

**Special Birch Run Township Planning Commission Meeting
September 25, 2018 at 7:00 p.m.
11935 Silver Creek Dr, Birch Run, Michigan 48415**

Minutes

The meeting was called to order by Chairman CJ Norris at 7:00 p.m. with the Pledge of Allegiance to the Flag of the United States of America.

Members Present:

CJ Norris, Chair; Steve Schaar, Vice Chair; Members Mike Marr, Fred Sheridan, and Elaine Parlberg, Helen Morse, Ed Musson.

Others Present:

Doug Piggott, Rowe Professional Services, Keith Kosik-TSSF Architects, Scott Ireland-Frankenmuth Credit Union)

Minutes:

Approval of the August 2, 2018 Special Planning Commission Meeting Minutes

Motion by Sheridan second by Morse to approve July 9, 2018 minutes.

Motion carried by unanimous vote.

Public Hearing for a Special Use Permit to Erect and Maintain a Permanent Wireless Data Dish and Self-Supporting Tower to be 29 Feet Above Existing Grade at 9430 S. Meijer Dr.

- i. Public Hearing opened at 7:05 p.m.
- ii. Applicant Presentation
- iii. Keith Kosik presented the information for the tower. It was noted that the location is required so that data can be transmitted. It is a microwave tower and needs line of sight to work.
- iv. Public Comment
None
- v. Staff Comments:

Rowe Professional Services Doug Piggott reviewed the Zoning Ordinance Compliance check list (Attachment A), the special use standards for approval of site plan (Attachment B) and his letter dated August 6, 2018 and there are two issues that need to be resolved: 1) the tower need to be fenced, 2) the tower is too close to the property line and will fall off the property if it falls to the west. They could ask for a variance or make sure the tower collapses on their property. Tower would collapse on itself. (Attachment C)

- vi. Public Hearing closed at 7:24pm
- vii. Planning Commission Discussion and Recommendation

No addition discussion was required.

Motion by Sheridan and seconded by Schaar to approve this special use request with verification that the tower will collapse within the property and add a fence around the base. The building inspector must review that the tower will perform to meet the intent. Changes to be added to the blueprints.

Ayes: Norris, Schaar, Marr, Morse, Munson, Sheridan Passed
Abstain: Parlberg

Old Business:

Committee report on Private Roads (postponed until further action-06/06/14 meeting)

The topic of Aging Relative Structures was discussed. Doug didn't have time to bring a draft of a sample ordinance, but the group asked additional questions which included such things as could we require a 4/12 roof pitch on the temporary dwelling, would this add too much expense, are we able to apply house requirement to accessory buildings? It was stated the Taymouth Twp is looking at their ordinance on this subject and it should be checked out.

Dug delivered a draft of a Solar Energy Ordinance. He asked that the board review it and have suggestions ready at the next meeting (Attachment D). Questions were asked about ability to limit size, allow clear cutting to make room for solar, and that it should not change the character of the twp. Longevity was questioned but the panels are so new there is not good information. Water run off issues were asked about.

Master plan discussion is now planned for the December 17, 2018 meeting

Need to set a public hearing date for clarification of Table 9-4 footnote #11.

Open Discussion for Issues not on the Agenda:

Public comments/correspondence received: one letter (see Attachment E)

Planning Commission Members:

Doug will bring more info on the outdoor entertainment ordinance for the next meeting. It was suggested that we review the outdoor entertainment ordinance to see if temporary special use permits are covered. It was felt that only those activities listed on the special use permit should be allowed. Doug will do some research and get back with the board. The board thought it should review the temporary permit ordinance for clarification.

Members in the audience: None

Reports:

Township Board Representative (Fred Sheridan): The township board approved the rezoning to a PUD that the planning commission denied.

Zoning Board of Appeals (ZBA) Representative (Mike Marr): None

New Business:

Doug brought an Annual Report Template for annual planning commission reporting.

Announcements:

Township Board-2nd Tuesday of each month
Planning Commission-Quarterly-

ZBA-Semi Annual-3rd Tuesday or April and October

DDA-TBA

(All meetings are held in the Governmental Center unless noted)

Adjournment:

Motion by Sheridan, seconded by Parlberg to adjourn.

Motion Carried by Unanimous Voice Vote

Planning Commission Meeting ended at 9:31 pm.

