00		\$ 90,000.00	
Brownfield Plan	\$ 15,000.00	\$ 15,000.00		
Act 381 Work Plan (Kalamazoo Storage)	\$ 8,000.00	\$ 8,000.00		
<b>TOTAL REIMBURSEMENTS</b>	<b>\$ 1,514,287.44</b>	<b>\$ 284,927.28</b>	<b>\$ 1,229,360.16</b>	
Captured and Disbursed to State Brownfield Redevelopment Fund	\$ 37,688.40			\$ 37,688.40
Additional Capture for LBRF	\$ 828,222.61		\$ 714,232.66	\$ 113,989.95
<b>TOTAL CAPTURE</b>	<b>\$ 2,380,198.45</b>	<b>\$ 284,927.28</b>	<b>\$ 1,943,592.82</b>	<b>\$ 151,678.35</b>

\*Simple interest paid after all principal is paid  
Interest paid on unreimbursed principal costs

\*\*These Due Care costs are state and local eligible as an Act 381 Work Plan has been prepared









Estimate of Annual Effect on Taxing Jurisdictions  
Brownfield Plan Amendment #1  
Stadium Park Way Redevelopment (5 Parcels)

Non-IFT Properties (05-34-155-030, 05-99-034-155, 05-34-155-040, & 05-34-180-025)

SUMMER TAXES <sup>1</sup>				
Taxing Jurisdiction		County Operating	State Ed <sup>3</sup>	Total
Millage		4.6871	6	10.6871
Initial Taxable Value	\$ 336,206.00	\$ 1,575.83	\$ 2,017.24	\$ 3,593.07
Future Taxable Value (2019 & on)	\$ 1,335,406.00	\$ 6,259.18	\$ 8,012.44	\$ 14,271.62
Captured Taxable Value	\$ 999,200.00	\$ 4,683.35	\$ 5,995.20	\$ 10,678.55

ITV	\$ 336,206.00
FTV (2018 only)**	\$ 1,035,406.00
Captured TV	\$ 699,200.00

WINTER TAXES										
Taxing Jurisdiction		School Oper <sup>5</sup>	KRESA	Kalamazoo Library	KVCC	Oshtemo Township	County Transit	Housing	Kalamazoo County Public Safety	Total
Millage		18	6.0416	3.9583	2.8135	0.9765	0.4	0.1	1.4491	33.739
Initial Taxable Value	\$ 336,206.00	\$ 6,051.71	\$ 2,031.22	\$ 1,330.80	\$ 945.92	\$ 328.31	\$ 134.48	\$ 33.62	\$ 487.20	\$ 11,343.25
Future Taxable Value (2019 & on)	\$ 1,335,406.00	\$ 24,037.31	\$ 8,067.99	\$ 5,285.94	\$ 3,757.16	\$ 1,304.02	\$ 534.16	\$ 133.54	\$ 1,935.14	\$ 45,055.26
Captured Taxable Value	\$ 999,200.00	\$ 17,985.60	\$ 6,036.77	\$ 3,955.13	\$ 2,811.25	\$ 975.72	\$ 399.68	\$ 99.92	\$ 1,447.94	\$ 33,712.01

1. Based on millages from 2016 taxes
  2. Millages not captured: school debt, JUV, Lights, Police 2004, Fire (12.4739)
  3. Half of captured SET conveyed to State Brownfield Redevelopment Fund
  4. KRESA shown as millage available for capture (minus the 0.3650)
  5. Standard school operating millage is 18 mils, rollbacks may occur on annual basis, i.e. 2017 is 17.8704 School/Local 42.18%/57.82%
- \*Total millage including millages not captured = 56.9  
\*\*2018 reflects the initial jump in FTV, 2019 and on will reflect new construction (Kalamazoo Storage)

	2019 on	2018 only
Total Available Millage*	44.4261	44.4261
Total Annual Future Tax Liability	\$ 59,326.88	\$ 45,999.05
Total Capturable Local Millages	20.4261	20.4261
Total Annual Capturable Local Tax Increment	\$ 20,409.76	\$ 14,281.93
Total Capturable School Millages	24.0000	24.0000
Total Annual Capturable School Tax Increment	\$ 23,980.80	\$ 16,780.80
Total School and Local Tax Increment Revenue/Yr	\$ 44,390.56	\$ 31,062.73

Estimate of Annual Effect on Taxing Jurisdictions  
During IFT Abatement Period  
Brownfield Plan Amendment #1  
Stadium Park Way Redevelopment (5 Parcels)

