

**CHARTER TOWNSHIP OF BEDFORD**  
**115 S. ULDRIS DRIVE**  
**PLANNING COMMISSION MEETING MINUTES**  
**BATTLE CREEK, MI 49037**  
**October 25, 2022**

**Call to Order-6:30 pm** by Chairman, Kevin Villadsen

- **Pledge of Allegiance administered by attending body.**

**Roll Call-** Barry Beamish, Board Trustee; Commissioners: Barbara Jones, Shirley Tuggle, Claudia Brown, Kevin Villadsen, Tawney Wolters and Michael Staib. Quorum was present.

**Approval of October 25, 2022 Agenda:** Moved by Jones, second by Wolters motion approved.

**Approval of September 27, 2022, Minutes,** moved by Beamish, second by Tuggle, Motion approved with correction to the minutes.

**Liaison report:** Trustee Berry Beamish stated that the Board has asked the Planning Commission to review the Solar Energy Package with more focus on Commercial aspects. Attorney Seth will meet with us to give guidelines. The PC must finalize their recommendations (Jan. 23) and send to Board by February 2023.

**Zoning Report:** Kara Dougherty (Building and Zoning Administrator) noted that Zoning reviews have increased while Building Permits have slowed down. With Solar on the agenda, McMannes reached out (Barry County) also working on their Master Plan with Solar Energy. We might want to look at their plan and align as we are adjoining counties. Maybe in November, Seth coming to review Solar Ordinances maybe reach out to Raphael (McKenna) would do an Educational session on Solar Energy Ordinances since our Master Plan is under review. Also Kara stated that she has resources from MSU Extension Class that she could share with Commissioners.

**Public Comment Time:** Open 6:30 pm

**Jim Grupka** of Baseline Road and Halbert stated concern related to the contaminated soil. He asked the Commission to protect the environment.

**Hal Gray** asked where are the panels going to be located?

**Kara** stated that Consumer Energy will have an open house Spring Event for the public. Date will be published so people will know.

**Melissa McKay** stated she was appalled at the massive Solar farms, loss of property value?

**Diana Williams** wanted to know how to get information? Answer on facebook page. and web page also call leave your number.

**Public Comment Time:** Closed a 6:44 pm

**Unfinished Business:** none

**Discussion New Business:** Trustee Beamish noted that Greg Moore (Public Relation) of Consumers reviewed our Ordinance, some concern-Agricultural Land diminishing and what would be the benefit to Bedford? Commissioner Wolters noted she reviewed the ESG report. Brown spoke to several residents who were negative about Solar. Staib concerned, look at it (oversight draft in 2018) by Atty. Seth he has wealth of information, current ordinances for home owners fairly good, that's personal.

Villadsen stated we are in process of Master Plan review. Jones asked about flat panels? .."Europe has the flower tulip- burngrinder style. Kevin don't preclude personal-for big commercial. Mike asked about posting requirements- newspaper?..nothing legal we have to do? Since no meeting in December. Kara stated she would reach out to Seth, special meeting? Workshop? Will check dates.

**Open Public comment time:**7:00 pm

**Diana** asked about who set the date? (Feb). Answer- our boss the Board. She spoke on the Solar Panels on N Drive to Turkeyville-Solar Panels ... "think of the people".

**Lawrence Leciejewski** asked who takes care of recycling?.. Locked by noon, full, need bigger bin.

**Public Comment** closed: 7:04 pm

**Planning Commissioners time:** Claudia spoke her concern on Commercial Solar and protection for residents, all the commissioners agreed with issue. Be diligent. Barry directions to look for, spoke on preserving farmland, benefit to residents not know related to Solar; setbacks, green barriers, wildlife, erosion, deconditioned then what? Consumers' looking for property.

Chairman Villadsen adjourned Meeting at 7:11 pm

**Next meeting November 15, 2022, at 6:30pm**

Shirley Tuggle, Secretary

DRAFT

# Master Plan 2022

BEDFORD CHARTER TOWNSHIP, CALHOUN COUNTY, MICHIGAN

Adopted by the Planning Commission \_\_\_\_\_

Adopted by the Township Board by resolution \_\_\_\_\_

*Prepared with the assistance of:*



**MCKENNA**

# Acknowledgments

*The participation and cooperation of the numerous community leaders and residents in the preparation of the Bedford Charter Township Master Plan is greatly appreciated. In particular, we would like to acknowledge the efforts of the following individuals:*

BEDFORD CHARTER TOWNSHIP BOARD AND ADMINISTRATION

BEDFORD CHARTER TOWNSHIP PLANNING COMMISSION



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# 1

## Introduction and Background

*This document is the culmination of the efforts of the Township Planning Commission, Township Board of Trustees, and residents of Bedford Charter Township to develop this update to the comprehensive plan for the community. The Bedford Charter Township Master Plan was developed to establish general policies to guide decision makers in the community as well as provide direction for future land use in the Township for the next ten (10) to fifteen (15) years. The intent of this Plan is to promote the high quality of life in Bedford Charter Township and build upon its history to provide for a bright future.*

To accomplish this goal, the Master Plan will define the issues which are most important to the people of the community. This will be done through resident and community input, including a public hearing for the Plan. In addition, an analysis of the existing features of the Township will illustrate some of the defining characteristics within the Township. The analysis will include a survey of the existing land uses in the Township, population, economic and housing statistics, a description of the physical constraints and natural resources in the Township, and circulation patterns within the community. Based on all of the information collected and with input from residents of the community, goals and objectives will be developed to provide direction for the Township over the next ten (10) to fifteen (15) years. The goals and objectives will help create the Future Land Use Plan and Circulation Plan for Bedford Charter Township.

## Regional Context

### LOCATION

Bedford Charter Township is situated in the northwestern part of Calhoun County in southwestern Michigan, north of the City of Battle Creek. Bedford Charter Township is bordered on the north by Johnstown Township in Barry County, on the west by Ross Township in Kalamazoo County, on the south by Battle Creek Township and on the east by Pennfield Township.

The Township is primarily rural suburban and residential in character. M-37, the north-south highway connecting Battle Creek, Grand Rapids and Traverse City, runs directly through the township. M-89, as well as additional roads in the township, provide direct and easy access to urban centers in the City of Battle Creek (directly south of Bedford Charter Township), City of Springfield (also directly to the south), and the City of Kalamazoo (approximately 21 miles to the southwest).



## REGIONAL INFLUENCES

A range of factors influence the decisions and future developments that will impact Bedford Charter Township. The majority of these influences will be determined from within the Township itself, while others will result from the actions or decisions of those outside the community. It is important to consider those influences located outside of the Township's borders which will affect the community's future.

## CITY OF BATTLE CREEK

The City of Battle Creek is directly south of Bedford Charter Township, with a population of 52,731, as of the 2020 Census. Battle Creek serves as the area's commercial and historical center of activity. The Battle Creek School District, one of four school districts serving Bedford Charter Township, maintains all of its facilities within the city. The Battle Creek Fire Department has its facilities in the city and is separate from the Bedford Charter Township Fire Department. In addition to servicing the city, the Battle Creek Police Department also provides service Bedford Charter Township. The City of Battle Creek has a viable and traditional downtown, and a significant manufacturing base. The City of Battle Creek Master Plan was adopted in 2018, and guides land use and development decisions within the limits of the city. This Bedford Charter Township Master Plan will attempt to support the goals and objectives of the City of Battle Creek Master Plan by suggesting that the city continue to be the commercial and industrial center of the region while Bedford Charter Township will serve to fill important residential and recreational needs within the community in general.

## CALHOUN COUNTY PLANNING COMMISSION

The Calhoun County Planning Commission reviews all new zoning ordinance amendments, master plan amendments, PA 116 agreements, and other various requests brought to it for consideration within the unincorporated areas of Calhoun County.

The Calhoun County Planning Commission will review the Bedford Charter Township Master Land Use Plan for consistency with the Calhoun County Comprehensive Plan, which was most recently updated in 2014. The Calhoun County Planning Commission will then be requested to formally approve the Bedford Charter Township Master Land Use Plan as presented.

## SOUTHCENTRAL MICHIGAN PLANNING COUNCIL

The Southcentral Michigan Planning Council is one of the fourteen (14) regional planning and development agencies in the State of Michigan. These regional commissions were created by executive order in 1968 by the Governor of Michigan. The Commission is recognized as Region 3 and is responsible for the counties of Calhoun, Branch, Kalamazoo, and St. Joseph, comprising over 100 jurisdictions within the four-county region.

The primary function of the Southcentral Michigan Planning Council as the region's Metropolitan Planning Organization (MPO) is to coordinate federally funded transportation projects and facilitate federally funded economic development programs. The Commission also serves as an intergovernmental forum to address issues from a regional perspective. The Southcentral Michigan Planning Council is directed by a board of 11 commissioners, and staffed by a Director, Community Development Coordinator, and a Planner.

# Demographic Profile

The comprehensive data source for Bedford Charter Township is from the U.S. Census in 2000, 2010, and 2020. The following information shows demographic data for Bedford Charter Township, as well as relevant comparisons to the City of Battle Creek and Calhoun County overall.

## POPULATION TRENDS

**Table 1: Population Comparisons**

	2000	2010	2020	% Change 2000-2020
Bedford Charter Township	9,615	9,449	9,462	-1.59%
City of Battle Creek	53,251	52,762	51,084	-4.07%
Calhoun County	137,985	137,112	133,943	-2.93%

Source: U.S. Census (2000, 2010, 2020)

## AGE CHARACTERISTICS

The median age of Bedford Charter Township is estimated at 44.1 years as of the 2020 Census. The median age for Bedford Charter has remained relatively stable, with the 2010 census median age of 44.2 years. The median ages of Battle Creek and Calhoun County were 36.5 years and 40.1 years, respectively.

**Table 2: Age Characteristics**

Age of Resident	Number	% of Population
Under 10 years of age	1,016	10.74%
10 to 19 years	1,133	11.97%
20 to 24 years	716	7.57%
25 to 34 years	1,116	11.79%
35 to 44 years	913	9.65%
45 to 64 years	2,960	31.28%
65 years and above	1,608	16.99%
<b>Total</b>	<b>9,462</b>	<b>100.00%</b>

Source: U.S. Census 2020

## EDUCATIONAL ATTAINMENT

The following table shows the educational attainment of Township residents 25 years of age and older.

About 91.9% of the Township's population of those over the age of twenty-five (25) have completed and graduated from high school or an equivalency. This is reflective of the fact that high school graduation rates are significantly higher in more recent decades than in previous decades, thus the percentage of the population with a high school diploma should continue to increase in the future. About 18.3% of the Township's over 25 population has completed a bachelor's degree or higher.

**Table 3: Educational Attainment**

Education Level	% of Population
Less than 9th grade	2.6%
9th to 12th grade, no diploma	5.5%
High school graduate (includes equivalency)	40.8%
Some college, no degree	24.9%
Associate's degree	7.9%
Bachelor's degree	13.2%
Graduate or professional degree	5.0%
<b>Total</b>	<b>100.0%</b>

Source: U.S. Census 2020

## Housing Profile

It is important to examine the housing stock in Bedford Charter Township because it serves as an indicator of the quality of life for residents living in the community. Furthermore, housing information also acts as an economic gauge for the community and the surrounding area.

### YEAR STRUCTURE BUILT

The Township has experienced various levels of building construction through its history. In addition, the age of the housing stock is very evident as almost half (approximately 43.9%) of all dwellings in the Township were built prior to 1959 and are at least sixty years of age. Over a quarter of homes were built in the 60s and 70s; however, building decreased after 1979, leading to only 17.5% homes in the township built in the 80s and 90s. Just over 10% of housing units in the Township have been built since 2000, which correlates with the slight population decrease in the Township over this time (approximately 1.6% between 2000 and 2020, Table 1).

**Table 4: Year Structure Built**

	Number of Units	Percent of Total
2014 or later	44	1.1%
2010 to 2013	60	1.5%
2000 to 2009	307	7.7%
1990 to 1999	459	11.5%
1980 to 1989	240	6.0%
1970 to 1979	582	14.6%
1960 to 1969	545	13.7%
1950 to 1959	835	20.9%
1940 to 1949	489	12.3%
1939 or earlier	426	10.7%
<b>Total</b>	<b>3,987</b>	<b>100.0%</b>

Source: U.S. Census 2020

### HOUSING VALUES

The 2020 Census data describes housing values only rather than the value of land or other property. Much of the housing stock in Bedford Charter Township, 70.2%, has a total value of \$150,000 or less. About 6.1% of the housing stock is valued at \$300,000 or more.

**Table 5: Housing Values in Bedford Charter Township**

Value	% of Total Units
Less than \$50,000	17.6%
\$50,000 to \$99,999	24.6%
\$100,000 to \$149,999	28.0%
\$150,000 to \$199,999	13.2%
\$200,000 to \$299,999	10.5%
\$300,000 to \$499,999	4.9%
\$500,000 to \$999,999	0.6%
\$1,000,000 or more	0.6%
<b>Total</b>	<b>100.0%</b>

Source: U.S. Census 2020



# Economic Profile

## LABOR FORCE

According to the 2020 American Community Survey 5-Year Estimates, approximately 4,054 people over the age of 16 in Bedford Charter Township were in the civilian employed population. It should be noted that because of slight decrease in population, the labor and industry statistics for the Township are very similar between 2010 U.S. Census figures and current estimates, with 4,103 people in the labor force as of the 2010 Census.

## OCCUPATION SUMMARY

Table 6 provides a synopsis of the occupations for employed Bedford Charter Township residents. The highest percentages of people work in manufacturing (27.9%) and educational services, health care, and social assistance (20.1%). Reflecting the nature of Bedford Charter Township as a suburban community, approximately 28.8% of people employed work in trade, transportation, and professional services industries.

