

**NOTICE
OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

REGULAR MEETING – VIRTUAL

(Refer to the www.oshtemo.org Home Page for Virtual Meeting Information, or page 3 of the packet)

**Thursday, June 11, 2020
6:00 p.m.**

AGENDA - UPDATED PACKET

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes: May 28th, 2020
6. **Public Hearing: Special Use, Pathway Solutions Communication Tower**
Pathway Solutions, on behalf of Kelly Verhage-Mallory and Kevin Verhage, is requesting Special Use and Site Plan approval to erect a 254-foot tall communication tower at 8619 W ML Avenue.
7. Public Comment
8. Other Updates and Business
9. Adjournment

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

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

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

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

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

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

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

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

(adopted 5/9/2000)
(revised 5/14/2013)
(revised 1/8/2018)

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

Oshtemo Township Board of Trustees		
<u>Supervisor</u>		
Libby Heiny-Cogswell	216-5220	libbyhc@oshtemo.org
<u>Clerk</u>		
Dusty Farmer	216-5224	dfarmer@oshtemo.org
<u>Treasurer</u>		
Grant Taylor	216-5221	gtaylor@oshtemo.org
<u>Trustees</u>		
Cheri L. Bell	372-2275	cbell@oshtemo.org
Deb Everett	375-4260	deverett@oshtemo.org
Zak Ford	271-5513	zford@oshtemo.org
Ken Hudok	548-7002	khudok@oshtemo.org

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

Zoom Instructions for Participants

Before a videoconference:

1. You will need a computer, tablet, or smartphone with a speaker or headphones. You will have the opportunity to check your audio immediately upon joining a meeting.
2. If you are going to make a public comment, please use a microphone or headphones with a microphone to cut down on feedback, if possible.
3. Details, phone numbers, and links to videoconference or conference call are provided below. The details include a link to “**Join via computer**” as well as phone numbers for a conference call option. It will also include the 11-digit Meeting ID.

To join the videoconference:

1. At the start time of the meeting, click on this link to [join via computer](#). You may be instructed to download the Zoom application.
2. You have an opportunity to test your audio at this point by clicking on “Test Computer Audio.” Once you are satisfied that your audio works, click on “Join audio by computer.”

You may also join a meeting without the link by going to [join.zoom.us](#) on any browser and entering this **Meeting ID: 873 1740 5619**

If you are having trouble hearing the meeting or do not have the ability to join using a computer, tablet or smartphone then you can join via conference call by following instructions below.

To join the conference by phone:

1. On your phone, dial the toll-free teleconferencing number: **1-929-205-6099**
2. When prompted using your touchtone (DTMF) keypad, enter the Meeting ID number: **873 1740 5619#**

Participant controls in the lower-left corner of the Zoom screen:



Using the icons at the bottom of the Zoom screen, you can (some features will be locked to participants during the meeting):

- Participants – opens a pop-out screen that includes a “Raise Hand” icon that you may use to raise a virtual hand. **This will be used to indicate that you want to make a public comment.**
- Chat – opens pop-up screen that allows participants to post comments during the meeting.

If you are attending the meeting by phone, to use the “Raise Hand” feature **press *9 on your touchtone keypad.**

Public comments will be handled by the “Raise Hand” method as instructed above within Participant Controls.

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**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION**

DRAFT MINUTES OF A VIRTUAL MEETING HELD MAY 28, 2020

Agenda

New Business

- a. Discussion: Electronic Message Centers**
 - b. Discussion: DRAFT Planning Department Annual Report 2019**
 - c. Discussion: Proposed 2020 Van Buren County Master Plan**
-

A virtual meeting of the Oshtemo Charter Township Planning Commission was held Thursday, May 28, 2020, commencing at approximately 6:03 p.m.

ALL MEMBERS
WERE PRESENT:

Bruce VanderWeele, Chair
Ron Commissaris
Dusty Farmer
Micki Maxwell, Vice Chair
Mary Smith
Anna Versalle
Chetan Vyas

Also present were Iris Lubbert, Planning Director, James Porter, Township Attorney, Josh Owens, Assistant to the Supervisor, and Martha Coash, Meeting Transcriptionist.