05-34-155-050 (National Flavors) -subject to IFT years 1-12

SUMMER TAXES <sup>1</sup>				
Taxing Jurisdiction		County Operating	State Ed <sup>3</sup>	Total
Millage		2.3436	6.0000	8.3436
Initial Taxable Value	\$ 50,601.00	\$ 118.59	\$ 303.61	\$ 422.19
Future Taxable Value (yr 1-5)	\$ 2,500,601.00	\$ 5,860.28	\$ 15,003.61	\$ 20,863.89
Captured Taxable Value (yr 1-5)	\$ 2,450,000.00	\$ 5,741.70	\$ 14,700.00	\$ 20,441.70
Future Taxable Value (yr 6-12)	\$ 2,500,601.00	\$ 5,860.28	\$ 15,003.61	\$ 20,863.89
Captured Taxable Value (yr 6-12)	\$ 2,450,000.00	\$ 5,741.70	\$ 14,700.00	\$ 20,441.70

WINTER TAXES										
Taxing Jurisdiction		School Oper <sup>5</sup>	KRESA <sup>4</sup>	Kalamazoo Library	KVCC	Oshtemo Township	County Transit	Housing	Kalamazoo County Public Safety	Total
Millage		9.0000	3.0208	1.9792	1.4068	0.4883	0.2000	0.0500	0.7246	16.8695
Initial Taxable Value	\$ 50,601.00	\$ 455.41	\$ 152.86	\$ 100.15	\$ 71.18	\$ 24.71	\$ 10.12	\$ 2.53	\$ 36.66	\$ 853.61
Future Taxable Value (yr 1-5)	\$ 2,500,601.00	\$ 22,505.41	\$ 7,553.82	\$ 4,949.06	\$ 3,517.72	\$ 1,220.92	\$ 500.12	\$ 125.03	\$ 1,811.81	\$ 42,183.89
Captured Taxable Value (yr 1-5)	\$ 2,450,000.00	\$ 22,050.00	\$ 7,400.96	\$ 4,848.92	\$ 3,446.54	\$ 1,196.21	\$ 490.00	\$ 122.50	\$ 1,775.15	\$ 41,330.28
Future Taxable Value (yr 6-12)	\$ 2,500,601.00	\$ 22,505.41	\$ 7,553.82	\$ 4,949.06	\$ 3,517.72	\$ 1,220.92	\$ 500.12	\$ 125.03	\$ 1,811.81	\$ 42,183.89
Captured Taxable Value (yr 6-12)	\$ 2,450,000.00	\$ 22,050.00	\$ 7,400.96	\$ 4,848.92	\$ 3,446.54	\$ 1,196.21	\$ 490.00	\$ 122.50	\$ 1,775.15	\$ 41,330.28

1. Based on millages from 2016 taxes (reduced by 50% for 12 yr IFT, SET full millage)
  2. Millages not captured: school debt, JUV, Lights, Police 2004, Fire (12.4739/2=6.237)
  3. Half of captured SET conveyed to State Brownfield Redevelopment Fund
  4. KRESA shown as millage available for capture (minus the 0.3650)
  5. Standard school op. is 18 mils, rollbacks may occur on annual basis, i.e. 2017 is 17.8704 School/Local 42.18%/57.82%
- \*Total millage (not reduced) including millages not captured = 56.9  
Land values not affected by IFT which may cause a slight increase in available TIR

**Years 1-5**

Total Available Millage	31.4501
Total Capturable Millage	25.2131
Total Annual Future Tax Liability	\$ 63,047.78
Total Capturable Local Millages	10.2131
Total Annual Capturable Local Tax Increment	\$ 25,021.97
Total Capturable School Millages	15.0000
Total Annual Capturable School Tax Increment	\$ 36,750.00
Total School and Local Tax Increment Revenue/Yr	\$ 61,771.97

**Years 6-12**

Total Available Millage	31.4501
Total Capturable Millage	25.2131
Total Annual Future Tax Liability	\$ 63,047.78
Total Capturable Local Millages	10.2131
Total Annual Capturable Local Tax Increment	\$ 25,021.97
Total Capturable School Millages	15.0000
Total Annual Capturable School Tax Increment	\$ 36,750.00
Total School and Local Tax Increment Revenue/Yr	\$ 61,771.97

**Years 13 & on : Post-Abatement**

Total Available Millage	56.9000
Total Capturable Millage	44.4261
Total Annual Future Tax Liability	\$ 111,091.95
Total Capturable Local Millages	20.4261
Total Annual Capturable Local Tax Increment	\$ 50,043.95
Total Capturable School Millages	24.00
Total Annual Capturable School Tax Increment	\$ 58,800.00
Total School and Local Tax Increment Revenue/Yr	\$ 108,843.95