**Table 6: Employment by Industry**

Industry	% of Persons Employed
Agriculture, forestry, fishing and hunting, and mining	1.8%
Construction	4.8%
Manufacturing	27.9%
Wholesale trade	2.0%
Retail trade	10.4%
Transportation and warehousing, and utilities	7.1%
Information	0.2%
Finance and insurance, and real estate and rental leasing	1.4%
Professional, scientific, and management, and administrative and waste management services	9.3%
Educational services, and health care and social assistance	21.3%
Arts, entertainment, and recreation, and accommodation and food services	4.7%
Other services, except public administration	5.7%
Public administration	3.6%
<b>Total</b>	<b>100.0%</b>

Source: U.S. Census (2010, 2020)

## INCOME AND POVERTY

The median household income for Bedford Charter Township is \$50,639, according to the 2020 Census. This means that half of all workers earned more than this amount and half earned less. The median income for the Township was \$43,504 in 2010 according to the U.S. Census. Additionally, the poverty rate in Bedford Charter Township is 11.9%, which is moderately lower than Calhoun County (16.7%).

### TRAVEL TIME TO WORK

An indication of the Township's economic position relative to the surrounding region can be illustrated in travel time to work for residents. The mean travel time to work was 20.7 minutes, according to the 2016-2020 American Community Survey 5-Year Estimates. More than one half (57.3%) of all Township residents drive 19 minutes or less to work. This suggests that residents are driving to nearby large employment center Battle Creek for the employment opportunities but have chosen to live in Bedford Charter Township. The following table further outlines the time residents spend traveling to their place of employment.

**Table 7: Travel Time to Work**

Travel Time to Work	% of Population
Less than 10 minutes	12.2%
10 to 14 minutes	21.7%
15 to 19 minutes	23.4%
20 to 24 minutes	13.4%
25 to 29 minutes	2.8%
30 to 34 minutes	12.2%
35 to 44 minutes	8.0%
45 to 59 minutes	2.7%
60 or more minutes	3.6%
<b>Total</b>	<b>100.0%</b>

Source: U.S. Census 2020



## Existing Land Use

*Knowledge of current land uses allows the Township to consider the compatibility of new land uses and is a valuable tool when considering the day-to-day problems associated with land management and the delivery of key public services. The existing land use survey provides an inventory of land use within the community and is a key source of background information used in developing the Master Plan.*

*The majority of Township land is classified as agricultural. Sparse residential populations exist throughout the Township.*

### Agricultural/Open Space

The predominant land use in Bedford Charter Township is farming. Although some agricultural land has been split and developed for light industrial and residential use, it remains the prevalent land use and occupation in the Township. Approximately 21,265 acres or about 92% percent of the total land area in Bedford Charter Township is devoted to agricultural activities or remains undeveloped open space.

Several characteristics of the land in Bedford Charter Township make it particularly well-suited for agricultural uses. There is little topographic variation or standing water, and the soils are very suitable as crop land. As a result, much of the Township's land has been cleared for agricultural activity.

The Michigan Farmland and Open Space Preservation Act, Public Act 116 of 1974, can be an important tool for preserving farmland for rural communities such as Bedford Charter Township. This Act is designed to relieve the pressures to develop agricultural land. Under this program, owners of farm land receive a credit against their state income tax liability. In return for this credit, the State of Michigan receives the development rights to the property for a specific number of years, but not less than ten (10) years. For undeveloped open space land, the Act also allows for an exemption of the development rights from ad valorem taxation.

## Urban/Built Up

The following land uses comprise the "Urban/Built Up" category. Approximately 1,542 acres or 6.7% of Township land is currently developed.

### LOW DENSITY RURAL RESIDENTIAL

Some single family residential low-density development has and is taking place in the township. These single-family homes are mainly being built on lots split off and created from larger agricultural parcels. They are fairly spread out throughout the Township.

### COMMERCIAL AND INDUSTRIAL ACTIVITIES

Bedford Charter Township has limited industrial activity, with only about 114 acres being dedicated to industrial uses. Commercial and industrial activity is concentrated on the North side of M-89 and along M-37 and ranges from storage to agricultural solutions.

## Public and Quasi-Public Land Uses

Public land uses in the Township include the Township Hall located at 115 Uldriks Dr S at the intersection with M-89 and the four Township cemeteries; Frink, Bray, Oak Ridge, and Georgia.

## Utilities

No public water or sanitary sewer facilities currently exist in Bedford Charter Township. Electricity and gas utilities, as well as wireless and telephone services are provided by private industries. The privatization of these industries assures adequate capital to provide increased levels to society, as growth demands.

## Recreational Land Uses

The Fred Meijer Calhoun-Ionia-Shiawassee Trail runs through Bedford Charter Township, which is a biking and walking path constructed of both paved segments and crushed limestone, that traces the path of the former Central Michigan Railroad. The trail offers residents of Bedford Charter Township a 41-mile biking and walking recreational opportunity, with a mix of pastoral and wooded landscapes.

## Natural Areas

The number of wetlands, surface water, range land and forested areas in the Township comprise about 21,265 acres, or 92.29% percent of the total Township land area.

These categories of various existing land cover are illustrated on [Map 1](#).

Table 8: Existing Land Cover/Use

Existing Land Cover/Use Category	Area of Township in Acres	Area of Township in %
Agricultural/Open Space	21,265	92.29%
Urban & Built Up Areas	1,542	6.69%
Water	5	0.02%
<b>Total</b>	<b>23,040</b>	<b>100.00%</b>

**Map 1: Existing Land Use**



# Transportation System

*The transportation system provides a backbone for accessibility and helps guide how people will travel within a community. The conditions of a road, including whether it is paved or widened, will affect the amount or type of traffic on any particular road.*

## Township Road Network

The Michigan Department of Transportation maintains 7.5 miles of road in the Township: M-89 (Michigan Avenue) and M-37 (Bedford Road). The Calhoun County Road Department owns and maintains the remainder of the roads in the Township. Roads within the Township are generally patterned on a basic “grid” system with roads spaced every one-half mile to one mile apart. In several cases, the roads follow and serve as the definition of the individual section lines in the Township.

### FUNCTIONAL CLASSIFICATION OF ROADS

Roads throughout the country are placed into one of seven classifications based on their function and type of traffic served. The Interstates (classification level 1), other freeways and expressways (level 2), other principal arterials (level 3), and minor arterials (level 4) all serve large volumes of traffic between regions or through urbanized areas. As a rural Township, Bedford Charter Township has mostly major collectors (level 5), minor collectors (level 6), and local roads (level 7), with several important exceptions as listed in the following table:

**Table 9: Functional Classification of Roads**

Road	Extent	Direction	Classification
M-89 (Michigan Ave)	Southernwidth of the township	E-W	Highway
M-37 (North Bedford Road)	Entire length of the township	N-S	Highway
West County Line Rd	Western border of township. Length of township from M-89.	N-S	Principal Arterial
Uldriks Rd (1 Mile Rd)	Length of township from M-89	N-S	Principal Arterial
Waubascon Road (4 ½ Mile Road)	Length of township from O Drive North	N-S	Principal Arterial
North Ave (6 Mile Rd)	Eastern border of township. Length of township from West Coolidge Ave to Baseline Rd	N-S	Principal Arterial
Morgan Rd (O Drive North)	Width of township from M-37 to 6 Mile Rd	E-W	Principal Arterial
Kirby Rd (R Drive North)	Width of township from W. County Line Rd to Waubascon Rd.	E-W	Minor Arterial

Halbert Rd (S Drive North)	Width of township from Collier Ave to North Ave	E-W	Minor Arterial
Meacham Rd (U Drive North)	Width of township from West County Line Rd to M-37	E-W	Principal Arterial
Hamilton Rd (V Drive North)	Width of township from West County Line Rd to M-37	E-W	Minor Arterial

*Source: Calhoun County Road Commission*

Of the approximately sixty-two (62) miles of County roads, 6.13 miles are classified as primary roads and are paved. The remaining 55.62 miles of County roads are classified as secondary (local) roads, and only 15.06 miles of these are paved. M-37 is a designated State Trunkline Highway and runs directly and entirely through the Township.

### CIRCULATION PATTERN

The main north-south roads in the township in terms of vehicle use are M-37, 1 Mile Rd, and Collier Ave between M-89 and Meacham Rd – Meacham Rd providing access to M-37. M-37 is the major highway connecting Springfield to the south with Hastings, Grand Rapids, and areas beyond to the north.

The main east-west roads in the township are the M-89 corridor, and O Drive North which connects M-37 to State Highway 66 in neighboring Pennfield Township to the east. M-89 serves as a major roadway connecting the City of Battle Creek with points northwest including Plainwell, Ostego, and the City of Allegan.

### PRIVATE ROADS

At this time, the Township has not approved any private road applications. Private, unimproved roads typically serve as access to home sites. Private roads can be problematic because of the lack of proper maintenance. If private roads are to be permitted in the future, the Township should consider requiring all private roads to meet County Road standards or other appropriate standards to protect public safety, and to require assurance of regular maintenance.

### COMPLETE STREETS

Bedford Charter Township strives to make its roads safe and attractive for all users. Therefore, the Township will work with the Calhoun County Road Commission to implement a rural vision of Complete Streets on key road corridors. The Complete Streets philosophy is that roadways should be safe for all legal users. Complete Streets in Bedford Charter Township would mostly consist of widened paved or unpaved shoulders, which can provide access to slow moving traffic including tractors or snowmobiles. Such upgrades are not expensive or difficult and can be achieved during any scheduled rebuilding of a roadway by the Road Commission.

### COUNTY ROAD IMPROVEMENTS

The basic source of revenue for roadway maintenance and improvement is the state-collected gas and weight tax, and local general fund tax revenues through a road millage. The road millage provides a majority of the local road funding in the Township. The funds for the gas tax are paid by motorists upon purchase of gasoline and diesel fuel, and to the Secretary of State for vehicle registrations. The County Road Commission identifies and carries out the five-year plan for road improvements in the Township.

## Other Modes of Transportation

### PUBLIC TRANSPORTATION

Bedford Charter Township is not currently served by area public transportation. The City of Battle Creek is currently piloting an on-demand transportation program to test the feasibility of such a system for the County. Funded through a Michigan Department of Transportation grant, it is operated by Battle Creek Transit, and collaborating agencies and expected to run for a period of 12 months, at which point it will be evaluated by MDOT and the City.

### RAILROADS AND AIRPORTS

There are no rail lines, passenger or freight, in the township. The nearest passenger rail station is about 23 miles west in Kalamazoo. And is served by both Amtrak and Grand Elk Railroad lines. The Just south of the township, the City of Battle Creek plays host to a major freight railway intersection of Canadian National Railway and Norfolk Southern. Passenger airline service is available 23 miles west at the Kalamazoo/Battle Creek International Airport and at the Gerald R. Ford International Airport in Grand Rapids which is located approximately 44 miles to the north.

## Map 2: Roadways

Map 2: Roadways. This map shows the existing and proposed roadways in the study area. The map includes the following information:

- Existing roadways (solid lines)
- Proposed roadways (dashed lines)
- Intersecting roadways (dotted lines)
- Unimproved roads (thin solid lines)

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# 4

## Natural Features and Resources

*The natural features of the Township, such as hills, rivers, soils, and woodlands are an important resource to the community. Natural resources are valuable to preserve for their aesthetic qualities and importance to human survival. A sound planning process should examine the differences in the natural environment across the landscape of the Township to ensure land uses are compatible with the nearby natural features and to preserve and protect these resources.*

In considering natural resources in the planning process, the environment is evaluated for its suitability to accommodate development. Data on the natural features was assessed based on maps and surveys and is described in terms of capability and suitability for development. The community's needs, in terms of evaluation of existing land use and local goals and objectives are then used to generate the Land Use and Transportation Plan. For analytical purposes, the environment of the Township is divided into the following natural systems: surface water, ground water, agricultural land, drainage patterns, and soils.

### Surface Waters

The surface waters in Bedford Charter Township consist of various creek systems, such as. As the land is mainly rural -residential and agricultural, surface waters are susceptible to absorbing runoff.

### Soil Suitability

The safe and proper disposal of sanitary waste is an important factor in providing for the prosperity of Bedford Charter Township now and in the future. Because of the rural character of the Township, the disposal of sanitary waste has been provided by septic systems, which will likely continue into the future. The soils of the Township have been analyzed for their suitability for use with septic systems because:

- The safe and proper use of septic systems requires consideration in development and design
- Unsatisfactory septic performance presents public health concerns, and
- Owners of poorly performing systems can be faced with unanticipated costs

Proper provision for new septic systems and maintenance of existing systems is and will continue to be an issue for the Township in the future.

The Bedford Charter Township 2020 – 2024 Parks & Recreation Plan states that the township is comprised of two predominant types of soil.



The first is the Houghton-Osthemo-Coloma association in the southern 1/4 of the Township. This is described as nearly level to steep, very poorly drained to excessively drained, mucky soils on flood plains and loamy and sandy soils on outwash plains, moraines and stream terraces and in glacial drainage ways. The northern 3/4 of the Township contains soils in the Oshtemo – Spinks association. These are described as gently rolling to steep, well drained loamy and sandy soils on outwash plains.

Generally, well-drained, coarse-textured soils provide the most suitable foundations. Poor soil stability occurs with soils containing large concentrations of organic material, such as muck, silt, and clay. The areas of poor soil stability are concentrated in low-lying and poorly drained areas adjacent to rivers and creeks. In these low-lying areas, the presence of water in and near the surface contributes to frost heave, compression, shrinkage and swelling.

## Groundwater

Bedford Charter Township depends entirely on groundwater as its water source for home and agricultural use. Therefore, it is important to plan appropriately for development to protect these water resources from possible contamination.