In addition, Scott Foster, Consumers Credit Union, and Jack Vos, Universal Signs, Inc. were in attendance.

Call to Order and Pledge of Allegiance

Chairperson VanderWeele called the meeting to order at approximately 6:03 p.m.

Approval of Agenda

Hearing no suggestions for change, Chairperson VanderWeele let the agenda stand as presented.

Public Comment on Non-Agenda Items

There were no members of the public present; the Chair moved to the next item.

Approval of the Minutes of the Meeting of May 14, 2020

The Chair asked if there were additions, deletions or corrections to the Minutes of the Meeting of May 14, 2020. Hearing none, he asked for a motion.

Ms. Versalle made a motion to approve the Minutes of the Meeting of May 14, 2020 as presented. Ms. Maxwell seconded the motion. The motion was approved unanimously by roll call vote.

Chairperson VanderWeele moved to the next agenda item.

NEW BUSINESS

a. Discussion: Electronic Message Centers

Ms. Lubbert said in mid-March of this year Jack Vos, with Universal Signs Inc., approached the Township to explore getting a variance for a sign deviation on behalf of his client, Consumer Credit Union. The request was specifically to allow for the installation of a larger electronic message center than permitted by the Zoning Ordinance. However, after the application was further reviewed, it was found that the argument being presented for a variance was not with how this site in particular is at a disadvantage but rather that the current signage ordinance is outdated. Specifically, the applicant argued that the code's restriction of an electronic message board's square footage (35% of the total sign area) is too small. It was determined that any discussion about potential deficiencies of the current ordinance was not appropriate for the Zoning Board of Appeals but rather was a topic for the Planning Commission to consider. After discussion, the applicant agreed to meet with the Planning Commission to discuss a request to update the signage ordinance.

She introduced Mr. Vos who said electronic message centers have changed over the last 10- 15 years when they began with line and word orientation. Code allowed 25%, which later increased to 35% of a sign to be dedicated to the message center portion. That percentage limits the message center so that the proper aspect ratio cannot be achieved. They wish to show static images and characters in the proper aspect ratio. His comments covered the following points:

- Message centers greater than 35% fill in the allowable sign area and help eliminate dead space around the display.
- The ordinance limits the overall sign size and the 35% percentage limits the message center size. When combined, these size limitations together reduce the size of a proper aspect ratio message center to be too small to be effective.

- Due to these limitations the message and graphic on the message center will be smaller with less space around the copy which makes the message harder to see and the words harder to read.
- A message center in the proper aspect ratio greater than 35% of the sign area will allow the images to be larger and the words on the message center to have more spacing and blank space which will make the sign easier to read.
- A message center that has larger images and is easier to read is less distracting and assures safe egress to the branch which is safer for all motorists.
- An aspect ratio of 2:1 and size greater than 35% would allow us to utilize the full width of the sign and allow us to have enough height to be closer to the preferred content range. An aspect ratio outside of that range may cause portions of content to be lost or distorted when displayed. A sign aspect ratio of 2:1 is consistent with advertising standards, allows business to make use of existing content sources that they already have created for billboards or social media, and is the best choice for large, legible copy and use of pictures.

He provided examples of signs in the area that have different percentages of the overall sign dedicated to the message center area and indicated there are multiple CCU signs in the Kalamazoo area that have the correct aspect ratios which makes them more effective. The sign at 9th Street and Drake Road has 64% of the allowable sign area dedicated to the message center. The same sign with the correct aspect ratio, but reduced to 35% shrinks images so much they are harder to read. They believe dedicating 65% of the overall sign area to the message center gives enough flexibility to achieve a correct image on the screen.

Ms. Maxwell noted at their last meeting they agreed they were not interested in adjusting the sign ordinance at this time.

Ms. Smith added a year ago the Commission agreed they did not want large, flashy signs in the Township.

Ms. Farmer said the Commission changed the ordinance after a sign expert advised them on aspect ratios. Sign messages are allowed to change every six seconds. Drivers should be able to see one or two messages as they pass by. She felt the term "message center" was a little misleading and was not interested in larger signs.