Estimate of Annual Effect on Taxing Jurisdictions  
During IFT Abatement Period  
Brownfield Plan Amendment #1  
Stadium Park Way Redevelopment (5 Parcels)

05-34-130-050 (Select Products) - subject to IFT abatement years 1-17 (2 certificates)

SUMMER TAXES <sup>1</sup>				
Taxing Jurisdiction		County Operating	State Ed <sup>3</sup>	Total
IFT Millage		2.3436	6.0000	8.3436
Non IFT Millage		4.6871	6.0000	10.6871
Initial Taxable Value	\$ -	\$ -	\$ -	\$ -
Future Taxable Value (yr 1-5)	\$ 1,420,000.00	\$ 3,327.84	\$ 8,520.00	\$ 11,847.84
Captured Taxable Value (yr 1-5)	\$ 1,420,000.00	\$ 3,327.84	\$ 8,520.00	\$ 11,847.84
Future Taxable Value (yr 6-12)	\$ 2,670,000.00	\$ 6,257.28	\$ 16,020.00	\$ 22,277.28
Captured Taxable Value (yr 6-12)	\$ 2,670,000.00	\$ 6,257.28	\$ 16,020.00	\$ 22,277.28
Future Taxable Value (yr 13-17)	\$ 1,420,000.00	\$ 6,655.68	\$ 8,520.00	\$ 15,175.68
Captured Taxable Value (yr 13-17)	\$ 1,420,000.00	\$ 6,655.68	\$ 8,520.00	\$ 15,175.68
Future Taxable Value (yr 13-17) P2 IFT	\$ 1,250,000.00	\$ 2,929.44	\$ 7,500.00	\$ 10,429.44
Captured Taxable Value (yr 13-17) P2 IFT	\$ 1,250,000.00	\$ 2,929.44	\$ 7,500.00	\$ 10,429.44

WINTER TAXES										
Taxing Jurisdiction		School Oper <sup>5</sup>	KRESA <sup>4</sup>	Kalamazoo Library	KVCC	Oshtemo Township	County Transit	Housing	Kalamazoo County Public Safety	Total
IFT Millage		9.0000	3.0208	1.9792	1.4068	0.4883	0.2000	0.0500	0.7246	16.8695
Non IFT Millage		18.0000	6.0416	3.9583	2.8135	0.9765	0.4000	0.1000	1.4491	33.7390
Initial Taxable Value	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Future Taxable Value (yr 1-5)	\$ 1,420,000.00	\$ 12,780.00	\$ 4,289.54	\$ 2,810.39	\$ 1,997.59	\$ 693.32	\$ 284.00	\$ 71.00	\$ 1,028.86	\$ 23,954.69
Captured Taxable Value (yr 1-5)	\$ 1,420,000.00	\$ 12,780.00	\$ 4,289.54	\$ 2,810.39	\$ 1,997.59	\$ 693.32	\$ 284.00	\$ 71.00	\$ 1,028.86	\$ 23,954.69
Future Taxable Value (yr 6-12)	\$ 2,670,000.00	\$ 24,030.00	\$ 8,065.54	\$ 5,284.33	\$ 3,756.02	\$ 1,303.63	\$ 534.00	\$ 133.50	\$ 1,934.55	\$ 45,041.57
Captured Taxable Value (yr 6-12)	\$ 2,670,000.00	\$ 24,030.00	\$ 8,065.54	\$ 5,284.33	\$ 3,756.02	\$ 1,303.63	\$ 534.00	\$ 133.50	\$ 1,934.55	\$ 45,041.57
Future Taxable Value (yr 13-17)	\$ 1,420,000.00	\$ 25,560.00	\$ 8,579.07	\$ 5,620.79	\$ 3,995.17	\$ 1,386.63	\$ 568.00	\$ 142.00	\$ 2,057.72	\$ 47,909.38
Captured Taxable Value (yr 13-17)	\$ 1,420,000.00	\$ 25,560.00	\$ 8,579.07	\$ 5,620.79	\$ 3,995.17	\$ 1,386.63	\$ 568.00	\$ 142.00	\$ 2,057.72	\$ 47,909.38
Future Taxable Value (yr 13-17) P2 IFT	\$ 1,250,000.00	\$ 11,250.00	\$ 3,776.00	\$ 2,473.94	\$ 1,758.44	\$ 610.31	\$ 250.00	\$ 62.50	\$ 905.69	\$ 21,086.88
Captured Taxable Value (yr 13-17) P2 IFT	\$ 1,250,000.00	\$ 11,250.00	\$ 3,776.00	\$ 2,473.94	\$ 1,758.44	\$ 610.31	\$ 250.00	\$ 62.50	\$ 905.69	\$ 21,086.88