Contamination of water resources can happen from non-point sources of pollution including chemicals from commerce, industry, and farming; through chemicals filtering into groundwater from septic fields, oil tanks, and waste disposal sites; and through everyday activities. In many instances, these pollutants reach lakes and streams through groundwater supplies. Pollutants might also affect well water located near septic fields.

Groundwater protections must also address operational features of different land uses. Groundwater contamination is most frequently the result of leaking septic systems, improper floor drains, improper storage of hazardous substances, leaking underground storage tanks, above ground spills, overfilling of tanks, condensation from air emissions, and improper waste disposal. Many of these potential avenues of contamination can be addressed in site plan review. A site plan review should require full disclosure of locations of tanks, floor drains, and connections; and should require the best available technology to alleviate potential impact.

The Waubasca Creek flows from the northwest corner of the Township through the center until it reaches the Kalamazoo River, which traverses the southern portion of the Township. The Seven-Mile Creek bisects the western one-third of the Township and flows into the Kalamazoo River. Several drains run north to south within the Township draining the wetlands. These drains run into the creeks as well as to the river. The Township has within its boundaries many small private lakes that are mostly within the agricultural zones. There are also two large lakes: St. Mary's Lake and Waubasca Lake. Approximately one-half of St. Mary's Lake is in the Township while the other half is in Pennfield Charter Township.

An additional concern in Bedford Charter Township, because sanitary sewer service is not available, is locating septic systems on suitable soil. The Township will need to ensure the provision of adequate septic field reserve areas, and limit development on marginal soils to prevent future groundwater contamination.

**MAP 3: Floodplain**

**MAP 4: Natural Features**

## Agricultural Land

Agriculture has played a key role in the development of Bedford Charter Township and contributes to the rural character and identity of the community. The preservation of agricultural land provides environmental, aesthetic, recreational, and historic benefits to people in the community. Open farmland also assists in the replenishment and maintenance of groundwater supplies.

Bedford Charter Township has always been a predominantly rural and exurban community. The overall trend within Michigan is toward fewer acres in agricultural production. The effects of land speculation, increasing property values and taxes, and rural/urban conflicts tend to diminish active agriculture. However, the communities most at risk of losing agricultural lands in the future are located near major employment and population centers. In Calhoun County, these include Battle Creek and East Lansing, and the communities connected to them along major highways such as M-89 and M-37. Bedford Charter Township is not likely to see major pressures of development on its agricultural land in the near future, but preserving farmland should still be a top priority.

# Community Facilities

## Schools

Four school districts serve the residents of Bedford Charter Township: Battle Creek Schools, Pennfield Schools, Hastings Schools and Gull Lake Schools. Gull Lake Community and Battle Creek serve the vast majority of students from the township, with Hastings and Pennfield, respectively, serving the remaining student population from Bedford.

## Recreational Facilities

Bedford Charter Township is home to six (6) Township-owned public parks: Algonquin Park, Ardmore Park, Brookside Annex, Brookside Park, Markham Park, and Skeets-Gerhman Park. ~~Other informal facilities provide recreational opportunities for residents in the Township, such as hunting in the woods.~~

Residents are also able to use public school facilities provided by Gull Lake School District, as well as Calhoun County parks in Battle Creek, and several urban parks and recreational facilities within the City of Battle Creek. Nearby State recreational facilities include the Fort Custer Recreational Area, Kimball Pines, Riverside Park, and Historic Bridge Park. These parks and recreation areas offer camping, fishing, swimming, and hiking among their activities. The Waubesacon Lake Boat Launch is located in the northeast corner of the township and is owned and managed by the Michigan Department of Natural Resources (MDNR).

## Emergency Services

Bedford Charter Township partners with the City of Battle Creek to provide police services to township residents. The Township has its own Fire Department, which maintains three (3) fire stations:

Fire Station #1---21962 N. Bedford Road

Fire Station #2---115 S. Uldriks Drive

Fire Station #3---5902 Morgan Road

Ambulance and emergency medical services are.

Collaborating with other local governments likely remains the best way to continue to provide emergency services for the Township. Intensive commercial or industrial development would likely generate the need for increased emergency services. However, this plan does not propose the necessity for these services because of the existing and continued planned agricultural and residential nature of the Township.



## Other Facilities

### TOWNSHIP HALL

Bedford Charter Township Hall is located on 115 Uldriks Drive South at the intersection with M-89 (Michigan Avenue).. The 2010 structure contains a meeting room and a kitchen, both of which are available to rent by the public. Primary offices for Township officials are in the Township Hall. The Township Hall is used as a polling place and for monthly board meetings.

### BATTLE CREEK & AUGUSTA DISTRICT LIBRARIES

While there is not a library located in the boundaries of Bedford Charter Township, the Battle Creek and Augusta District Libraries have branches located within 7 and 10 miles of the township, respectively. .

### CEMETERIES

There are four cemeteries located in Bedford Charter Township: Holiday Cemetery and the adjacent Harmon Halladay Century are both located on the south side of Morgan Road, while Bedford and Bedford Township Cemeteries are also collocated along Bedford Road North just south of Edmonds Road.

## Public Participation

*The Bedford Charter Township Master Plan update has been developed with the cooperation of the Bedford Charter Township Planning Commission and the Township Board as representatives of the Township residents. The public was given the opportunity to provide feedback on the future of Bedford Charter Township through a survey distributed to residents. This survey was utilized to shape the goals and objectives of this Master Plan, the results of which can be found below.*

The public can also provide feedback on the Master Plan during the State-required comment period, which gives residents time to read the Plan and to contact their representatives with questions. Furthermore, all Planning Commission meetings have been published and open to residents. Anybody in attendance had opportunity to provide feedback into the planning process and the development of the Plan itself.

Finally, a public hearing will be scheduled at which the final draft of the Master Plan will be presented, discussed and recommended for adoption. This hearing will be open to the public and will provide an opportunity for the Planning Commission to present its findings and layout the proposed future of the Township as well as an excellent opportunity for the community to review the findings of the Planning Commission, ask questions, and propose changes or alternatives prior to final adoption of the Plan.

Even after the Plan is adopted, citizen input and participation is still very important and should not end. The Plan should guide the Township in its future actions, with the public providing input and suggesting changes as future circumstances and conditions warrant.

## Survey Results

The survey distributed to the residents of Bedford Charter Township was separated into eight sections in order to take into consideration the current views of Township residents regarding a variety of growth and development issues. Feedback on growth management, housing, land use and the environment, economy, services, community image, demographics, and township involvement were all captured by this survey.

The full results and analysis of the survey can be found in Appendix A of the Master Plan.



# 7

## Goals and Objectives

*Before a community can actively plan for its future, it must first declare certain goals and objectives to define the boundaries of its needs and aspirations, and thus establish a basis for the development of a Future Land Use Plan. These goals and objectives must reflect the future vision for the community and the kind of lifestyle its residents wish to follow, given realistic economic and social constraints.*

The following chapter represents the goals, objectives, and policies which should be used to guide local decision makers in reviewing future land use proposals. Goals represent the ultimate purpose or intent of the Plan, objectives are the means of obtaining those goals, and policies are specific statements used to guide the actions of the Township.

### Goals

Bedford Charter Township acknowledges the strong rural and agricultural character, as well as the abundance of natural resources, that define the community. In recognizing its role, Bedford Charter Township adopts the following general community goals to guide future land use changes:

- Preserve the current rural residential and agricultural character of the Township.
- Protect the natural resources in the township as a way to preserve a high quality of life.
- Minimize the development of scattered land uses which results in inefficient land usage and ultimately increases the costs of providing public services.
- Preserve the rights of property owners while maintaining the character of the Township.
- Revitalize the M-89 corridor to encourage targeted mixed-use development and harness economic growth.

### Objectives and Policies

With the primary goals in mind, the following specific objectives and policies have been formulated to guide action, programs and land use in the Township.

#### AGRICULTURAL

Objective: Identify, classify, and provide all possible methods of preserving those areas best suited for agricultural use. Policies to support this objective are as follows:

- Recognize agriculture and open space as the predominant economic activities in Bedford Charter Township.
- Provide means of maintaining low population densities in all agricultural and rural-residential areas to reduce the influences that encourage encroachment of other, less desirable, or conflicting land uses.
- Regulate the location and impact of wind and/or solar energy conversion facilities in order to protect and preserve agricultural activity and agricultural lands.
- Balance the need to provide resources for agricultural uses with a need to protect neighboring properties and natural resources in the Agricultural district. Respect the rights and responsibilities given to agriculture under the Michigan Right to Farm Act, especially regarding manure management, water quality, air quality, and other financial and environmental impacts.

### RESIDENTIAL

Objective: Provide limited concentrations of residential land uses while preserving the character of the Township and protecting natural resources. Policies to support this objective are as follows:

- Minimize random scattered residential development in the Township.
- Provide all possible means of encouraging the rehabilitation and conservation of the existing housing stock.
- Limit future construction of residential land uses to the density and character of development laid out in the Future Land Use text.
- Preserve the rural character of the Township by discouraging growth, regardless of the land use decisions in neighboring communities.
- Do not allow new residential construction that would have adverse environmental impacts.

### MIXED USE AND COMMERCIAL

Objective: Provide limited concentrations of mixed use and commercial land uses while preserving the character of the Township and protecting its natural resources. Policies to support this objective are as follows:

- Minimize random scattered commercial development in the Township.
- Target future construction of commercial and mixed use land uses to the Mixed Use and Commercial future land use areas along M-89 and by the M-37/Edmonds Rd Junction.
- Provide regulations requiring suitable buffering of commercial land uses from residential and agricultural uses.
- Preserve the rural residential character of the Township by targeting growth, regardless of the land use decisions in neighboring communities.
- Do not allow new industrial construction that would have adverse environmental impacts.



# Future Land Use Plan

*The Future Land Use Plan serves as a guide for the community. The Plan has been constructed to allow for flexibility if future conditions in the Township change, while still executing the goals of the Township as described above. The Future Land Use Plan describes where certain land uses are allowed, while the zoning code reflects the future land use map by regulating development aspects of individual sites.*

## Planning Principles

Land use planning principles are used as a guide to evaluate development alternatives and public policy. The following are general principles that should be applied to all land use categories.

### CONSISTENCY

Development should be reviewed for general consistency with the intent of the Master Plan, as should sub-area or regional plans. Other governing bodies, such as the State or County, should be encouraged to use the Master Plan in considering programming for Bedford Charter Township.

### SUSTAINABILITY OF NATURAL SYSTEMS

Intense scrutiny should be given to development proposed for environmentally sensitive areas.

### COMPATIBILITY OF USES

Special attention should be given to any transitions between uses of greater intensity to those of lower intensity. It should also be noted that agricultural and residential uses are not always compatible land uses. Thus, specific caution should be taken to avoid allowing excessive residential encroachment into agricultural areas in order to preserve the rural and agricultural character of the Township.



# Land Use Categories

The land use categories, as well as the conditions under which they should exist, are defined in this section of the Plan. Due to the limited number of land uses in Bedford Charter Township, this text will replace a traditional Future Land Use Map. The elected Bedford Charter Township officials shall be responsible for the interpretation of the intent of the Future Land Use categories and text. At their discretion, they shall revise the Future Land Use text to facilitate the needs of the Township.

## RURAL RESIDENTIAL & AGRICULTURAL

The vast majority of the Township's existing land use is included in this category. Agriculture is a major industry and contributor to the overall rural aesthetic of the area that makes it a desirable community. Looking to the future, Bedford Charter Township should maintain an agricultural designation in all areas except those that are already a special land use or whose future land use designation is industrial.

Agricultural land uses are characterized by grain, fruit, and vegetable farming, livestock operation, and rural residential units. Because residential encroachment into agricultural areas can result in a reduction of agricultural lands, as well as a disincentive for property owners to invest time and funds needed to maintain agriculturally productive land, new residential units in agricultural areas should have a maximum density of one unit per five acres. This will serve to maintain parcels of land viable for farming in agricultural areas.

There are many areas in Bedford Charter Township that are suitable for the development of wind energy conversion systems, most of which are currently dedicated to agricultural uses. Considering that wind energy conversion systems are reasonable uses of the land, Bedford Charter Township shall make the goal that this use of land also does not infringe upon the goals of the Township to preserve and foster the use of agricultural lands. Rules and regulations for the consideration of renewable energy resources and facilities to extract that resource should be pursued in order to protect farmland and maintain Bedford Charter Township's rural aesthetic.

## COMMERCIAL & MIXED USE

Commercial and mixed uses are designated to provide for resources and services essential to local economic development, while ensuring against the encroachment of these uses into agricultural and rural residential districts. Such characterized by retail, office/research, limited warehousing and distribution and other similar uses. Lots may be rezoned to allow these uses only if they meet the following requirements:

- The lot abuts M-89 or is located at or near the M-37/Edmonds Rd Junction.
- The lot is large enough that the reasonably-sized non-residential building can be constructed, while meeting the required setbacks OR there is an existing building on the site that could be used for a non-residential or mixed use without negatively impacting the neighbors.
- There are no uses in the immediate vicinity of the lot that would be negatively impacted by the presence of a non-residential building or use.

## MANUFACTURED HOUSING DEVELOPMENT

Manufactured housing developments or mobile home parks are common in the rural areas in Michigan. Mobile home parks provide housing alternatives to residents who are unable to afford more permanent housing. From a planning perspective, they must be considered because the density in which they are built provides an economy of scale for the design and construction of on-site water and septic systems. Mobile home parks often provide their own wastewater treatment and well fields in rural areas where public utilities are not generally available, including communities like Bedford Charter Township.