Mr. Commissaris was concerned with safety, suggesting the consideration of further distractions at 9th and West Main and Drake and West Main, two of the areas in this part of the state with the most accidents, requires caution.

Ms. Maxwell mentioned the Consumers Credit Union variance granted at the Zoning Board Authority meeting earlier in the week.

Ms. Lubbert explained the variance was to increase the overall size of their pylon sign by 20 square feet, because of a unique easement that forced the placement of the

sign further back from the road, in order to help them compete with other more visible neighboring signs.

Mr. Vyas asked what would be gained by a bigger message center.

Mr. Vos explained the increase is in the proportion of the size of the message center in relation to the overall sign, which would not increase in size. Without that increase the sign will cause strain for a driver to read the message, and would be less safe for traffic. The message center portion of the sign would increase, not the overall size of the whole sign.

Ms. Farmer said signs placed at the side of the road that encourage reading them when driving are a huge distraction and should not be encouraged at all. The Township considered a message sign to be placed in front of the Township Hall and decided against it because of the resulting distraction that would occur.

Ms. Maxwell felt signs should be identifiers, not message centers.

Mr. Vos said message centers have proven to be the most effective way to advertise to those passing by. A lot of message centers have been in place for years, they are just evolving to be safer. A reasonable size makes them easier to read and be seen. They are proven to be both effective and safe. The message center is just an LED board that shows messages or pictures and is static as it has always been. The message would change as many times as allowed in code.

Mr. Foster, Consumers Credit Union, said they have three offices in Oshtemo Township and nine around the Kalamazoo area, that include a very large sign in Texas Township on I94. The message center on the sign in Mattawan Village is close to 50% of the sign. The messages usually include 3-5 words on a six second rotation. If you are stopped at a light you would likely see 3-4 messages; if driving by you would see one. Similar signs are installed in Grand Rapids, Holland, South Haven and Coldwater. Oshtemo Township has the lowest % of area sites. The sign will not be bigger but will allow companies a ratio that makes sense. If a company has a long name/logo, the changeable space is less than for a name/logo that is shorter. The message center is an opportunity to grow business. They are just asking for the flexibility a higher percentage of the message center to overall sign area would provide. He hoped the Commission will continue discussion to increase the percentage somewhat to be in line with other communities across Michigan.

Mr. Vyas said if the square footage of the sign is kept the same but the aspect ratio is stuck at 35%, the ability to put up better signage and a logo is reduced. The sign is stuck at 35% unless the aspect ratio can be changed to get the most out of the digital space. Otherwise much of the sign is wasted with the space bordering the message center with metal material.

Ms. Farmer said the sign discussion is not personal to CCU. She is a member of CCU and appreciates their presence in Oshtemo Township. The overarching issue with signage is general. Signs have been an ongoing saga for a decade.

Ms. Smith said the problem is that they hear from so many companies who want name recognition, on three sides of their building, on the street, message centers. She felt the purpose of signs is to find the storefront, rather than providing a message center on signs.

Ms. Maxwell and Mr. Commissaris both agreed with her comment.

Mr. Vyas felt considering the aspect ratio is not a bad idea.

Ms. Maxwell said what is being asked for is a change in the percentage of a sign that is dedicated as a message center, not just addressing the aspect ratio.

Ms. Smith said she was not in favor of a bigger sign.

Mr. Vos said they are not asking for a bigger sign. He noted every business is unique. A long name takes up more static space. A short or condensed name or logo provides a larger percentage of message center space. Without an increase in percentage they are handcuffed. If their request is not approved, they will go with a larger sign as seen at West Main and Drake. It will still be at the maximum allowance, but does not look as good as other signs.

Chairperson VanderWeele said it was clearly the consensus of the Commission to stay the course for now. There may be further discussion in the future.

Ms. Farmer needed to leave the meeting at this time.

Chairperson VanderWeele moved to the next agenda item.

b. Discussion: DRAFT Planning Department Annual Report 2019

Ms. Lubbert told Commissioners every year the Oshtemo Planning Department produces a report that satisfies the requirements of Section 308 of the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended), which states that a Planning Commission must prepare an annual report documenting the administration of their municipality's Zoning Ordinance and outline possible future amendments to the Ordinance. The draft report fulfills the obligation for 2019 and provides updates on the activities and projects planned for 2020.