- Based on millages from 2016 taxes (reduced by 50% for initial 12 yr IFT [Phase 1], second IFT [Phase 2] will begin in year 6 through year 17, SET full millage)
  - Millages not captured: school debt, JUV, Lights, Police 2004, fire (12.4739)
  - Half of captured SET conveyed to State Brownfield Redevelopment Fund
  - KRESA shown as millage available for capture (minus the 0.3650)
  - Standard school op. is 18 mils, rollbacks may occur on annual basis, i.e. 2017 is 17.8704 School/Local 42.18%/57.82%
- \*Total millage (not reduced) including millages not captured = 56.9  
Land values not affected by IFT which may cause a slight increase in available TIR

	Years 1-5	Years 6-12 (P1&P2 IFT certificate)	Years 13-17 (P1 Non-IFT)	Years 13-17 (P2 IFT certificate only)
Total Available Millage	37.6870	56.9000	56.9000	37.6870
Total Capturable Millage	25.2131	25.2131	44.4261	25.2131
Total Annual Future Tax Liability	\$ 35,802.53	\$ 67,318.84	\$ 63,085.06	\$ 31,516.31
Total Capturable Local Millages	10.2131	10.2131	20.4261	10.2131
Total Annual Capturable Local Tax Increment	\$ 14,502.53	\$ 27,268.84	\$ 29,005.06	\$ 12,766.31
Total Capturable School Millages	15.0000	15.00	24.0000	15.00
Total Annual Capturable School Tax Increment	\$ 21,300.00	\$ 40,050.00	\$ 34,080.00	\$ 18,750.00
Total School and Local Tax Increment Revenue/Yr	\$ 35,802.53	\$ 67,318.84	\$ 63,085.06	\$ 31,516.31









Table 5  
 Estimated Reimbursement Schedule  
 Brownfield Plan Amendment #1  
 Stadium Park Way Redevelopment (5 parcels)

