

ANN ARBOR CHARTER TOWNSHIP BOARD OF TRUSTEES MEETING AGENDA

Monday, January 22, 2024, at 7:30 PM

Township Office, 3792 Pontiac Trail, Ann Arbor MI 48105

To participate via video conference call - [Click here to register](#) or [Visit aatwp.org](http://Visit.aatwp.org)

I. CALL TO ORDER, ESTABLISH QUORUM

II. APPROVAL OF BOARD OF TRUSTEES MINUTES

- A. Regular Meeting December 18, 2023
- B. Special Meeting Open Session January 3, 2024
- C. Special Meeting Closed Session January 3, 2024

III. CITIZEN PARTICIPATION 7:30 - 7:45 - Citizen Participation on Agenda items only. Call the Township Office for reserved time- 663-3418 - before noon on the day of the meeting. Public Comment regarding non-agenda items is at the end of the meeting.

IV. APPROVE THE AGENDA AND CONSENT AGENDA

- A. Claims Listing
- B. Appoint Jeffrey Souza to the Zoning Board of Appeals for a term ending July 1, 2026.
- C. Barry Lonik hourly pay increase to \$110 per hour for project work (\$5 increase), \$70/hour baseline (\$10 increase, first time ever), monitoring, no change.
- D. Accept the Code Enforcement Officer's Annual Report
- E. Accept Farmland Consultant Barry Lonik's Report
- F. Accept the Building Department Annual Report
- G. Accept the Personnel Committee Memo

V. ANNEXATIONS, ORDINANCES, ZONING, RESOLUTIONS

- A. US 23 Reconstruction – Michigan Department of Transportation
- B. Approve the Resolution on Poverty Exemption Policy and Guidelines – Assessor Haley
- C. Ordinance Amendments to Zoning Code Section 74-592 Mineral Mining
- D. Ordinance Amendments, Zoning Code Section 74-2, "definitions" and 74-9, "Home occupation," regarding standards for home occupations.
- E. Ordinance Amendments, Zoning Code Section 74-426, "Requirements, scope, uses, exceptions," and 74-461 through 74-463, "Schedule of Use Regulations," regarding accessory structures.

- F. Second reading of Ordinance Amendment, Code Section 14-139, "International Property Maintenance Code," Collection of Fees.
- G. Fence – Gate Ordinance Revision

VI. REPORTS, DISCUSSIONS

A. Supervisor's Report

B. Clerk's Report

C. Treasurer's Report

D. Planning Commission Report – Jan 11, 2024

E. Committee Report

- 1) **Farmland Open Space and Preservation Board Report –**
- 2) **Utility Committee**
- 3) **Climate Resilience Committee**
- 4) **Zoning Board of Appeals**
- 5) **Public Safety Committee**
- 6) **Roads Committee**

F. Utilities Department Report

G. Public Safety Report

- 1) **Washtenaw County Sheriff's Department**
- 2) **Fire Department – Chief Mark Nicholai**

H. Building Department Report

VII. INFORMATION ONLY ITEMS

VIII. NON-AGENDA ITEMS

IX. PUBLIC COMMENT

**10:ANN ARBOR CHARTER TOWNSHIP
BOARD OF TRUSTEES MEETING
MINUTES OF MEETING – MONDAY, DECEMBER 18, 2023
TOWNSHIP OFFICES - 3792 PONTIAC TRAIL, ANN ARBOR MI**

I. CALL TO ORDER, ESTABLISH QUORUM

Supervisor O’Connell called the Ann Arbor Charter Township Board of Trustees meeting to order at 7:32pm on December 18, 2023.

Present: Supervisor Diane O’Connell
Clerk Rena Basch
Treasurer Carlene Colvin-Garcia
Trustee John Allison
Trustee Michael Moran
Trustee Kristine Olsson

Absent: Trustee Rodney Smith

Also Present: Township Attorneys Gabis and Lehman, Bodman PLC
Fire Chief Nicholai
Building Official and Zoning Administrator Pace
Utilities Director Judkins
Township Planner Sally Elmiger, Carlisle Wortman
Comptroller Coogan, Woodhill Group
Accounting Manager Iomar Whitt

II. APPROVAL OF BOARD OF TRUSTEES MINUTES

A. Regular Meeting November 20, 2023.

MOTION by Allison, support by Olsson, to approve the November 20, 2023 regular meeting minutes as submitted.

Motion passed unanimously by voice vote.

III. CITIZEN PARTICIPATION

Adele LaPorte, 959 Forest Road, Barton Hills, said that people had become aware that MDOT intended to erect an 8’ fence with black steel bars and concrete supports for 2.5 miles on both sides of the railroad along portions of the Huron River in her area. MDOT also intended to clear the area 50’ on center for the entire distance. The fence will disrupt the natural environment; this was an environmental issue as well as an aesthetic issue. The railroad has said this is a safety issue, but the reality was for this 2.5 mile stretch there has never been any accident or even a near miss. A group of residents are trying to present these issues to the affected municipalities. Washtenaw County and the City of Ann Arbor have adopted resolutions opposing

the fence, and she asked that Ann Arbor Township also adopt a resolution that addressed these concerns.

Sarah Swider, 1733 W. Huron River Drive, also addressed the fence proposed to be constructed along the railroad. Over 6000 people have signed an online petition that states residents' concerns, including disrupting the habitat and wildlife. The fence will also create problems for building the Border2Border Trail, and will obstruct emergency responders. A child stuck in between the two fences would experience significant safety issues. Ms. Swider had delivered a large amount of information to the Township. She asked that MDOT work with local communities to find solutions to problems, and asked that the Board of Trustees support these efforts.

Richard Field, 2938 Newport Road, invited the Trustees to walk the area from Foster Bridge east. The proposed fence area would be clear cut, changing the landscape and the environment. The resident group had gathered a lot of information, and were available to answer any questions the Board might have.

Robert West, 2385 W. Huron River Drive, said he lived at the corner of Foster and Huron River Drive. It was disturbing to realize this project had been worked on for 3 years, but he had only received notification from a letter dated June 23, 2023. Mr. West believed MDOT had been deceptive and unresponsive to neighbor and municipal concerns regarding this project. Also, animals can get into the fenced area at either end but after walking a distance would find it very difficult to get out. Mr. West asked the BOT to consider passing a resolution opposing MDOT's plan for a fence along the railroad area.

Supervisor O'Connell read a letter from Ed Ridha, 2675 Englave Drive, regarding proposed text amendments relative to home occupations and attached/detached structures. Noting that his neighborhood had just received information about the proposed changes last Saturday, Mr. Ridha asked that these matters be tabled to give the residents more time to absorb and respond to the implications of the proposed changes.

IV. APPROVE THE AGENDA AND CONSENT AGENDA

MOTION by Allison, support by Moran, to approve the agenda and consent agenda as submitted.

Motion passed unanimously by voice vote.

- A. Claims Listing 11-17-23 to 12-13-23 for \$462,963.69**
- B. Appoint Jeffrey Souza to the Zoning Board of Appeals for a term ending July 1, 2026.**
- C. Approve the Ferguson invoice in the amount of \$5,715.**
- D. Approve the 2024 monthly invoice for the Kapnick renewal for \$27,158.86.**

V. ANNEXATIONS, ORDINANCES, ZONING, RESOLUTIONS

- A. Insurance Coverage Proposal – Kevin Decker, Decker Agency**
 - 1. Approve Public Entity Insurance Package for \$95,036.40**

Referencing the *Ann Arbor Township Proposal of Coverages, January 1, 2024*, and in response to questions, Kevin Decker, Decker Agency, highlighted the following:

- The invoice for the coverage starting January 1, 2024 is \$95,036.40, an approximately 21.8% increase over the prior year.
- Industry wide, there were large increases for renewals in the municipal sector. On average in the ParPlan program, there were 12%-15% increases across the board for municipalities with no losses. If there were losses tied to accounts, and if the accounts were for larger entities, the greater increases were due to the increase in the claims themselves. Property claims, for instance, had risen astronomically.
- Ann Arbor Township has had some losses tied to the account, including property claims. Losses are looked at within a 5-year window, and the 5-year loss total for the Township is currently \$316,000 paid out in claims, with 3 claims still open.

The Board discussed item II)B) – Private Property Use Restriction. Under the Public Officials Liability Coverage, the \$100,000 per occurrence was reduced from \$250,000 per occurrence.

The Board pointed out that there was a 21% increase in cost for a substantial reduction in coverage. Mr. Decker emphasized that this was something he was seeing “across the board.” Mr. Decker could look at other carriers other than ParPlan, but his experience was other carriers were taking coverage away, offering lower limits, or declining to quote, especially for those municipalities that had significant losses in their 5-year window.

The Board asked Mr. Decker to quote the insurance plan without including II) B). The Township could self-insure in this category; it had done so in the past.

After discussion, and to allow for a potential reduced cost after a quote was received to remove coverage for II)B), the following motion was offered:

MOTION by Basch, support by Olsson, that the Ann Arbor Charter Township Board of Trustees approve Public Entity Insurance Package from Decker Insurance Agency in an amount not to exceed \$95,036.40.

Motion passed unanimously by voice vote.

B. Adopt the 2024 Capital Improvement Plan – Colleen Coogan, Woodhill Group

Comptroller Coogan explained that the 2024 Capital Improvement Plan presented this evening included corrections in the totals as discussed at the last BOT meeting.

MOTION by Olsson, support by Allison, that the Ann Arbor Charter Township Board of Trustees approve the 2024 Capital Improvement Plan.

Motion passed unanimously by voice vote.

C. Approve 2023 Fourth Quarter Budget Amendments – Colleen Coogan, Woodhill Group

Accounting Manager Whitt reviewed the 2023 Fourth Quarter Budget Amendments with the Board, and answered questions about individual items.

Comptroller Coogan and Supervisor O’Connell both noted the new GASB requirements relative to escrow funds reporting, and complimented Accounting Manager Whitt on his good work maintaining the escrow fund accounts.

The first budget amendment listed on tonight’s documentation reflected the T-Mobile Tower Lease Termination, representing a decrease of a little more than \$44,000 in revenue. In response to questions, Comptroller Coogan said that they could provide a list of carrier(s) who are still located on the water tower, and show where the revenue goes that is collected from those carriers.

Also, Accounting Manager Whitt said he would bring information regarding the increase in inspection fee revenue (approximately \$40,000) for 2023.

MOTION by Allison, support by Colvin-Garcia, that the Ann Arbor Charter Township Board of Trustees approve the 2023 Fourth Quarter Budget Amendments

Motion passed unanimously by voice vote.

D. Approve 2024 Budget Amendments – Colleen Coogan, Woodhill Group

Comptroller Coogan explained that the 2024 Budget Amendment is to reduce the transfer out of Public Safety to the Fire Fund to the amount needed to keep the Fire Fund fund balance at about \$1M.

MOTION by Basch, support by Olsson, that the Ann Arbor Charter Township Board of Trustees approve the 2024 Budget Amendments.

Motion passed unanimously by voice vote.

E. Ordinance Amendment, Zoning Code Section 74-2, “definitions” and 74-9, “Home occupation,” regarding standards for home occupations.

Referencing her August 18, 2023 memorandum *Home Occupations Draft Ordinance – Recommendation to Township Board*, and noting that this item had been tabled at the October 16 meeting in order to allow further discussion, Township Planner Elmiger highlighted the following:

- Changes suggested at the October meeting included:
 - Get rid of the term “nuisance”; perhaps use “impact” instead.
 - Reduce the purpose statement. A suggested new draft read: *“The services offered through a home occupation are a matter closely affecting the public interest. The public interest requires home occupations being operated properly and in a safe, fair, honest and competent manner by qualified persons. The public interest further*

requires that home occupations be clearly incidental to or secondary to the residential use of the dwelling. Home occupations are divided into two classes as follows:"

Suggestion: change "incidental to or secondary . . ." to "incidental and subordinate."

- Clerk Basch thought the purpose of the ordinance could be reduced to just include the 4 statements at the end of 74.I.74-9(a), changing out the word "nuisance" for "impact" or "negative impact."
 - Regarding parking, simply say: "Parking must be provided on site."
 - The operation of a home occupation for both Category A or B uses must be conducted by an owner occupant or renter occupant of the property.
 - During discussion, Building Official and Zoning Administrator Pace supported requiring written permission from the property owner to be on file for a non-resident family member using a property for a home occupation. This would ensure everyone involved with the property would know what was going on, and would make the property owner accountable for their guests.
- Further Discussion:
 - Township Planner Elmiger explained that a home occupation applied to the occupants of a residence. The property owner should not be renting out rooms so that people could operate a business out of the house. Language could be added to clarify this issue further, especially for Category B uses.
 - Regarding signs, simply say "Signs are prohibited."
 - Delete (f)3): ~~Uses that assemble groups of people (i.e., more than two) at one time, such as a school or private club.~~
 - Should Category B home occupations be allowed in the R-9 district? Township Planner Elmiger will research whether there was a reason to prohibit Category B uses in the R-9 district.
 - Three-family dwellings can have a type A home occupation, but not a category B.
 - There should be language in the PUD ordinance and/or PUD Agreements regarding home occupations. However, neighborhoods constructed as part of PUD development might be self-regulating, because there might not be enough space for Category B type uses. For instance, if there was not enough room on a site to provide the parking spaces needed for a Category B use, that resident could not get a Category B permit.
 - Building Official and Zoning Administrator Pace thought most issues, including parking, could be handled during the permitting process.
 - The Board suggested allowing a reasonable sale of products associated with individual home occupation uses, such as piano teacher. Planner Elmiger suggested: *only incidental sales of products are permitted.* Building Official and Zoning Administrator Pace supported this language as being both flexible and enforceable.

Planner Elmiger said she would bring revised language to the Board at their next meeting.

MOTION by Basch, support by Colvin-Garcia, to table action on Ordinance Amendment, Zoning Code Section 74-2, “definitions” and 74-9, “Home occupations” so that Township Planner Elmiger can revise the language based on tonight’s discussion.

Motion passed unanimously by voice vote.

- F. Ordinance Amendment, Zoning Code Section 74-426, “Requirements, scope, uses, exceptions,” and 74-461 through 74-463, “Schedule of Use Regulations,” regarding accessory structures.**

Township Planner Elmiger said that there had not been many comments received from the Trustees regarding this ordinance amendment. There was, however, a concern that the amendment language might lead people to believe they could construct an Accessory Dwelling Unit as an accessory structure under the ordinance, although the ordinance was clear that only one dwelling unit was permitted per zoning lot.

Planner Elmiger highlighted the following:

- All buildings are structures, but not all structures are buildings. A building has to have a roof and walls. Ground floor area applies to all buildings on a lot.
- The accessory building language doesn’t talk about uses of an accessory building other than to reference the uses that are listed in every district in the zoning ordinance. No zoning district allows an accessory dwelling unit.
- 6)c. lists the size maximums for accessory buildings, based on lot sizes.

Trustee Allison explained that the Planning Commission did not want to limit uses in accessory buildings, as long as the uses were accessory to the primary residence. The Planning Commission did not want a long list prescriptive uses, and did not add anything to the existing tables of accessory uses.

Clerk Basch pointed out that the use tables in the ordinance had been land use tables, and had not previously applied specifically to accessory building uses.

The Board discussed the combined ground floor area of detached accessory buildings as that related to lot sizes. After discussion, the consensus appear to be that for lots up to and including 2-acres in size, the ground floor area of detached accessory buildings should be no greater than 1,000sf. This would combine iii. and iv. in 6)c.1.

During discussion, Trustee Allison pointed out that what was allowed needed to be seen from the point of view of a neighbor, as well as the property owner. A 2-acre lot that could potentially have 8,000sf of ground floor coverage could be an issue for abutting neighbors.

Trustee Moran was concerned that smaller properties of 7200sf could be overwhelmed with accessory buildings and structures, especially because structures that were not buildings were not subject to ordinance size requirements. He was very concerned about the proliferation of unregulated structures on small lots.

Planner Elmiger said that for a 7200sf lot, the ground floor coverage would allow floor area of 1,152sf, including the house. The ground floor coverage becomes the regulator for smaller lots.

Trustees noted that the proposed ordinance amendment represented a potentially big expansion of detached buildings on residential lots. The 1 acre to 2 acre lots were especially problematic in this regard.

Planner Elmiger said that Carlisle Wortman did an analysis of the surrounding communities relative to how they addressed accessory buildings on residential lots. The proposed sizes in the draft ordinance are smaller than those communities allow.

Planner Elmiger also said that per the Building Official, people on 1-2 acre lots are requesting 2000sf pole barns.

Trustee Allison thought (d)6) *Detached structures* did not capture the intent of the Planning Commission, in that the paragraph should refer to buildings rather than structures. Even on small lots, someone could have ten 100sf buildings.

Building Official Pace thought that scenario was unlikely.

Planner Elmiger emphasized that there was no limit to detached accessory structures on a lot; all buildings, however, were counted toward ground floor coverage. However, the language in (d)6) reflected current practice, and could therefore be removed from the draft.

After further discussion, Supervisor O'Connell summarized that under 6)c), *Size: Accessory buildings are subject to the following size requirements*, sub. pars. iii. and iv. would be combined, so that for lots up to and including 2-acres, ground floor area of all detached accessory buildings shall not exceed 1,000sf.

Planner Elmiger will bring revisions back to the Board at its next meeting, when discussion will continue.

MOTION by Olsson, support by Basch, to table action on Ordinance Amendment, Zoning Code Section 74-426, "Requirements, scope, uses, exceptions," and 74-461 through 74-463, "Schedule of Use Regulations," so that Township Planner Elmiger can revise the language based on tonight's discussion.

Motion passed unanimously by voice vote.

- G. Second reading of Ordinance Amendment, Code Section 14-121, "International Property Maintenance Code," regarding incorporation of updates to the property maintenance code.**

This change will keep the Township current with ongoing changes in the International Property Code.

MOTION by Allison, support by Moran, to adopt AMENDMENT TO CODE: INTERNATIONAL PROPERTY MAINTENANCE CODE, ORDINANCE NO. 4-2023, upon second reading, with the following amendment:

- **Change date to December 18, 2023.**

Motion passed unanimously by voice vote.

H. First Reading of Chapter 4, Article V, Division 1, Section 14-139 “Collection of fees” – Debani Gordon Lehman

Township Attorney Lehman explained that this change revised existing language and provides for:

1. A clear statement that a violation of the International Property Maintenance Code is a municipal civil infraction. Previously, the violation was listed as a violation of the Code.
2. A clear statement and detail as to the Township’s ability to add unpaid fines associated with International Property Maintenance Code violations to the tax roll for the property that the violation was assessed against.
3. Other language had been cleaned up.

Acknowledging that a red-lined version of the existing code language would be included prior to the Second Reading, the following motion was made:

Motion by Moran, support by Olsson, to approve First Reading of Chapter 4, Article V, Division 1, Section 14-139 “Collection of fees.”

Motion passed unanimously by voice vote.

I. Resolution Electing Exemption from the Requirements of the Publicly Funded Health Insurance Contribution Act

Clerk Basch explained that the resolution was required to be passed by a 2/3 vote of the Board, in order to provide a higher level of health insurance contribution by the Township for its employees than allowed under Public Act 152 of 2011.

MOTION by Allison, support by Olsson, to approve RESOLUTION OF THE ANN ARBOR CHARTER TOWNSHIP BOARD OF TRUSTEES ELECTING EXEMPTION FROM THE REQUIREMENTS OF THE PUBLICLY FUNDED HEALTH INSURANCE CONTRIBUTION ACT.

Resolution dated December 18, 2023.

Roll call vote:

Moran	yes
Allison	yes
Olsson	yes
Basch	yes

O'Connell yes
Colvin-Garcia yes

Absent: Smith

Motion passed 6-0.

J. Approve 2024 Ann Arbor Township Meeting Dates

Noting that there had been changes to the *Ann Arbor Township Meeting Dates 2024 Calendar Year* since the November BOT meeting, the following motion was offered:

MOTION by Allison, support by Moran, to approve 2024 Ann Arbor Township Meeting Dates as submitted this evening.

Motion passed unanimously by voice vote.

VI. REPORTS, DISCUSSIONS

A. Supervisor's Report – O'Connell

1. Railroad Fence

In response to public comments and concerns, Supervisor O'Connell explained that the first the Township Board had heard anything about the proposed fence along the railroad tracks was from an MLive article. MDOT had not communicated with the Township directly regarding this proposed course of action.

Because of public outcry there is a pause on the project. Additionally, Washtenaw County and the City of Ann Arbor have also communicated with MDOT stating their concerns about the fence.