She noted the Planning Department expanded the scope of the report to further document the activities of the Zoning Board of Appeals and the administrative activities of the Planning Department staff. By doing so, the document provides a more complete picture of Planning and Zoning activities within the Township. This report is intended to

not only document past and ongoing activities but also help the Township Board develop its own work plans and budgets for the coming year.

The Planning Commission had no questions, thanked Ms. Lubbert for her work and complimented her on the report. They felt she had covered everything and the report was ready to finalize and forward to the Township Board.

The Chair moved to the next agenda item.

c. Discussion: Proposed 2020 Van Buren County Master Plan

Ms. Lubbert explained the Michigan State Planning Enabling Act requires Jurisdictions to send proposed Master Plans and Master Plan amendments to neighboring jurisdictions, and if a Township, to the County. Van Buren County is in the process of adopting a 2020 Master Plan and a draft plan was provided to the Township. The plan builds upon the 2017 Van Buren County Master Plan and was developed through an open public process led by community stakeholders committed to making a difference in the County.

She said the Planning Commission requested in the past to review updates of this nature in a Planning Commission meeting. Due to the size of the document, she provided a link to access the proposed 2020 Van Buren County Master Plan. She said any questions, and/or concerns the Commission has about the Plan will be shared with Ted Thar, Van Buren County Land Management.

Ms. Maxwell asked if there is any way to know what is new or changed in the document.

Ms. Lubbert said the report outlines Van Buren County's plan and vision for their community for the next five years. She as unsure on other specific differences between this plan and the Community's previous plan.

There were no further comments.

Chairperson VanderWeele suggested that after everyone has had a chance to read the plan they may have further discussion down the road.

PUBLIC COMMENT

No members of the public were present. The Chair moved to the next item.

OTHER UPDATES AND BUSINESS

Ms. Lubbert noted Governor Whitmer extended her prohibition on public

meetings until June 30. She will update the group as more information is forthcoming. The next meeting will continue to be held virtually via Zoom. In the meantime discussion will continue on how future meetings, post pandemic restrictions, will be conducted.

ADJOURNMENT

With there being no further business to consider, Chairperson VanderWeele adjourned the meeting at approximately 6:50 p.m.

Minutes prepared:
May 29, 2020

Minutes approved:
_____, 2020

DRAFT

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June 5, 2020

Mtg Date: June 11, 2020

To: Planning Commission

From: Iris Lubbert, Planning Director
Richard Comi, Center for Municipal Solutions, Consultant

Applicant: Pathway Solutions

Owner: Kelly Verhage-Mallory and Kevin Verhage

Property: 8619 W ML Avenue, Parcel numbers 3905-05-28-330-010

Zoning: AG, Agricultural

Request: Special Use approval for a Wireless Communication Tower

Section(s): Section 4.40: Communication towers in AG, Agricultural Zoning
Section 65.30: Special Use Review Criteria
Section 49.70: Special Use Requirements for Communication Towers

Project Name: Pathway Solutions Communication Tower

PROPOSAL:

Pathway Solutions is requesting Special Use and Site Plan approval to construct a 254-foot-tall unmanned communication tower at 8619 W ML Avenue. Pathway Solutions is a wireless broadband wholesale provider for service and infrastructure.

BACKGROUND:

Communication towers are a use that require a unique level of review; it is for this reason that the Township's practice is to engage the services of a consultant specialized in the field to assist staff. Richard Comi, with the Center for Municipal Solutions (CMS), was hired by the Township to provide that service.

The proposed communication tower was first submitted to the Township for consideration in January of this year. The application was found incomplete at the time and returned to the applicant to refine and resubmit. Since that time several iterations have been reviewed but have continually been deemed insufficient. Currently, the application is still incomplete. Regardless, Pathway Solutions has requested to move the project forward to the Planning Commission for review and approval.

The notice of public hearing was mailed to all property owners within 300 feet of 8619 W ML Avenue on May 18th and published in the paper on May 21st.