While recognized as a legitimate land use, mobile home parks can significantly increase the population of a community while providing less than a corresponding amount of property tax revenue to the host community from which to provide public services to new residents. Furthermore, though a community can plan and zone appropriate locations of manufactured housing developments, they cannot regulate the

internal design nor the operation of these facilities. Therefore, it is important for the Township to discuss, consider, and plan for possible and appropriate locations for a mobile home park, should one wish to locate in Bedford Charter Township.

Manufactured housing developments may be considered anywhere in the Township. However, when considering the construction of manufactured housing developments in the Township, they must not result in adverse impacts on the environment or in the loss of agriculturally viable land.

## Community Facilities

As a rural residential community, the Township does not currently have, nor will it have in the foreseeable future a high demand for public services or the necessity for more than the basic of public community facilities. The Township's primary community facility is its Township Hall, which was constructed in 2010 and is located at 115 Uldriks Dr S along the M-89 Corridor. The Township should continue to work to maintain this facility to serve as its primary gathering spot within the community. Not only is the Township Hall the site of various governmental functions such as elections, board meetings, and public hearings, it also serves as the principal identifier of the Township. The majority of Township residents are familiar with where the Township Hall is located and what happens there. Therefore, as the Township Board and Planning Commission continue to increase public participation, the Township Hall must keep up with the demands of a modern gathering place.

The Township maintains four public cemeteries which are a historical record and visual reminder of the Township's long history. The Township must budget for the ongoing management and maintenance of these facilities.



# Implementation Plan

## Implementation Strategies

Implementation strategies are a major component of any master plan. They determine how guidelines and recommendations in the Plan become reality. The Bedford Charter Township Master Plan should be seen as a living document. If conditions in the community or the needs of the resident's change, the Plan will need various adjustments or additions. The main goals and objectives in the Plan are not anticipated to require change, but as the Plan is implemented certain aspects will require periodic adjustment.

## Zoning Plan

The following table defines the zoning plan for Bedford Charter Township, with each future land use category corresponding to a future zoning classification.

**Table 10: Zoning Plan**

Future Land Use Categories	Current Zoning	Future Zoning
Agricultural	A-2: General Agricultural	A-1: General Agriculture
Industrial	I-1: Light Industrial	I-1: Light Industrial

### LAND DIVISION REGULATIONS

Land division standards following the Michigan Land Division Act (P.A. 288 of 1967, as amended through P.A. 591 of 1996) are a tool for the implementation of this Plan. Whereas zoning is concerned with land use on a site by site basis and activities in selected areas, land division regulations deal with the process of dividing land and maintaining the quality of individual developments.

Subdivision standards, as permitted under the Land Division Act, can be created in a Subdivision Control Ordinance to protect the needs of citizens by providing site design controls and improvement standards. Design controls provide for the arrangement and location of streets, configuration of lots, the provision of open space, and the sufficiency of easements for utility installations. Improvement standards ensure adequate roads and other physical improvements.

All other land divisions in the Township are also regulated by the Land Division Act. The act permits the Township to establish a Land Division Ordinance with local authority and the responsibility for the legal approval of land divisions. When land is divided outside of subdivisions, this ordinance can ensure that the resulting lots are consistent with Zoning Ordinance minimum requirements. It can also require lots to maintain minimum access standards to assure availability of public or private roads for the lots.

All land division regulations described in this section were recently changed by the Michigan Legislature and Governor. The Planning Commission must remain alert to modifications in this area of regulation in order to assure the Township standards and requirements are consistent with authorizing legislation.

Over the last 15 years, Michigan condominium regulations have been modified to permit the ownership of land by a co-owners association. The Michigan Condominium Act was significantly altered in 1982 to

permit condominium ownership of land. Since then, many developers have created site condominiums as a substitute for land subdivision. Site condominium development is often an attractive alternative to subdivision because the approval process can be much shorter than with subdivision development. The Condominium Act requires condominiums to comply with the local Township ordinances. The Planning Commission should consider establishing standards for site condominium development of land.

Subdivision Regulations under the State Subdivision Control Act (Act 288, P.A. of 1967, as amended) are tools for the implementation of this Plan. Whereas zoning deals with land use on a site by site basis and activities in specific areas, subdivision regulations deal with the process of dividing land and maintaining the quality of individual developments. Subdivision standards protect the needs of citizens by providing both site design controls and improvement standards. Design controls are concerned with the location and arrangement of streets, width and depth of lots, the provision of open space, and the sufficiency of easements for utilities. Improvement standards ensure adequate roads and physical improvements.

Most land divisions in Bedford Charter Township are not under the jurisdiction of the State Subdivision Control Act, but rather are regulated by the land division procedures and standards from the Zoning Ordinance sections dealing with private roads and the division of platted lots and unplatted acreage.

#### **PLANNING COMMISSION**

A stable and knowledgeable Planning Commission is essential to the success of the zoning process. The responsibilities of the Commission include long-range plan formulation and the designing of appropriate and reasonable zoning ordinance regulations to implement the goals and objectives of the Master Plan. Adoption of the zoning ordinance by the Township Board then provides the legal basis for enforcement of the zoning ordinance's provisions. The ultimate effectiveness of the various ordinance requirements, however, depends upon the quality of ordinance administration and enforcement. If procedures are lax or handled in a sporadic and inconsistent manner, the results will be unsatisfactory at best.

#### **CONTINUOUS PLANNING**

The Planning Commission has the role of providing planning recommendations for the Township Board. This planning function is a continuous process and does not terminate with the completion of this Plan. Rural areas are in constant change and planning is an ongoing process of identification, adjustment, and resolution of problems. In order to sustain the planning process and generate positive results, maintain momentum, and respond to change, the Plan should be reviewed and updated every three to five years to maintain the validity of its data and relevance as a policy document.



# Transportation Plan

## CIRCULATION AND ROAD SYSTEM IMPROVEMENTS

No additional public roads are expected to be built within the foreseeable planning period. The Calhoun County Road Commission plans to concentrate on the maintenance and improvement of existing public roads. The condition of existing paved roads should be evaluated each year, and roads with high traffic volume should be considered for repaving. Maintaining existing gravel roads should be a top priority of the Township and the Calhoun County Road Commission. Gravel roads promote reduced speeds, a rural atmosphere, and discourage dense development. However, poorly maintained gravel roads result in a variety of conditions from nuisances such as dust to more dangerous conditions resulting in damage to vehicles and difficult driving conditions. The Township and County should evaluate the road conditions and traffic volumes in the Township annually and prioritize improvements based on any findings.

## COMPLETE STREETS

Bedford Charter Township intends to implement a rural vision of Complete Streets with this Plan, and will work with the Calhoun County Road Commission on road projects. The Complete Streets philosophy is that the roadways should be safe for all legal users. Complete Streets within the Township will mostly consist of widened paved or unpaved shoulders, which can provide access to slow moving traffic such as tractors, horses and buggies, or snowmobiles. The highest priority for Complete Streets in the Township should be major corridors that connect Bedford Charter Township to markets in nearby communities such as Battle Creek, as well as roads that provide major connectivity throughout the Township. Major north south roadway corridors include Uldriks Rd and Collier Ave, and major east west roadway corridors such as Morgan Rd.

# Action Plan

The Bedford Charter Township Master Plan and its goals, objectives, and policies recommend the future vision for the community. The Township desires to enhance its rural character, maintain agricultural viability, and protect natural resources, while accommodating some residential growth.

The goals, objectives, and policies of this Plan should be reviewed often, and should also be considered in decision-making by the Township. Successful implementation of this Plan will be the result of actions taken by elected and appointed officials, Township staff and consultants, the Planning Commission, the Township residents, public agencies, private organizations, and outside government agencies including Calhoun County and the State of Michigan.

The table on the following page presents a detailed summary for all the recommended implementation activities, who is responsible for completing the activity, and available funding sources for each activity.

**Table 11: Action Plan**

Project	Priority	Timeframe	Responsibility			Funding		
			Township	Other Gov.	Private	Public	Private	TIF/DDA
Planning and Zoning								
Update the Zoning Ordinance to be compatible with the Master Plan.	A	1	PC TB	TAC		•		
Civic and Transportation								
Engage with residents to determine a unified vision for the M-89 Corridor,	A	1	TB	CCRC TAC		•		
Work with the CCRC to implement a rural vision for a Complete Streets design along 1 Mile Rd.	B	2	TB	CCRC TAC		•		
Work with the CCRC to implement a rural vision for a Complete Streets design along Kirby Rd..	B	2	TB	CCRC TAC		•		
Work with the CCRC to implement a rural vision for a Complete Streets design along O Drive North.	C	3	TB	CCRC TAC		•		

Priority		Timeframe		Responsibility (Color)	
A	Most Important	1	Within one year		Project Lead
B	Very Important	2	1-3 years		Key Participant
C	Important	3	3+ years		Contributor

**RESPONSIBILITY (ABBREVIATION)**

<b>CC</b>	Calhoun County	<b>PSD</b>	Public School Districts (Battle Creek, Fowler and Pewamo-Westphalia)
<b>CCRC</b>	Calhoun County Road Commission	<b>SM</b>	State of Michigan
<b>CM</b>	Community Members	<b>TAC</b>	Township Administration and Consultants
<b>LO</b>	Land Owners	<b>TB</b>	Township Board
<b>PC</b>	Planning Commission	<b>TCRPC</b>	Tri-County Regional Planning Commission

**FUNDING**

<b>Public</b>	Includes public funds from the Township operating budget, County, and State funding. May also include local government bonds and grants.
<b>Private</b>	Includes funds from private sources such as grants, corporate funding, or property owners.
<b>TIF</b>	Tax increment financing provided by an authorized body. Please refer to the summary of economic development tools.



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Phillip C. McKenna, AICP, PCP .....President Emeritus  
John R. Jackson, AICP .....President  
Raphael J. Kasen, AICP .....Project Manager  
Kyle Mucha .....Project Planner

PC approved 11/15/22  
Send to County

**Charter Township of Bedford**  
115 S. ULDRIS DRIVE  
BATTLE CREEK, MICHIGAN 49037-1165

Rezoning Application  
Zoning Amendment

Special/Conditional Use  
Sub-division/plat review

Applicant Name: Andrew Collins  
Address: 20701 Collier Ave  
City: Battle Creek State: MI Zip code: 49017  
Phone: 269-209-5014 email: Andrew Collins 317@gmail.com

Signature: [Signature] Date: 10/18/22

Applicant is: Owner Lessee Contractor

Owner Name: Same  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip code: \_\_\_\_\_  
Phone: \_\_\_\_\_ email: \_\_\_\_\_  
Signature: [Signature] Date: 10/18/22

I agree that the statements made above are true, and if found not to be true, any zoning permit that may be issued may be void. Further, I agree to comply with the conditions and regulations provided with any permit that may be issued. Further, I agree the permit that may be issued is with the understanding that the property will be in full compliance with all applicable sections of the Charter Township of Bedford Zoning Ordinance. Further, I agree to notify the Zoning Administrator of the Charter Township of Bedford for inspection before the start of construction and when locations of proposed uses are marked on the ground. Further, I agree to give permission for officials of the Charter Township of Bedford, the County and the State of Michigan to enter the property subject to this permit application for purposes of inspection.

Signature: [Signature] Date: 10/18/22

Project Location/address: 20701 Collier Ave  
Parcel Number: 04-020-002-00

Explanation of request: would like property rezoned to  
Residential to bring home to same as  
surrounding houses

TO BE COMPLETED BY TOWNSHIP:

Date Received & accepted: \_\_\_\_\_ Staff name: \_\_\_\_\_  
Parcel Number: \_\_\_\_\_ Hearing Date: \_\_\_\_\_

APPLICATION FEE IS NOT REFUNDABLE



**Area Metropolitan Services Agency**  
Please mark box for appropriate jurisdiction

**Please make your check payable to  
and send it to the appropriate jurisdiction**

**Please mark box for appropriate jurisdiction**

<b><u>Bedford Township</u></b>	<b><u>Convs Township</u></b>	<b><u>Emmett Township</u></b>	<b><u>Leroy Township</u></b>	<b><u>Newton Township</u></b>	<b><u>Pennfield Township</u></b>	<b><u>City of Battle Creek</u></b>	<b><u>City of Springfield</u></b>
115 S. Uldricks Drive	19500 15 Mile Road	621 Cliff Street	8156 4 Mile Road	7988 G Drive South	20260 Capital Ave NE	10 N. Division St, Ste 117	601 Avenue A
Battle Creek, MI 49017	Marshall, MI 49068	Battle Creek, MI 49014	East Leroy, MI 49051	Ceresco, MI 49033	Battle Creek, MI 49017	Battle Creek, MI 49014	Springfield, MI 49015
Ph: 269.965.9096	Ph: 269.789.0654	Ph: 269.968.0335	Ph: 269.979.9421	Ph: 269.979.3212	Ph: 269.968.4422	Ph: 269.966.3382	Ph: 269.441.9273
Fax: 269.965.0908	Fax: 269.789.0657	Fax: 269.968.0108	Fax: 269.979.2775	Fax: 269.979.4470	Fax: 269.968.2021	Fax: 269.966.3555	Fax: 269.965.0114

**Cash**

**☐ Check # \_\_\_\_\_ Receipt # \_\_\_\_\_ Inspector Approval \_\_\_\_\_ Issued Permit # \_\_\_\_\_**

**APPLICANT TO COMPLETE ALL ITEMS IN SECTION I, II, III, IV, V, VI, AND IX:**

**SEPARATE APPLICATIONS MUST BE COMPLETED FOR: PLUMBING, MECHANICAL, AND ELECTRICAL WORK.**

PROJECT NAME	Steel building / Barn	ADDRESS	20701 Collier Ave
CITY/VILLAGE/TOWNSHIP	Battle Creek	ZIP CODE	49017
BETWEEN CROSS STREETS	Collier Ave	AND	Holly Dr
			JOB SITE PHONE NUMBER 269-209-5014

NAME	Andrew Collin	ADDRESS	20701 Cellie Ave	CITY/STATE	Bethesda MD	ZIP	20814
PHONE NUMBER	269-209-5819	CELL NUMBER		FAX NUMBER		E-MAIL ADDRESS	Andrew.Collins317@gmail.com

NAME	ANS Steel building	ADDRESS	945 Cleveland Ave	CITY/STATE	Defiance OH	ZIP	43512
PHONE NUMBER	419-785-4005	FAX NUMBER		E-MAIL ADDRESS			
CELL NUMBER		LICENSE NUMBER		EXPIRATION DATE			

NAME	ADDRESS	CITY/STATE	ZIP
PHONE NUMBER	FAX NUMBER	E-MAIL ADDRESS	
CELL NUMBER	BUILDERS LICENSE NUMBER	EXPIRATION DATE	

FEDERAL EMPLOYER ID NUMBER OR REASON FOR EXEMPTION

WORKERS COMP INSURANCE CARRIER OR REASON FOR EXEMPTION

MESC EMPLOYER NUMBER OR REASON FOR EXEMPTION	
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
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### III. TYPE OF IMPROVEMENT AND PLAN REVIEW

**A. TYPE OF IMPROVEMENT** **TOTAL COST OF IMPROVEMENT (Materials & Labor):** \$ 35000.00

☐ NEW BUILDING ADDITION    ☐ ALTERATION REPAIR    ☐ DEMOLITION RELOCATION    ☐ FOUNDATION ONLY    ☐ MOBILE HOME SET-UP

PREMANUFACTURE    SPECIAL INSPECTION

### B. REVIEW(S) TO BE PERFORMED

☒ BUILDING      ☐ ELECTRICAL      ☐ MECHANICAL      ☐ PLUMBING      ☐ FOUNDATION

**Authority:** P.A. 230 of 1972, as amended. **Completion:** Mandatory to obtain permit **Penalty:** Permit will not be issued. The Department will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, handicap, or political beliefs.