While it is difficult to construct a resolution without knowing what is being proposed (because of the pause), Supervisor O'Connell suggested that the Board authorize her to communicate with MDOT regarding the importance of Ann Arbor Township being part of this discussion, and referencing the Township's concerns regarding lack of notice to the Township; safe crossings for pedestrians, bicyclists, and wildlife; and the impact this fence would have on the Border2Border Trail. There had been a lack of environmental assessment. MDOT had applied for a NEPA exclusion (National Environmental Policy Act environmental assessment), but resident Sarah Swider said this had been denied.

MOTION by Moran, support by Olsson, that the Ann Arbor Charter Township Board of Trustees authorize the Township Supervisor to communicate with MDOT regarding the Township's deep concerns regarding the proposal to construct a fence along the railroad tracks.

Motion passed unanimously by voice vote.

2. US 23/MDOT

MDOT representative will be at the January 2024 BOT meeting to discuss the four alternatives for US 23/Barton exits, and also give an update to their community presentation.

3. Mid Michigan Materials

Summary and pond level data is on the website (<https://aatwp.org/wp-content/uploads/2013/10/Update-MMM-well-monitoring-12-18-2023.pdf>)

Nine wells are being monitored (summary incorrectly states ten). Monitoring started November 21 2023 and will probably go to January 31, 2024. No monitoring is going to be done over the holidays, to ensure residents will have the ability to be present when monitoring occurs.

4. Tetra Tech contract

The Board had authorized the Supervisor to sign for up to \$14,000 for the well monitoring associated with the Vella Pit/Mid Michigan Materials. However, because costs had been higher than expected due to startup costs, bacteria testing, chlorination, Cribley Drilling Company costs, and other components, another \$10,000 was requested.

The Township approves the contract, but the invoices are sent to Mid Michigan Materials.

Testing had started at once a week, and was now moving to every other week. There will be conversation at the end of January relative to how best to continue the testing. Groundwater levels are improving. Vella Pit will shut down completely during the winter months, when the groundwater will continue to recharge. Utilities Director Judkins thought the testing could move to longer intervals.

Attorney Gabis suggested more detailed conversations regarding this issue could be had during closed session.

MOTION by Moran, support by Basch, to authorize an additional \$10,000 (for a total of \$24,000) for Tetra Tech groundwater elevation testing.

Motion passed unanimously by voice vote.

Attorney Gabis explained that additional monitoring – at an estimated cost of \$11,000 – was being discussed as a result of litigation. Specifics of that monitoring was currently a privileged conversation, and should be discussed only in closed session, but authorization should be granted to engage Tetra Tech in that additional monitoring.

Motion by Allison, support by Colvin-Garcia, to authorize an additional \$11,000 for Tetra Tech for additional monitoring.

Motion passed unanimously by voice vote.

Trustee Allison noted that the posted *Update Regarding MMM Monitoring, Date: December 18, 2023* suggested that “it will be several more months before an equilibrium condition in the active pit is achieved.” Per Trustee Allison’s calculations, equilibrium could take 6 months to 2 years, and this should be clearly stated so that residents’ expectations were realistic in this matter. Perhaps Dr. Wright could put an appropriate approximate timeline in writing.

5. Update on Warren Road Culvert near Dixboro Road – ARPA funds/Washtenaw County Road Commission

American Rescue Plan Act (ARPA) money has to be obligated in 2024. The update to the Warren Road culvert is in the ARPA database, but Michigan Department of Environment, Great Lakes, and Energy (EGLE) did not approve the solution proposed by the Washtenaw County Road Commission (WCRC) for the Warren Road culvert. Supervisor O’Connell is researching next steps, including applying for the next WRC grant being released in January, for additional funds to be used for the culvert.

6. Request from Personnel Committee for changes in the Fire Contract via a Letter of Understanding

The Personnel Committee has requested the Board authorize changes via a Letter of Understanding for the Fire Department contract, as follows:

- Include Health Savings Account (HSA) contribution up to \$3,000 for single employees.
- Allow prorated HSA contributions if a person is hired in months other than January or July (the months the Township contributes to the HSA).

MOTION by Moran, support by Olsson, to authorize the Personnel Committee to develop a Letter of Understanding regarding changes to HSA contributions as follows:

- **Include HSA contribution up to \$3,000 for single employees.**
- **Allow prorated HSA contributions if a person is hired in months other than January or July (the months the Township contributes to the HSA).**

Motion passed unanimously by voice vote.

7. MDOT Traffic Summit - Information in the Board packets.

8. Renewable Energy – PA 233

Township Attorneys are drafting a renewable energy ordinance that is compatible with PA 233. This will be an agenda item at a future meeting.

9. Gelman litigation – potential Superfund status

Trustee Moran reported that the Gelman site continues to score high enough to be listed as a Superfund site in spring 2024. The Governor has signed a letter accepting the listing.

B. Clerk’s Report - Basch

Clerk’s report is in the Board packets.

- The Election Commission met tonight and voted to consolidate both existing precincts into one precinct.
- Presidential primary is February 27th. A vendor is preparing the absent voter application mailing. All absentee voters will receive a postage paid return envelope as is now constitutionally mandated in Michigan.
- New ballot box installed.
- Mid Michigan Materials information is easily accessible under Residents – Community News.

C. Treasurer’s Report – Colvin-Garcia

- Tax season is ongoing.
- Low Income Housing Water Assistance Program active through the end of March.
- Treasurer Colvin-Garcia attended a Michigan Township Association workshop on requirements for the Clerk and Treasurer to work together to provide financial oversight for the Township, and the Clerk and Treasurer will be looking at existing processes for opportunities to strengthen that oversight.

D. Planning Commission Report – December 4, 2023 – Allison

Trustee Allison reviewed the December 4, 2023 Planning Commission draft minutes, which were in the Board packet.

1) Planning Commission Workshop – Nov. 29, 2023

November 29, 2023 workshop minutes were in the Board packet.

2) Planning Commission Annual Report

Annual Report was in the Board Packet.

E. Committee Reports

1) Farmland Open Space and Preservation Board Report

Trustee Allison reviewed the November 27, 2023 FOSPB draft minutes, which were in the packet.

2) Utility Committee

Did not meet.

3) Climate Resilience Committee

21 responses from the online survey. Climate Committee is going through submitted comments.

- 4) **Zoning Board of Appeals** - Did not meet.
- 5) **Public Safety Committee** - Did not meet.
- 6) **Roads Committee** - Did not meet.

F. Utilities Department Report

Utilities Department Report was in the packets.

In response to questions, Utilities Director Judkins said he had received a new plan from Maple Ridge, but was waiting on one more piece relative to the wastewater design. Township attorneys were working on the wastewater maintenance agreement and related documents.

G. Public Safety Report

1) Washtenaw County Sheriff's Department

Report is in the packets.

2) Fire Department – Chief Mark Nicholai

November 2023 Fire Department report is in the packets.

Chief Nicholai requested authorization for repairs to Engine 12-1 (a 2011 model), for pump seals, brakes, exhaust system, replacing the rear springs, pump master drain repair, and crew compartment door adjustment. Total cost was \$29,735.71.

MOTION by Allison, support by Moran, that the Ann Arbor Charter Township Board of Trustees authorize \$29,735.71 for truck repair as submitted, to be charged to line item 206-596-933.000 – Repair & Maintenance – Transportation.

Motion passed unanimously by voice vote.

Trustee Allison said that it appeared the Fire Department was making more runs to help with lift assists at All Seasons than was anticipated when All Seasons was approved. Originally All Seasons had estimated there would be 50 runs a year.

Chief Nicholai said they were doing significantly more than 50 runs a year; the lift assists were part of what the Fire Department did but they had not anticipated on being called on 2-3 times a week.

Utilities Director Judkins said that residents were being kept longer where they were because assisted living was not available.

Trustee Allison asked Chief Nicholai to track the number of runs for this type of health emergency event.

H. **Building Department Report** - Report is in the packets.

VII. INFORMATION ONLY ITEMS

New process is being instituted via Adobe Acrobat to streamline Board packet creation. All submittals must be in by Wednesday before the BOT meeting.

VIII. NON-AGENDA ITEMS - None.

IX. PUBLIC COMMENT - None.

X. ADJOURNMENT

MOTION by Colvin-Garcia, support by Basch, to adjourn the meeting.

Motion passed unanimously by voice vote.

The meeting was adjourned at 10:47pm.

**ANN ARBOR CHARTER TOWNSHIP
BOARD OF TRUSTEES SPECIAL MEETING MINUTES
WEDNESDAY, JANUARY 3, 2024 at 2:00 PM
TOWNSHIP OFFICES - 3792 PONTIAC TRAIL, ANN ARBOR, MI**

I. CALL TO ORDER, ESTABLISH QUORUM

Supervisor O’Connell called the Ann Arbor Charter Township Board of Trustees meeting to order at 2:02 pm on January 3, 2024.

Present: Supervisor Diane O’Connell
Clerk Rena Basch
Trustee Michael Moran
Trustee John Allison
Trustee Rodney Smith

Absent: Treasurer Carlene Colvin-Garcia
Trustee Kristine Olsson

Also Present: Township Attorneys Sarah Gabis and Tom Meagher

II. CLOSED SESSION - To consult with Township attorneys regarding trial or settlement strategy in connection with the litigation.

Basch moved to go into closed session to consult the Township Attorneys regarding trial or settlement strategy in connection with the JA Bloch and Co, et al v. Ann Arbor Township litigation, and to discuss legal opinions also pertaining to Bloch strategy from the Township Attorneys which are exempt from disclosure because the information is protected by attorney-client privilege. Allison seconded the motion.

**Roll call vote:
Allison - yes
Basch - yes
Moran - yes
O’Connell – yes
Smith - yes**

Motion passed 5-0. The Board of Trustees moved into closed session at 2:03 pm and left the meeting room.

III. Open Session

At 3:31 pm the Board re-entered the Township meeting room and the following motion was offered: **MOTION by Basch, support by Allison, that closed session be adjourned. Motion passed.**

At 3:32 pm the following motion was offered: **MOTION by Allison, support by Smith that the Board move into open session. Motion passed 5-0.**

IV. Non-Agenda Items – None

V. Public Comment – None

VI. Adjourn

MOTION by Smith, support by Moran to adjourn the meeting. Motion passed by voice vote, and meeting adjourned at 3:33 pm.

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 101 GENERAL FUND					
Dept 000 OTHER REVENUE ACCOUNT					
101-000-202.003	Medical Insurance	BLUE CROSS & BLUE SHIEI	Medical Insurance	16,197.88	2089700785
Total For Dept 000 OTHER REVENUE ACCOUNT				16,197.88	
Dept 101 BOARD OF TRUSTEES					
101-101-909.000	ADVERTISING/PUBLISHING-	BOARI	WASHTENAW COUNTY LEGAL BOARD MEETING NOTICE	45.00	
101-101-909.000	ADVERTISING/PUBLISHING-	BOARI	WASHTENAW COUNTY LEGAL MEETING SCHEDULE	85.00	
Total For Dept 101 BOARD OF TRUSTEES				130.00	
Dept 215 CLERK					
101-215-715.002	Dental Insurance	DELTA DENTAL PLAN OF MI	Dental Insurance	142.57	2089700787
101-215-725.000	MEMBERSHIPS - DUES	STATE OF MICHIGAN	MIDEAL DEALS ID#:444	180.00	
Total For Dept 215 CLERK				322.57	
Dept 253 TREASURER					
101-253-715.002	Dental Insurance	DELTA DENTAL PLAN OF MI	Dental Insurance	42.27	2089700787
Total For Dept 253 TREASURER				42.27	
Dept 257 ASSESSOR					
101-257-818.000	SERVICE CONTRACTS	WAYNE COUNTY APPRAISAL	ASSESSING SERVICES	4,839.41	
Total For Dept 257 ASSESSOR				4,839.41	
Dept 261 OPERATIONS					
101-261-727.000	OFFICE SUPPLIES	JOHNETTA ELLIOT	REIMBURSEMENT OF HOLIDAY BANNER	16.95	
101-261-727.000	OFFICE SUPPLIES	STAPLES	OFFICE SUPPLIES	647.24	
101-261-728.000	Copier Lease	LEAF	Copier Lease	302.50	2089700790
101-261-831.000	INSURANCE & BONDS	DECKER AGENCY LLC	2024 INSURANCE RENEWAL	24,107.40	37399
101-261-851.000	TELECOMMUNICATIONS	IVS COM INC	12 MONTHS PHONE SERVICE	640.00	
Total For Dept 261 OPERATIONS				25,714.09	
Dept 262 ELECTION					
101-262-957.100	GENERAL OPERATING EXPENSES	WASHTENAW COUNTY LEGAL	ELECTION COMMISSION MEETING AD	10.00	
101-262-957.100	GENERAL OPERATING EXPENSES	PRINTING SYSTEMS, INC.	POSTAGE FOR VOTE ID CARD	344.49	2089700771
101-262-957.100	GENERAL OPERATING EXPENSES	SPECTRUM PRINTERS INC	VOTER APP SELF MAILER	3,778.29	
Total For Dept 262 ELECTION				4,132.78	
Dept 265 BUILDINGS AND GROUNDS					
101-265-818.000	JANITORIAL SERVICES	JNS FACILITY MAINTENANC	JANITORIAL SERVICES	695.00	2089700789
101-265-920.000	Gas Charges : 3792 Pontiac Trl	DTE Energy Company	Gas Charges : 3792 Pontiac Trl	220.51	2089700792
101-265-920.000	Electric Charges : 3792 Pontiac Trl	DTE Energy Company	Electric Charges : 3792 Pontiac Trl	527.60	2089700792
Total For Dept 265 BUILDINGS AND GROUNDS				1,443.11	
Dept 266 LEGAL & PROFESSIONAL					
101-266-804.000	ACCOUNTING SERVICES	THE WOODHILL GROUP LLC	ACCOUNTING SERVICES NOVEMBER	3,600.00	
Total For Dept 266 LEGAL & PROFESSIONAL				3,600.00	
Dept 272 FARMLAND SUPPORT					
101-272-920.001	4400 Pontiac Trl/Tilian Farm	DTE Energy Company	4400 Pontiac Trl/Tilian Farm	198.06	2089700792
Total For Dept 272 FARMLAND SUPPORT				198.06	
Dept 701 PLANNING COMMISSION					

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 101 GENERAL FUND					
Dept 701 PLANNING COMMISSION					
101-701-715.002	DENTAL	DELTA DENTAL PLAN OF MI	Dental Insurance	79.47	2089700787
101-701-909.000	ADVERTISING/PUBLISHING	WASHTENAW COUNTY LEGAL	PLANNING COMMISSION MEETING	50.00	
Total For Dept 701 PLANNING COMMISSION				129.47	
Total For Fund 101 GENERAL FUND				56,749.64	
Fund 206 FIRE FUND					
Dept 261 OPERATIONS					
206-261-728.000	Copier Lease	LEAF	Copier Lease	302.50	2089700790
206-261-742.001	Infection Control Supplies	BOUND TREE MEDICAL, LLC	Infection Control Supplies	10.17	
206-261-742.002	Picture Frames	MICHAELS	Picture Frames	19.06	
206-261-831.000	INSURANCE & BONDS	DECKER AGENCY LLC	2024 INSURANCE RENEWAL	59,211.00	37399
206-261-851.000	TELECOMMUNICATIONS	IVS COM INC	12 MONTHS PHONE SERVICE	300.00	
206-261-955.000	Anitique Fire Truck Storage	LEWIS KEMPF	Anitique Fire Truck Storage Fee 202	385.00	
Total For Dept 261 OPERATIONS				60,227.73	
Dept 265 BUILDINGS AND GROUNDS					
206-265-920.000	Fire Station 4301 GOSS RD BLDG B	DTE Energy Company	Fire Station 4301 GOSS RD BLDG B Co	17.03	2089700792
206-265-920.000	4319 Goss Rd	DTE Energy Company	4319 Goss Rd	1,244.66	2089700792
206-265-920.000	Gas Charges : 3792 Pontiac Trl	DTE Energy Company	Gas Charges : 3792 Pontiac Trl	220.51	2089700792
206-265-920.000	Electric Charges : 3792 Pontiac Trl	DTE Energy Company	Electric Charges : 3792 Pontiac Trl	527.59	2089700792
206-265-933.000	Contact Cement - Desk Repair	CARPENTER BROS. HARDWAR	Contact Cement - Desk Repair	10.99	
Total For Dept 265 BUILDINGS AND GROUNDS				2,020.78	
Dept 270 PERSONNEL					
206-270-715.002	Dental Insurance	DELTA DENTAL PLAN OF MI	Dental Insurance	750.66	2089700787
Total For Dept 270 PERSONNEL				750.66	
Total For Fund 206 FIRE FUND				62,999.17	
Fund 219 STREET LIGHTING FUND					
Dept 265 BUILDINGS AND GROUNDS					
219-265-920.000	FC streetlights	DTE Energy Company	FC streetlights	427.40	2089700770
219-265-920.000	FC streetlights	DTE Energy Company	FC streetlights	428.55	2089700793
Total For Dept 265 BUILDINGS AND GROUNDS				855.95	
Total For Fund 219 STREET LIGHTING FUND				855.95	
Fund 225 FARMLAND PRESERVATION					
Dept 266 LEGAL & PROFESSIONAL					
225-266-806.000	CONSULTANTS - OTHER	TREEMORE ECOLOGY & LAND	FARMLAND CONSULTING	1,438.46	
Total For Dept 266 LEGAL & PROFESSIONAL				1,438.46	
Total For Fund 225 FARMLAND PRESERVATION				1,438.46	
Fund 249 BUILDING DEPARTMENT FUND					
Dept 261 OPERATIONS					
249-261-812.000	INSPECTOR COSTS	JAMES RATLIFF	INSPECTIONS	1,520.00	
249-261-812.000	INSPECTOR COSTS	MICHAEL COX	INSPECTIONS	440.00	
249-261-812.000	INSPECTOR COSTS	NEW CASTLE CONSTRUCTION	INSPECTIONS	1,680.00	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
Fund 249 BUILDING DEPARTMENT FUND					
Dept 261 OPERATIONS					
249-261-812.000	INSPECTOR COSTS	RICK PLISKO	INSPECTIONS	600.00	
249-261-851.000	TELECOMMUNICATIONS	IVS COM INC	12 MONTHS PHONE SERVICE	131.00	
Total For Dept 261 OPERATIONS				4,371.00	
Dept 266 LEGAL & PROFESSIONAL					
249-266-806.000	CONSULTANTS - OTHER	CARLISLE-WORTMAN ASSOCI	BUILDING CONSULTANT	260.00	
Total For Dept 266 LEGAL & PROFESSIONAL				260.00	
Dept 270 PERSONNEL					
249-270-715.002	Dental Insurance	DELTA DENTAL PLAN OF MI	Dental Insurance	222.04	2089700787
Total For Dept 270 PERSONNEL				222.04	
Total For Fund 249 BUILDING DEPARTMENT FUND				4,853.04	
Fund 592 UTILITIES FUND					
Dept 261 OPERATIONS					
592-261-818.000	SERVICE CONTRACTS	CITY OF ANN ARBOR	BACTI SAMPLE TESTING	120.00	
592-261-818.000	SERVICE CONTRACTS	CITY OF ANN ARBOR	BACTI SAMPLE TESTING	120.00	
592-261-831.000	INSURANCE & BONDS	DECKER AGENCY LLC	2024 INSURANCE RENEWAL	11,718.00	37399
592-261-851.000	TELECOMMUNICATIONS	IVS COM INC	12 MONTHS PHONE SERVICE	129.00	
592-261-933.000	REPAIR & MAINTENANCE	HACH COMPANY	CHLORINE	277.00	
592-261-933.000	REPAIR & MAINTENANCE	WEINGARTZ SUPPLY CO INC	HARDWARE	1,373.93	
592-261-933.000	REPAIR & MAINTENANCE	GRAINGER	REPAIR & MAINTENANCE	179.32	
Total For Dept 261 OPERATIONS				13,917.25	
Dept 265 BUILDINGS AND GROUNDS					
592-265-920.000	1343 Stark Strasse	DTE Energy Company	1343 Stark Strasse	172.56	2089700792
592-265-920.000	4231 Whitehall Dr	DTE Energy Company	4231 Whitehall Dr	1,130.29	2089700792
592-265-920.000	1947 N Dixboro Rd	DTE Energy Company	1947 N Dixboro Rd	424.92	2089700792
592-265-920.000	4620 E Huron Dr	DTE Energy Company	4620 E Huron Dr	125.33	2089700792
592-265-920.000	1300 Earhart Rd	DTE Energy Company	1300 Earhart Rd	31.38	2089700792
592-265-920.000	3701 Plymouth Rd	DTE Energy Company	3701 Plymouth Rd	20.77	2089700792
592-265-920.000	3695 Washtenaw	DTE Energy Company	3695 Washtenaw	159.99	2089700792
Total For Dept 265 BUILDINGS AND GROUNDS				2,065.24	
Dept 270 PERSONNEL					
592-270-715.002	Dental Insurance	DELTA DENTAL PLAN OF MI	Dental Insurance	184.84	2089700787
Total For Dept 270 PERSONNEL				184.84	
Dept 596 TRANSPORTATION					
592-596-933.000	REPAIR & MAINTENANCE	BREWER'S INC.	F-550 REPAIR	842.13	
Total For Dept 596 TRANSPORTATION				842.13	
Total For Fund 592 UTILITIES FUND				17,009.46	

GL Number	Invoice Line Desc	Vendor	Invoice Description	Amount	Check #
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Fund Totals:

Fund 101 GENERAL FUND	56,749.64
Fund 206 FIRE FUND	62,999.17
Fund 219 STREET LIGHT	855.95
Fund 225 FARMLAND PRE	1,438.46
Fund 249 BUILDING DEP	4,853.04
Fund 592 UTILITIES FU	17,009.46
Total For All Funds:	<u>143,905.72</u>

Ann Arbor Charter Township

3792 Pontiac Trail
Ann Arbor, Michigan 48105-9656
734-663-3418 Fax 734-663-6678
www.aatwp.org

Diane O'Connell, Supervisor
Rena Basch, Clerk
Della DiPietro, Treasurer

John Allison, Trustee
Michael Moran, Trustee
Rodney Smith, Trustee
Kristine Olsson, Trustee

MEMORANDUM

January 3, 2024

TO: Ann Arbor Township Board of Trustees

FROM: Edward Swope, Ordinance Enforcement Officer

RE: Ordinance Enforcement Report for 2023

I investigated 26 ordinance violations in 2023. Three township violation tickets and two District Court citations were issued. The court citations were issued late in the year so formal hearings have not yet been scheduled. Most of the concerns reported to me throughout the year were resolved successfully.