Mike Marr
Secretary

SIGN IN SHEET

PLANNING COMMISSION MEETING

September 25, 2018

1. KEITH KOSIK TSSF ARCHITECTS
2. SCOTT Ireland Frankemuth Credit Union
3. _____
4. _____
5. _____
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18. _____
19. _____

Attachment

A

BIRCH RUN TOWNSHIP

ZONING ORDINANCE COMPLIANCE CHECKLIST

PROJECT NAME: FRANKENMUTH CREDIT UNION COMMUNICATION TOWER SITE PLAN DATE: 6/25/2018

Proposed Use: Communications Towers, Class 1	Any generally recognized retail business, excluding sexually oriented businesses, which supplies commodities on the premises within a completely enclosed building		
Zoning District: C-1 Commercial	Permitted Principal Land Use	Special Land Use	X

ZONING ORDINANCE COMPLIANCE CHECKLIST

PROJECT NAME: FRANKENMUTH CREDIT UNION COMMUNICATION TOWER SITE PLAN DATE: 6/25/2018

Requirement	Complies	Does Not Comply	N/A	Comment
A.1. The maximum height of a communication tower shall not exceed one hundred eighty (180) feet. The approving body may waive this standard upon the applicant successfully demonstrating that a greater height is necessary for reasonable communication by the applicant (and by other entities to collocate on the structure). Applicants shall present an evaluation of alternative designs which might result in lower heights. Accessory buildings shall be limited to the maximum height for accessory structures within the respective District.	X			It appears that this tower will be 29 feet in height.
A.2. The setback of the support structure from any adjacent property shall be no less than the height of the tower, or the minimum distance necessary so that if it were to fall or collapse, it would remain within the confines of the parcel.		X		The applicant states that the setback from the property line would be 18 feet, although this is not dimensioned on a site plan. In any case, it is less than 29 feet.
A.3. The base of the tower shall be fenced with a minimum eight (8) foot chain-link fence. In the case where guy wires or a similar support system is used, fencing shall surround all locations where such supports are anchored to the ground.		X		It does not appear that the applicant has proposed fencing. Although, it may not be necessary for such a short tower, this does not appear to be a standard that Planning Commission can waive.
A.4. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and a statement confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted.	X			It appears that the support equipment will be in the building, but this should be verified.

ZONING ORDINANCE COMPLIANCE CHECKLIST

PROJECT NAME: FRANKENMUTH CREDIT UNION COMMUNICATION TOWER

SITE PLAN DATE: 6/25/2018

Requirement	Complies	Does Not Comply	N/A	Comment
A.5. All structures shall be located at least two hundred (200) feet from any dwelling and five hundred (500) feet from a residence.	?			Compliance with this requirement cannot be determined with the information provided, although using Google Earth, it appears to comply.
A.6. Communication towers shall be constructed no closer than two (2) miles apart in an A-1 District. This requirement may be waived by the approving body upon a finding by the approving body that establishing a new tower within a lesser setback shall, because of the particular conditions, more effectively minimize negative impacts of telecommunication facilities on the Township as a whole. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located irrespective of municipal, township and county jurisdictional boundaries.			X	The proposed communication tower is in the B-1 zoning district.
B.1. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes, including wind load standards, and those of the Federal Aviation Administration and the Federal Communications Commission.	?			The applicant has provided shop drawings
B.2. Towers shall not be artificially lighted unless required by the Federal Aviation Administration or other public agency.	X			It does not appear that this tower will be artificially lighted.
B.3. The approving body shall, in its discretion, review and approve the support structure and all accessory buildings with respect to the design and appearance so as to minimize distraction, reduce visibility, maximize aesthetic appearance, including landscaping, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the communication facility in a neat and orderly condition.	?			It appears that all support infrastructure will be in the building.
C.1. The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities	?			The applicant has provided shop drawings.

ZONING ORDINANCE COMPLIANCE CHECKLIST				
PROJECT NAME: FRANKENMUTH CREDIT UNION COMMUNICATION TOWER			SITE PLAN DATE: 6/25/2018	
Requirement	Complies	Does Not Comply	N/A	Comment
C.2. The application shall include a map showing existing and known proposed communication tower facilities within the Township, and further showing existing and known proposed communication facilities within four (4) miles from the borders of the Township, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility.		?		It does not appear that this information is provided. However, collocation on this tower does not appear to be a relevant consideration.
D.1. An inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within Birch Run Township or one (1) mile of the border thereof, including specific information about the location, height, and design of each tower. Such information may be shared with other applicants applying for approvals under this Section or other organizations seeking to locate towers or antennas within the jurisdiction of Birch Run Township, provided, however, that the sharing of such information in no way constitutes a representation or warrant by the Township that such sites are available or suitable.		?		It does not appear that this information is provided. However, collocation on this tower does not appear to be a relevant consideration.
D.2. Elevation drawings of the proposed tower and any other structures	X			The elevation of the proposed tower is provided in shop drawings.
D.3. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.	?			The applicant has stated that the distance exceeds 500 feet, but this information is not shown on a site plan.
D.4. The separation distance from other towers described in the inventory of existing sites submitted pursuant to (A) (1) above shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner(s)/operator(s) of the existing tower(s), if known.		X		It does not appear that this information is provided. This information is generally required due to collocation issue.
D.5. Method of fencing and finished color and, if applicable, the method of camouflage and illumination		X		The applicant is not proposing fencing.
D.6. A notarized, sworn statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennae for future users.		X		The applicant has not provided this information. However, collocation on this tower does not appear to be a relevant consideration.