#### IV. PROPOSED USE OF BUILDING

##### A. RESIDENTIAL

☒ SINGLE FAMILY

☐ HOTEL, MOTEL # OF UNITS \_\_\_\_\_

☐ DETACHED GARAGE

☐ MULTI-FAMILY # OF UNITS: \_\_\_\_\_

☐ ATTACHED GARAGE

☐ OTHER

##### B. NON-RESIDENTIAL

☐ AMUSEMENT

☐ SERVICE STATION

☐ SCHOOL, LIBRARY, EDUCATIONAL

☐ CHURCH, RELIGION

☐ HOSPITAL, INSTITUTIONAL

☐ STORE, MERCANTILE

☐ INDUSTRIAL

☐ OFFICE, BANK, PROFESSIONAL

☐ TANKS, TOWERS

☐ PARKING GARAGE

☐ PUBLIC UTILITY

☐ OTHER

##### PROJECT DESCRIPTION - REQUIRED

Describe in detail proposed use of building; For example, residential new construction, remodel, expansion, food processing plant, machine shop, laundry building at hospital, elementary school, secondary school, college, parochial school, parking garage for department store, rental office building, office building at industrial plant. If use of existing building is being changed then enter proposed use.

New Steel built Garage on Concrete slab  
30 x 50

#### V. SELECTED CHARACTERISTICS OF BUILDING

##### A. PRINCIPAL TYPE OF FRAME

☐ MASONRY, WALL BEARING

☐ WOOD FRAME

☒ STRUCTURAL STEEL

☐ REINFORCED CONCRETE

☐ OTHER

##### B. PRINCIPAL TYPE OF HEATING FUEL

☐ GAS

☐ OIL

☐ ELECTRICITY

☐ COAL

☐ OTHER

##### C. TYPE OF SEWAGE DISPOSAL

☐ PUBLIC SYSTEM

☐ SEPTIC SYSTEM

☐ COMMUNITY SYSTEM

##### D. TYPE OF WATER SUPPLY

☐ PUBLIC OR SYSTEM

☐ PRIVATE WELL OR CISTERN

☐ COMMUNITY SYSTEM

##### E. TYPE OF MECHANICAL

WILL THERE BE AIR CONDITIONING?

☐ YES

☒ NO

WILL THERE BE FIRE SUPPRESSION?

☐ YES

☒ NO

##### F. DIMENSIONS / DATA

	FLOOR AREA:	EXISTING	ALTERATIONS	NEW
NUMBER OF STORIES	1			
USE GROUP	BASEMENT			
CONSTRUCTION TYPE	1ST & 2ND FLOOR			
NUMBER OF OCCUPANTS	3RD-10TH FLOOR			
	11TH FLOOR & ABOVE			
	TOTAL AREA			30 x 50

THE PERMIT HOLDER IS REQUIRED TO CALL FOR ALL INSPECTIONS PRIOR TO COVERING CONSTRUCTION WORK. FOUNDATION INSPECTIONS ARE REQUIRED PRIOR TO THE PLACING OF CONCRETE. ROUGH INSPECTION IS REQUIRED BEFORE INSULATION AND INTERIOR CLADDING IS INSTALLED. MASONRY INSPECTION IS REQUIRED BEFORE MASONRY VENEER, BUT AFTER BASE COURSE OF FLASHING AND SHEATHING. FLOOD PLAIN EVALUATION INSPECTION IS REQUIRED IN FLOOD PRONE AREAS UPON PLACEMENT OF LOWEST FLOOR, INCLUDING BASEMENT, PRIOR TO FURTHER VERTICAL CONSTRUCTION. A NEW BUILDING, ADDITION, OR ALTERATION SHALL NOT BE OCCUPIED UNTIL THE BUILDING OFFICIAL HAS ISSUED A CERTIFICATE OF OCCUPANCY. THE PERMIT HOLDER MUST CALL AND REQUEST THE CERTIFICATE AT THE COMPLETION OF THE PROJECT.

**EXPIRATION OF PERMIT:** A PERMIT REMAINS VALID AS LONG AS WORK IS PROGRESSING AND INSPECTIONS ARE REQUESTED AND CONDUCTED. A PERMIT SHALL BECOME INVALID IF THE AUTHORIZED WORK IS NOT COMMENCED WITHIN 180 DAYS AFTER ISSUANCE OF THE PERMIT OR IF THE AUTHORIZED WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 180 DAYS AFTER THE TIME OF COMMENCING THE WORK. A PERMIT WILL BE CLOSED WHEN NO INSPECTIONS ARE REQUESTED OR CONDUCTED WITHIN 180 DAYS OF THE DATE OF ISSUANCE OR THE DATE OF A PREVIOUS INSPECTION. CLOSED PERMITS CANNOT BE REFUNDED. THE CHARGE TO RE-OPEN A CLOSED PERMIT IS \$75.

**VI. APPLICANT INFORMATION (Contractor or Homeowner)**

APPLICANT IS RESPONSIBLE FOR THE PAYMENT OF ALL FEES AND CHARGES APPLICABLE TO THIS APPLICATION AND MUST PROVIDE THE FOLLOWING INFORMATION.


NAME <u>Andrew Collins</u>	PHONE NUMBER <u>2869-209-5014</u>	CELL NUMBER	
ADDRESS <u>20701 Collier Ave</u>	CITY <u>Battle Creek</u>	STATE <u>MI</u>	ZIP CODE <u>49017</u>
SOCIAL SECURITY NUMBER, DRIVER'S LICENSE # or STATE ID # <u>375-88-8442</u>	DOB <u>03/17/1980</u>		

SECTION 23A OF THE STATE CONSTRUCTION CODE ACT OF 1972, 1972 PA 230, MCL 125.1523A, PROHIBITS A PERSON FROM CONSPIRING TO CIRCUMVENT THE LICENSING REQUIREMENTS OF THIS STATE RELATING TO PERSONS WHO ARE TO PERFORM WORK ON A RESIDENTIAL BUILDING OR A RESIDENTIAL STRUCTURE. VIOLATORS OF SECTION 23A ARE SUBJECTED TO CIVIL FINES.

**CONTRACTOR CERTIFICATION:** I HEREBY CERTIFY THAT THE PROPOSED WORK IS AUTHORIZED BY THE OWNER OF RECORD AND THAT I HAVE BEEN AUTHORIZED BY THE OWNER TO MAKE THIS APPLICATION. I AGREE TO CONFORM TO ALL APPLICABLE LAWS OF THE STATE OF MICHIGAN. ALL INFORMATION SUBMITTED ON THIS APPLICATION IS ACCURATE TO THE BEST OF MY KNOWLEDGE. I HEREBY CONSENT TO ENTRY AND INSPECTION OF THE PREMISES BY THE BUILDING DEPARTMENT'S INSPECTOR(S) UNTIL A CERTIFICATE OF OCCUPANCY IS ISSUED FOR THE PROJECT.

CONTRACTOR SIGNATURE: \_\_\_\_\_ PRINT NAME: \_\_\_\_\_

**HOME OWNER AFFIDAVIT:** I HEREBY CERTIFY THAT THE CONSTRUCTION WORK DESCRIBED ON THIS APPLICATION WILL BE CONDUCTED BY THE UNDERSIGNED IN MY SINGLE-FAMILY DWELLING IN WHICH I LIVE OR AM ABOUT TO OCCUPY. I UNDERSTAND PUBLIC ACT 230 OF 1972, AS AMENDED, THE MICHIGAN RESIDENTIAL CODE, AND I ASSUME ALL RESPONSIBILITY FOR OBTAINING ALL NECESSARY INSPECTIONS.

HOMEOWNER SIGNATURE:  PRINT NAME: Andrew Collins**VII. LOCAL GOVERNMENTAL AGENCY TO COMPLETE THIS SECTION****ENVIRONMENTAL CONTROL APPROVALS**

	Approval Required?	APPROVED	DATE	COMMENTS	SIGNATURE
A - ZONING	<input type="checkbox"/> YES <input type="checkbox"/> NO				
B - FIRE DISTRICT	<input type="checkbox"/> YES <input type="checkbox"/> NO				
C - POLLUTION CONTROL	<input type="checkbox"/> YES <input type="checkbox"/> NO				
D - NOISE CONTROL	<input type="checkbox"/> YES <input type="checkbox"/> NO				
E - SOIL EROSION	<input type="checkbox"/> YES <input type="checkbox"/> NO				
F - FLOOD ZONE	<input type="checkbox"/> YES <input type="checkbox"/> NO				
G - WATER SUPPLY	<input type="checkbox"/> YES <input type="checkbox"/> NO				
H - SEPTIC SYSTEM	<input type="checkbox"/> YES <input type="checkbox"/> NO				
I - VARIANCE GRANTED	<input type="checkbox"/> YES <input type="checkbox"/> NO				
J - OTHER	<input type="checkbox"/> YES <input type="checkbox"/> NO				
K - DRIVEWAY PERMIT	<input type="checkbox"/> YES <input type="checkbox"/> NO				

**VIII. VALIDATION - FOR DEPARTMENT USE ONLY**

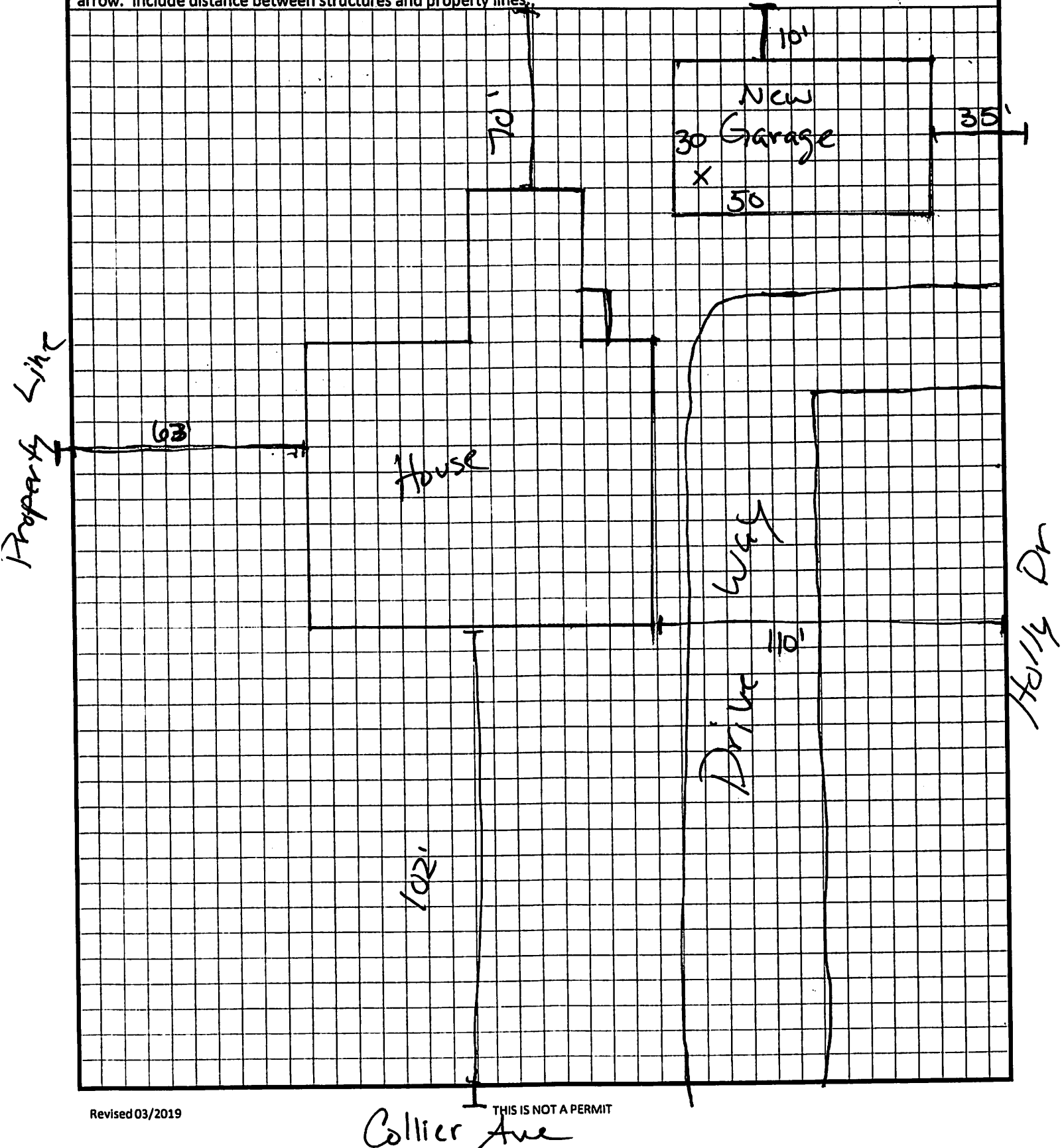
USE GROUP MIXED USE INCIDENTAL USE TYPE OF CONSTRUCTION SQUARE FEET # OF REQUIRED INSPECTIONS # OF INCLUDED INSPECTIONS	ADMINISTRATIVE FEE ZONING BASED FEE ZONING INSPECTION FEE INSPECTION FEE BUILDING PLAN REVIEW (PR) FEE PLUMBING / ELECTRICAL / MECHANICAL (PR) FEE WORK WITHOUT PERMIT FEE (\$150) TOTAL
ZONING ADMINISTRATOR'S APPROVAL SIGNATURE DATE	BUILDING OFFICIAL'S APPROVAL SIGNATURE DATE