All 5 Parcels Combined

Year	Incremental Taxes Capturable	Funds Disbursed										Interest Calculation			
		Authority (School)	Authority (Local)	National Flavors (Local)	Harrison Packing (Local)	Kalamazoo Storage (School)	Kalamazoo Storage (Local)	Select Products (Local)	State Brownfield Redevelopment Fund	Administrative Fees**	Local Brownfield Revolving Fund (School)	Local Brownfield Revolving Fund (Local)	Principal Due (Select Products)	Principal Remaining (Year End) (Select Products)	Interest Accrued
2018	\$ 128,637.23	\$ 20,000.00	\$ 16,500.00	\$ 8,000	\$ 15,204.78	\$ 41,123.20		\$ 9,101.65	\$ 13,707.60	\$ 5,000.00			\$ 897,000.00	\$ 887,898.35	\$ 26,636.95
2019	\$ 83,915.06					\$ 20,983.20	\$ 20,409.76	\$ 34,524.50	\$ 2,997.60	\$ 5,000.00			\$ 887,898.35	\$ 853,373.84	\$ 25,601.22
2020	\$ 83,915.06					\$ 20,983.20	\$ 20,409.76	\$ 34,524.50	\$ 2,997.60	\$ 5,000.00			\$ 853,373.84	\$ 818,849.34	\$ 24,565.48
2021	\$ 83,915.06					\$ 11,909.25	\$ 20,409.76	\$ 34,524.50	\$ 2,997.60	\$ 5,000.00	\$ 9,073.95		\$ 818,849.34	\$ 784,324.84	\$ 23,529.75
2022	\$ 83,915.06						\$ 20,409.76	\$ 34,524.50	\$ 2,997.60	\$ 5,000.00	\$ 20,983.20		\$ 784,324.84	\$ 749,800.33	\$ 22,494.01
2023	\$ 96,681.38						\$ 20,409.76	\$ 47,290.82	\$ 2,997.60	\$ 5,000.00	\$ 20,983.20		\$ 749,800.33	\$ 702,509.52	\$ 21,075.29
2024	\$ 96,681.38						\$ 20,409.76	\$ 47,290.82	\$ 2,997.60	\$ 5,000.00	\$ 20,983.20		\$ 702,509.52	\$ 655,218.70	\$ 19,656.56
2025	\$ 96,681.38						\$ 7,765.09	\$ 59,935.48	\$ 2,997.60	\$ 5,000.00	\$ 20,983.20		\$ 655,218.70	\$ 595,283.22	\$ 17,858.50
2026	\$ 96,681.38							\$ 67,700.58	\$ 2,997.60	\$ 5,000.00	\$ 20,983.20		\$ 595,283.22	\$ 527,582.65	\$ 15,827.48
2027	\$ 72,700.58							\$ 67,700.58		\$ 5,000.00			\$ 527,582.65	\$ 459,882.07	\$ 13,796.46
2028	\$ 72,700.58							\$ 67,700.58		\$ 5,000.00			\$ 459,882.07	\$ 392,181.50	\$ 11,765.44
2029	\$ 72,700.58							\$ 67,700.58		\$ 5,000.00			\$ 392,181.50	\$ 324,480.92	\$ 9,734.43
2030	\$ 112,225.08							\$ 107,225.08		\$ 5,000.00			\$ 324,480.92	\$ 217,255.84	\$ 6,517.68
2031	\$ 112,225.08							\$ 107,225.08		\$ 5,000.00			\$ 217,255.84	\$ 110,030.76	\$ 3,300.92
2032	\$ 112,225.08							\$ 107,225.08		\$ 5,000.00			\$ 110,030.76	\$ -	\$ -
2033	\$ 112,225.08							\$ 107,225.08		\$ 5,000.00					
2034	\$ 112,225.08							\$ 107,225.08		\$ 5,000.00					
2035	\$ 124,991.39							\$ 30,715.68		\$ 5,000.00		\$ 89,275.71			
2036	\$ 124,991.39														\$ 124,991.39
2037	\$ 124,991.39														\$ 124,991.39
2038	\$ 124,991.39														\$ 124,991.39
2039	\$ 124,991.39														\$ 124,991.39
2040	\$ 124,991.39														\$ 124,991.39
Totals	\$ 2,380,198.45	\$ 20,000.00	\$ 16,500.00	\$ 8,000.00	\$ 15,204.78	\$ 94,998.85	\$ 130,223.65	\$ 1,139,360.16	\$ 37,688.40	\$ 90,000.00	\$ 113,989.95	\$ 714,232.66			\$ 242,360.16

Term of Industrial Facilities Abatement (Phase 1 and Phase 2)

Term of Industrial Facilities Abatement (Phase 1 non-IFT and Phase 2 IFT)

\*Simple interest paid after all principal is paid, 2033 is final reimbursement and commencement of interest payment

\*\*KCBRA Administrative Fees are estimated and may change depending on actual costs as allowed by Act 381, as amended.

Land values not affected by IFT which may cause a slight increase in available TIR

\$ 1,514,287.44 total reimbursements (not including LBRF and State Brownfield fund)

\$ 12,644.66 Kzoo Storage Local increment remainder to Select in 2025

Authority	\$ 36,500.00	BEA activities, BF Plan		\$120,182	max school capture <sup>a</sup>
National Flavors	\$ 8,000	due diligence			
Harrison Packing	\$ 15,204.78	due diligence	School %	Local %	
Select Products	\$ 897,000.00	(includes contingency)	42.18	57.82	
Select Products	\$ 242,360.16	interest			
Kalamazoo Storage	\$ 33,172.50	due diligence, work plan			\$ 1,139,360.16 Total Select Products
Kalamazoo Storage	\$ 192,050.00	vapor/du care (includes contingency)			\$ 225,222.50 Total Kalamazoo Storage
Total	\$ 1,424,287.44	(not including KCBRA admin)			

Authority, Harrison, National Flavors paid off in year 1 and the due diligence and work plan costs to Kalamazoo Storage

Year 2 - Select and Kalamazoo Storage paid from own parcel increment and National Flavors increment to Select

Starting in year 8, Kzoo Storage will be paid off and full local TIF available to Select

No expected increment from Oshemo strip parcel or Harrison Packing

<sup>a</sup>max school capture was calculated by taking 42.18% \* (school eligible activities + contingency + BF Plan + Work Plan) but couldn't exceed what is school eligible which is \$284,927.28

## **ATTACHMENTS**

**Notice of Public Hearing**

**Notice to Taxing Jurisdictions**

**Resolution Supporting a Brownfield Plan—Charter township of Oshtemo**

**Resolution Approving a Brownfield Plan—Kalamazoo County**