The Newman property at 3100 Whitmore Lake Road was quiet during the latter half of the year, and it may be because the property is for sale. Next, the building official gave final approval for the homeowners to return to their home at 1738 Whitmore Lake Road after a long and challenging effort to bring the property into compliance with township ordinances. I have not received any complaints since. Also, the court ordered the property owner(s) to reimburse the township for costs incurred for the litigation. They have not complied with that order.

Slow Farms at 4700 Whitmore Lake Road is the subject of the most recent court action. Among other noted concerns, the owner failed to complete and submit the required application information to operate the farm program and for failing to obtain zoning compliance approval for a storage building/shed.

Barry's summary September 13, 2023

In the late 1990s when the Ann Arbor Township Board of Trustees (BOT) began exploring the creation of a farmland preservation program, the future for agriculture looked bleak. Land values inflated by residential development pressure, aging farmers with no new ones to replace them, low returns for the commodity grain crops that dominated farming activities and other factors caused many people to think all township land would be converted from agriculture to residential development within a couple decades. Despite having a couple hundred thousand acres of farmland in active use (according to the U.S. Census of Agriculture), Washtenaw County as a whole was not considered a "real" farming area, and thousands of acres of prime and important farmland was being converted every year.

Around that time the BOT became aware of an approach to maintain an agricultural land base that would also have long-term positive fiscal benefits: purchasing development rights (PDR). This technique had been in practice in eastern states such as Pennsylvania, New Jersey and Massachusetts for some time, but in 1994 Peninsula Township in Michigan's Grand Traverse County became the State's first local unit of government to adopt an ordinance for such a program and place a funding proposal before its citizens. When that passed, the BOT sought to apply the tool in Ann Arbor Township.

After several studies showed the fiscal, economic and environmental benefits that could be realized through PDR, the BOT placed a funding proposal on the ballot in November, 2003. At the same time voters in the City of Ann Arbor considered a similar proposal, with two-thirds of its funds to be spent outside the city limits to conserve farmland and natural areas in a "greenbelt." The city proposal passed with 67% support while the township proposal had nearly 80% approval.

Since then these sister programs have matched their respective funds with those from Washtenaw County's dedicated land preservation millage as well as State and federal sources to conserve thousands of acres surrounding Ann Arbor. In the township alone, millage funds have permanently protected nearly 1,300 acres of farmland and natural areas in the agricultural preservation area north of the freeways. Coupled with land conserved through other means, over 1,700 acres have been conserved.

One of the signs of a "mature" land preservation program is when the original grantors of conservation easements either sell the protected land or pass away. With the development rights severed from the title so that division and residential development are no longer possible, the conserved land becomes affordable for existing and new farmers. (Current value for conserved land is on the order of \$3,500/acre, compared to over \$11,000/acre for unencumbered land.)

In Ann Arbor Township, seven of the 14 easement properties are no longer owned by the original grantor. Some of those properties have been purchased by commodity grain farmers, who have solidified the land base they need to be successful growing those crops. Some of those properties have been purchased by young and beginning farmers who have converted some or all

of their fields to organic vegetable, flower, and animal crops. The Ann Arbor area is ripe with opportunities for this latter group, with sales through shares (via Community Supported Agriculture), traditional farmer's markets, on-farm roadside stands, restaurants, every day markets such as Argus Farm Stop and other means all available.

Currently these small farms are in successful operation on conserved land:

- Green Things Farm: 64 acres; vegetables, flowers, meat
- Seeley Farm: 27 acres; vegetables, flowers, meat, eggs
- Cloudberry Farm: 161 acres; maple syrup, eggs
- Koch Farm: 51 acres; eggs, meat
- Slow Farm: 187 acres; u-pick vegetables and fruit
- _____ Farm: located on the 153 acre Township Farm property; vegetables

When an industry no longer sees a future in its location, it ceases to invest in its operation in a process often call the "impermanence syndrome." That has been the case with agriculture in many urbanizing areas across the United States. Thanks to Ann Arbor Township's land preservation program and those of surrounding communities, that fate has thankfully been avoided. In fact the opposite is true: the township frequently fields inquiries from farmers, many young or beginning, looking to purchase conserved land at an affordable price and start or expand their operation. With the increasing cost of fuel, climate impacts and focus on local food production, it is inevitable that agriculture will only continue to succeed in Ann Arbor Township.

**ANN ARBOR CHARTER TOWNSHIP
BOARD OF TRUSTEES
RESOLUTION ON POVERTY EXEMPTION POLICY AND GUIDELINES**

JANUARY 22, 2024

Resolution adopted at a regular meeting of the Ann Arbor Charter Township Board (“Board”) held at the Township Office, 3792 Pontiac Trail, Ann Arbor, MI on January 22, 2024.

PRESENT:

ABSENT:

Motion by _____; supported by _____.

PURPOSE:

The purpose of this policy is to amend the resolution adopted in 2023 and establish updated guidelines to be used by the Board of Review in determining whether a homeowner is eligible for a poverty exemption from property taxes.

SCOPE:

The poverty exemption policy applies to qualified low income individuals who own homesteads in Ann Arbor Charter Township. The policy limits the length of poverty exemptions to one year.

POLICY:

The Board of Review shall use the following guidelines to determine if a property owner qualifies for a poverty exemption from property taxes:

1. Exemptions will be granted to owners of homesteads only. Property must be granted at least a 50% homestead exemption from the State of Michigan.
2. Per, MCL 211.7u(3), the application for consideration must be received by the Assessor's Office at least one day prior to the last session of the Board of Review. The application can be made by mail, if received by the deadline for write-in appeals.
3. All applicants must file a claim with the Board of Review on a form prescribed by the State Tax Commission. The application must be filled out in its entirety and all requested documentation must be attached. If an area does not apply to the applicant, "N/A" must be used. If the application is not complete or requested documentation is not included, the Board of Review will deny the exemption. All pages included with this application must be returned when the application is submitted for review.

4. Per MCL 211.7u(7), a person who files a claim for Poverty exemption IS NOT prohibited from also appealing the assessment on the property to the Board of Review in the same year.
5. The poverty threshold for eligibility for a poverty exemption is a figure which is 150% above the Federal income standards established annually by the United States Office of Management and Budget for the previous calendar year. (Per Ann Arbor Township Income Guidelines.) To be eligible for a poverty exemption from property taxes, the income of the property owner (household) must be less than the poverty threshold for the number of persons within the household. This policy will update annually to include the most recent federal poverty guidelines.

All income and assets for persons in the household are reported in accordance with a form prescribed by the State Tax Commission.

- a. Per MCL 211.7u(2)(b), federal and state income tax returns for all persons residing in the principal residence must be included with the application including any property tax credit returns. The tax returns may be from the current or preceding tax year. If any person in the household is not required to file federal or state tax returns, the included affidavit, form 4988, must be completed by each person that does not file taxes.
 - b. The most recent statement for all bank accounts, investments, IRAs, CDs, 401Ks, money market, annuities, etc. The statement submitted must be complete with no missing pages and submitted for all persons residing in the home.
 - c. Proof of income/assets from the Social Security Administration, Veterans Administration, Medicare, Medicaid, Bridge Card, and any College/University scholarships for all persons residing in the home.
 - d. The most recent mortgage statement of the primary residence under review, including any reverse mortgages.
 - e. If primary residence being sought for exemption was purchased within the past two years of this application, homeowner's closing statements must be submitted with application.
6. Maximum total allowed assets, including amounts in banking/investment accounts may not exceed the amount of the federal poverty guideline for the number of persons in the household. Maximum total allowed liquid assets, specifically amounts in banking/investment accounts may not exceed the amount of \$25,000. The Asset Level does not include the primary residence for which an exemption is being sought. It does include, but is not limited to:
 - a. A second home, additional land not associated with the primary residence, or other buildings other than the primary residence being sought for exemption.
 - b. Vehicles and other recreational vehicles such as motor homes, campers, ATVs, boats, and motorcycles.

- c. Jewelry, antiques, artwork, equipment, and other personal property of value.
 - d. Bank accounts, stocks, bonds, and investments. This also includes the money received from the sale of stocks, bonds, investments, cars, and houses unless a person is in the specific business of selling such property.
 - e. Withdrawals of bank accounts and borrowed money.
 - f. Gifts, loans, lump-sum inheritances, and one-time insurance payments.
 - g. Food or housing received in lieu of wages and the value of food and fuel produced and consumed on farms.
 - h. Federal non-cash benefits programs such as Medicare, Medicaid, food stamps, and school lunches.
 - i. The total interest income in all accounts (checking, savings, CDs, IRAs, 401Ks, money market, annuities, etc.)
 - j. The applicant shall not have ownership interest in any real estate other than the primary residence being considered for exemption.
7. Applicants that meet the income and asset qualifications will have the taxable value reduced by 90% for the current year.
8. Poverty exemptions shall be granted for one year only. The property owner must apply every year in order to receive an exemption.
9. Poverty Exemptions Guidelines shall be posted annually on the Township's website.

AYES:

NAYES:

ABSTAIN:

RESOLUTION DECLARED ADOPTED.

Diane O'Connell, Township Supervisor

I certify that the foregoing is a true and complete copy of a resolution adopted by the Ann Arbor Charter Township Board, County of Washtenaw, State of Michigan, at a regular meeting held on **January 22, 2024**, that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Rena Basch, Township Clerk

Dated: _____, **2024**

EXHIBIT A

ANN ARBOR CHARTER TOWNSHIP PLANNING COMMISSION
RECOMMENDATION FOR AMENDMENTS TO ZONING CODE CHAPTER 74,
SECTIONS 74-592 "MINERAL MINING,"
NO. 23-__

The Ann Arbor Charter Township Planning Commission recommends adoption of the following amendments to Chapter 74, Sections 74-592 "Mineral Mining" of the Township Code of Ordinances [new language underlined, deleted language ~~stricken~~]:

CHAPTER 74, Section 74-592 (a) "Mineral Mining" is amended to read as follows:

- (a) Conditional use permit standards. Mineral mining shall require a conditional use permit, as described in section 74-131. The Township Board shall grant a conditional use permit if it finds that the applicant has demonstrated that there are valuable natural resources located on the relevant property, that there is a need for the natural resources by the applicant or in the market served by the applicant and that no very serious consequences would result from the operation of the mineral mining activity. ~~If it is demonstrated the Township finds any of the following:~~ (i) that there are no valuable natural resources located on the property; (ii) that there is not a need for the natural resources by the applicant or in the market served by the applicant; or (iii) that a very serious consequence to the Township would occur from the proposed mining activity, the Township Board shall not grant a conditional use permit. In accordance with MCL 125.3205, Section (5), the following factors shall be considered in making that determination that a very serious consequence would occur:
- (1) The relationship of extraction and associated activities with existing land uses.
 - (2) The impact on existing land uses in the vicinity of the property.
 - (3) The impact on property values in the vicinity of the property and along the proposed hauling route serving the property.
 - (4) The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
 - (5) The impact on other identifiable health, safety, and welfare interests in the local unit of government.
 - (6) The overall public interest in the extraction of the specific natural resources on the property.
 - (7) The impact on other important natural resources, such as wetlands, lakes, watercourses, aquifers, natural habitats and similar environmental resources, the preservation of which is necessary for the public health, safety and welfare of the Township.

EXHIBIT A

CHAPTER 74, Section 74-592 (c) "Mineral Mining" is amended to read as follows:

(c) Conditions for mineral mining. Mineral mining operations shall be subject to the following conditions:

- (1) There shall be not more than one entranceway from a public road to such lot for each 660 feet of front lot line. Such entrance shall be located not less than 500 feet from an intersection of two or more public roads.
- (2) Such operations shall be permitted only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 7:00 a.m. and 12:00 noon on Saturday. Operations shall not be permitted on Sunday or legal holidays, except by special permit from the Planning Commission.
- (3) On such site no digging, stockpiling, excavating or equipment storage and repair shall take place closer than 100 feet from any lot line, and 300 feet from an existing residential zoning district. Stockpiles of stripped topsoil shall be seeded with grass or other plant materials and shall be prevented from eroding onto other properties.
- (4) On such lot all roads, driveways, parking lots, and loading and unloading areas within 100 feet of any lot line shall be paved or treated in an environmentally-sensitive manner so as to limit the nuisance caused by windborne dust on adjoining lots and public roads.
- (5) Each operator shall be held responsible for all public roads upon which trucks haul materials from the mineral mines to keep those roads in a driveable condition at least equal to that which existed prior to the beginning of mineral mining operations; and to keep the roads dust free and to clean any and all spillage of material and dirt, rock, mud, and any other debris carried onto the roads by these trucks or other equipment.
- (6) Any noise, odors, smoke, fumes, or dust generated on such lot by any digging, excavating, loading, or processing operation and borne or able to be borne by the wind shall be confined within the lines of such lot as much as possible so as not to cause a nuisance or hazard on any adjoining lot or public road.
- (7) Such removal shall not be conducted so as to:
 - a. Cause the pollution by any material of any surface or subsurface watercourse or body outside of the lines of the lot on which such use shall be located, or of any existing body of water located within the premises.

EXHIBIT A

- b. Cause or threaten to cause the erosion by water of any land outside of such lot or of any land on such lot so that earth materials are carried outside of the lines of such lot.
- c. Alter the drainage pattern of surface or subsurface waters on adjacent property. In the event that such removal shall cease to be conducted, it shall be the continuing responsibility of the owner and the operator thereof to assure that no erosion or alteration of drainage patterns shall take place after the date of the cessation of operation as specified in this paragraph.
- (8) All fixed equipment and machinery shall be located at least 100 feet from any lot line and 500 feet from any existing residential zoning district. In the event the zoning classification of any land within 500 feet of such equipment or machinery shall be changed to a residential classification subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue henceforth but in no case less than 100 feet from any lot line adjacent to such residential district. A fence of not less than six feet in height shall be erected around the periphery of the area being excavated. Fences shall be adequate to prevent trespass.
- (9) All areas within a mineral mine shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear natural.
- (10) The applicant shall submit a plan for the use of the property during mining operations at the time of application for the permit. The plan shall provide the following information:
- a. Boundary lines of the property; dimensions and bearings of the property lines, correlated with the legal description;
 - b. Aerial photo, showing property and adjacent areas, location and outline of wooded areas, streams, marshes, and other natural features;
 - c. Existing site improvements such as buildings, drives, wells, and drain fields;
 - d. Existing topography at contour intervals of two feet;
 - e. Extent of future mining areas and depth thereof.
 - f. Location and nature of structures and stationary equipment to be located on the site during mining operations;
 - g. Location and description of soil types;

EXHIBIT A

- h. An estimate of the kind and amount of material to be withdrawn from the site and the expected termination date of mining operations;
- i. Description of all operations to be conducted on the premises, such as, but not limited to, digging, sorting, and washing operations, and the type, size, and nature of equipment to be used with each operation;
- j. Location and width of drives, sight distances; land widenings on public roads at intersections of same with drives;
- k. Tree areas and other natural features to be retained;
- l. Description of pollution and erosion control measures;
- m. A comprehensive hydrogeological study, and certified statement by a qualified engineer, with supporting data and analyses, that demonstrates no adverse impacts to domestic water supply wells or natural resources; and
- n. Map showing truck routes to and from the site.

(11) The applicant shall file a plan for restoring the site to a safe, attractive, and usable condition. The plan shall be filed with the application for the conditional use permit and shall provide the following information:

- a. Boundary lines of the property, dimensions and bearings of the property lines, correlated with the legal description;
- b. Location and extent of all natural features to be retained during mining operations;
- c. Contour lines at intervals of two feet of the proposed restored surface, clearly showing connection to existing undisturbed contour lines;
- d. Schedule and areas of progressive rehabilitation;
- e. Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored area;
- f. Sketch plan of the proposed use of the site when restored; and
- g. Description of methods and materials to be used in restoring the site.

(12) The applicant shall provide the following:

- a. Security deposits, in the form and amounts recommended by the Planning Commission and approved by the Township Board, to guarantee restoration of the site and to cover the costs of the Township Engineer in certifying conformance.

EXHIBIT A

b. A security deposit when required by the Planning Commission, to maintain and replace public roads traversed by trucks associated with the mining operation. The security shall be deposited with the County Road Commission in the form and amount required by the Road Commission.

c. A date for completing the mineral mining operation, such date to be based upon the estimated volume of material to be extracted and an average annual extraction rate. The conditional use permit shall not be issued for a period to exceed five years. Any extension of operations beyond that date shall require a new conditional use permit, which shall be applied for and processed as provided in this chapter upon proof by the applicant that restoration of the site has begun.

- (13) Travel routes for trucks entering and leaving the site shall be shown on a map of the Township at the time of application for the conditional use permit. Such routes, except arterial streets or their equivalents, shall not pass through residential areas.
- (14) Only equipment owned or leased by the operator of the mineral mining operation and used in the operation of the mineral mine shall be stored overnight or for longer periods anywhere on the premises. Storage of any other equipment on the premises shall be prohibited.
- (15) Potable water supply and sanitary sewage disposal systems shall be approved by the Washtenaw County Health Department before a conditional use permit shall be issued.
- (16) Concrete, cement, or asphalt production shall not be allowed as part of a mineral mining operation unless located in a district which allows such use.
- (17) The applicant shall demonstrate compliance with all of the provisions of section 74-594 Performance Standards of the Township Zoning Code.
- (18) Mining operations shall not include dewatering operations for extraction or any other processing. Exceptions to allow dewatering may be considered by the Township in the event that the following conditions are met to the satisfaction of the Township:
- a. A comprehensive hydrogeological study demonstrates with a high degree of confidence and to the satisfaction of the Township that no adverse impacts will occur due to the proposed dewatering operations or related discharges on or offsite, including but not limited to, adverse impacts to domestic water supply wells or natural resources;
 - b. An aquifer monitoring plan, including monitoring wells installed and monitored at the operator's expense, is provided for Township review and, if satisfactory to the Township, approval; and

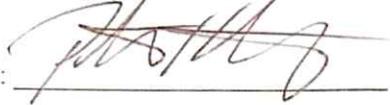
EXHIBIT A

- c. The Conditional Use Permit specifically states that if monitoring shows any indication of adverse impact to water resources, as determined by the Township, dewatering operations shall immediately cease.

RECOMMENDATION APPROVED BY PLANNING COMMISSION.

ANN ARBOR CHARTER TOWNSHIP
PLANNING COMMISSION

By: _____


Peter Kotila, Chair

By: _____

Lee Gorman, Secretary

Public Hearing: January 11, 2024

Planning Commission Recommendation: January 11, 2024

Approved by Board: _____, 2024

Effective: _____, 2024 (7 days after publication)

EXHIBIT A

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RECOMMENDATION APPROVED BY PLANNING COMMISSION.