# Property Line

Page 4 of 4

IX. SITE OR PLOT PLAN - FOR APPLICANT USE. Please include locations of streets, driveways, and existing structures. Include the location and number of parking spaces, easements, right-of-way lines, setback distances, location of any on-site water or sewer facilities, retaining walls, water bodies within 500 feet of the property, 100 year flood plains, wetlands, and a north arrow. Include distance between structures and property lines.










**ANS Steel Buildings**  
 945 Cleveland Ave  
 Defiance, OH 43512  
 419-785-4005  
 anssteelbuildings.sales@gmail.com

Customer Order - Aug 25, 2022

Ship To			
Name	Order # 1661459895417349		
Billing Address			
City	State	Zip Code	
Install Address			
City	State MI	Zip Code	
Email	Phone #	Mobile #	

Building Info	Size	Color	Anchoring & Site Preparation
Style: Standard (12' - 30' W)	$  \begin{matrix}  30' \\  \cancel{30'}  \end{matrix}  \times  \begin{matrix}  50' \\  \cancel{40'}  \end{matrix}  \times  \begin{matrix}  10' \\  \text{Leg Height}  \end{matrix}  $	Roof Charcoal <input checked="" type="checkbox"/>	Installation Surface: Concrete
Roof Overhang: 6"		Trim: Charcoal <input checked="" type="checkbox"/>	Power Available <input type="checkbox"/>
Roof Style: A-Frame Vertical		Gable End Siding Gallery Blue <input checked="" type="checkbox"/>	Site Ready <input type="checkbox"/>
Gauge: 12-Gauge Framing		Side Wall Siding Gallery Blue <input checked="" type="checkbox"/>	Jobsite Level <input type="checkbox"/>
Leg Style: Standard			
Brace: Standard Brace			

Building Images		
 <p>Perspective View</p>	 <p>Front</p>	 <p>Left Side</p>
 <p>Right Side</p>	 <p>Back</p>	

Change to 10x8 Doors

#1661459895417349

# LEFT SIDE

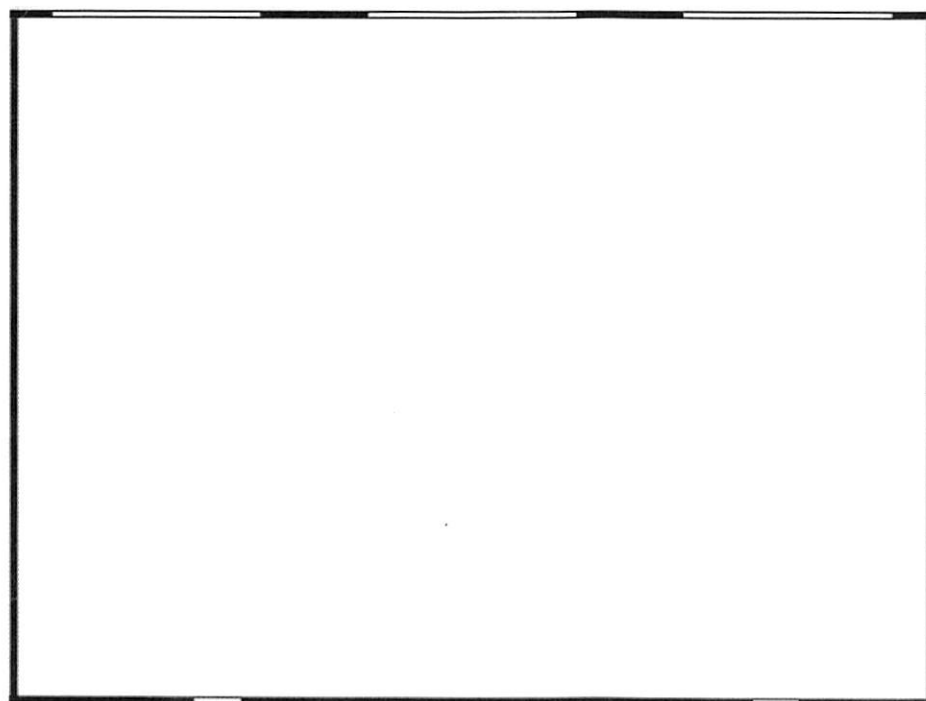
FRONT

1'10" 9' 4'8" 9' 4'8" 9' 1'10"

D1

D1

D1



13'6"

3'

30'

13'6"

D2

W1

W1

8' 2' 22'2" 2' 5'10"

50

# RIGHT SIDE

BACK

## SYMBOL LEGEND

D1

9x8 Roll Up Door

D2

Walk-in Door (36" x 80")

W1

24W x 36H Windows

Closed Wall

Closed Wall

#1661459895417349



# Speakers

2

Seth Koches  
Bauckham, Thall, Seeber & Kaufman, P.C.  
470 W. Centre Ave., Suite A  
Portage, MI 49024  
269-382-4500  
[koches@michigantownshiplaw.com](mailto:koches@michigantownshiplaw.com)

Firm Website: [www.michigantownshiplaw.com](http://www.michigantownshiplaw.com)



# Solar Energy

3





# Solar

4

- Solar Company executes a power agreement with utility company [unless applicant is a utility company].
  - Typically 20 years subject to a 20 year renewal
- Commercial Solar Panels right now have an approximate life expectancy between 20-40 years.
- Solar company may contact the Township for initial discussions.
  - This is when the Township should review it's ordinance, contact your township attorney, and consider engaging a professional planner.
  - The solar company or utility company may provide your Township a sample ordinance to adopt.
    - ✦ Call you Township Attorney!
- Solar company will [hopefully] contact surrounding property owners to discuss the project and attempt to address any concerns.



# Solar

5

- **Characteristics of solar farm (in general)**
  - Panels set in grids/posts in ground = solar array
  - Inverter – energy generated through panels is converted to energy for transmission; 400 KW solar array = (approximately) 1 inverter
  - No noise – although there may be hum from inverter
  - 1 MW = approximately 7 – 10 acres of land – depending on topography
  - Solar energy companies looking for – most desirable:
    - ✧ Flat ground
    - ✧ Proximity to transmission lines
    - ✧ Low snowloads

# Solar Farms

6

- **Local land use considerations re request for solar farm**
  - Zoning ordinance requirements – site plan, special use
    - ✦ Setbacks
    - ✦ Security fencing
    - ✦ Buffers – screening or open area (landscape plan)
    - ✦ Other land uses possible with solar farm?
    - ✦ Need for decommissioning plan /financial surety
    - ✦ Possible building (small) for maintenance
    - ✦ Decommissioning
      - Fairly quick removal
      - Return land to prior use
      - Take financial guarantee to insure that municipality can perform decommissioning if company doesn't



# Solar Farms

7

- **Anecdotal information re solar farms.**
  - Peak demand for energy = peak production time.
    - ✦ summer is peak production time and peak demand time
    - ✦ Solar energy can serve as needed backup capacity.
  - PA 116 implications – per MDARD - Commercial Solar Farm cannot be located on land that is enrolled in PA 116.
    - ✦ If agriculturally zoned and pull out for solar farm – have to set aside 2 times the acreage in farmland preservation.
    - ✦ MDARD – land will have to come out of PA 116 for solar energy development.
  - Potential method of rural economic development .



# Solar Farms

8

- Solar energy system may be allowed as special use in the AG district.
  - No requirement by law that the zoning be changed to Industrial.
  - No need to change zoning to industrial.
  - Manage by special use approval.
  - When removed, the property remains zoned AG – not inconsistent with surrounding land uses or zoning.
  - Special use process allows reasonable conditions to control impacts.
  - MSU Extension has done good work on solar and wind energy.



# Solar Farms

9

- Decommissioning Plan.
  - Actual Cost of Decommissioning **NOT** Salvage Value.
  - Post a **Bond** to guaranteeing decommissioning of project.
- Escrow Fee (i.e. \$10,000).
  - Reimbursement for legal fees, public hearings, planning commission meetings, professional planner.

*can replenish the escrow when the balance is at 20%.*
- Consider engaging a professional planner.



# Solar Farms

10

- Processed as a special land use.
- Review your solar ordinance before processing application.
  - ✧ Does it need changes?
  - ✧ Adequately protect the Township?
- Attach reasonable conditions where necessary.
- Example: The decommissioning plan cost shall be updated **every 3 years** by the Applicant and confirmed by a Township approved third-party engineering firm, at the cost to the Applicant. The bond will be adjusted as required, after recommended by the Planning Commission and approved by the Township Board.

— Mention  
3ft roof  
top buffer. —



# **White Oak Township Solar Ordinance**

**Section 4.51 of the Zoning Ordinance**

**RECOMMENDED BY PLANNING COMMISSION:** May 23, 2022

**ADOPTED BY TOWNSHIP BOARD:** August 8, 2022

**EFFECTIVE:** August 22, 2022

## **Section 4.51 Solar Energy Systems**

A solar energy system as defined by this Ordinance is allowed as a special Use when approved by the Planning Commission in accordance with the process defined herein. Large scale solar energy systems (Solar Farms) are permitted as a special use only on agricultural or industrially zoned property. Small scale (on-site) solar energy systems are permitted as a Special Use on agricultural, industrial, and residentially zoned property. In addition to the standards and requirements specified in this Ordinance, the Planning Commission shall not approve the issuance of a Special Use Permit unless the requirements in this section are met:

### **(A) Intent and Purpose**

- (1) Purpose.** The most common and prevalent land uses in White Oak Township are agricultural and residential, and their preservation has been an ongoing goal within the community for many years. This Ordinance is intended to protect the health, safety and welfare of the residents of the township and to encourage the safe, effective, efficient and orderly development and operation of solar energy resources in the township while preserving and protecting the character and the stability of residential, agricultural, recreational, commercial, industrial and other areas within the township.
- (2)** With advances in technology of “solar energy development” in general, specific locations within the township may support the implementation of Solar Farms. To prepare for potential solar development projects within the township, this Ordinance will require such developments to obtain a Special Use Permit to ensure Solar Farm development sites are appropriately located so as to protect the character and stability of the township’s residential, agricultural, recreational, commercial and/or industrial areas while simultaneously preserving and protecting the township’s important and sensitive environmental and ecological assets, open space, wetlands, and other ecological and environmentally sensitive areas, views and aesthetics. Accordingly, regulations are necessary to further the above goals and, equally important, to minimize the potential adverse effects of this emerging land use on adjacent properties.

### **(B) Definitions.** The following definitions shall apply in this section.

- (1) GIS:** Geographic Information System. A computer-based system that maps, analyzes, and presents geographically-referenced data.
- (2) GPS:** Global Positioning System. A satellite-based navigation system used to determine the ground position of an object.
- (3) Lease Unit Boundary:** The boundary around a property or properties leased or purchased for the purpose of operating a solar energy facility, including leased or purchased adjacent parcels to the parcel on which the solar energy facility or equipment is located. For purposes of setback, the Lease Unit Boundary shall not cross road rights-of-way.
- (4) NEC:** National Electrical Code.
- (5) Participating Landowner:** A landowner who has leased land to the solar energy systems Applicant, recorded the notice of lease agreement with the Ingham County Register of Deeds, and has an active contract with the solar energy systems Applicant. A Participating Landowner may also be called a solar energy systems contract leaseholder. A Participating Landowner may or may not have solar panels or infrastructure located on their property.