ZONING ORDINANCE COMPLIANCE CHECKLIST

PROJECT NAME: FRANKENMUTH CREDIT UNION COMMUNICATION TOWER

SITE PLAN DATE: 6/25/2018

Requirement	Complies	Does Not Comply	N/A	Comment
D.7. For wireless communication systems, identification of the entities providing the backhaul network (i.e., the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long-distance providers, and/or the public switched telephone network) for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Township	X			The applicant has stated that the data network provider will be with Air Advantage and there will be a single Category 6 buried cable connected the dish to a data distribution rack that is inside the FCU Building that is 60 feet from the proposed tower, although this information is not shown on a site plan.
D.8. A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures to provide the services proposed through the use of the proposed new tower.	X			This is not stated on a site plan, but the applicant indicates that there are fiber optic data service providers, but this type of tower is more conducive to their needs.
D.9. A description of the feasible location(s) of future towers or antennae within the Township based on existing physical, engineering, technological, or geographical limitations.		X		It does not appear that this information is provided. However, collocation on this tower does not appear to be a relevant consideration.

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Telecommunication Tower\Zoning Ordinance Compliance Checklist.docx

Attachment B

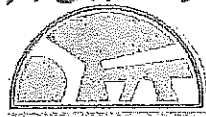
Birch Run Township Special Land Use Standards for Approval of Site Plan (Sec. 5.06)				
STANDARDS		Does Site Meet Requirements?		
		Yes	No	N/A
1. Be harmonious with and in accordance with the Master Plan of the Township.				
COMMENTS/FINDINGS OF FACT:				
Applicants Comments:	Planners Comments: <i>The use is consistent with future land use classification of community commercial.</i>	Planning Commission Comments:		
2. Be harmonious with and in accordance with the general objectives, intent and purposes of this Ordinance.				
COMMENTS/FINDINGS OF FACT:				
Applicants Comments:	Planners Comments: <i>The general intent of this ordinance is to permit communication towers in the commercial districts provided they meet the design requirements. The applicant should be required to obtain variances from the setback and fencing requirements.</i>	Planning Commission Comments:		
3. Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed. In determining whether this requirement has been met, consideration shall be given to: a. The bulk, placement, and materials of construction of proposed structures. b. Pedestrian and vehicular circulation. c. The location of vehicular use or parking areas.				
COMMENTS/FINDINGS OF FACT:				
Applicants Comments:	Planners Comments: <i>The applicant presented shop drawings of the tower. It is recommended that the building inspector review these drawings. The tower being proposed is fairly short at 29' in height, therefore it does not appear that the height of the tower is an issue.</i>	Planning Commission Comments:		

Birch Run Township
Special Land Use Standards for Approval of Site Plan (Sec. 5.06)

STANDARDS		Does Site Meet Requirements?		
		Yes	No	N/A
4. Not be hazardous or disturbing to existing or future uses in the same general vicinity.				
COMMENTS/FINDINGS OF FACT:				
Applicants Comments:	Planners Comments: <i>The proposed tower is closer to the property line than the Ordinance allows, therefore this could be an issue to surrounding existing and future uses in the area.</i>	Planning Commission Comments:		
5. Be served adequately by essential public facilities and services, such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities and schools, and minimize the impact of traffic generated by the proposed development on adjacent properties.				
COMMENTS/FINDINGS OF FACT:				
Applicants Comments:	Planners Comments: <i>It does not appear that this development would be an issue in regards to the standard.</i>	Planning Commission Comments:		
6. Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.				
COMMENTS/FINDINGS OF FACT:				
Applicants Comments:	Planners Comments: <i>It does not appear that the applicant is proposing that the tower have any illumination, therefore this does not appear to be an issue.</i>	Planning Commission Comments:		
7. Not create excessive additional requirements at public cost for public facilities and services.				
COMMENTS/FINDINGS OF FACT:				
Applicants Comments:	Planners Comments: <i>It does not appear that cell tower will create excessive additional requirements to public cost for public facilities and services.</i>	Planning Commission Comments:		

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 Telecommunication Tower\SLU Standards for Approval.docx

Attachment C



ROWE PROFESSIONAL SERVICES COMPANY

Large Firm Resources. Personal Attention. SM

August 6, 2018

Mr. Mike Setzer, Zoning Administrator
Birch Run Township
8425 Main Street
PO Box 152
Birch Run, MI 48415

RE: Special Land Use Review for Frankenmuth Credit Union Communications Tower

Dear Mr. Setzer:

At your request, ROWE Professional Services Company has completed a review of the special land use request for the above-referenced site. The applicant initially submitted an application on June 25th with a site plan dated April 24, 2018 showing the proposed communication tower in "plan-view". Following our preliminary comments, the applicant submitted "shop drawings" of the tower on July 27th. The applicant is proposing a cell phone communications tower that is 29 feet in height.