ANN ARBOR CHARTER TOWNSHIP
PLANNING COMMISSION

By: _____

Peter Kotila, Chair



By: _____

Lee Gorman, Secretary

Public Hearing: January 11, 2024

Planning Commission Recommendation: January 11, 2024

Approved by Board: _____, 2024

Effective: _____, 2024 (7 days after publication)

ANN ARBOR CHARTER TOWNSHIP
BOARD OF TRUSTEES
AMENDMENT TO ZONING CODE: HOME OCCUPATIONS

ORDINANCE NO. X-2024

Rev. January 16, 2024

The Ann Arbor Charter Township Board of Trustees ordains and adopts the following amendment to Chapter 74, Article I, Section 74-2 and Section 74-9 [new language underlined, deleted language ~~stricken~~].

CHAPTER 74, ARTICLE I, Section 74-2 is amended to read as follows:

Business means any commercial enterprise involving the creation, purchase, sale, lease, barter, or exchange of goods, wares, merchandise, and/or the provision of services conducted for compensation, profit, or other gain on behalf of oneself or others.

Group Living means a residential living arrangement embracing a wide range of groups of people not defined as a family. Group living is not a home occupation accessory to a single-family dwelling, two-family dwelling, or multiple-family dwelling. Group living includes, but is not limited to the following:

- Group residential facilities: including fraternity or sorority houses; dormitories or residence halls; convents, monasteries, or other religious residential facilities.
- Group homes: including child or adult foster care facilities' emergency shelters and shelters for victims of domestic violence; residential substance abuse treatment facility; residential care facilities, assisted living facilities, convalescent, nursing or rest home, or homes for the aged.
- Institutional living: including boarding school, child caring institution (not a day care center), penal or correctional institution, detention facility, pre-release adjustment center, or halfway house.

Hobby means a pursuit or activity done in one's leisure time and outside one's regular occupation, for relaxation and/or pleasure and not for economic gain or support.

Home Occupation means ~~an occupation~~ a business, business activity, profession, occupation, or trade activity that is conducted by one or more occupants of a dwelling for the economic gain or

support of that person or residents of the dwelling and which is clearly conducted as a customary, incidental, and secondary accessory use to the principal residential use. The definition of the dwelling or associated accessory building. A home occupation shall include telecommuting and other remote working but does not include clinics, hospitals, barbershops, beauty parlors, tearooms, tourist homes, animal hospitals, kennels, millinery shops, music studios, antique shops, dance studios, child care centers, repair or storage of vehicles, and similar uses a hobby, or uses classified as group living or public accommodations. For the purposes of this ordinance, home occupations shall be classified and regulated by category as specified in Sec. 74-9.

Public Accommodation means an establishment providing transient sleeping or lodging accommodations to the general public for compensation including but not limited to: hotels or motels; boarding, rooming or lodging houses; tourist homes; bed and breakfasts; and short-term rentals. Public accommodations are not home occupations accessory to a single-family dwelling, two-family dwelling, or multiple-family dwelling.

Telecommuting (also known as Telework) means an arrangement between an employer and employee for performing work at a location other than the primary work location, such as in the dwelling of an employee or in a satellite office, and sending and receiving material by phone, email, or other electronic means. A self-employed person working from his or her dwelling and sending and receiving material by phone, email, or other electronic means is also a telecommuter.

Tourist home. See Hotel. means a private home or condominium that is not occupied by an owner or manager and that is rented, leased, or furnished in its entirety to transient guests on a daily or weekly basis.

CHAPTER 74, ARTICLE I, Section 74-9 is amended to read as follows:

A home occupation may be permitted in a single family detached dwelling within a zoning district where such dwelling is permitted, subject to the following conditions:

- (1) No person other than the members of the family residing on the premises shall be engaged in such occupation.
- (2) The home occupation use of the dwelling unit shall be clearly incidental and subordinate to its use for residential purposes, and

- (a) Purpose of Regulations. The services offered through a home occupation are a matter closely affecting the public interest. The public interest requires that home occupations be operated properly and in a safe, fair, honest, and competent manner by qualified persons.

The public interest further requires that home occupations be clearly incidental to and subordinate to the residential use of the dwelling.

The purpose of this Ordinance is:

- 1) To prevent unreasonable noise, dust, odor, light, glare, ground vibration or other nuisance impacts that if not prevented, could undermine the pleasant use and enjoyment of residential districts for dwelling purposes.
- 2) To ensure that home occupations always remain an accessory use that is subordinate to the principal residential use of the premises.
- 3) To automatically authorize telecommuting and related invisible and no impact uses without any application, review or permit approval in all dwelling units.
- 4) To ensure that home occupations are conducted so as to maintain the residential character and viability of the dwelling, not result in incompatibility with nor undue disturbance to surrounding residential properties, or constitute a detriment to the character and livability of the surrounding neighborhood.

(b) Home Occupation Regulatory Categories. Home occupations are classified and regulated in two categories as specified below, as determined by the Zoning Administrator:

- 1) Category A – Almost No Impact Potential at Property Lines. This category of home occupation recognizes that it is customary for dwelling occupants to perform office and similar work as incidental to residential use of a dwelling unit. Category A is referred to as a “no impact” or “none to low impact” home occupation because no aspects of the home occupation are visible from the property lines and there is no significant impact on adjoining property.
 - a. Permit. Category A home occupations that meet the criteria below are automatically allowed without permit application, review, or approval (no permit is required). See 74-9(c) for operational standards.
 - b. Location. Category A home occupations may be conducted inside any dwelling unit, attached accessory structure, or detached accessory structure, in any district.
 - c. Operator of home occupation. Category A home occupations must be conducted by an occupant-owner or occupant-renter of the property, or other occupant of the property with written permission of the owner.
 - d. Criteria. A Category A home occupation must meet the following additional criteria:
 - i. Non-occupants of the dwelling unit may not commute to the dwelling to work for a Category A home occupation on site.
 - ii. No customers, clients, patients, or other walk-in people may visit the home occupation to conduct business.
 - e. Telecommuting. Telecommuting or telework is considered a Category A home occupation, and only includes activities such as receiving or initiating electronic or other video communication, telephone calls, mail, facsimiles, or electronic-mail; preparing or maintaining business records; word or data processing; and is:
 - i. Work performed for an employer who is in another location, or

- ii. Work by a person residing in the dwelling unit who engages in the activities or similar activities described above under the auspices of his/her own business.
- 2) Category B – Limited **Impact** Potential at Property Lines. This category of home occupation is largely indistinguishable from customary residential use of a dwelling unit, but may have **space for** off-street parking ~~space~~ that is visible from the property line.
- a. Permit. Category B home occupations are authorized by issuance of a Home Occupation Permit by the Zoning Administrator once conformance with criteria specified below are achieved. See 74-9(c) for operational standards.
 - b. Location. In any district that allows single-family and two-family dwellings, Category B home occupations are permitted in any dwelling unit or attached accessory structure, but shall not occupy a detached accessory structure.
 - c. Operator of home occupation. Category B home occupations must be conducted by an occupant-owner or occupant-renter of the property, or by other occupants of the property with the owner's written consent.
 - d. Criteria. Category B home occupations must meet the following additional criteria:
 - i. In total, the home occupations may occupy not more than 20 ~~percent~~% of the floor area of the dwelling unit ~~may be used for the purposes of the.~~
 - ii. The home occupation may employ up to two non-occupant employees on site.
 - iii. **Parking for each non-occupant employee must be provided on site.** Parking may be provided on an existing driveway.
 - iv. Not more than two customers/clients/patients are permitted at any time for service trade. Customers/clients/patients must be able to park on site, and must receive the service by appointment only; hours of operation are between 8 AM to 8 PM.
 - v. **Only incidental sales of products are permitted in relation to a home occupation use.**
- 3) ~~There shall be no change in the outside appearance of the structure or premises, or other visible evidence of conduct of such home occupation, and therefore, there shall be no external or internal alterations not customary in residential areas or structures.~~
- 4) ~~A home occupation shall be conducted within the dwelling unit.~~
- 5) ~~No article shall be sold or offered for sale on the premises except such as is prepared within the dwelling or is provided as incidental to the service or profession conducted therein.~~
- 6) ~~Traffic generated by a home occupation shall not be greater in volume than that normally generated by the residence. Parking for the home occupation shall not exceed two spaces. Such spaces shall be provided on the premises, off-street, subject to all~~

regulations in article VIII, off-street parking and loading regulations, and provided the parking spaces shall not be located in the required front yard.

- 7) ~~Exterior storage of material, equipment, or refuse associated with or resulting from a home occupation shall be prohibited.~~

(c) Standards Applicable to Home Occupations. The following standards apply to all home occupations, in all Categories A and B, except where indicated as applying to only one category of home occupation.

- 1) Number of Home Occupations in a Single Dwelling Unit. There can be more than one home occupation in a single dwelling unit, but for Category B home occupations, the number of employees, clients, patients and other walk-in persons, and parking, cannot exceed the maximum allowed for a single home occupation.
- 2) (8) Hazards or Impacts. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odor, or electrical interferences which ~~are nuisances to negatively impact~~ persons off the lot. Any electrical equipment processes which create visual or audible interference with any radio or television receivers off the premises or which cause fluctuations in line voltages off the premises shall be prohibited.
- 3) Hazardous Substances. The home occupation(s) shall not involve:
 - a. The generation of any hazardous waste as defined in Article II Chapter 3 Part 111 of P.A. 451 of 1994, as amended, (being the Hazardous Waste Management part of the Natural Resources and Environmental Protection Act, M.C.L. 324.11101 et. Seq.).
 - b. The use of materials which are used in such quantity, or are otherwise required, to be registered pursuant to the Code of Federal Regulations, Title 29, Chapter XVII, part 1910(2), except this provision shall not apply to material purchased retail over the counter for on premises cleaning, lawn care, operation of a photocopy machine, paint, printing, art and craft supplies, or fuel.
- 4) Internal and External Alterations.
 - a. No home occupation in any Category shall require internal or external alterations or involve construction features not customarily found in dwellings and residential accessory buildings except where required to comply with local and state fire and building codes.
 - b. Any permanent structural alteration to the interior of the dwelling unit for purposes of conducting the home occupation which would render it unsuitable for residential use is prohibited. A home occupation that requires a structural alteration of the dwelling to comply with a nonresidential construction code is prohibited. The prohibitions in this section do not apply to modifications necessary to comply with the Americans with Disabilities Act (ADA). Insofar as practicable, all modifications shall be designed and constructed to maintain the residential character of the dwelling and its compatibility with surrounding residential uses, as determined by the Building Official.
- 5) Waste Collection & Disposal. The levels of waste and scrap generated by the home occupation for transfer as part of the municipality's residential trash collection and

- disposal services shall not exceed 96 gallons per week. Such waste shall be non-hazardous and shall be disposed of in a residential waste container suitable for use by the residential waste collection equipment.
- 6) Commercial Vehicle Parking. Commercial vehicles associated with the home occupation shall meet the parking requirements of Sec. 74-761.
 - 7) Equipment, Machinery and Materials. No equipment, machinery, or materials other than of a type and size that are typically found in dwellings for hobby or domestic purposes shall be permitted. Storing or parking heavy equipment on residential property is prohibited. Heavy equipment is defined as backhoes, trenchers, loaders, tractors, bulldozers, graders, cranes, forklifts, or similar equipment.
 - 8) Outside Storage. The home occupation shall not engage in outside storage of equipment, machinery, or materials.
 - 9) Traffic Generation/Vehicle Trips. The home occupation shall not generate customer, patient, or client-related vehicular traffic in Category A home occupations. Vehicle trips related to Category B home occupations shall be limited to the resident proprietor of the home occupation and his/her non-occupant employees plus any customers, clients, patients, and business visitors as provided in Section 74-9(b)(2)d. above.
 - 10) Commercial Deliveries. The receipt and shipment of products, merchandise or supplies by commercial carriers shall be prohibited between the hours of 8:00 PM and 8:00 AM; except for extended delivery during holiday seasons, and an infrequent situation requiring a special delivery.
 - 11) (9) Signs. Signs for a home occupation **not customarily found in residential areas** shall be prohibited; ~~provided however, that one nonilluminated name plate not more than two square feet in area, may be attached to the building, which sign shall contain only the name, occupation, and.~~
 - 12) Sale of Products or Services. No on-site sales of products or services delivered in-person on site are permitted in Category A home occupations. The provision of services delivered in-person on the premises is permitted in Category B per the terms of the Home Occupation Permit; however, no on-site retail sales of products is permitted.
 - 13) Protection of Natural Resources. No use of the yard, accessory or principal dwelling unit for a home occupation shall result in deposit of substances onto the land or in surface waters that is harmful to the soil, plants, or animals, or generate additional storm water or other runoff onto adjoining properties beyond levels prior to the home occupation, or jeopardize the integrity of wetlands or other sensitive natural areas on the lot or parcel or adjacent to the lot or parcel.
 - 14) Adherence to Ordinances & Permits. A dwelling unit and associated accessory structures and portions of the lot or parcel may be used for a home occupation, as described for each home occupation category, provided the home occupation conforms with all requirements of this Section, other applicable Sections of the Zoning Ordinance, and applicable fire and construction codes.
- (d) Fine Art Lessons. Pursuant to the Michigan Zoning Enabling Act, Section 204 (MCL 125.3204), instruction in a fine art, craft or music is a permitted home occupation by an

occupant of any single-family dwelling in any district. Such instruction is permitted by electronic means, such as videoconference in Category A, and in-person at scheduled times in Category B.

- (e) *Existing Nonconforming Home Occupations.* It is likely that there are home occupations that currently exist and were established under the previous ordinance provisions. Existing home occupations that met the previous ordinance requirements (i.e., were lawful) on the effective date of this Section are allowed to continue in the same manner and to the same extent as they existed on the day they became nonconforming due to adoption of this Section. Existing nonconforming occupations must meet the provisions of Article II, Division 5, Nonconformities, in the Zoning Ordinance.

Except for telecommuting and telework, home occupations that were unlawfully in existence on the effective date of this Section (i.e., were unlawful) are considered illegal until they are brought into compliance with this Section, and obtain a permit per subsection (g) below.

- (f) *Prohibited Home Occupations.* Any use that does not meet the criteria and standards in this ordinance for a home occupation, as determined by the Zoning Administrator, is prohibited as a home occupation. A general list of activities that are most likely not compliant with the ordinance by their very nature includes, but is not limited to, the following:

- 1) Uses that are considered principal land uses, such as junk yards, mini-storage, nursing home, recycling center, or warehouse.
- 2) On-site retail or wholesale sales of merchandise, and on-site eating or drinking establishments.
- 3) Uses that assemble groups of people (i.e., more than two) at one time, such as a school or private club.
- 4) Uses that generate or use hazardous materials, or use of materials in such quantities that require registration with state or federal agencies.
- 5) Hotels, motels, tourist homes, time shares, short-term rentals, and bed and breakfast inns as a home occupation. See Sec. 74-602 regarding bed and breakfast operations.
- 6) Motor vehicle, recreational vehicle, boat and equipment sales, repair, body and paint shops, welding shops, and storage or dismantling yards.
- 7) Animal processing, kennels, animal boarding, and veterinary clinics or hospitals.
- 8) Uses that require outdoor use of large equipment and machines, or outdoor storage of materials that aren't typically or safely stored indoors.
- 9) Medical or dental offices, clinics, and hospitals.
- 10) Mortuary and funeral homes.

- (g) *Home Occupations Permitting Process.* The following establishes the procedure for determining whether a proposed home occupation is permitted on a particular lot or parcel, and the permitting process.

- 1) Permit. Category A home occupations are not required to apply for or obtain a Home Occupations Permit. For all Category B home occupations established after the effective date of this ordinance, the property owner, or renter or other occupant of the dwelling unit with written permission from the property owner, shall submit a completed Home Occupation Permit application form to the Township specifying the characteristics of the proposed home occupation at the address proposed and involving which structures or yards at that address, and other information deemed necessary by the Zoning Administrator to establish compliance with this Section.
 - a. Application review. The Zoning Administrator will review the application. He/she shall compare the requested use to the definition of each Category and shall classify the proposed use into the appropriate category.
 - b. Category A home occupation. If in reviewing an application, the Zoning Administrator determines that the proposed operation meets the criteria for Category A home occupations and the standards of section 74-9(c), no permit is required, and no further action on the part of the applicant is needed.
 - c. Category B home occupation. If in reviewing an application, the Zoning Administrator classifies the home occupation under Category B, and determines that the proposed operation meets the criteria for Category B home occupations and the standards of Sec. 74-9(c), the Zoning Administrator shall grant approval of the proposed use and issue a Home Occupation Permit. The Zoning Administrator shall add the home occupation to the Record of Home Occupations.
 - d. Denied Home Occupation Permits. If the Zoning Administrator determines that the proposed home occupation does not meet the criteria or standards for a home occupation in this section, then the Zoning Administrator shall deny the requested Home Occupation Permit.
 - i. Permit Amendments and Appeal to Zoning Board of Appeals. Any Home Occupation Permit that is denied may be amended by the applicant and resubmitted to the Zoning Administrator. If the home occupation is subsequently not approved by the Zoning Administrator, the applicant may appeal the decision by the Zoning Administrator to the Zoning Board of Appeals, per Sec. 74-259, within 30 days of written receipt of the denial.
 - ii. Termination of home occupation. If the appeal to the Zoning Board of Appeals is unsuccessful, or the applicant chooses not to appeal the denied permit by the Zoning Administrator, the applicant shall terminate the home occupation within 30 days of the ZBA's decision or written receipt of the denial from the Zoning Administrator. If the home occupation is not terminated, the home occupation will be treated as an Ordinance violation pursuant to Division 2, Violations, of the Zoning Ordinance.
 - e. Permit duration. Home Occupation Permits shall remain effective for the person, location, and type of home occupation that was provided on the permit application for three years from the permit issuance date. The Home Occupation Permit must be renewed upon its expiration to continue operation of the home occupation.
 - f. Transferability. Approval of the Home Occupation Permit is not transferable to another person, location, or type of home occupation.

- 2) Record of Home Occupations. The Zoning Administrator shall establish and maintain a Record of all Category B Home Occupations that have received a permit. The Record shall list all of the following:
- a. Property owner’s name.
 - b. Home occupation operator’s name.
 - c. The property address/location of the home occupation.
 - d. A description/name of the home occupation.
 - e. Date the Home Occupation Permit was issued.

CHAPTER 74, ARTICLE IV, Section 74-461 – Rural districts is amended to read as follows:

<i>Uses</i>	<i>(1) R-C</i>	<i>(2) A-1</i>	<i>(3) A-R</i>
Home occupation ²	A	A	A

²Category A home occupations may occupy any dwelling unit, attached accessory structure, or detached accessory structure. Category B home occupations may occupy a single-family or two-family dwelling unit, or an attached accessory structure to a single-family or two-family dwelling unit if a permit is obtained, per Sec. 74-9.

CHAPTER 74, ARTICLE IV, Section 74-462 – Rural and suburban residential districts is amended to read as follows:

<i>Uses</i>	<i>(1) R-1</i>	<i>(2) R-1A</i>	<i>(3) R-2</i>
Home occupation ³	A	A	A

³Category A home occupations may occupy any dwelling unit, attached accessory structure, or detached accessory structure. Category B home occupations may occupy a single-family or two-family dwelling unit, or an attached accessory structure to a single-family or two-family dwelling unit if a permit is obtained, per Sec. 74-9.

CHAPTER 74, ARTICLE IV, Section 74-463 – Urban residential districts is amended to read as follows:

<i>Uses</i>	<i>(1)R-3</i>	<i>(2)R-3A</i>	<i>(3)R-4</i>	<i>(4)R-5</i>	<i>(5)R-6</i>	<i>(6)R-7</i>	<i>(7)R-8</i>	<i>(8)R-9</i>
Home occupation ²	A	A	A	A	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>

²Category A home occupations may occupy any dwelling unit, attached accessory structure, or detached accessory structure. Category B home occupations may occupy a single-family or two-family dwelling unit, or an attached accessory structure to a single-family or two-family dwelling unit if a permit is obtained, per Sec. 74-9.



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

MEMORANDUM

TO: Ann Arbor Township Board
FROM: Sally M. Elmiger, AICP, LEED AP
DATE: January 16, 2024
RE: Revised Home Occupations Draft Ordinance

Based on the comments provided by the Township Board at your previous meetings, we have updated the draft Home Occupations ordinance language as described below. The revised ordinance language is attached, and the most recent changes are shown with **yellow highlights**.