- (6) **Participating Landowner, Non-:** A landowner who has not signed a contract or any legal document with the solar energy systems Applicant and has not given up rights to their owned land to the solar energy systems Applicant.
- (7) **Solar Panel Height:** The height of a solar panel structure with a panel at the highest vertical point.
- (8) **Utility Grid, Electric:** The electrical power system network comprised of the generating plant, the transmission lines, the substation, transformers, the distribution lines, and the consumer.
- (9) **Wetland:** As pertains to this Ordinance, wetland shall mean the areas defined as such by Michigan law (see Part 301 Inland Lakes and Rivers and Part 303 Wetlands Protections of the Natural Resources and Environmental Protection Act, last revised effective 3-29-19), and regulated by the Michigan Department of Natural Resources, and the Michigan Department of Environment, Great Lakes, and Energy.
- (10) **Solar Energy Systems Applicant:** The person, firm, corporation, company, limited liability corporation or other entity, as well as the Applicant's successors, assigns and/or transferees, which applies for Township approval (permit) to construct a solar energy system and/or solar energy system Testing Facility.
- (11) **Solar Energy System:** A solar photovoltaic cell, panel, or array, or series of cells, panels, or arrays, that converts solar energy to usable thermal, mechanical, chemical, or electrical energy.
  - (a) **Solar Farm:** A utility-scale commercial facility that converts sunlight into electricity, whether by photovoltaics, concentrating solar thermal devices or any other various experimental or new solar technologies for the primary purpose of wholesale or retail sales of generated electric power off-site.
  - (b) **Small-Scale Solar Energy System:** A single residential or small business-scale solar energy conversion system consisting of building-mounted panels, ground-mounted solar arrays, or other solar energy fixtures, and associated control or conversion electronics that will be used exclusively for private, on-site purposes and not used for any commercial resale of any energy generated, except for the sale of surplus electrical energy back to the electrical grid.
- (12) **Solar Energy System Testing Facility:** A structure and equipment such as a meteorological tower for the collection of solar data and other meteorological data and transmission to a collection source, shall not be deemed to be a communication tower.
- (C) **Small Scale Solar Energy System.** The following standards shall apply to Small Scale Solar Energy Systems in addition to the general Special Use Approval Requirements of this Ordinance:
  - (1) **Zoning.** Small scale solar energy systems are permitted in all zoning districts, including on land enrolled in the Michigan Farmland Preservation Program (PA 116 of 1974). Special Use Approval shall not be required prior to the installation of a small scale solar energy system. The Zoning Administrator shall approve the small scale solar energy system and issue a zoning permit if all provisions of this section are met.



- (2) **Height.** Structures associated with a solar energy system shall have a total height of 15 feet or less. Solar panels attached to an existing structure (including those placed on rooftops) may exceed this height, but shall not cause the structure they are attached to to exceed the maximum permitted height in the Zoning District in question.
  - (3) **Edge of Rooftop.** Solar panels attached to a rooftop shall not extend beyond the edges of the roof.
  - (4) **Setbacks.** Small scale solar energy systems shall not be located in the front yard, and shall be set back at least 25 feet from all side lot lines and 50 feet from the rear lot line. These setback requirements shall supersede all other setback requirements in this Zoning Ordinance.
  - (5) **Lot Coverage.** No more than 20% of the lot area, or 20 acres, whichever is less, on any lot shall be covered by a small scale solar energy system.
  - (6) **Glare.** Solar energy systems shall be designed and located to avoid glare or reflection onto adjacent lots and adjacent roadways, and shall not interfere with traffic or create a safety hazard off-site.
- (D) **Solar Farms.** Solar Energy Conversion Systems and Testing Facilities shall meet the following standards. An application for a Special Use permit shall be filed with the Township pursuant to Section 4.39 as to Special Use approvals. Supporting data and documentation must be submitted in their entirety at the time of application. Applicant shall provide to the Township updated documents throughout the duration of the Solar Farm application process upon request by the Township Board or Planning Commission.
- (1) **Zoning District.** Solar Farms are allowed only in the AG (Agricultural) zoning district and require a special land use permit and site plan review. In addition to all requirements for a special land use permit under Section 4.39 of the Zoning Ordinance and site plan review and approval under Section 4.38 of the Zoning Ordinance, Solar Farms are also subject to the requirements of this Section 4.51.D.
  - (2) **PA 116 Exclusion.** No Solar Farm shall be allowed on any portion of a lot enrolled in the Michigan Farmland Preservation Program (PA 116 of 1974).
  - (3) **Application Requirements.** The Applicant for a Solar Farm must provide the Township with all of the following:
    - (a) Application fee in an amount set by resolution of the Township Board.
    - (b) The name, address, and phone number of the Applicant, any authorized representatives of the Applicant, the proposed operator, and the real property owners.
    - (c) A site plan that includes all proposed structures and the location of all equipment, transformers, and substations, as well as all setbacks, panel sizes and locations, and the location of property lines, signage, fences, greenbelts and screening, drain tiles, easements, floodplains, bodies of water, lighting, proposed access routes, land elevations, structures on adjacent parcels, and road right of ways. The site plan must be drawn to scale and must indicate how the Solar Farm will be connected to the power grid.
    - (d) Scaled drawings depicting the location, height, elevation, and size of all components of the Solar Farm.
    - (e) A map and narrative description of the land uses of all non-participating parcels adjacent to the Solar Farm.

White Oak Township Solar Ordinance **EFFECTIVE AUGUST 22, 2022**

- (f)** A list of all parcel numbers that will be used by the Solar Farm; documentation establishing ownership of each parcel; legal descriptions for each parcel; and any lease agreements, easements, letters of intent, or purchase agreements for the subject parcels demonstrating the property owners' consent to include the parcels in the Solar Farm.
- (g)** A plan for managing erosion and sediment control.
- (h)** An operations agreement setting forth the operations parameters, the Applicant's inspection protocol, security and emergency procedures, and general safety documentation. The security and emergency procedures must describe how the Applicant or operator will prevent unauthorized access to the Solar Farm and warn and protect the public about potential dangers during the construction, operation, maintenance, repair or removal of the Solar Farm.
- (i)** Current photographs of the subject property.
- (j)** A graphical demonstration (preferably computer-generated) of the Solar Farm as completed.
- (k)** A copy of the Applicant's power purchase agreement or other written agreement with an electric utility showing approval of an interconnection with the proposed Solar Farm.
- (l)** A written plan and schedule for maintaining the subject property, including a plan for maintaining and inspecting drain tiles and addressing stormwater management.
- (m)** A decommissioning and land reclamation plan describing the actions to be taken following the abandonment or discontinuation of the Solar Farm, including evidence of proposed commitments with property owners to ensure proper final reclamation, repairs to roads, and other steps necessary to fully remove the Solar Farm and restore the subject parcels.
- (n)** An escrow payment that meets the requirements of this Section.
- (o)** Financial security that meets the requirements of this Section.
- (p)** A plan for resolving complaints from the public or other property owners concerning the construction and operation of the Solar Farm.
- (q)** A plan for managing any hazardous waste.
- (r)** A description of any electromagnetic interference that may be generated by the Solar Farm.
- (s)** A transportation plan for construction and operation phases, including any applicable agreements with the County Road Commission and Michigan Department of Transportation.
- (t)** An attestation that the Applicant will indemnify and hold the Township harmless from any costs or liability arising from the approval, installation, construction, use, maintenance, repair, or removal of the Solar Farm.
- (u)** A copy of the manufacturer's installation instructions.
- (v)** An unredacted copy of the manufacturer's safety manual for each component of the Solar Farm without distribution restraints to be kept at the Township Hall and other locations deemed necessary by Planning Commission or local first responders. The Manual should include standard details for an industrial site such as materials, chemicals, fire, access, safe distances during Solar Farm failure, processes in emergencies, etc.

- (w) Proof of environmental compliance, including compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act; (MCL 324.3101 et. seq.; Part 91, Soil Erosion and Sedimentation Control (MCL 324.9101 et. seq.) and any corresponding County ordinances; Part 301, Inland Lakes and Streams, (MCL 324.30101 et. seq.); Part 303, Wetlands (MCL 324.30301 et. seq.); Part 365, Endangered Species Protection (MCL 324.36501 et. seq.); and any other applicable laws and rules in force at the time the application is considered by the Township.
  - (x) An environmental impact study that evaluates the environmental impact of the Solar Farm, including its impact on water resources, air quality, wildlife, floodplains, wetlands, unique farmlands or soils, areas of aesthetic or historic importance, archeological or cultural resources, neighboring properties, utilities and infrastructure, noise, and any other relevant factors.
  - (y) An estimated construction timeline.
  - (z) Any additional information or documentation requested by the Planning Commission, Township Board, or other Township representative.
- (4) **Permission of Property Owner.** An Applicant must have the legal authority to represent and bind the Participating Landowner, or lessee, who will construct, own, and operate the solar energy system or Testing Facility. The duties and obligations regarding a zoning approval for any approved solar energy system or Testing Facility shall be with the solar energy system or Testing Facility owner, and jointly and severally with the owner, operator, and lessee of the solar energy system or Testing Facility if different than the solar energy system owner.
- (5) **Permitting Costs:** An escrow account shall be set up when the Applicant applies for a Special Use Permit for a Solar Farm and/or Testing Facility. The monetary amount filed by the Applicant with the Township shall be in an amount estimated by the Township Board to cover all reasonable costs and expenses associated with the special use zoning review and approval process, which costs can include, but are not limited to, fees of officials appointed or contracted with the Township, including the Township Attorney, Township Planner, and Township Engineer, as well as any reports or studies which the Township anticipates it may require related to the zoning review process for the particular application. Such escrow amount shall include regularly established fees. The Township may require the Applicant to replenish the escrow account at any time to ensure a sufficient balance. If the escrow account needs replenishing and the Applicant refuses to do so within fourteen (14) days after receiving notice, the zoning review and approval process shall cease until and unless the Applicant makes the required escrow deposit. Any escrow amounts which are in excess of actual costs shall be returned to the Applicant within ninety (90) days of completion of the permitting process. An itemized billing of all expenses shall be provided to the Applicant. The Township shall hire qualified professionals for each and any of the technical fields associated with the Special Use Permit, such as, but not limited to, electrical, acoustics, environment, economics, wildlife, health, and land-use.
- (6) **Height:** Structures associated with a Solar Farm shall have a total height of 15 feet or less when oriented at maximum tilt. Height is measured from the natural grade at the base of the component being measured. Lightning rods may exceed 15 feet in height, but they must be limited to the height necessary to protect the Solar Farm from lightning. This height standard shall apply regardless of zoning district, and shall supersede any other height maximum in this Zoning Ordinance.
- (7) **Setback:** The following minimum setbacks, measured from the outside edge of the solar panel, or other structure accessory to a Solar Farm, shall be required. The setbacks listed below shall apply to all structures accessory to a Solar Farm. The setbacks in this section shall supersede all other setback requirements in this Zoning Ordinance.



- (a) From a lot line abutting a lot that is not participating in the solar project: 300 feet.
  - (b) From a public or private road right-of-way line: 200 feet.
  - (c) From wetland delineated by the State of Michigan, regardless of whether the wetland is regulated by the State of Michigan: 50 feet.
  - (d) There shall be no setback requirement from the lot line of a participating parcel. However, if any solar panel structures are proposed to be placed such that the panel and/or the support structure crosses a property line, the lease agreements for the parcel in question must be submitted to the Township for review and determination of whether the agreement creates any legal, planning, or safety hazard for the township or its residents. If the agreement does not create a hazard in the opinion of the Township Board, the agreement to allow a structure to cross property lines shall be approved.
- (8) **Lot Coverage.** No more than 50% of the lot area, or 20 acres, whichever is less, on any lot shall be covered by a Solar Farm or portion of a Solar Farm.
- (9) **Accessory Buildings, including Battery Storage and Inverters.**
- (a) Inverters and battery storage buildings must be set back at least 1,000 feet from the lot lines of non-participating lots and at least 200 feet from the lot lines of participating lots.
  - (b) Battery storage buildings must include secondary containment around all batteries.
  - (c) Structures other than inverters, battery storage, and solar panels that are related to a Solar Farm shall be subject to the dimensional and locational standards of the zoning district in which they are located.
  - (d) Additional vegetation or other screening, in addition to what is required in Section 4.51.D.10, may be required to minimize visual impact off-site.
- (10) **Landscaping and Buffering:** The following landscaping requirements shall apply to the site, and shall supersede the regulations of Section 4.32, 4.33, and any other landscaping provisions in the Ordinance on sites containing Solar Farms.
- (a) **Buffering/Screening:**
- (i) Along the property line adjacent to a non-participating lot containing one or more residential dwelling units, within the required setback area, the following plantings are required:
    - 1) **Evergreen trees**, at least 8 feet high at the time of planting, planted in a staggered double row no more than 10 feet on center.
    - 2) The Planning Commission shall determine at the time of approval whether the proposed plantings constitute a "dense visual screen" and may require additional plantings, or other design changes to the landscape plan, as a condition of Special Land Use Approval.
  - (ii) **Existing Trees and Woodlands:** Existing trees within the required setback area shall be preserved to the greatest extent possible. The Planning Commission may waive Subsection 1.a above upon determining that existing foliage provides a sufficient screen from neighboring residential uses.

- (b) **Ground Cover:** Between the solar panels, the ground must be covered by natural vegetation which may include, but is not limited to:

  - (i) **Native Grasses**, including, but not limited to bluestem, sedge, and bottlebrush.
  - (ii) **Grazing Grasses**, including, but not limited, to switchgrass, gamma, and Indiangrass.
  - (iii) **Pollinator Habitat**, including, but not limited to, sunflower, milkweed, and black-eyed susan.
- (c) **Fence.** All mechanical equipment including any structure for batteries or storage cells (but not including solar panels), shall be completely enclosed by a six foot high fence with a self-locking gate, and provided with evergreen landscaping that is sufficient to buffer the equipment from view of adjacent streets and lots.
- (d) **Maintenance:** All plantings shall be installed in a manner that supports their long- term health and vitality. All plantings shall be maintained in a sound health and vigorous growing condition. The Township may require dead, diseased, damaged, or destroyed species within the required setback area to be replaced with new plantings.
- (11) **Noise:** The noise generated by a Solar Farm must not exceed the following limits. In the event of a conflict between this section and Section 13.4 (or any other section of this Zoning Ordinance), the more stringent regulation shall apply.