The following are our comments:

Planning Comments:

Standards and Regulations for Special Land Uses

Normally our review of a special land use request would begin with an analysis of the site plans consistency with the informational requirements of Section 4.04 D. However, since the tower was added to a recently approved site plan and there are information requirements specific to a communication tower in Section 14.18, we have disposed with the informational review of Section 4.04D. Below is an analysis of the applications compliance with both the informational standards and standards in Section 14.18.

It should be noted that the provisions of Sec. 14.18 were developed to address tall (100'+) towers which often host multiple antennas. The applicant is proposing a structure more closely resembling a TV or short-wave radio tower associated with residential use. For that reason, some information, and/or standards do not appear applicable.

A2. The setback of the support structure from any adjacent property shall be no less than the height of the tower, or the minimum distance necessary so that if it were to fall or collapse, it would remain within the confines of the parcel. The applicant states that the setback from the property line would be 18 feet, although this is not dimensioned on a site plan. In any case, it is less than 29 feet. The applicant must show either that the tower is self-collapsing, move the tower, or get a variance from the setback required.

A3. The base of the tower shall be fenced with a minimum eight (8) foot chain-link fence. In the case where guy wires or a similar support system is used, fencing shall surround all locations where such supports are anchored to the ground. The applicant is not proposing fencing. Fencing may not be necessary for such a short tower, but this does not appear to be a standard that the Planning Commission can waive. Therefore, it could only be approved without fencing by issuance of a variance.

A4. The support system shall be constructed in accordance with all applicable building codes and shall include the submission of a soils report from a geotechnical engineer, licensed in the State of Michigan. This soils report shall include soil borings and a statement confirming the suitability of soil conditions for the proposed use. The requirements of the Federal Aviation Administration, Federal Communication Commission, and Michigan Aeronautics Commission shall be noted. It appears that the support equipment will be in the back of the tower, but this should be verified.

A5. All structures shall be located at least two hundred (200) feet from any dwelling and five hundred (500) feet from a residence. Compliance with this requirement cannot be determined with the information provided, although it does appear to comply using Google Earth.

B1. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes, including wind load standards, and those of the Federal Aviation Administration and the Federal Communications Commission. The applicant has provided shop drawings; it is unclear if the shop drawings that are provided satisfy this requirement. Approval by the building inspector could be a condition of approval.

B3. The approving body shall, in its discretion, review and approve the support structure and all accessory buildings with respect to the design and appearance so as to minimize distraction, reduce visibility, maximize aesthetic appearance, including landscaping, and ensure compatibility with surroundings. It shall be the responsibility of the applicant to maintain the communication facility in a neat and orderly condition. The applicant stated that the support infrastructure would be in the building. This information should be added as it is not on a site plan.

C1. The application shall include a signed certification by a State of Michigan licensed professional engineer with regard to the manner in which the proposed structure will fall, which certification will be utilized, along with other criteria such as applicable regulations for the district in question, in determining the appropriate setback to be required for the structure and other facilities. The request is for a relatively short tower. As noted, review of the tower's shop drawings by the building inspector should be adequate.

C2. The application shall include a map showing existing and known proposed communication tower facilities within the Township, and further showing existing and known proposed communication facilities within four (4) miles from the borders of the Township, and in the area, which are relevant in terms of potential collocation or in demonstrating the need for the proposed facility. It does not appear that this information is provided. However, collocation on this tower does not appear to be a relevant consideration, the applicant stated that the tower will not be used for collocation.

D1. An inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within Birch Run Township or one (1) mile of the border thereof, including specific information about the location, height, and design of each tower. Such information may be shared with other

applicants applying for approvals under this Section or other organizations seeking to locate towers or antennas within the jurisdiction of Birch Run Township, provided, however, that the sharing of such information in no way constitutes a representation or warrant by the Township that such sites are available or suitable. It does not appear that this information is provided. However, collocation on this tower does not appear to be a relevant consideration.

D3. The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties. The applicant has stated that the distance exceeds 500 feet. This information is not shown on the site plan but was verified using Google Earth.

D4. The separation distance from other towers described in the inventory of existing sites submitted pursuant to (A (1) above shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner(s)/operator(s) of the existing tower(s), if known. This information is not provided. This information is generally required due to the collocation issue, so would not be applicable to this request.

D5. Method of fencing and finished color and, if applicable, the method of camouflage and illumination. The applicant is not proposing fencing. They may require a variance if fencing is not provided.

D6. A notarized, sworn statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennae for future users. The applicant has not provided this information. However, collocation on this tower does not appear to be a relevant consideration.

D7. For wireless communication systems, identification of the entities providing the backhaul network (i.e., the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long-distance providers, and/or the public switched telephone network) for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the Township. The applicant has stated that the data network provider will be with Air Advantage and there will be a single category 6 buried cable connected the dish to a data distribution rack that is inside the FCU Building that is 60 feet from the proposed tower, although this information is not shown on a site plan.