- Throughout Draft:
 - a. The term “nuisance” was replaced with “impacts,” or “negative impacts.”
 - b. Page numbers were added to the top of each page.
- Pages 2 - 3: Purpose of Regulations. We replaced the first two paragraphs of this section with new language provided by a Township Board Member, and revised at the December 18, 2023 Board meeting. The new language greatly simplifies this introductory paragraph.
- Page 4: Parking for Category B Home Occupations. Concerns were raised in referring to “parking spaces,” as that may be interpreted by some to require a “parking lot” to accommodate Category B non-resident employee/customer parking. Therefore, reference to parking was re-worded to simply state that parking must be provided on site.
- Page 4: Sales of Products to Customers Visiting Site. The ordinance prohibits establishing a “store” as a Home Occupation. However, sometimes customers/clients that visit Home Occupations may purchase an incidental product, such as sheet music from a music teacher, or art supplies from an art teacher. Therefore, we added the statement that incidental sales of products are permitted in relation to the Home Occupation.
- Page 6: Signs. The ordinance now simply prohibits signs for a Home Occupation.
- Page 7: Assembly Uses. Per the Township Attorney’s recommendation, the following cannot be prohibited: “*Uses that assemble groups of people (i.e., mor than two) at one time, such as a school or private club.*” Therefore, this prohibition was deleted from the draft.
- Page 9: Districts in Which Home Occupations are Permitted as Accessory Uses. This information was actually part of the “Accessory Structures” draft ordinance language. However, it’s more logical to include it with this ordinance amendment topic.

Under the current ordinance, “Home Occupations” are a permitted accessory use in all residential districts except for R-6 through R-9. The new ordinance language has added Home Occupations as a permitted accessory use to R-6 through R-9 districts. We have also added footnotes (for the convenience of the reader) to clarify that Category B Home Occupations are only allowed in a single-family or two-family dwelling/attached accessory structure.

We don’t think it’s necessary to separately list Category “A” Home Occupations and Category “B” Home Occupations in these tables, because the criteria in the Home Occupations section will limit the building type in which these uses can occur. Specifically, Category B Home Occupations may only occur in a single-family or two-family dwelling/attached accessory structure. So, since *new* single- or two-family dwellings aren’t permitted uses in the multi-family districts, new dwellings of this type won’t be permitted in these districts, and as a result, Category B Home Occupations will also not be permitted in these districts.

Only if a multi-family district has existing single- or two-family dwellings as an “existing, non-conforming use” will a Category B Home Occupation be able to exist in a multi-family district. We consider this to treat these home owners the same as a person who is located in a conforming single- or two-family dwelling.

We look forward to discussing the revised ordinance language with you at the upcoming meeting.



CARLISLE/WORTMAN ASSOC., INC.
Sally M. Elmiger, AICP, LEED AP
Principal

**ANN ARBOR CHARTER TOWNSHIP
BOARD OF TRUSTEES
AMENDMENT TO ZONING CODE: ACCESSORY BUILDINGS AND STRUCTURES
ORDINANCE NO. X-2024
Revised January 16, 2024**

The Ann Arbor Charter Township Board of Trustees ordains and adopts the following amendment to Chapter 74, Article IV, Division 1, Section 426 and Chapter 74, Article IV, Division II, Sections 461-463 [new language underlined, deleted language ~~stricken~~].

CHAPTER 74, ARTICLE I, Section 13 is amended to read as follows:

Sec. 74-13. Storage Buildings in residential districts. – Reserved.

~~Storage buildings in residential districts shall be clearly accessory to the dwelling units they serve. The floor area of a storage building shall be included in the floor area used to calculate ground floor coverage and floor area ratio. Such storage buildings shall be subject to the following regulations:~~

- ~~(1) *R-1, R-2, R-3, R-4, and R-5 districts.* Not more than one storage building shall be permitted for each dwelling unit, and the floor area of the storage building shall not exceed 200 square feet.~~
- ~~(2) *R-6 district.* Not more than one storage building shall be permitted on a mobile home site, and the floor area shall not exceed 150 square feet.~~
- ~~(3) *R-7, R-8, and R-9 districts.* Not more than one storage building shall be permitted for each single-family attached dwelling unit, such floor area not to exceed 150 square feet. Individual storage buildings for dwelling units in apartment-type structures shall not be permitted; however, common storage buildings may be permitted.~~

CHAPTER 74, ARTICLE IV, Division 1, Section 426 is amended to read as follows:

- (a) *Minimum requirements.* The regulations established in this article within each zoning district shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare, and shall be uniform for each class of land, buildings, structures, or uses throughout each district. Wherever the requirements of this chapter are at variance with the requirements of any other adopted rules or regulations, ordinances, deed restrictions, or covenants, the most restrictive or those imposing the higher standards shall govern.
- (b) *Scope of regulations.*
 - 1) Except as otherwise may be provided in article II, division 6, Zoning Board of Appeals, every building or structure erected, every use of any lot, building, or structure established, every structural alteration or relocation of an existing building or structure, and every enlargement of or addition to an existing use, building, or structure occurring

after December 13, 1976, shall comply with all regulations which are applicable in the zoning district in which such use, building, or structure shall be located.

- 2) No part of a yard or other open space, off-street parking or loading space required about or connected with any use, building, or structure for the purpose of complying with this chapter shall be included in the yard, open space, off-street parking or loading space similarly required for any other use, building, or structure.
 - 3) No yard or lot existing on December 13, 1976, shall be reduced in dimensions or area below the minimum requirements set forth in this article. Yards or lots created after December 13, 1976, shall meet the minimum requirements established in this article. No off-street parking or loading areas shall be reduced below the required size or number of spaces.
 - 4) Nonconforming lots of record may be utilized as set forth in section 74-217, nonconforming lots of record.
- (c) *Permitted uses.* Uses shall be permitted by right only if specifically listed as principal permitted uses in the various zoning districts. All other uses shall be prohibited unless approved as a conditional use in accordance with subsection 74-426(e).
- (d) *Accessory uses and buildings or structures.* Where a lot is devoted to a permitted principal use or a permitted conditional use, accessory uses are permitted as listed in the applicable zoning district, ~~or as described below.~~ **In all districts, accessory buildings may not be used for dwelling purposes.**

Accessory uses and buildings or structures (collectively “structures” unless otherwise specified) shall be subject to the following regulations:

- 1) No accessory structure shall be used prior to the principal structure or use, except as a construction facility for the principal structure.
- 2) Accessory structures shall be supplemental and subordinate to the principal use and structure on a parcel of land, and shall be on the same parcel of land as the principal use or structure they serve.
- 3) The floor area of an accessory building shall be included in the floor area used to calculate ground floor coverage and floor area ratio.
- 4) In any zoning district other than R-1 or R-1A, the ground floor area of an accessory building or structure shall not exceed the ground floor area of the principal building. For this standard, the area of the principal building shall not include an attached garage.
- 5) Attached structures. Where the accessory ~~building or structure~~ is structurally attached to the principal ~~building or structure~~, it shall be subject to, and must conform to, all regulations of this chapter applicable to the principal structure ~~of the district in which located~~.
- 6) Detached structures. Where the accessory structure is not structurally attached to the principal structure:

- a. Number: There is no limit on the number of detached accessory structures on a lot or parcel (collectively “lot”). However, accessory buildings are counted toward the maximum ground floor coverage and floor area ratio on a lot.
- b. Location:
1. In any zoning district, a detached accessory structure shall be located at least ten feet from any other principal or accessory building.
 2. In any rural district (R-C, A-1, and A-R) accessory uses, ~~buildings and structures not attached to the principal building~~ shall not be located within any minimum required yard setback for the zoning district, as listed in Sec. 74-501, except for farm markets/roadside stands, as described in “7” below. ~~that a farm market/roadside stand may be located within the required yard setback as long as the farm market/roadside stand complies with all of the following:~~
 3. In any rural residential district (R-1, and R-1A), suburban residential district (R-2), and urban residential district (R-3A, R-3, R-4, R-5, R-6, R-7, R-8 and R-9), accessory structures shall not be located in front of the rear line of the principal building or, in the case of a corner lot, in the required corner side yard. If an accessory structure is 100 square feet or less in floor area, it shall not be located less than five feet from an interior side or rear property line. If an accessory structure is greater than 100 square feet in floor area, it shall comply with all setback regulations of the district in which it is located, as listed in Sec. 74-502 through 74-503.
 4. In any business or industrial district, an accessory structure shall comply with all regulations of the district in which located, as listed in Sec. 74-504 through 74-505.
 5. ~~Meets the definition of a farm market/roadside stand under section 74-2 and the GAAMPS for farm markets; and~~
 6. ~~Has a maximum floor area of any structure or building of 100 square feet or less; and~~
 7. ~~Is located outside of any road right-of-way; and~~
 8. ~~Conforms to the provisions of section 74-8, visibility at intersections.~~
- c. Size: Accessory buildings are subject to the following size requirements.
1. Total area: In any residential district, the combined ground floor area of all detached accessory buildings on a lot shall not exceed the following maximums:
 - i. For lots greater than 3-acres in size, 10% of the total lot area, or up to 10,000 s.f., whichever is less.
 - ii. For lots greater than 2-acres and up to and including 3-acres in size, up to 4,000 s.f.
 - iii. ~~For lots greater than 1-acre and up to and including 2-acres in size, up to 1,500 s.f.~~

- iv. For lots up to and including 2-acres or less in size, up to 1,000 s.f.
 - v. Accessory structures that do not meet the definition of a “building,” shall not be subject to the total area size requirements listed in c.(1) above.
2. In any rural district (R-C, A-1 and A-R), and in any rural residential district, (R-1, and R-1A), suburban residential district (R-2), and urban residential district (R-3A, R-3, R-4, R-5, R-6, R-7, R-8 and R-9), accessory structures shall not exceed 15 feet in height. An accessory structure may exceed this height by a maximum of five feet as long as the structure is set back one foot further from the property line than the minimum setback for every one foot of additional height.
 3. In any business or industrial district, any accessory use or structure shall comply with all regulations of the district in which located, as listed in Sec. 74-504 through 74-505.
 4. In any rural district (R-C, A-1 and A-R), farm structures used as part of a farming operation, as defined, shall not exceed 75 feet in height.
- d. Zoning Compliance Certificate: An accessory structure 100 square feet or less does not require a building permit, but does require a zoning compliance certificate from the Building Official, or his/her designee.
- 7) Farm markets/roadside stands may be located within the required yard setback as long as the farm market/roadside stand complies with all of the following:
 - a. Meets the definition of a farm market/roadside stand under section 74-2 and the GAAMPS for farm markets; and
 - b. Has a maximum floor area of any structure or building of 100 square feet or less; and
 - c. Is located outside of any road right-of-way; and
 - d. Conforms to the provisions of section 74-8, visibility at intersections.
 - ~~8) In any rural residential, suburban residential or urban residential district, accessory uses, buildings and structures not attached to the principal building shall not:~~
 - ~~a. Be located in front of the rear line of the principal building or, in the case of a corner lot, in the required corner side yard;~~
 - ~~b. Be located less than five feet from an interior side or rear property line;~~
 - ~~c. Exceed 15 feet in height.~~
 - ~~9) In any rural, suburban or urban residential district, not more than 35 percent of the minimum required rear yard may be occupied by accessory structures.~~
 - ~~10) In any business or industrial district, any accessory use, building or structure not attached to the principal building or structure shall comply with all area, placement, and height regulations of the district in which located.~~

- ~~11) In any zoning district, the ground floor area of an accessory building or structure shall not exceed the ground floor area of the principal building.~~
- ~~12) In any zoning district, a detached accessory building or structure shall be located at least ten feet from any other principal or accessory building.~~
- 13) Refer to section 74-618 regarding small-scale SES.
- 14) Refer to section 74-9 regarding home occupations.

[NO OTHER CHANGES PROPOSED IN THIS SECTION]

CHAPTER 74, ARTICLE IV, Division 2, Section 461 is amended to read as follows [NOTE THAT ONLY ACCESSORY USES, AND RELATED FOOTNOTES, ARE LISTED BELOW]:

Sec. 74-461. Rural districts.

The following uses are permitted in rural districts:

A = Accessory use

Uses	(1) R-C	(2) A-1	(3) A-R
Farm market/roadside stand as defined in section 74-2 and the GAAMPS for farm markets***	A	A	A
Garage, private (attached or detached)	A	A	A
Greenhouse, private	A	A	A
Home occupation ⁶	A	A	A
Residential accessory building (Per Sec. 74-426)	A	A	A
Small-Scale SES	A	A	A
Storage buildings, barns, silos	A	A	A
Swimming pool, private	A	A	A

⁶Category A home occupations may occupy any dwelling unit, attached accessory structure, or detached accessory structure. Category B home occupations may occupy a single-family or two-family dwelling unit, or an attached accessory structure to a single-family or two-family dwelling unit if a permit is obtained, per Sec. 74-9.

*** See supplementary district regulation section 74-610.

CHAPTER 74, ARTICLE IV, DIVISION 2, SECTION 462 is amended to read as follows [NOTE THAT ONLY ACCESSORY USES, AND RELATED FOOTNOTES, ARE LISTED BELOW]:

Sec. 74-462. Rural and suburban residential districts.

The following uses are permitted in rural and suburban residential districts:

A = Accessory use

Uses	(1) R-1	(2) R-1A	(3) R-2
Home occupation ³	A	A	A
Private garages	A	A	A
Signs	A	A	A
Small-Scale SES	A	A	A
Storage Residential accessory building (Per Sec. 74-426)	A	A	A
Swimming pool, private	A	A	A

³Category A home occupations may occupy any dwelling unit, attached accessory structure, or detached accessory structure. Category B home occupations may occupy a single-family or two-family dwelling unit, or an attached accessory structure to a single-family or two-family dwelling unit if a permit is obtained, per Sec. 74-9.

CHAPTER 74, ARTICLE IV, DIVISION 2, SECTION 463 is amended to read as follows
[NOTE THAT ONLY ACCESSORY USES, AND RELATED FOOTNOTES, ARE LISTED BELOW]:

Sec. 74-463. Urban residential districts.

The following uses are permitted in the urban residential districts:

A = Accessory use

Uses	(1) R-3	(2) R-3A	(3) R-4	(4) R-5	(5) R-6	(6) R-7	(7) R-8	(8) R-9
Home occupation ²	A	A	A	A	A	A	A	A
Manager's residence and office	A				A	A	A	
Private garages	A	A	A	A	A	A	A	A
Private greenhouse	A	A	A	A	A	A	A	A
Residential accessory building (Per Sec. 74-426)	A							
Signs	A	A	A	A	A	A	A	A
Small-Scale SES	A	A	A	A	A	A	A	A
Storage buildings	A							
Swimming pool, private	A	A	A	A	A	A	A	A

² Home occupations shall be permitted only in single-family detached dwelling units. Category A home occupations may occupy any dwelling unit, attached accessory structure, or detached accessory structure. Category B home occupations may occupy a single-family or two-family dwelling unit, or an attached accessory structure to a single-family or two-family dwelling unit if a permit is obtained, per Sec. 74-9.



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

MEMORANDUM

TO: Ann Arbor Township Board
FROM: Sally M. Elmiger, AICP, LEED AP
DATE: January 16, 2024
RE: Revised Accessory Structures Draft Ordinance

Based on the comments provided by the Township Board at your previous meetings, we have updated the draft Accessory Structures ordinance language as described below. The revised ordinance language is attached, and the most recent changes are shown with **yellow highlights**.

- Page 1: Deletion of “Storage Buildings in Residential Districts” Ordinance Language. One intent of the new Accessory Structure ordinance amendment was to update/replace the existing ordinance regulating the number and size of residential “storage buildings.” The previous draft neglected to show this deletion, but the revised draft does.

The deleted language also shows that previously, homeowners in single-family homes could have one “storage building,” up to 200 s.f. in size (or the size of a two-car garage). Homeowners in mobile homes or attached single-family homes (like townhomes) could have one storage building up to 150 s.f. in size. And apartment buildings could have a common storage building, but not individual storage buildings per apartment unit. Showing the deleted language will help to illustrate how the new ordinance differs from the previous ordinance regulating accessory structures on a residential property. Sec. 74-13 will be reserved for another future ordinance.

- Page 2: Clarification on Accessory Dwelling Units. Sec. 74-3, *Number of residences on a lot*, restricts the number of single-family dwelling units per lot to one. This provision would prohibit a single-family lot from adding a dwelling unit in an accessory building. However, to be abundantly clear, we have added a sentence that states accessory buildings shall not be used for dwelling purposes.
- Page 3: Modification of Total Square Feet of Residential Accessory Buildings on Lots 2-Acres or Less. As discussed by the Board Members, we’ve modified the maximum total size of accessory buildings on lots between 0 – 2 acres to 1,000 s.f.

The Board also requested that I provide a comparison of accessory building maximums of other communities. The table on the next page illustrates this comparison.

The information in the Ann Arbor Township row calculates the maximum square footage based on the Ground Floor Coverage (GFC) regulations for zoning districts with the related minimum lot size of 5-acres, 3-acres, or 1-acre. GFC applies to all buildings, including the principal building and accessory buildings. Since an accessory building can't have a floor area greater than the principal building, the maximum size of an accessory building is 50% of the allowable GFC for that sized lot.

**Community Comparison of Accessory Residential Structures – Maximum Size
(Assuming home size is maxed out, and principal building does not include an attached garage)**

	Maximum Size and Total* of all Accessory Building/Structures Based on Lot Size		
	Lot Size: 5 acres	Lot Size: 3 acres	Lot Size: 1 acre
Ann Arbor Township (Existing Ordinance)	5,445 s.f. (Max. GFC = 5%)	6,534 s.f. (Max. GFC = 10%)	4,356 s.f. (Max. GFC = 20%)
Superior Township	One Max. Size Structure = 4,000 s.f. Plus Second 1,445 s.f. Structure (due to allowable GFC)	One Max. Size Structure = 4,000 s.f. Plus Second 356 s.f. Structure (due to allowable GFC)	3,267 s.f.
Pittsfield Township	9,191 s.f.	5,601 s.f.	3,500 s.f.
Scio Township	No limits on size of accessory structures. Only limit is maximum "Lot Coverage," which applies to principal and accessory buildings on lot.		
Dexter Township	(2 acres, but less than 4 acres) 3,500 s.f.		(1 acre, but less than 2 acres) 2,750 s.f.

*Unless otherwise indicated, figures represent both the maximum "individual" and the "total" accessory structure size. This is because the size of the accessory structure, plus the house, takes up all the allowable Ground Floor Coverage/Lot Coverage for the lot.

- Pages 3 & 4: Clarification of Zoning Districts. We added the list of zoning districts that are considered "rural residential," "suburban residential," and "urban residential" to clarify which districts the specific provisions apply to.
- Pages 6 – 7: Listing "Residential Accessory Buildings" in the Tables of Land Uses. The Township's Zoning Ordinance is set up to specifically list all uses that are allowed (as either a "permitted use," "conditional use" or an "accessory use") in each district. This is the reason why "storage buildings" were specifically listed in these tables.

With the ordinance amendments, we have revised the tables to either add "residential accessory buildings," or change "storage buildings" in residential districts to "residential accessory buildings."

The Zoning Ordinance amendment does not specifically define a "residential accessory building" as it didn't specifically define a "storage building." However, in previous Township Board meeting minutes, the statement was made that the Planning Commission didn't want to limit the uses in accessory buildings, as long as the uses were accessory to the primary residence. Therefore, the Building Official will be making the determination if the use occupying a residential accessory building is subservient to the principal residential use.

We look forward to discussing the revised ordinance language with you at the upcoming meeting.



CARLISLE/WORTMAN ASSOC., INC.

Sally M. Elmiger, AICP, LEED AP
Principal

**ANN ARBOR CHARTER TOWNSHIP
BOARD OF TRUSTEES
AMENDMENT TO CODE: INTERNATIONAL PROPERTY MAINTENANCE CODE**

ORDINANCE NO. __-2024

January 22, 2024

The Ann Arbor Charter Township Board of Trustees ordains and adopts the following amendment to Chapter 14, Article V, Division 1, Section 14-139 [new language underlined, deleted language ~~stricken~~]:

CHAPTER 14, ARTICLE V, Division 1, Section 14-139 is amended to read as follows:

Sec. 14-139. Collection of fees.

- (a) A certification of compliance shall not be issued for a residential rental structure until all current and past due fees are paid.