ANALYSIS:

The entirety of the property in question is zoned AG, Agricultural. Uses permitted in the AG zoning district are outlined in Article 4 of the Township’s Zoning Code. *Communication towers* are identified as a Special Use within this section and require review and approval of the Planning Commission. When reviewing a Special Use there are two sets of criteria that need to be considered: the general Special Use review criteria outlined in Section 65.30 and the specific requirements for the use in question outlined under Section 49.70. Below is an analysis of the proposal against these two Sections.

Section 65.30: Special Use Review Criteria

A. Master Plan/Zoning Ordinance: The proposed use will be consistent with the purpose and intent of the Master Plan and Zoning Ordinance, including the District in which the use is located.

Zoning is purely a state and local issue except in two areas where Congress has imposed federal regulations: religious uses and telecommunications. Communication towers have special protections from the Federal Government and although the Federal Government dictates some of what can be done, municipalities have been granted a level of control over the placement, construction, and modification of wireless service facilities. As such, the Township’s Zoning Ordinance allows for the construction of communication towers within the Township as long as “a need” for the tower is demonstrated. The code also provides legal tools and criteria to review the proposal against.

The applicant notes within the application that they are a wireless internet service provider. However, they offer no documentation to substantiate that statement. No information was provided, and Staff was unable to identify through research, other communities that Pathway Solutions services with high speed internet. The applicant reasons that the tower is needed at this location as Pathway Solutions currently has no existing systems in the area. However, no documentation has been provided to show what service this area does or does not have. It is unclear what need is being fulfilled and if this tower is necessary. At this time no need for the proposed tower has been demonstrated.

B. Site Plan Review: The Site Plan Review Criteria of Section 64.80.

Pathway Solutions is proposing to lease a 60 foot by 100 foot area within 8619 W ML Avenue to hold their 254 foot tall communication tower and supporting equipment. The proposed location of the tower is approximately 600 feet from the right-of-way line of West ML Avenue and about 470 feet from the nearest property line to the west; see map to the right (property lines are shown in orange and the proposed location for the tower is stared). The tower and its equipment will be surrounded by a 6 foot tall chain link fence and accessed through a locked double wide access gate. The existing dirt and gravel drives through the property will be used to access this proposed use. A local service provider will be on call for snow removal, debris removal, and weed control.

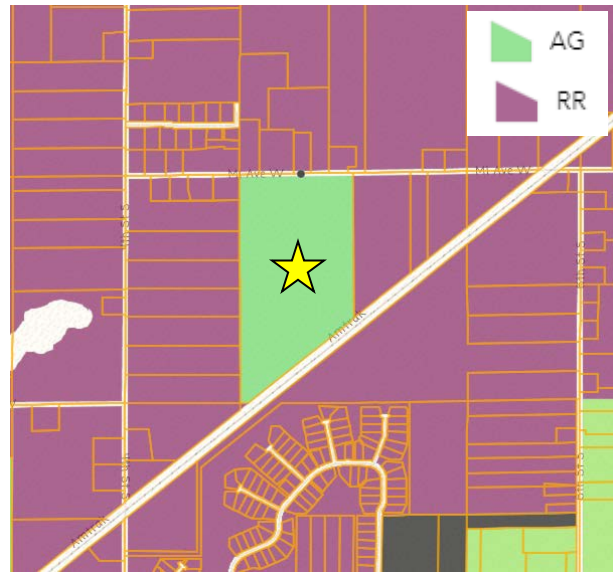


A site plan for the proposed tower has been submitted, see attached. This site plan has been reviewed by Township's Fire, Building, and Planning Departments as well as by the Township's Engineering Consultant, Prein&Newhof. All site plan requirements and comments have been addressed.

C. Impacts:

- 1. The proposed use would be compatible, harmonious and appropriate with the existing or planned character and uses of adjacent properties; meaning the proposed use can coexist with neighboring uses in a stable fashion over time such that no neighboring use is unduly negatively impacted.**

Although the property that will host the proposed tower is zoned AG, Agricultural, all surrounding properties are zoned RR, Rural Residential. The proposed communication tower is not harmonious with the character of the rural residential area. However, if demonstrated as necessary, it would provide high speed internet service to surrounding residents.