D8. A description of the suitability of the use of existing towers, other structures, or alternative technology not requiring the use of towers or structures to provide the services proposed through the use of the proposed new tower. This is not stated on a site plan, but the applicant indicates that there are fiber optic data service providers, but this type of tower is more conducive to their needs.

D9. A description of the feasible location(s) of future towers or antennae within the Township based on existing physical, engineering, technological, or geographical limitations. It does not appear that this information is provided. However, collocation on this tower does not appear to be a relevant consideration.

In summary, the applicant may require variances from the setback requirement of 29 feet and the fencing requirement. In addition, we would recommend that a motion to approve the request include a requirement

Mr. Mike Setzer, Zoning Administrator
August 6, 2018
Page 4

that the tower be reviewed by the building inspector. Attached is also a Special Land Use Standards for Approval Checklist.

If you have any questions regarding this review, please contact our corporate office at (810) 341-7500.

Sincerely,
ROWE Professional Services Company



Doug Piggott, AICP
Senior Planner

Attachments: Zoning Compliance Checklist (Section 14.18 Only)
Special Land Use Standards for Approval Checklist *

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Letter- FCU Communications Tower.docx

Proposed Solar Energy Amendments –Birch Run Township Zoning Ordinance August 1, 2018

ADD to Article 14 Standards and Regulations for Specific Land Uses

Section 14.21 Solar panels.

The solar panels for private use may be permitted by right as an accessory use in all zoning districts provided it complies with the following requirements, however freestanding panels exceeding the requirements outline in subsection D below will require approval of a special land use.

A. Freestanding Panels

1. Freestanding solar panels shall not be located in the front or side yard;
2. All freestanding solar panels shall be regulated as an accessory structure and shall meet all applicable accessory building requirements of the ordinance;
3. No freestanding solar panel shall be permitted to exceed a height of fifteen (15) feet;

B. Roof or Structural Mounted Panels including solar shingles

1. Shall not project more than two (2) feet above the roof line. However, the solar panel when installed shall not exceed the maximum height allowed in the Zoning District. The use of flat mount solar panels or solar shingles are preferred;
2. May be constructed on any roof surface of an existing structure.
3. Shall not be located within three (3) feet of any peak, eave or valley to maintain adequate accessibility.

C. Requirements for All Panels

1. The solar panels, solar shingles and arrays of panels shall be reviewed by the Fire Department.
2. The panel array shall be fitted with an automatic shut off or breaker switch as approved by the Fire Department to isolate the panels in case of fire.
3. The Fire Department shall keep on file the type of system that the solar panel array is a part of, either photovoltaic or thermal.
4. All panels shall have tempered, non-reflective surfaces.
5. It shall be shown that all panels are adequately secured to the surface upon which they are mounted and that the mounting structure has the capability of supporting the panels.
6. Solar energy equipment shall be repaired or replaced within three months of becoming nonfunctional.
7. Each system shall conform to applicable industry standards including those of the American National Standards Institute (ANSI).
8. Solar energy collectors and installation and uses shall comply with construction code, electrical code, and other state requirements.

D. Accessory Use Solar Panels Requiring Special Land Use Approval

1. Free standing solar panels used accessory to a non-agricultural use shall require special land use approval if they do not meet the setback or placement criteria of Section 20.20.B of this ordinance or exceed the square footage for accessory structures outlined in Section 20.20.D of this zoning ordinance.
2. Free standing solar panels used accessory to an agricultural use shall require special land use approval if they do not meet the setback or placement criteria of Section 20.20.B of this ordinance or exceed the square footage for accessory structures outlined in Section 20.20.D of this zoning ordinance, with the exception that on a parcel 4 acres or greater the maximum square footage allowed by right will be lesser of 2.9% of the lot or 6,000 square feet, including any other accessory buildings on the property.

Section 14.22 Solar Farms.

Solar farms shall be permissible in the A-1, and I-1 zoning districts subject to special use permit approval:

A. Solar Farms – Required additional Information

In addition to the information required for site plans outlined in Section 4.04 of this ordinance, applications for Solar Farms shall include the following:

1. Project Description and Rationale. Identify the type, size, rated power output, performance, safety and noise characteristics of the system including the transmission line/grid connection for the project. Identify the project construction time frame, project life, development phases (and potential future expansions) and likely markets for the generated energy.
2. Visual Impacts. Graphically demonstrate the visual impact of the project using photos or renderings of the project with consideration given to setbacks and proposed landscaping.
3. Environmental Analysis. Identify any impacts on water and air quality and supply for the area.
4. Waste. Identify any solid or hazardous waste generated by the project.
5. Lighting. Provide plans showing all lighting within the facility.
6. Transportation Plan. Provide a proposed access plan during construction and operational phases.
7. Show proposed project service road ingress and egress locations onto adjacent roadways and the layout of the facility service road system.
8. Public Safety. Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways and to the general public that may be created.
9. Sound Limitations. Identify noise levels at the property lines of the project when completed and operational.
10. Telecommunications Interference. Identify any electromagnetic fields and communications interference that may be generated by the project.
11. Decommissioning. Provide a Decommissioning Plan acceptable to the Planning Commission to ensure that structures and appurtenances are properly decommissioned upon the end of their operational life, inoperability or improvement abandonment.