- (b) When fees are imposed under this code a statement of the fees shall be mailed to the owner. ~~If the fees are not paid within 30 days of mailing, a certificate of nonpayment shall be filed with the Township Treasurer and mailed to the owner.~~ Failure to pay required fees or other costs and expenses incurred by the Township in enforcement of this code within 30 days of mailing shall be a municipal civil infraction under violation of this code. ~~The Township may institute an action to recover such unpaid fees, costs and expenses in a court of competent jurisdiction. To the extent provided in any judgment or applicable law, all such fees, costs and expenses shall be a lien on the owner's structure and may be collected in the same manner as delinquent taxes. The fines, fees, costs, and expenses shall be collected in a manner provided by law, and the Township may seek an order from a court of competent jurisdiction to place a lien on the owner's structure that may be collected in the same manner as delinquent taxes. Upon obtaining such an order from a court of competent jurisdiction, the Township shall record a copy of the order with the register of deeds for the county in which the property is located. A lien against the property is effective immediately upon recording of the order. The lien against the property shall be reported to the Township Assessor for placement on the next tax roll of the Township. The order recorded with the register of deeds shall constitute notice of the pendency of the lien. In addition, a written notice of the lien shall be sent via first-class mail to the owner. The Township may also initiate a lawsuit to recover all such unpaid fees, costs, and expenses in a court of competent jurisdiction, and have all rights and remedies as provided by law to collect the amount of the judgment. A court of competent jurisdiction may, in addition to ordering the owner to pay civil fines, costs and assessments, issue and enforce any judgment, writ or order necessary to enforce this Code, enjoin a violation of this Code and/or abate a violation of this Code.~~

State Law reference—Revised Judicature Act of 1961, Act 236 of 1961, Chapter 83 and Chapter 87.

ORDINANCE AMENDMENT DECLARED ADOPTED

ANN ARBOR CHARTER TOWNSHIP
BOARD OF TRUSTEES

By: _____
Diane O’Connell, Supervisor

By: _____
Rena Basch, Clerk

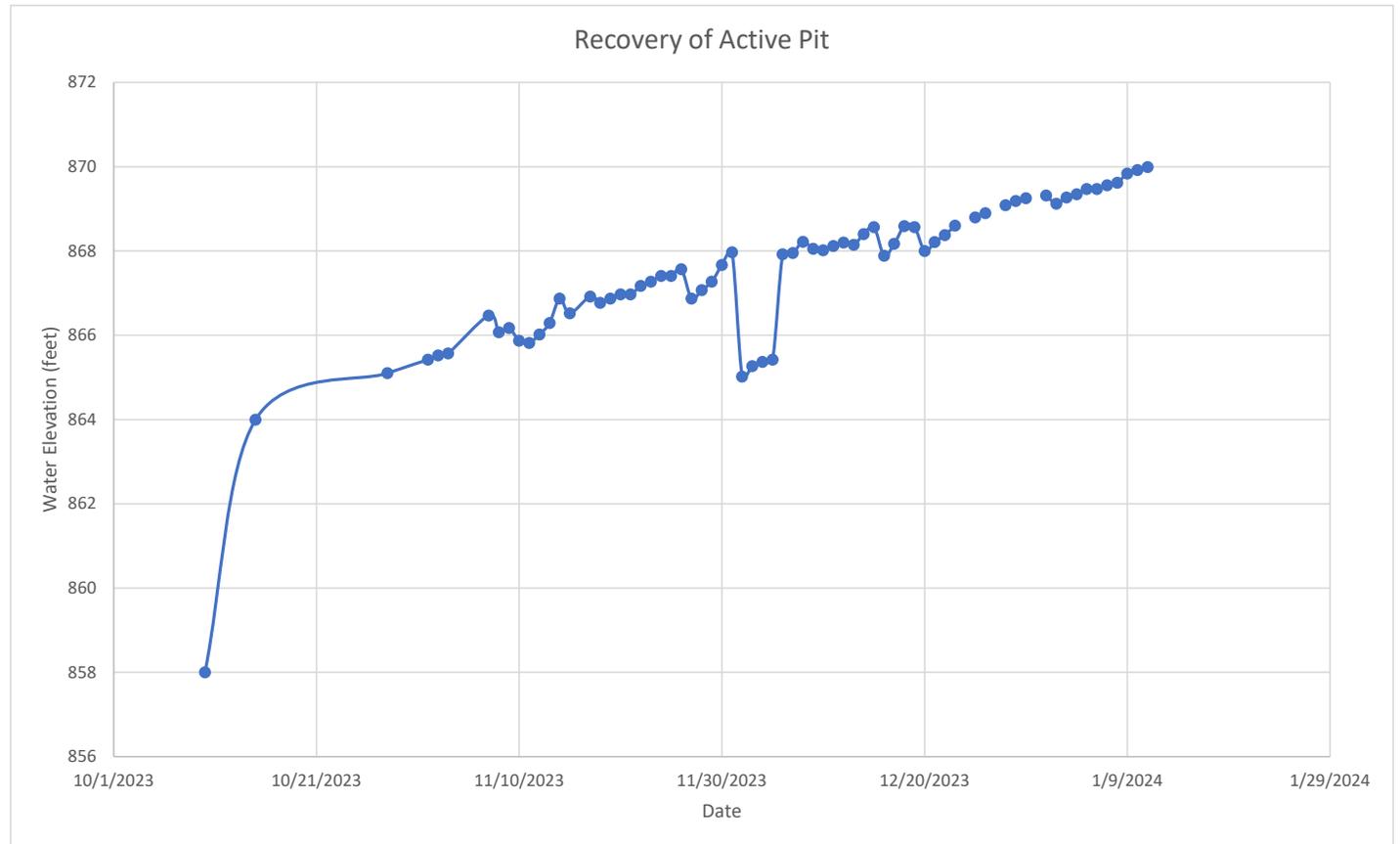
First reading: December 18, 2023

Second reading: _____

Adopted by Board: _____

Published and Effective: _____

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10/28/2023	865.1	
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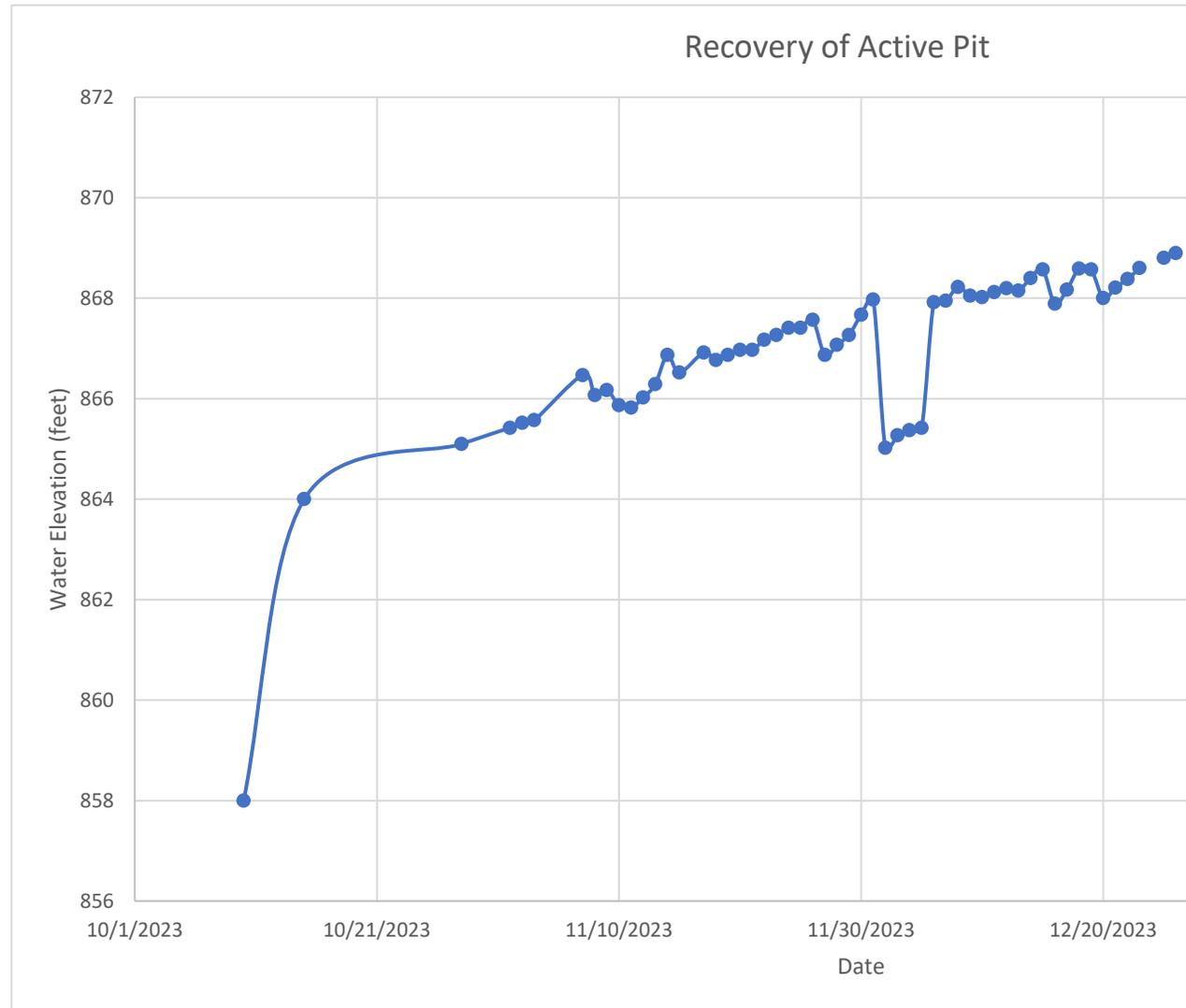


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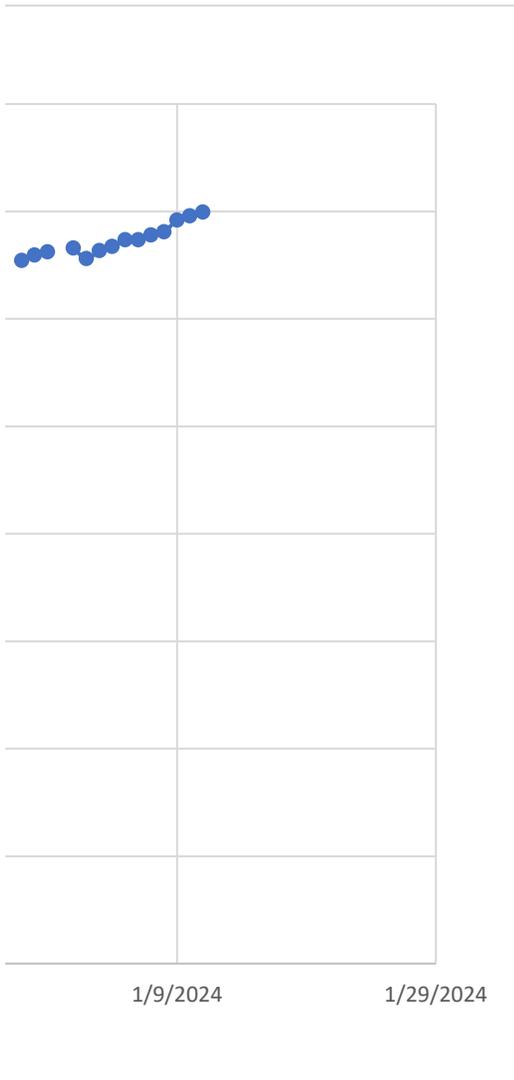
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Washtenaw Area Transportation Study and Federal Funding

Ryan Buck, PTP
WATS Director



What is WATS?

History

Began participating in discussions with the rest of Southeast Michigan in 1965

Organized as the Ann Arbor-Ypsilanti Area Transportation Study (UATS) in 1974

Expanded planning boundary in 2000 to include all of Washtenaw County

UATS at the Beginning

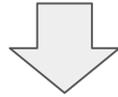
1974 - Intermunicipality Committee under PA 200 of 1957

First Chair Marilyn Thayer

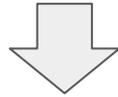
First Director - Cecil Ursprung

Federal Transportation Planning Structure

USDOT (FHWA & FTA)



Michigan DOT



SEMCOG - WATS



Relationship to Other Planning Agencies

Southeast Michigan Council of Governments (SEMCOG)

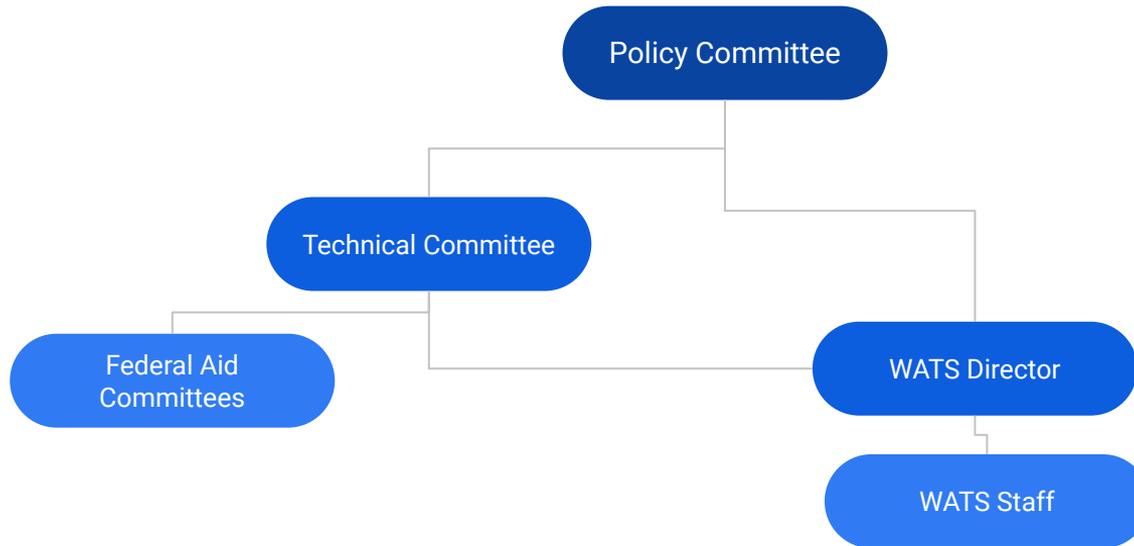
Michigan Department of Transportation (MDOT)

Federal Highway Administration (FHWA)

Michigan Transportation Planning Association (MTPA)

With our members we have co-created a well-functioning modern regional process

WATS Structure



Primary Functions of WATS

Community assistance

Fund(s) management

Planning process

Public forum

Vision for the future

“Our job is to get projects out the door” - Carmine Palombo

The Long Range Transportation Plan

20 year planning horizon (2045)

Policy guide

Financially constrained list of projects

Long Range Plan - Goals

EQUITY	Neither your race nor your zip code should determine your chances in life
SAFETY	Reduce rates of serious crashes across all modes, with a vision of zero deaths by 2050
ENVIRONMENT	Reduce emissions and promote active transportation to attain carbon neutrality
LINK TRANSPORTATION + LAND USE	Increase accessibility of core services throughout the region
ACCESS + MOBILITY	Increase the ease and predictability of travel for all users
INVEST STRATEGICALLY	Improve pavement quality and invest in non-motorized options and efficient transit service
ENGAGE	Engage in meaningful interaction with the public

Long Range Plan—Funding for Policy Bins



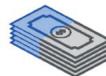
EQUITY

While significant portions of the county are thriving, other parts are struggling - specifically communities of color. All public investment presents an opportunity to rectify the historic injustices that led to these disparate outcomes. As WATS considers transportation investments across all categories, equity should be a determining factor in the selection of projects.

PAVEMENT

Active transportation, freight and auto trips rely on a high-quality road system. Chronic underinvestment in the transportation system has resulted in poor ride quality and higher maintenance costs. WATS will invest the greatest share of federal funds in the preservation of the road network.

45%



SAFETY

Each year more than 30,000 people die on the nation's roadways. Policies adopted by the state and region, including Toward Zero Deaths and Vision Zero, promote safe travel for all users. WATS is committed to improving safety through spending 20% of federal funds on safety improvements.

20%



BRIDGES

Bridges connect communities, reduce trip lengths and provide alternate routes. Many of Washtenaw's 400+ bridges are approaching the end of their service life, representing the largest long-term asset risk in the transportation system. Investing 10% of federal funds in bridges promotes safety and security throughout the county.

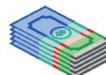
10%



ENVIRONMENT AND CONGESTION

Land-use patterns that require lengthy automobile trips lead to traffic congestion and adverse impacts on the environment. Projects that reduce emissions promote healthy and resilient communities and mitigate travel's contribution to climate change. WATS is committed to improving communities through spending 15% of federal funds on environment and congestion improvements.

15%



NON-MOTORIZED

Not all roads in Washtenaw County provide safe access to all users. Expanding mode choice through additions to the non-motorized system will improve the quality of life of all Washtenaw County residents and visitors. Investing 10% of federal funds in livability improvements will help achieve this goal.

10%



TRANSIT

While transit agencies are eligible for Federal Highway funds, Federal Transit funds are their primary funding source. In Washtenaw County, the majority of FTA funds go to TheRide. WATS works with TheRide to prioritize investments in capital and operations as they consider the transit needs of county residents. This plan proposes spending 85% of FTA funds on transit capital and 15% on operations.



The Transportation Improvement Program

4 year funded list of improvements

Amended 3 times per year in SE Michigan

Amendments and modifications

Types of Funding

Funds WATS *Control*

Funds WATS *Prioritize or Influence*

Projects WATS *Support*

Funds WATS Control

Surface Transportation Program - Urban

Surface Transportation Program - Rural

Special Purpose - (ARRA, HIP, Covid Relief etc)

Funds WATS Prioritizes or Influences

Congestion Mitigation and Air Quality (CMAQ)

Small Urban (Chelsea area and Milan area)

Projects WATS Support

Transportation Alternatives Program (TAP)

Safety

Bridge

Prioritization

Points based application

Reflects the goals and priorities of the LRP

Provides initial prioritization

Primary driver in preliminary list of projects

WATS Responsibilities

To maintain local agency eligibility to receive federal transportation funds through a continuous, coordinated, and comprehensive planning process.

Major Products:

- Long Range Transportation Plan – policy setting document
- Transportation Improvement Program (TIP) – project funding process
- Asset Management – pavement data collection
- Highway Performance Monitoring System – road geometric reporting
- Travel demand modeling – future network usage
- Public Participation Process – in person and online

Other Plans and Documents

Coordinated Human Services Public Transportation Plan

Non-motorized Plan

Non-motorized Retrofit Plan

Complete Streets Plan

Bikeshare Modernization Study

Transportation Funding Report

Annual Report

Crash Report

Washtenaw Area Transportation Study (WATS) Background and Resource Documents

What is WATS? miwats.org/whatswats/

Long Range Plan miwats.org/2045lrp/

Transportation Improvement Program miwats.org/tip/

Plans and Other Documents miwats.org/plans-and-publications/home

[Annual Report](#)

Clerk's Report – January 22, 2024

I. Election/Voter Registration Administration

- a. **Election administration in FULL SWING.** On-going QVF and voter responsibilities continue unabated. Brought on new (very) part time elections assistant.
- b. Election Commission just met prior to this meeting. Needed to appoint election inspectors, approve other items prior to various deadlines.
- c. Early voting (EV) site mailer went out, also graphics posted on our website.
- d. New voter info cards sent to the 2255 voters who used to be in Precinct 2.
- e. Absent voter application mailing for Presidential Primary and first opportunity to join permanent ballot list went out. Form extremely complicated, but couldn't be avoided.
- f. Worked on Saturday, January 13 to comply with federal overseas voter requirements.
- g. Completed test deck and preliminary accuracy testing of the tabulators. Scheduled Public Accuracy Test for 2/6/2024.
- h. Updated district maps to remove Precinct 2.
- i. Completed charging all the Hart equipment back-up batteries.