  - (a) 40 dB(A) Leq 1 second or 50 dB(C) Leq 1 second, as measured at the property line of any adjacent non-participating parcel.
  - (b) In addition to the above limitations, a double row of evergreen trees, at least 8 feet tall at planting and spaced not less than 10 feet apart on center, must be constructed to reduce noise levels surrounding all inverters. The trees must be within 20 feet of the inverters. This requirement is in addition to the requirements of Section 4.51.D.10.
- (12) **Signage:** Each Solar Farm shall have one sign per lot, located at the roadside and easily visible throughout all four seasons. Signs shall be at least two to six square feet in area. Additional signage on and around the solar panels is recommended. All signage shall meet the requirements of Section 4.41. The sign shall contain at minimum the following:

  - (a) Warning high voltage.
  - (b) Participating Land owner's name, Solar Farm owner's name, and Operator's name.
  - (c) Emergency telephone numbers and web address (list more than one number if needed).
  - (d) If the Solar Farm uses fencing, signs shall be placed on the perimeter fence at the fence entrance gate.
  - (e) Unique identification such as address of the Solar Farm.
- (13) **Safety:** The Solar Farm shall meet the following safety requirements:

  - (a) The Solar Farm shall be designed to prevent unauthorized access to electrical and mechanical components and shall have access doors that are kept securely locked at all times when service personnel are not present.

- (b) All hazardous materials shall be properly and safely removed in a timely manner from the site of the Solar Farm.
  - (c) All collection system wiring shall comply with all applicable safety and stray voltage standards.
  - (d) An automatic fire suppression system shall be installed at each Solar Farm.
- (14) **Applicant Compliance:** The Solar Farm and related equipment shall comply with any and all Federal, State, County and Township requirements, and obtain all necessary permits from all Federal, State, County, Township, or other government authority prior to the commencement of construction of any Solar Farm.
- (15) **Infrastructure Wiring:** All electrical connection systems and lines from the Solar Farm to the electrical grid connection shall be located and maintained underground. Burial depth shall be at a depth that causes no known environmental, land use, or safety issues. Depth shall be a minimum of 6 feet below grade, be deeper than drain tile and be in compliance with NEC 2014 or newer Code standards, whichever depth is greater. The Planning Commission may waive the burial requirement and allow above-ground structures in limited circumstances, such as when geography precludes, or where there is a demonstrated benefit to the Township. The waiver shall not be granted solely on cost savings to the Applicant. In deciding whether to waive the requirements of this section, the Planning Commission will consider aesthetics, future use of land, and the effect on nearby landowners.
- (16) **Road Damage:** The Applicant and/or its contractor shall inform the Ingham County Road Commission (ICRC) and the Township of all the roads they propose to use as haul routes to each construction (including repair and decommissioning) site. This shall be done prior to beginning any construction (or decommissioning) at any site. A third-party road inspector will be retained, with mutual approval of the Township, the Applicant, and the ICRC or the Michigan Department of Transportation (MDOT) if a state highway is involved. The road inspector will determine any precautions to be taken (including video taping and physical inspections) during the process to determine any damage that may be caused by Applicant's contractor(s), and then determine the appropriate road standards and measures to be taken to repair the damage. The cost of the third party road inspector and/or any other required third party assistance, and of all repairs necessitated to restore the roads [and related property which may be damaged by the contractor(s)], shall be the responsibility of the Applicant and/or their contractor, and shall in no case be the responsibility of the Township.

In order to assure the funds will be available to perform the work described above, the Applicant will be required to post financial security acceptable to the Township, in the form of: a) a surety bond from a surety listed as acceptable on the Federal Surety Bond circular 570 of the U.S. Department of Treasury; or b) an acceptable letter of credit; or c) an escrow account established in a financial institution licensed in the State of Michigan. The amount of the security shall be a minimum of one million two hundred fifty thousand dollars (\$1,250,000), but this amount may be increased if the third-party consultant determines the amount needed for road repairs is greater than this amount. The bond (or other security) shall only be released (in whole or part) when the Township Board, in consultation with ICRC and the third party inspector, determines that all required road work has been completed and approved by ICRC and/or MDOT.

- (17) **Construction Codes, Towers, & Interconnection Standards:** Solar farms shall comply with all applicable state construction and electrical codes and local building permit requirements. An interconnected Solar Farm shall comply with Michigan Public Service Commission (MPSC) and Federal Energy Regulatory Commission (FERC) standards if applicable.



- (18) **Liability Insurance:** The current Solar Farm owner and operator shall insure for liability for the Solar Farm in an amount of two million dollars (\$2,000,000) per occurrence, per participating lot, without interruption until removed and comply with section "Site Insurance" (See F.5) to ensure that funds are available to resolve damage/injury claims.
- (19) **Protection of Adjoining Property:** In addition to the other requirements and standards contained in this section, the Planning Commission shall not approve any Solar Farm unless it finds that the Solar Farm will not pose a safety hazard or unreasonable risk of harm to the occupants of any adjoining properties or area wildlife.
- (20) **Operational, Maintenance, and Issue Resolution:** Each Solar Farm and Testing Facility must be kept and maintained in good repair and condition at all times. If a Solar Farm is not maintained in operational and reasonable condition or poses a potential safety hazard, the Applicant shall take expeditious action to correct the situation, including Solar Farm removal if needed. The Applicant shall keep a maintenance log on each Solar Farm and must provide the complete log to the Township within thirty (30) days of request. To assure compliance with this requirement, an annual audit of maintenance records, conducted by a qualified third-party maintenance expert acceptable to the Township, shall be completed at the expense of the owner/operator of the Solar Farm, and a copy of this report provided as specified by the Township.
- (21) **Inspection:** The Township shall have the right upon issuing any Solar Farm special use permit to inspect the premises on which each Solar Farm is located at any reasonable time. The Township may hire a consultant to assist with any such inspections at a reasonable cost to be charged to the operator of the Solar Farm.
- (22) **Repair Documentation:** Applicant must provide a detailed policy and process book for the repair, replacement, and removal of malfunctioning, defective, worn, or noncompliant Solar Farm equipment. Sections of the process book should consider any ordinance requirement or Solar Farm performance deficiency. The process book shall also include a detailed maintenance schedule.
- (23) **General Maintenance Bond.** The Township shall require a General Maintenance Bond to guarantee all aspects of this Ordinance are met at all times during the construction and operation of the Solar Farm. At the time of the Special Use application, the Applicant shall submit two third-party contractor bids for construction of all fencing, landscaping, and drainage improvements associated with the Solar Farm, and the bond shall be the higher of the two bids. The Township may use the bond to repair any landscaping, fencing, drainage infrastructure (including drainage tiles), and/or to correct any ongoing violation of this Ordinance, in the event that the Solar Farm owner fails to adequately maintain the required site improvements, or fails to make operational changes to correct an operational violation. The Township Board shall not utilize the General Maintenance Bond unless the Complaint Resolution process described in Section 4.51.D.22 has been completed and the Township Board determines that the Solar Farm owner is unlikely to make required repairs, upgrades, or operational changes.
- (24) **Complaint Resolution:** It is the intent of this Ordinance to provide a mechanism to address and resolve complaints prior to the expenditure of significant funds by the Township and/or operator for investigation and resolution. Therefore, the Township shall perform an initial vetting of complaints prior to requesting funds from the operator for complaint resolution efforts. If the Township determines that the complaint has merit, the complaint shall be resolved in the following manner:

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- (a)** Complaints shall be submitted to the Township in writing from the affected property owner, or written designee, including name, address, contact information, and specific complaint. The complaint shall be added to the agenda of the next Township Board meeting in accordance with the procedure for setting the agenda.
- (b)** The Township shall submit to the operator of record notice of all written complaints to the Township within thirty (30) days of receipt of any complaint. Complaints received by the Township and the date of any Township Board meeting where complaints may be considered shall be communicated to the owner-operator at least 10 days prior. The notice shall state that the Township Board may determine that the Solar Farm, as well as the owner-operator, is in violation of its permit.
- (c)** Upon review, if the Township Board, by an affirmative vote of the majority of the members present, deems a complaint sufficient to warrant an investigation, the Township Board shall notify the owner(s) and/or operator of the Solar Farm that an investigation has been requested by the Board.
- (d)** Owner operator shall be required, as a condition of the operation, to fund an escrow account for investigation of complaints for, but not limited to glare, stray voltage, noise, and signal interference in the amount of \$15,000.00 to be used at the discretion of the Township Board to pay for third party investigative services, the provider of which shall be chosen by the Township. Such funds shall be deposited with the Township Treasurer, or with a third-party fiduciary, at the discretion of the Township. When the escrow account balance is below \$5,000.00 the Township shall notify the Applicant and the Applicant shall replenish the account to the amount of \$15,000.00 within 45 days.
- (e)** If the Solar Farm is found to be in violation of this Ordinance, the owner(s) and/or operator shall take immediate action to bring the Solar Farm into compliance. If the operator fails to bring the operation into compliance within thirty (30) days, the Township may seek any relief at law or equity to abate the nuisance and may also issue a municipal civil infraction citation. Each violation for which the owner(s) and/or operators are deemed responsible shall result in a \$500.00 fine. Each day of non-compliance shall be deemed a separate offense.
- (f)** Any Solar Farm found by the Township Board to be in violation of this Ordinance set forth herein shall be considered a nuisance and the Township Board may, following notice and a public hearing, order that the Solar Farm operations cease until such time as the Solar Farm owner/operator can demonstrate compliance with the requirements of this Ordinance.
- (g)** Following the closure of the Solar Farm, the Township may opt to utilize the General Maintenance Bond (see Section 4.51.D.21) to make repairs or operational improvements, in order to mitigate the violation. However, the Township shall be under no obligation to utilize the General Obligation Bond to bring the Solar Farm into compliance, and may instead notify the Solar Farm owner/operator that the Solar Farm has been determined to be irreparably out of compliance with this Ordinance, and, following notice and a public hearing, by majority vote of the Township Board, void the Special Use Permit. In the event that the Special Use permit is voided, the process for abandonment, decommissioning, removal, and site renovation shall occur as described in Sections 4.51.D.23-25.

- (25) **Abandonment:** Any Solar Farm, or individual solar panel that is a component of a Solar Farm, that is not used to produce energy for a period of six (6) successive months or longer shall be deemed to be abandoned and shall be promptly dismantled and removed from the property in accordance with the decommissioning regulations of this Ordinance, unless the Applicant receives a written extension of that period from the Township Board in a case involving an extended repair schedule for good cause.
- (26) **Removal and Site Renovation:** A condition of every approval shall be adequate provision for the removal of the structure whenever it ceases to actively produce power for one hundred eighty (180) days or more. The Planning Commission can grant an extension of an additional one hundred eighty (180) days upon the Solar Farm owner demonstrating that the structure will be put back into use. Removal shall include the proper receipt of a demolition permit from the Building Official and proper restoration of the site, including but not limited to all participating parcels, to original condition. Removal of the structure, wiring, and its accessory use facilities shall include removing the caisson (foundation) and all other components in their entirety, to a depth of at least six (6) feet below grade. Restoration must be completed within 365 days of non-operation. If repair is allowed, the Solar Farm owner must provide data indicating the repaired Solar Farm is in good operational condition and functioning at an efficiency similar to surrounding Solar Farms.
- (27) **Decommissioning:** To ensure proper removal of each Solar Farm structure when it is abandoned or non-operational, application for a Special Use permit shall include a proof of the financial security in effect before permit is approved. The security shall be in a form acceptable to the Township. These should be reviewed by the Township Attorney and approved by the Planning Commission.
- (a) The amount of each Solar Farm security guarantee shall be 125% of the average of at least two independent (Applicant) demolition (removal) quotes obtained by the Township. If the quantity of quotes obtained is two (2), the formula shall be (quote 1 + quote 2) divided by two (2). Quotes shall be ordered and obtained by the Township from established demolition companies. Quotes shall not include salvage values. The security guarantee shall be updated every two (2) years at the rate of 1.5 times CPI (consumer price index) for each year.
  - (b) Such financial guarantee shall be deposited with the Township Treasurer, or with a third-party fiduciary, at the discretion of the Township, after a Special Use has been approved but before construction operations begin on the Solar Farm project. Failure to keep such financial security in full force and effect at all times while the structure exists shall constitute a material and significant violation of any Special Use approval and this Ordinance, and shall be subject to any and all remedies available to the Township, including, but not limited to, enforcement actions, fines, revocation of the Special Use approval and Solar Farm removal.
  - (c) If the Applicant or operator fails to timely decommission the Solar Farm as required under this Ordinance, then the Township may draw from the financial security to decommission the Solar Farm and to pay any costs associated with decommissioning, including legal fees and expenses.
  - (d) The Applicant shall be responsible for the payment of all attorney fees and other costs incurred by the Township in the event that the structure is not voluntarily removed and the Township has to enforce removal.
- (28) **Transfer or Sale:** In the event of a transfer or sale of the Solar Farm, the Township shall be notified and the Special Use permit may be amended by the Township Board.



- (a) Change in ownership alone shall be considered a minor amendment to the Special Use approval and may be approved administratively without a public hearing.
  - (b) Any proposed changes to the operating procedure or approved site plan shall be amended and resubmitted for Township review according to the procedures for all Solar Farms as outlined herein, including a public hearing.
  - (c) Upon transfer or sale, the cash bond (or form of security acceptable to the Township) shall be maintained at all times, the estimated costs of decommissioning shall be resubmitted, and the security bond adjusted to account for the new estimate.
- (E) Conflicting Regulations.** In the event of any conflict between this Section 4.51 and any other provision of the Zoning Ordinance, this Section shall govern, unless specifically stated otherwise within this Section.