- a. A Decommissioning Plan shall be submitted for review and approval detailing the expected duration of the project, how the improvements will be decommissioned, a Professional Engineer's estimated cost of decommissioning, the financial resources to be used to accomplish decommissioning, and the surety bond holder with which the financial resources shall be deposited.
- b. The decommissioning plan shall also include an agreement between the applicant and the Township that includes, but is not limited to the following conditions:
 - 1) The financial resources for decommissioning shall be in the form of a surety bond with a replenishment obligation and shall be deposited by a bonding agent acceptable to Birch Run Township.
 - 2) The financial resources for decommissioning shall be 125% of the estimated removal and restoration cost. The Planning Commission shall require independent verification of the adequacy of this amount from a Professional Engineer.
 - 3) The Planning Commission shall annually review the amounts deposited for removal, site restoration, and administration costs are adequate for these purposes. If the Planning Commission determines that these amounts are not adequate, the Township shall require the owner/operator to make additional deposits to increase the amount of the surety bond to cure such inadequacy.
 - 4) The Township shall have access to the surety bond funds for the expressed purpose of completing decommissioning. If decommissioning is not completed by the applicant within one (1) year of the end of project life, inoperability of the solar farm or facility abandonment. Surety bond funds may be used for administrative fees and costs associated with decommissioning.
 - 5) The Township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
 - 6) The Township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Township's right to seek reimbursement from the applicant or applicant's successor for decommissioning costs in excess of the surety bond amount and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien.

B. Solar Farms – Design Requirements

The solar farms shall comply with the following requirements

1. Solar Panels. The solar panels used in a solar farm shall comply with the requirements in Section 14.21.C of this ordinance
2. Setbacks. All Photovoltaic (PV) systems and support structures associated with such facilities (excluding perimeter fencing) shall be setback a minimum of two hundred

- (200) feet from any habitable structure or one hundred (100) feet from a property line, whichever is greater.
3. Lighting. No light may adversely affect adjacent parcels. All lighting must be shielded from adjoining parcels.
 4. Buffering. Solar farms shall install landscaping as required by Section 17.04 of the zoning ordinance, provided the Planning Commission may require modifications to these requirements including the use of fencing or other screening and buffering techniques as determined necessary to adequately screen the solar farm from surrounding land uses.
 5. Decommissioning
 - a. Any solar farm that is not operated or found to be inoperable due to disrepair for a continuous period of six (6) months shall be considered abandoned. If it is found that a solar farm is abandoned, the Planning Commission upon notice by the Zoning Administrator, shall provide written notice to the applicant/owner/operator of a hearing before the Planning Commission to hear evidence that the solar farm should not be decommissioned.
 - b. If a solar farm is repaired, a Professional Engineer (hired at the expense of the owner or operator) shall certify the solar farm's safety prior to the resumption of operation.
 - c. Within ninety (90) days of the hearing where the Planning Commission has determined that a solar farm is abandoned or inoperable, the owner/operator shall obtain a demolition permit to remove any solar farm.
 - d. Failure to obtain a demolition permit within the 90-day period provided in this subsection shall be grounds for the Township to remove the solar farm at the Owner's expense.
 - e. Decommissioning shall include removal of all equipment associated with the solar farm including all materials above and below ground, up to four (4) feet in depth. The site shall be restored to a condition that reflects the specific character of the site including topography, vegetation, soils, drainage, and any unique environmental features.
 - 1) The restoration shall include: road repair and hazardous waste cleanup, if any, all re-grading, soil stabilization, and re-vegetation necessary to return the subject property to a stable condition consistent with conditions existing prior to establishment of the wind energy system.
 - 2) The restoration process shall comply with all state, county, or local erosion control, soil stabilization and/or runoff requirements or ordinances and shall be completed within one (1) year.
 - 3) Extensions may be granted upon request to the Planning Commission prior to that expiration of the one (1) year requirement for completed decommissioning.
 - f. The decommissioning plan shall also include an agreement between the applicant and the Township that includes, but is not limited to the following conditions:
 - 1) The financial resources for decommissioning shall be in the form of a surety bond with a replenishment obligation and shall be deposited by a bonding agent acceptable to the Township.