II. Records management/Open meetings

- a. Laserfiche/Document management and backfile conversion - [public portal of records](#) Cleaned out the expiring record retention documents. Shredder coming 1/30.
- b. Records, posting and publishing:
 - i. Resolutions from December board meeting completed and filed.
 - ii. Postings for regularly scheduled meetings completed.
 - iii. Meeting minutes drafts converted to approved docs, posted and filed for Board and PC and FOSPB to Minutes Archive, township website and Laserfiche.
 - iv. Posted digital packets for PC and Board meetings.
 - v. Assisted with packet document collection.
 - vi. Posted meeting notice, and drafted minutes for Special Meeting closed and open sessions.
- c. Posted 2024 meetings/submittal dates calendar online, in newspaper, on website calendar.
- d. Set up Zoom meetings for boards and commissions for 2024.
- e. Website updates to [Mid Michigan Materials info page](#), Assessing, Elections, Climate, and etc

III. Zoning Board of Appeals – did not meet.

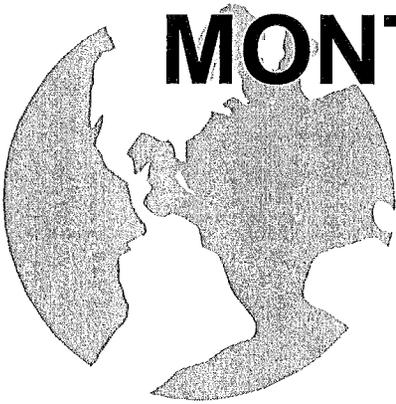
IV. Other Projects/Responsibilities/Stuff

- a. Personnel committee meetings.
- b. Wrote and sent comprehensive January Public Notices e-newsletter.
- c. Want amendment to Board Rules to make Public Comment pertain only to local issues or concerns, proactively prevent hijacking of public discourse seen elsewhere.

⋮

Ann Arbor Charter Township

**UTILITIES
DEPARTMENT
MONTHLY REPORT**



December , 2023

MAINTENANCE / PROJECTS

- 1. Water Samples to DEQ**
- 2. Miss Dig Program**
- 3. Sanitary Sewer Manhole Inspection**
- 4. Cleaned and Painted WCC Station**
- 5. Weekly Generator Run Test**
- 6. Locate and Fix Stop Boxes**
- 7. Weekly Station Checks**
- 8. Station Calibration**
- 9. Meter Reads**
- 10. Checked SCADA Alarms**
- 11. Cleaned Stations**
- 12. Cleaned Shop**
- 13. Changed out Meter Remotes**
- 14. Installed Ballot Box**
- 15. Hydrant Relocation Toyota**
- 16. Water Tap Toyota for Fire Hydrant**
- 17. Plow Snow**
- 18. Repair F 550 bad wire**
- 19. Hydrant Winterization**
- 20. Move furniture for Carpet Cleaners**

MEETINGS – SEMINARS

1. **Maple Ridge Meeting with Toll Brothers**
2. **Toyota 1555 Woodridge Fire protection Meeting**
3. **Toyota Battery Storage/ Observation Pre-Construction Meeting**
4. **All Seasons Phase 4 Construction Staging Meeting**
- 5.

PLAN REVIEWS

1. **Maple Ridge PWS**

TOPICS TO DISCUSS

- 1.
- 2.

ANN ARBOR CHARTER TOWNSHIP
FIRE DEPARTMENT
DECEMBER 2023 - TOWNSHIP BOARD REPORT





Fire Department Activity Report for December 2023

INCIDENTS:

Structure Fire	2
Fire Alarm	8
Haz-Mat/Gas Leak/CO	3
Hazardous Conditions	1
Station Coverage	2
EMS	52
MVC w/injuries	15
PDC	24
Canceled before Arriving	8
Good Intent	5

The department responded to a total of 120 incidents during the period.

During the month of December, the Ann Arbor Township Fire Department provided mutual aid eighteen (18) times and received mutual aid assistance eight (8) times.

PAID-ON-CALL (POC) STAFF ACTIVITY:

The department responded to 120 incidents during the month of December, and of those 120 incidents, paid-on-call staff responded to 97 incidents. This represents one or more paid-on-call firefighters responding to 81% of our dispatched incidents.

RECRUITMENT / RETENTION:

Seven new paid-on-call firefighters have completed the hiring process and have been hired. The new members will begin their department orientation in January of 2024. Three of the new hires are emergency medical technicians, and one is a certified firefighter II. With the addition of the new members, the department has twenty-five firefighters. No additional applications have been received during this month.

TRAINING / EVENTS:

On December 2, 4, 7, 9, 11, 14, 18, 21, 23, fire department trainees attended the Ann Arbor Township Fire Department Emergency Medical Technician Academy. The following topics were presented:

- ❖ Shock
- ❖ CPR / AED
- ❖ Communicable Diseases
- ❖ Respiratory Emergencies
- ❖ Cardiovascular Emergencies
- ❖ Neurological Emergencies
- ❖ Gastrointestinal and Urological Emergencies

- ❖ Diabetic Emergencies
- ❖ Allergy and Anaphylaxis
- ❖ Poisoning and Overdoses
- ❖ Behavioral Emergencies
- ❖ Gynecologic Emergencies

On December 3, Chief Nicholai attended the Washtenaw Area Mutual Aid Association – Fire Chiefs Meeting.

On December 5, fire personnel attended and successfully completed the department's annual CPR / AED recertification training program.

On December 10, and 17, recently certified firefighter II members attended the Michigan Fire Fighter Training Council's – Driver's Training program. This program consisted of a lecture followed by a driving course where they were evaluated on their ability to drive and maneuver fire apparatus.

On December 12, fire personnel attended weekly training(s) by their assigned shift. These trainings focused on the required MiOSHA annual compliance training / education including the following topics:

- Blood Borne Pathogens
- Michigan Right-to-Know
- Material Safety Data Sheets
- Energy Control Operations (Lockout / Tagout)

Respectfully Submitted,

Mark A. Nicholai

Fire Chief



WASHTENAW COUNTY OFFICE OF THE SHERIFF



JERRY L. CLAYTON
SHERIFF

2201 Hogback Road ♦ Ann Arbor, Michigan 48105-9732 ♦ OFFICE (734) 971-8400 ♦ FAX (734) 973-4624 ♦ EMAIL sheriffinfo@ewashtenaw.org

MARK A. PTASZEK
UNDERSHERIFF

January 9, 2024

To: Diane O'Connell, Ann Arbor Township Supervisor
From: Katrina Robinson, Lieutenant
Through: Keith Flores, Police Services Commander
Re: December 1-31, 2023 Police Services Monthly Report

During the month of December there were 315 calls for service. Deputies conducted 37 traffic stops during this time with 13 citations issued and no drunk/drugged driving arrest.

Noteworthy events in Ann Arbor Township last month include:

- There were no significant events to report for the month of December.

- December 2023 - Collaboration Into Area Time: 539 minutes
- December 2023 - Collaboration Out of Area Time: 969 minutes

*Co-Creating Community Wellness and Safety – Providing Exemplary Service –
Building Strong and Sustainable Communities
Serving Washtenaw County since 1823*

Into/Out of Area Report Descriptions:

- APS—Adult Protective Services
- AWIM—Assault with Intent to Murder
- B&E—Burglary
- BOL—Be on the Lookout
- BU – Back Up (another deputy/officer)
- CFS—Call For Service
- CPS—Children’s Protective Services
- CRU—Co-Responder Unit (pilot program with Deputy Jim Roy and CMH L.S.W. Christine Holston for mental health related incidents)
- DV/AGG DV—Domestic Violence (or Aggravated Assault) Investigation
- DIS—Disorderly Person
- EDP—Emotionally Disturbed Person
- FA—Felonious Assault
- F&E—Fleeing & Eluding
- GBH—Assault with Intent to Cause Great Bodily Harm Less Than Murder
- GOA—Gone on Arrival
- HI/Home Inv—Home Invasion (burglary)
- JUV—Juvenile Person
- LEADD—Washtenaw Law Enforcement Assisted Diversion and Deflection Program
- Narc—Narcotics Investigation
- OWI/OUID—Operating While Intoxicated/Operating Under Influence of Drugs
- OD—Overdose
- PDC—Property Damage Crash
- PI—Personal Injury Crash
- PU—Pick Up (warrants)
- REC—Recovered
- RA—Robbery Armed
- R&C—Receiving/Concealing Stolen Property
- R&O—Resisting & Obstructing Police
- RFS—Reason for Stop
- SUT—Superior Twp Unit
- SLT—Salem Twp Unit
- T/S—Traffic Stop
- UDAA—Stolen Vehicle
- UTL—Unable to Locate
- YPT—Ypsilanti Twp Unit



ANN ARBOR TOWNSHIP MONTHLY POLICE SERVICES DATA

December 2023

JERRY L. CLAYTON
SHERIFF

Incidents	Month 2023	Month 2022	% Change	YTD 2023	YTD 2022	% Change
Traffic Stops	37	40	-8%	662	648	2%
Citations	13	12	8%	86	126	-32%
Drunk Driving (OWI)	0	1	-	2	6	-67%
Drugged Driving (OUID)	0	0	-	0	1	-
Calls for Service Total	315	296	6%	3933	4812	-18%
Calls for Service <i>(Traffic stops and non-response medicals removed)</i>	231	221	5%	2797	3785	-26%
Robberies	0	0	-	0	0	-
Assaultive Crimes	0	1	-	9	11	-18%
Home Invasions	0	0	-	2	0	+
Breaking and Entering's	0	0	-	1	0	+
Larcenies	0	4	-	13	23	-43%
Vehicle Thefts	0	0	-	3	4	-25%
Traffic Crashes	12	15	-20%	154	120	28%
Medical Assists	1	0	+	29	32	-9%
Animal Complaints <i>(ACO Response)</i>	2	1	100%	13	22	-41%
In/Out of Area Time	Month <i>(minutes)</i>	YTD <i>(minutes)</i>	+ = Positive Change - = Negative Change			
Into Area Time	60	460				
Out of Area - Collab	969	21766				
Investigative Ops (DB)	0	5445				
Secondary Road Patrol	175	3005				
County Wide	0	550				
Banked Hours	Hours Accum.	Previous Balance	Hours Used	Balance		
December - Collab	368	362.25	TBD	TBD		



Out of Area Time

For: 12/01/2023 thru 12/31/2023



Patrol Area	Reporting Area	Username	Location	Activity Category	Incident Number	Comments	Start Time	Duration In Minutes	Start Date
ANN ARBOR-SUPERIOR TWP COLLABORATION	YPSILANTI TWP	WDBLANDC	WASHTEAW AVE	BACKUP DISPATCHED CALLS	230096641	assisted with perimeter for K9 track / Sgt. Pennington Approval	22:30:00	92	12/1/2023
ANN ARBOR-SUPERIOR TWP COLLABORATION	YPSILANTI TWP	WDLYONSW	APPLERIDGE ST	BACKUP DISPATCHED CALLS	230096880	YPT DEPUTIES CALLED OUT FOR ASSISTANCE SGT THOMPSON	21:30:00	10	12/2/2023
ANN ARBOR-SUPERIOR TWP COLLABORATION	YPSILANTI CITY	WDTRIPPB	CARVER AVE	BACKUP DISPATCHED CALLS	230096909	ASSISTED YPSILANTI CITY WITH FINDING FRESHLY STOLEN VEHICLE LAST SEEN DRIVING NORTH NEAR PROSPECT AND HOLMES; ASSISTED UNITS SET UP A PERIMETER, LOCATED STOLEN VEHICLE PARKED; ARRESTED SUSPECT; TURNED SUSPECT OVER TO YPSI CITY, PER SGT THOMPSON	23:20:00	41	12/2/2023
ANN ARBOR-SUPERIOR TWP COLLABORATION	SALEM TOWNSHIP	WDFARMERH	CHUBB RD	BACKUP DISPATCHED CALLS	230097496	ASSIST DEP MCGHADY/SGT ARTS/EDP SUBJECT IN AREA	12:33:00	27	12/5/2023
ANN ARBOR-SUPERIOR TWP COLLABORATION	SALEM TOWNSHIP	WDFARMERH	NAPIER RD	BACKUP DISPATCHED CALLS	230097793	SUBJECT TRANSPORT TO PROVIDENCE HOSP/ ASSIST SALEM EDP/SGT HOUK	12:58:00	40	12/6/2023
ANN ARBOR-SUPERIOR TWP COLLABORATION	COUNTYWIDE	WDURBANS	ARROWWOOD TRL	DISPATCHED CALLS	230098656	WC TEATHER VIOLATION-ATTEMPT PICK UP IN AA CITY-SG ARTS APPROVED	17:05:00	105	12/10/2023
ANN ARBOR-SUPERIOR TWP COLLABORATION	YPSILANTI TWP	WDURBANS	S HURON ST	BACKUP DISPATCHED CALLS	230099148	K9 ARTICLE SEARCH FOR EVIDENCE/GUN	20:30:00	60	12/11/2023
ANN ARBOR-SUPERIOR TWP COLLABORATION	YPSILANTI TWP	WDHALLR	HOLMES RD	BACKUP DISPATCHED CALLS	230099149	BACK UP YPSI TOWNSHIP UNIT WITH FAMILY TROUBLE- APPROVED BY SERGEANT PENNINGTON	21:25:00	30	12/11/2023
ANN ARBOR-SUPERIOR TWP COLLABORATION	YPSILANTI TWP	WDLYONSW	LEXINGTON PKWY	BACKUP DISPATCHED CALLS	230100332	ASSIST W/ SHOTS FIRED, PER SGT PENNINGTON	01:50:00	55	12/16/2023
ANN ARBOR-SUPERIOR TWP COLLABORATION	YPSILANTI TWP	WDKNOPW	LEXINGTON PKWY	BACKUP DISPATCHED CALLS	230100332	per sgt pennington assist ypsi twp on shooting	02:00:00	45	12/16/2023
ANN ARBOR-SUPERIOR TWP COLLABORATION	YPSILANTI TWP	WDHALLR	GROVE RD/DOROTHY ST	BACK-UP TRAFFIC STOP	230100490	DEPUTY HALL PROVIDED SPANISH TRANSLATION FOR DEPUTY ERBES VIA TX- APPROVED BY SERGEANT THOMPSON	16:40:00	5	12/16/2023
ANN ARBOR-SUPERIOR TWP COLLABORATION	YPSILANTI TWP	WDLYONSW	LEXINGTON PKWY/E CLARK RD	BACKUP DISPATCHED CALLS	230100612	SHOTS FIRED, PERIMETER SECURITY SGT THOMPSON	23:15:00	135	12/16/2023
ANN ARBOR-SUPERIOR TWP COLLABORATION	YPSILANTI TWP	WDHALLR	LEXINGTON PKWY/E CLARK RD	BACKUP DISPATCHED CALLS	230100617	BACK UP UNIT FOR YPSI TOWNSHIP HOUSE SHOOTING- APPROVED BY SGT THOMPSON	23:30:00	45	12/16/2023
ANN ARBOR-SUPERIOR TWP COLLABORATION	YPSILANTI TWP	WDNEDDOK	RIDGE RD/E MICHIGAN AVE	DISPATCHED CALLS	230102124	VEHICLE IN DITCH UNRESPONSIVE MALE DRIVER APPROVAL TO ASSIST PER SGT, HOGAN	23:06:00	19	12/22/2023
ANN ARBOR-SUPERIOR TWP COLLABORATION	YPSILANTI TWP	WDKNOPW	ELMWOOD DR	BACKUP DISPATCHED CALLS	230102150	Per Sgt Hegan, Ypsi Twp units looking for suicidal subject, subject ran away from Deputies.	03:35:00	40	12/23/2023
ANN ARBOR-SUPERIOR TWP COLLABORATION	YPSILANTI CITY	WDLWISN	S HURON ST/KRAMER ST	DISPATCHED CALLS	230103098	FOUND WRONG WAY SEMI ON HURON, PER SGT. ARTS	08:50:00	10	12/27/2023
ANN ARBOR-SUPERIOR TWP COLLABORATION	YPSILANTI TWP	WDKNOPW	E ELLSWORTH RD	BACKUP DISPATCHED CALLS	230103325	PER LT CRATSENBURG SHOOTING IN YPSI TWP, ASSIST 1 TWP DEPS	01:00:00	40	12/28/2023
ANN ARBOR-SUPERIOR TWP COLLABORATION	YPSILANTI TWP	WDKNOPW	RUSSELL ST	BACKUP DISPATCHED CALLS	230103326	PER LT CRATSENBURG BACK UP SOLO YPSI UNIT ON DISORDELRY	02:40:00	10	12/28/2023
ANN ARBOR-SUPERIOR TWP COLLABORATION	YPSILANTI TWP	WDHILLD	CONCORD DR	BACKUP DISPATCHED CALLS	230103517	BACK UP Y TOWN ON A DV IN PROGRESS WITH A KNIFE, 2 VICTIMS, LT CRATS APPROVED	20:40:00	10	12/28/2023
ANN ARBOR-SUPERIOR TWP COLLABORATION	YPSILANTI TWP	WDWOOLLAMSJ	CONCORD DR	BACKUP DISPATCHED CALLS	230103517	ASSIST YPSI TOWNSHIP DEPUTIES WITH DV SUSPECT WITH KNIFE (SGT, CRATSENBURG)	20:50:00	10	12/28/2023
ANN ARBOR-SUPERIOR TWP COLLABORATION	YPSILANTI CITY	WDHALLR	SOUTH ST	BACKUP DISPATCHED CALLS	230103988	DEPUTY HALL ASSISTED YPSI CITY PD WITH SPANISH TRANSLATION REFERENCE CAR V HOUSE- APPROVED BY SERGEANT ERBES	14:45:00	15	12/30/2023
ANN ARBOR-SUPERIOR TWP COLLABORATION	YPSILANTI TWP	WDHILLD	INTERNATIONAL DR	BACKUP DISPATCHED CALLS	230104060	BU Y TOWN ON 2 MALES WITH SHOTGUNS, SGT THOMPSON APPROVED	19:40:00	20	12/30/2023
ANN ARBOR-SUPERIOR TWP COLLABORATION	YPSILANTI TWP	WDSAMAHAD	INTERNATIONAL DR	BACKUP DISPATCHED CALLS	230104060	BACK UP UNTIL DEPUTIES WERE SECURED // TWO MALES WERE SEEN WITH SHOT GUNS // SGT THOMPSON	19:40:00	25	12/30/2023
ANN ARBOR-SUPERIOR TWP COLLABORATION	YPSILANTI TWP	WDTRIPPB	HOLMES RD	BACKUP DISPATCHED CALLS	230104148	ASSISTED WITH POSSIBLE SHOOTING, SPOKE WITH HOMEOWNER, PER SGT THOMPSON	03:00:00	35	12/31/2023
ANN ARBOR-SUPERIOR TWP COLLABORATION	YPSILANTI TWP	WDHILLJ	HOLMES RD	BACKUP DISPATCHED CALLS	230104148	BACKUP YPT UNITS WITH SHOTS HEARD CALL - APPROV SGT THOMPSON	03:05:00	30	12/31/2023
ANN ARBOR-SUPERIOR TWP COLLABORATION	COUNTY OWNED PROPERTY	WDTRIPPB	TWIN LAKES DR	DISPATCHED CALLS	230104341	ASSIST PITTSFIELD TOWNSHIP AT THE JAIL'S SALLY PORT FOR COMBATIVE ARRESTEE; PER SGT PENNINGTON; SUBJECT WAS TRANSPORTED TO U OF M HOSPITAL FOR SELF INFLICTED INJURIES	00:00:00	15	1/1/2024
							Sum:	969	



Into Area Time

For: 12/01/2023 thru 12/31/2023

Patrol Area	Reporting Area	Username	Location	Activity Category	Incident Number	Comments	Start Time	Duration in Minutes	Start Date
YPSILANTI TWP	ANN ARBOR TWP	WDBARABSF	BAYBERRY CIR	BACKUP DISPATCHED CALLS	230098280	BACK UP 765 ON ALARM CALL. SOLO UNIT. APPROVED PER SERGEANT PENNINGTON	06:30:00	30	12/8/2023
YPSILANTI TWP	ANN ARBOR TWP	WDRUSSELLT	N DIXBORO RD	BACKUP DISPATCHED CALLS	230101212	OK'D BY SGT ARTS / ASSIST DEP H FARMER / SUICIDAL SUBJECT ARMED WITH KNIFE / TOT HVA	14:45:00	30	12/19/2023
						Sum:		60	



What Local Governments Should know about Michigan's New Renewable Energy Siting Policies

Sarah Mills and Madeleine Krol

Center for EmPowering Communities, Graham Sustainability Institute, University of Michigan

(Last revision: 1/12/2024)

This document includes our best current understanding of Michigan's new renewable energy siting policies—HB5120/HB5121, now Public Acts 233 and 234 of 2023. The information in this document is intended for educational purposes only and should not be interpreted as legal advice. Local officials are strongly encouraged to consult with a municipal attorney.

We wish to thank colleagues associated with the Michigan Association of Planning, Michigan Townships Association, Michigan Municipal League, and MSU Extension for providing feedback on the questions and content. We will continuously update these FAQs as we learn more, and will endeavor to find answers to additional questions that arise from communities. If you believe any information contained in this document is incorrect or have additional questions you'd like answered, please don't hesitate to contact us at sbmills@umich.edu.