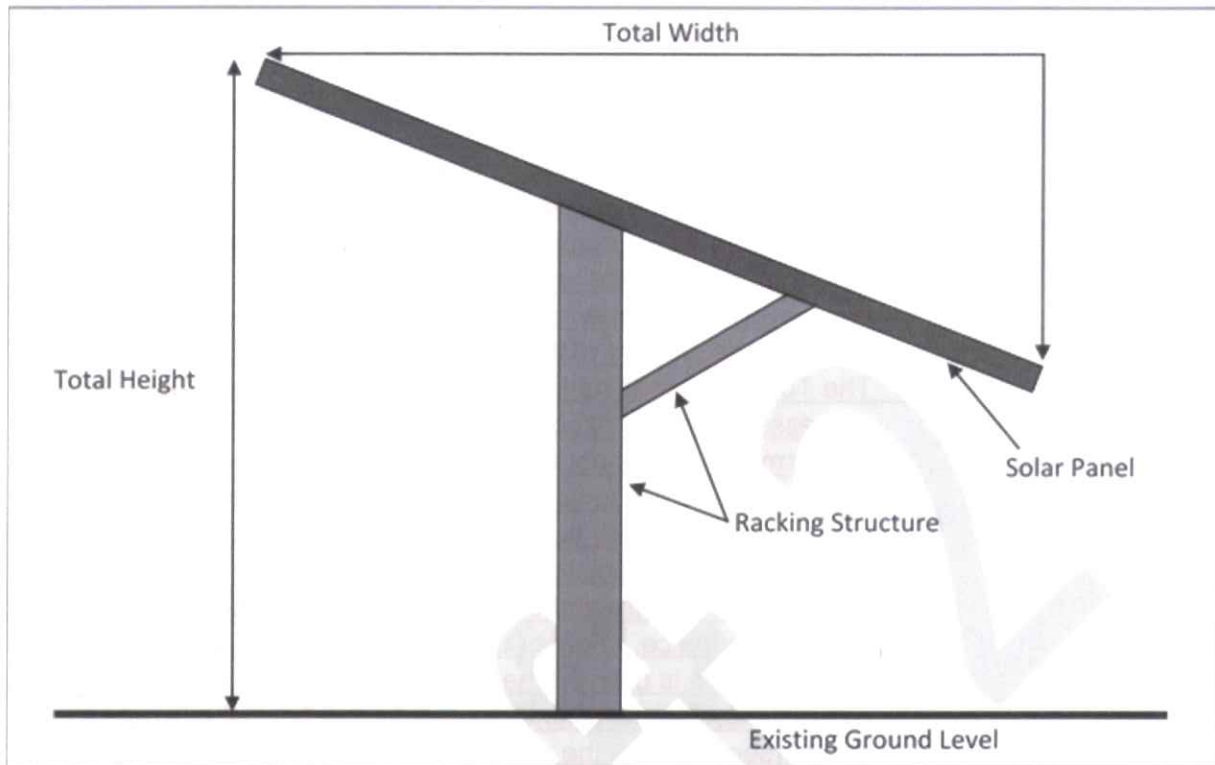
- 2) The financial resources for decommissioning shall be 125% of the estimated removal and restoration cost. The Planning Commission shall require independent verification of the adequacy of this amount from a Professional Engineer.
- 3) The Planning Commission shall annually review the amounts deposited for removal, site restoration, and administration costs are adequate for these purposes. If the Planning Commission determines that these amounts are not adequate, the Township shall require the owner/operator to make additional deposits to increase the amount of the surety bond to cure such inadequacy.
- 4) The Township shall have access to the surety bond funds for the expressed purpose of completing decommissioning. If decommissioning is not completed by the applicant within one (1) year of the end of project life, inoperability of solar farm or facility abandonment. Surety bond funds may be used for administrative fees and costs associated with decommissioning.
- 5) The Township is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning.
- 6) The Township is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the Township's right to seek reimbursement from the applicant or applicant's successor for decommissioning costs in excess of the surety bond amount and to file a lien against any real estate owned by applicant or applicant's successor, or in which they have an interest, for the amount of the excess, and to take all steps allowed by law to enforce said lien..

ADD to Article 21 Definitions

Solar panels – Structures that provide electrical power generation through the utilization of photovoltaic cells, typically building-integrated, non-mechanical semiconductor devices that convert sunlight into direct current electricity.

Solar farms – Facilities that consist of a group of solar panels used to generate electrical power for use off-site

Solar panel height– Distance from the base of the structure



ADD to Article 9 Zoning Districts, Regulations and Map

Table 9.2 PERMITTED PRINCIPAL USES in CONSERVATION and RESIDENTIAL DISTRICTS

	<u>Principal Uses</u>	<u>Zoning Districts & Permitted Principal Uses</u> <u>"BR" = Uses Permitted by Right</u> <u>"S" = Special Land Use</u> <u>"--" = Prohibited Use</u> <u>"A" = Specific Accessory Uses Permitted</u>					
		<u>A-1</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-MF</u>	<u>R-MHC</u>
	<u>Other Uses Not Listed Above</u>						
<u>5</u>	<u>Solar Panels</u>	<u>A/S</u>	<u>A/S</u>	<u>A/S</u>	<u>A/S</u>	<u>A/S</u>	<u>A/S</u>
<u>6</u>	<u>Solar Farms</u>	<u>S</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>

Table 9.3 PERMITTED PRINCIPAL USES in COMMERCIAL and INDUSTRIAL DISTRICTS

		<u>C-1</u>	<u>C-2</u>	<u>I-1</u>
	<u>Other Uses Not Listed Above</u>			
<u>4</u>	<u>Solar Panels</u>	<u>A/S</u>	<u>A/S</u>	<u>A/S</u>
<u>5</u>	<u>Solar Farms</u>	<u>--</u>	<u>--</u>	<u>S</u>

Draft 2

Attachment E

Birch Run Planning Commission

8425 Main St.

Birch Run, MI 48415

September 24, 2018

Dear Commissioners,

My 86 year-old father who is twice widowed, most recently in January of 2017, moved to Birch Run in June of 2017. Within hours of my step-mom passing, my dad told me that he wanted to move from Fenton back to the Clio area where he and my mom raised us six kids. I brought my dad back to the Clio/Birch Run area to look at house after house until he found the perfect house at 3226 Willard Road in Birch Run.

Six weeks ago, after selling my home in Fenton, I moved in with my dad to help keep up the house, laundry, cooking and other household chores. He has been showing signs of dementia for years, but things have gotten a little worse since he has become a "bachelor" again. His memory is bad and we sometimes hear the same stories several times a day and we just go with the flow, so to speak. I, along with my siblings, thought that by me moving in and giving him someone other than the dog to talk with on a daily basis - and trying to keep the house a little more tidy and the fridge a little more cleaned out (God forbid that he eat that fuzzy what-ever-it-used-to-be leftover and get sick), that it would make things easier and a little better for him. After all, who can't use a family member for companionship?

Well, the dementia has changed him and his way of living and he doesn't necessarily want the house cleaner or anything moved in the fridge because, after all, he "hasn't died yet!" Unfortunately, our views on cleanliness (he's not a slob, I'm just OCD and a clean freak) collide and in order to spare our relationship, I, along with my dad's permission, am entertaining the idea of buying or having an RV Certified Tiny House built and putting it on my dad's property so that I can remain close to him. I could potentially still do the household chores and cooking and keep his "stuff" where he wants it and then walk to the back of his 1½ acres and to my own "home" and still be able to remain a neat-freak-without-losing-my-mind, lol.

On Thursday I spoke with Mike Setzer to find out what the laws and ordinances were here in Birch Run Township and where the township and community stood on parked RVs, ADUs (Accessory Dwelling Units) and the "Tiny House Movement" on residential property. Mike informed me that as things stand, one could not live in RVs on said property, nor build ADUs or Tiny Houses. When I mentioned that I was referring not to a permanent building, but an RV Certified Tiny House, the answer was the same. Mike was very informative and invited me to the Planning Meeting on Tuesday, September 25, 2018. Unfortunately, I have a previous engagement. I know that if I were so "passionate" about asking for the Commission for their time and consideration, that I would re-arrange my schedule so that I could be there.

But, my previous engagement is that I am accompanying my dad to Washington DC with Mid-Michigan Veteran's Honor Flight. We are arriving at Camp Grayling Tuesday afternoon to begin the process to fly out of Traverse City Airport Wednesday morning and then return home on Thursday. Dad is a Korean Veteran and this is something that we have been on a waiting list for since 2015. My dad is a very proud Veteran and can talk your ear off about "the time that we did this or the time that we saw that" in Korea. My dad is very proud to have served next to some of his kindergarten classmates as well as others in Korea when they should have been home attending the local college.

You see, it is very important to both my dad and myself to make this Honor Flight. More important than his dementia. More important than a clean house and fuzz-free-food fridge. And, especially more important than a Tiny House. That said, I hope that you will excuse the absence of my presence at your Planning Meeting when I have so much to say in this letter. I will certainly try to attend your next meeting.

I ask that the board consider taking the time to look into the Tiny House Movement. Please take the time to try and understand why some humans do not want to leave the environmental footprint that so many of us have grown up to take as "normal". I just sold a 4400 square foot home in Fenton. In a gated community. In a house that was far too large for two occupants. I would rather live in a tiny home on my dad's property and be 30 steps from his back door to help him to try to help keep a little of his dignity, yet still live independent in his own home.

California, Colorado, Florida, Pennsylvania, Ohio and Arizona are just a few of the states that have embraced Tiny Living and Tiny Communities. Detroit and Grand Rapids have growing Tiny Communities. I would encourage any of you to spend some time on the internet and get to know a little more about Tiny Houses and Tiny Communities.

I'm not a lobbyist nor a salesman; I'm just a regular person that would like to be close to my dad for the remaining years that he has on earth without having to encroach on his independence and his way of living too much. Thank you for your time and your consideration to put a beautiful Tiny House on my dad's residential property at 3226 Willard Road, Birch Run.

Sue Randall
3226 Willard Road
Birch Run
810-625-5224
sesrandall@yahoo.com