1) What is Public Act 233 of 2023 about?

- Public Act 233 of 2023, signed by Governor Whitmer on November 28, 2023, makes significant changes to the permitting process for utility-scale renewable energy facilities, including solar, wind, and battery energy storage. The Act creates an option for developers to go directly to the Michigan Public Service Commission (MPSC) to construct a utility-scale renewable energy facility if each affected local unit of government does not have a compatible renewable energy ordinance (hereafter CREO). In communities where the local units of government have adopted a CREO, which is defined as being no more restrictive than the provisions in section 226(8) of the Act¹, the developer must first have its proposed project reviewed at the local level. If the project is denied by any of the local units of government, then the developer may submit the application to the MPSC.
- This law, which is referenced by a new amendment to the Michigan Zoning Enabling Act², resides as a new "Part 8: Wind, Solar, and Storage Certification" in the "Clean and Renewable Energy and Energy Waste Reduction Act"³ which lays out the newly amended renewable energy, energy storage, and energy efficiency targets that utilities must meet.
- The law will take effect November 29, 2024.

¹ Section 221 (f)

² Michigan Zoning Enabling Act, 2006 PA 110, MCL 125.3101 et seq. The amendment was through a companion bill HB 5121 which became PA 234 of 2023.

³ 2008 PA 295, (MCL 460.1013)

2) **What kind of projects does the new permitting process laid out in PA 233 apply to?**

- The new permitting process laid out in PA 233 solely applies to wind, solar, and energy storage projects above the capacity/size thresholds listed in the Act⁴. This refers to any solar energy facility with a nameplate capacity of 50 megawatts or more, any wind energy facility with a nameplate capacity of 100 megawatts or more, and any energy storage facility with a nameplate capacity of 50 megawatts or more *and* an energy discharge capability of 200 megawatt hours or more. Any solar energy, wind energy, or energy storage facilities below these thresholds are subject to conventional local zoning. It is unclear whether the mentioned capacity thresholds refer to AC or DC power, which differ for solar energy.

3) **Are there only two pathways for permitting applicable projects: at the local level through a CREO, or at the state level through the MPSC?**

- The short answer is probably not.
- This law gives developers the *option* to go through the state-level process⁵. Developers may still choose to go through the local process, whether or not the local government has a CREO, and the law makes clear that local policies, including zoning, are in “full force and effect” for projects where the MPSC has not issued a certificate through this new state-level process.⁶ There is some uncertainty, however, about whether any developers will choose to go through a non-CREO but “workable” local ordinance.
- Adopting a CREO, though, is the only option that guarantees the developer must first go through the local process.⁷ Said another way, local governments that have existing zoning ordinances in place may keep those ordinances even if they don’t meet the definition of a CREO. However, if the developer finds the ordinance is unworkable or just prefer getting a certificate through the MPSC, then they are able to follow the rules laid out in the Act to initiate approval by the MPSC, which, while requiring notice and a public meeting⁸ in each affected local unit, need not comply with local zoning.

4) **Will local communities be notified if a developer is proposing a project?**

- Yes, the Act requires the developer to hold a public meeting in each local unit of government in which the project is being proposed.⁹ 60 days before the meeting, the developer needs to offer to meet with the chief elected official, or their designee, in each affected local unit of government.¹⁰ 30 days before the public meeting, the developer needs to notify the clerk in each affected local unit of government about the meeting, and at least 14 days before the meeting, the developer needs to publish notice of the meeting in a newspaper or online.¹¹

⁴ Section 222 (1)

⁵ Section 222 (2)

⁶ Section 231 (4)

⁷ Section 223 (3)

⁸ Section 223 (1)

⁹ Section 223 (1)

¹⁰ Section 223 (2)

¹¹ Section 223 (1)

5) **Will there be "rule-making" for this process? If so, what is likely to be addressed and what timeline can be expected?**

- It's not expected that there will be formal rule-making for this process, but there will likely be stakeholder engagement as the MPSC thinks through the implementation of the law. The Act is clear that the MPSC will clarify things like what additional information developers will need to submit in applications to the state¹², more details about "the format and content" of public notice for the public meeting¹³, and potentially other aspects of the state-level process. In so doing, it may make clearer some of the areas that are currently "gray" for local governments.
- It's not clear yet what the MPSC's timeline is for this process, but stakeholder engagement is likely to be announced sometime in the next month or two.

Questions on setting up CREOs:

6) **Where is PA 233 clear and where is there gray area, particularly about what communities seeking to have a Compatible Renewable Energy Ordinance (CREO) can and can't do?**

- For communities seeking to develop and adopt a Compatible Renewable Energy Ordinance (CREO), PA 233 compels regulations in CREOs to not be more restrictive than the provisions outlined in Section 226 (8) of the Act¹⁴. This section includes setbacks and sound standards for each technology, plus some technology-specific standards, including height limits for wind and solar, fencing requirements for solar, and flicker standards for wind. The Act is clear that CREOs may not be stricter on these elements. Most people we've talked to believe that ordinances that place additional *types* of setbacks (e.g. setbacks from participating property lines) or noise standards (e.g. noise limits at participating property lines) not explicitly specified in the Act would render an ordinance non-compatible.
- It is not clear from the Act whether adding additional regulations which are common in existing renewable energy projects, such as landscaping and screening, may be included in a CREO. It's also not clear if a restriction on geography (e.g. in which zoning districts or overlay zones energy facilities can be constructed) renders an ordinance as "too restrictive" and therefore non-compatible.
- Other elements that are common in existing local regulations, including site plan application requirements and decommissioning, are not included in Section 226 (8) but the law allows for CREOs to require these and "other information necessary to determine compliance."¹⁵ As a result, one reading of the law is that a local government may regulate things not explicitly covered by Section 226 (8) of the Act. On the other hand, if the local government denies an application that complies with Section 226 (8), the developer can then submit the application to the MPSC,¹⁶ which may suggest that a CREO can only compel the requirements laid out in

¹² Section 225 (1) s

¹³ Section 223 (1)

¹⁴ Section 221 (f)

¹⁵ Section 223 (3) a

¹⁶ Section 223 (3) c(ii)

Section 226 (8). Because the apparent legislative intent was to address overly restrictive ordinances, any regulation not addressed in Section 226 (8) should be carefully vetted by an attorney until more is known about what else may be permissible in a CREO.

- Finally, it is also not clear from the law what happens if the local government and developer disagree about whether the local ordinance is a CREO.¹⁷

7) **The law states that the developer must first go through the local process if the chief elected official in each affected local unit of government notifies the developer that they have a CREO.¹⁸ Affected local units of government are defined as “a county, township, city, or village”¹⁹ “in which all or part of a proposed energy facility will be located.”²⁰ Why is this important?**

- It not only has ramifications for projects that cross township borders, but also for projects within a single township.
- For projects that cross township/city borders, in order for either of those communities to guarantee that the developer has to first go through local zoning, both of the townships/cities must declare they have CREOs.
- But more fundamentally, since both townships and counties are listed as affected local units of government, even if a proposed project will only be in a single township, both the township and county must be notified and must both declare that they have a CREO in place if they wish to prevent the developer from going to the MPSC. However, these cannot both be zoning ordinances since the Michigan Zoning Enabling Act only gives counties zoning jurisdiction in areas not under township zoning.²¹ This suggests that at least one of the entities will need to enact a regulatory CREO (rather than a zoning CREO).

8) **Is a Compatible Renewable Energy Ordinance (CREO) a regulatory (police power ordinance) or zoning ordinance? Can unzoned jurisdictions pass a CREO?**

- The definition of a CREO in the law does not stipulate what sort of ordinance it must be.²²
- The reason this matters is because it implicates whether unzoned townships and townships that are under county or joint zoning authorities are able to pass their own (regulatory) CREO ordinances.²³ It also has implications for what form a county CREO would take if there is otherwise no county zoning.
- This is one the courts or MPSC will likely need to clarify.

¹⁷ Section 223 (3)

¹⁸ Section 223 (3)

¹⁹ Section 221 (n)

²⁰ Section 221 (a)

²¹ 2006 PA 110, MCL 125.3101 et seq.

²² Section 221 (f)

²³ Section 223 (3)

9) **If a local unit has compatible regulations for one type of energy system (e.g. solar), but not the other two (e.g., wind and energy storage), does the ordinance still count as a CREO?**

- That is unclear.
- The intent of the law seems to be to prevent a local government from blocking the type of renewable energy project that the developer wishes to construct. So, for example, if the developer wishes to construct a solar farm and the regulations for solar are compatible, but not the regulations for wind or energy storage, it would seem that the local official could tell the developer they have a CREO.²⁴
- However, throughout the law, references to a local unit's CREO are only made in the singular: "...an ordinance that provides for the development of energy facilities..."²⁵ (emphasis added).
- It may be safest to assume that a CREO will need to include provisions for all three types of renewable energy facilities.

10) **What are the consequences if a jurisdiction with a Compatible Renewable Energy Ordinance (CREO) denies a project?**

- If a community with a CREO fails to timely approve or deny an application,²⁶ denies an application that complies with section 226 (8)²⁷, or amends its zoning ordinance to be more restrictive after the local government notifies the developer that it has a compatible ordinance,²⁸ the developer may submit their application to the MPSC²⁹. But in that case, the developer does not need to³⁰:
 - i) Hold a new public meeting,³¹ nor
 - ii) Grant each local affected unit of governments funds for the local intervenor compensation fund (which may be a combined total of up to \$150,000 for affected local units).³²
- Further, if the MPSC approves a project that the local government previously denied via the CREO process, the local government loses its ability to have a CREO in the future.³³ Once a local unit has lost its CREO designation, it is unclear if it is lost forever (even if the local unit amends its ordinance), if it is lost just for the type of energy facility that was being contemplated/reviewed by the MPSC, or if it applies to the local unit's entire ordinance, including the other technologies.

²⁴ Section 223 (3)

²⁵ Section 221 (f)

²⁶ Section 223 (3) c(i)

²⁷ Section 223 (3) c(ii)

²⁸ Section 223 (3) c(iii)

²⁹ Section 223 (3) c

³⁰ Section 223 (3) d

³¹ Section 223 (1)

³² Section 226 (1)

³³ Section 223 (5)

Community Host Agreements

11) For projects that go through the MPSC, is there a clear understanding of which unit(s) of government will receive the \$2k/MW payment and what it can go toward?

- Projects that go through the state process must enter into a host community agreement with each affected local unit. The agreement requires a one-time payment of \$2,000/MW paid by the project owner “upon commencement of any operations”.³⁴ So if a 100 MW project has 75 MW in Township A and 25 MW in Township B, Township A gets \$2k*75 and Township B gets \$2k*25. If both townships are in County Y, County Y also would get \$2k/MW = \$2k*100.
- While the general consensus is that this is the proper reading of the language in the bill, it’s not clear that that was the intention of the drafters.
- This arises because 1) the law calls for the project owner to pay \$2k/MW when “located within the affected local unit,”³⁵ 2) the definition of local units of government includes a county, township, city or village³⁶ and 3) all land in Michigan is in both a county and either a city or township [and sometimes a county, township, and village]. Most lawyers we’ve consulted agree that each “affected local unit” would receive \$2k/MW, and so that a developer would pay at minimum \$4k/MW: \$2k/MW to each the county and [city or township]. It could be as much as \$6k/MW for any part of a project that is placed in a village, since village land is also within a township and county.
- These funds “shall be used:
 - i) as determined by the affected local unit for police, fire, public safety, or other infrastructure,
 - ii) or for other projects as agreed to by the local unit and the applicant.”³⁷ It is not clear whether there is any restriction on the use of funds so long as it is “agreed to by the local unit and the applicant”.³⁸ It is so far unclear whether there are concerns about the parties needing to find an “essential nexus” for the use of the funds – one of the legal tests to determine appropriateness of community compensation in development projects.³⁹ It’s also unclear how the use of funds will be enforced.
- If the local unit does not want to, or cannot, expend the funds on the first bullet above, and cannot come to an agreement with the applicant on the second bullet above, the applicant would then enter into an agreement with community-based organizations within, or that serve residents of, the affected local unit.⁴⁰

³⁴ Section 227 (1)

³⁵ Section 227 (1)

³⁶ Section 221 (n)

³⁷ Section 227 (1)

³⁸ Section 227 (1)

³⁹ A good explainer is in The Federal Highway Administrations’ 2021 publication “[Essential Nexus, Rough Proportionality, and But-For Tests](#)”

⁴⁰ Section 227 (2)

12) **How do host community benefits work if a project is permitted through a Compatible Renewable Energy Ordinance (CREO) at the local level or in unzoned local units of government?**

- The \$2k/MW host community agreement⁴¹ that is required for projects that are approved by the MPSC does not appear to be guaranteed for communities that approve projects at the local level either through a CREO or other “workable” local zoning ordinance, or in an unzoned community where there is no local government zoning approval. Local units of government may be able to secure monetary benefits through community host agreements, but if they are mandatorily required, they would need to clearly define rough proportionality and a reasonable/essential nexus. Communities who wish to enter into such agreements outside of the MPSC process should consult their municipal attorney.

Thinking through pros and cons of the different paths

13) **Why might a developer prefer to apply for permitting at the local level rather than opting for the MPSC path?**

- To save time: the MPSC has up to a year to act once the application is complete,⁴² whereas CREOs have 120 days – and up to 240 days upon mutual agreement – to act once the site plan is filed (it may not be complete).⁴³
- To save money: at the MPSC process, a developer must fund a local intervenor compensation fund (\$75k or more like \$150k),⁴⁴ plus pay the host community agreement \$2k/MW (or potentially \$4k or \$6k/MW).⁴⁵
- Because compliance with labor requirements in the MPSC process⁴⁶ may add project cost and may be difficult for out-of-state developers who do not have existing relationships with local labor organizations.
- So, in some cases, local governments may have some negotiating room to ask for things in their ordinances, or accept additional benefits voluntarily offered by the developer, if it means that they can save the developer time/money.

14) **What’s a “workable”, non-CREO ordinance?**

- To be clear, the law does not refer to a “workable” ordinance; it’s a concept we’re using to help suggest what might be another option for local communities.
- A “workable” zoning ordinance is one that doesn’t satisfy the definition of a CREO (i.e., it may have larger setback distances or lower noise levels than in PA 233), but is one that a developer finds allows them to build a viable project. Indeed, most of the existing wind and solar farms in the state have been built under “workable” local zoning ordinances that include regulations that

⁴¹ Section 227 (1)

⁴² Section 226 (5)

⁴³ Section 223 (3) b

⁴⁴ Section 226 (1)

⁴⁵ Section 227 (1)

⁴⁶ Section 226 (7) e

extend to topics beyond what is listed in Section 226(8) and/or which have different setback or noise thresholds.

- “Workable” ordinances, though, hinge on “reasonableness”: they provide enough land and not-too-excessive regulations (e.g., for screening or landscaping) to make a project viable. The point at which such provisions become too burdensome in the opinion of an energy developer is the practical point at which the developer will apply to the MPSC for a certificate instead of seeking zoning approval at the local level.
- Also, note, that what might be “workable” for one developer may not be “workable” for all.

15) From a local jurisdiction’s perspective, what are the advantages and disadvantages of adopting a Compatible Renewable Energy Ordinance (CREO) compared to instead adopting a “workable” ordinance?

- CREOs and “workable” ordinances suffer from some of the same drawbacks in that the guaranteed monetary host community agreements for the local governments are less clear than in the MPSC process.
- CREOs preclude the developer from going straight to the MPSC and instead forces them to first go through local permitting, but if the local government ultimately denies the application, there may be some unpleasant consequences for the local unit (see Question 10 above). However, because each affected local unit must have a CREO in order to guarantee the project not go directly to the MPSC (see Question 7), the CREO path only works if there is collaboration between the township and county. For renewable energy projects that cross township, village, or city boundaries—as these large projects often do—this may also require collaboration with neighbors since each must have a CREO to forestall a project going directly to the MPSC.⁴⁷
- A “workable” ordinance doesn’t necessarily require this collaboration with other units of government. However, choosing to create a “workable” ordinance means there’s no guarantee that a developer won’t instead opt for the MPSC process (which begins with providing local notice and holding a public hearing)⁴⁸ at some point in the local permitting process. If a project application in a non-CREO jurisdiction is denied and the developer only then chooses to go to the MPSC, there are mixed opinions about whether, in this case, the local government would face the same penalties they would have if they declared their ordinance a CREO. Also, to be clear, a local government that denies a project through a “workable” ordinance likely had an ordinance that was not “workable” for the developer.
- Ultimately, which is better – CREO or “workable” ordinance – hinges a bit on how much and what type of risk the community is willing to assume, how its neighbors plan to act, and also whether CREOs can include regulations beyond Section 226 (8). If neighboring jurisdictions and the county aren’t also planning to develop CREOs, then there are few to no benefits of a single jurisdiction developing a CREO in isolation. If a CREO may include a number of components that satisfy community preferences (e.g., screening, groundcover for solar, some geographical

⁴⁷ Section 223 (3)

⁴⁸ Section 223 (1)

restrictions), then there isn't too much lost by going the CREO route. If CREOs are more limited, though, a community may instead use the knowledge that they may hold some negotiating power to develop a "workable" ordinance that allows them to better match community preferences to something that may go beyond Section 226 (8), but which the developer still considers "workable". This path does introduce risk, though, which should be discussed with a knowledgeable attorney.

16) From a local jurisdiction's perspective, what are the pros/cons of just doing nothing—either not changing their non-CREO/non-workable ordinance to be compliant or, if their ordinance is silent on energy, not addressing these energy technologies at all?

- The benefit of staying the course is that the local unit does not need to invest resources (both time and money) into developing planning and zoning, and can effectively push any controversy that a renewable proposal might bring to the community onto state policymakers.
- The drawback of such an approach is that, if the local unit does want to intervene before the MPSC⁴⁹, not having thought through renewable energy facilities within the context of their overall land use planning (e.g., where renewable energy compliments or conflicts with future land use plans) may put them at a disadvantage.

17) What should a community do right now (January 2024)?

- At this moment, we see three options: adopting a CREO, having a "workable" ordinance in place, or not acting (which, in most cases, would mean projects would go to the MPSC). Each strategy has pros and cons, and comes with different risks as laid out in the questions above.
- Regardless, the first thing that you should do is start a conversation with your county and neighboring local governments about how they plan to act. If your jurisdiction is interested in adopting a CREO but neighbors are not, you may want to consider a different option since each local government in a proposed project needs to have a CREO in order to unlock the "guaranteed" benefits of the CREO option over a "workable" option.
- If you choose a path that requires amending your zoning ordinance (i.e., CREO or "workable"), then you should figure out how soon you must act. Any amendments to the master plan will need to follow the procedures of the Michigan Planning Enabling Act⁵⁰ and any amendments to the zoning ordinance will need to follow the procedures of the Michigan Zoning Enabling Act.⁵¹ You will need to consider how frequently your planning commission and jurisdiction's board/council meets to understand when you must start the process to be ready for when the law goes into effect on November 29, 2024.
- Also, get your planner/lawyer on retainer now. Nearly every jurisdiction will be in the process of planning and zoning for renewables this summer and fall, so if you share a planner or lawyer with other jurisdictions, you'll want to talk to them soon about their schedule.

⁴⁹ Section 226 (1) and Section 226 (3)

⁵⁰ 2008 PA 33, MCL 125.3801 et seq.

⁵¹ 2006 PA 110, MCL 125.3101 et seq.

18) How can I tell if my ordinance is CREO or “workable”?

- Based on analysis of EGLE’s [renewable energy zoning database](#)⁵², we believe most wind zoning ordinances and about half of the solar ordinances in the state are not compliant with even the most generous definition of CREO because the setbacks, noise limits, and height limits do not comply with Section 226 (8).
- If limiting geography (e.g., saying you can allow wind or solar in some districts, but not in others) or adding in other stipulations (e.g., screening, groundcover) renders an ordinance a non-CREO, then practically no existing ordinances in Michigan are CREO.
- Furthermore, more than 70% of communities lack a solar ordinance and there are practically no existing energy storage ordinances in the state, so if CREO compatibility requires having all three technologies sufficiently addressed, practically speaking, all communities in the state can be assumed not to have CREOs.
- However, many ordinances in the state may be “workable”. We’re thinking through ways to help communities self-assess what might be “workable” in light of the Act. The trick in assessing what is “workable” is that it differs from developer to developer. But for now, the best advice is that if your community has been approached by a renewable energy developer at some point in the recent past, you probably have a sense of whether or not your ordinance is “workable”.

⁵²<https://energyzoning.org/maps/mi/divisions>