- 2. Potentially adverse effects arising from the proposed use on adjacent properties would be minimized through the provision of adequate parking, the placement of buildings, structures and entrances, as well as the location of screening, fencing, landscaping, buffers or setbacks.**

The proposed communication tower meets all site plan requirements. The site provides adequate parking, meets setbacks, has adequate fencing, etc. No adverse effects are anticipated in this area.

- 3. The proposed use would not be detrimental, hazardous, or disturbing to existing or future adjacent uses or to the public welfare by reason of excessive traffic, noise, smoke, odors, glare, or visual clutter.**

The proposed use would not be detrimental, hazardous, or disturbing to adjacent uses by reason of excessive traffic, noise, smoke, or odors. However, a 254-foot tower would create a substantial visual impact/clutter. For reference, the existing METC transmission towers located south of the proposed site are approximately 90 feet tall, close to one third of the height of this proposed facility (35.4%), and are not lighted. The proposed tower design has lighting at 125 feet and then at the top of the tower per FAA guidelines. In terms of glare, if the facility is approved, lighting will be further reviewed in conjunction with the structural evaluation of the tower at the time of the building permit.

- D. **Environment: The natural features of the subject property shall only be cleared or altered to the extent necessary to accommodate site design elements, particularly where the natural features assist in preserving the general character of the area.**
 Aside from the trees that will be cleared to accommodate the 60-foot by 100-foot lease area for the tower, all natural features of the site will remain. The applicant has not demonstrated the need for a 60-foot by 100-foot lease area and why all the trees within the area need to be cleared.
- E. **Public Facilities: Adequate public and/or private infrastructure and services already exist or would be provided, and will safeguard the health, safety, and general welfare of the public.**
 Adequate public facilities are in place to support the proposed use.
- F. **Specific Use Requirements: The Special Use development requirements of Article 49. -**
 All of the specific use requirements in Section 49.90 are outlined below.

Section 49.70: Communication Towers

A communication tower shall be erected, constructed, located or established in compliance with the following:

1. **Justification. A proposed tower shall not be established unless the communications equipment/antenna(s) planned for the proposed location cannot be accommodated on an existing or approved tower within the area of the proposed tower due to the following reasons (the code then outlines four exceptions).**

The applicant notes that “the only existing structures within the search radius; and two miles for that matter, are the METC transmission towers. These towers are only approximately 90’ tall and too short to provide the coverage necessary to provide adequate broadband service to the area.” This argument would meet the third exception listed in this section if documentation is provided by a qualified and licensed professional engineer. However, the applicant never provided documentation on why this specific search radius and final location were chosen for a potential communication tower. It is unclear what need this proposed communication tower would be filling. Also, no documentation from a qualified engineer was provided to show that any existing towers within the Township would not meet the applicant’s needs.

2. **Design of tower.**
 - a. **Any proposed or modified tower shall be designed and constructed to accommodate future co-locations. Towers shall be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.**
 The proposed tower is designed to support Pathway Solutions equipment and two additional carriers with a 15-foot minimum separation distance. If approved, construction documents will be required at the time of the building permit to confirm this distance. Please note that the industry today only requires a 10-foot separation between service providers.
 - b. **A proposed or modified tower shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities and located on the site so as to minimize its visibility from the public right-of-way and residentially zoned properties.**

The proposed tower is a galvanized steel grey color and screened by the existing vegetation that surrounds the property. The applicant also notes that the “tower will blend in with the existing METC transmission towers that run along the back portion of the property”. Although the applicant is right that grey is preferred for a tower of this height, no attempt at camouflaging the tower has been made. In addition, saying that the tower will blend into the METC transmission towers located along the back of the property in question, which are only 35.4% of the height of the proposed tower, is unreasonable.

- 3. Height. The height of a tower shall be determined by measuring the vertical distance from the tower's point of contact with the ground or rooftop to the highest point of the tower, including all antennas or other attachments. When towers are mounted upon other structures, the height shall be considered with the combined height of the structure and tower.**

The proposed tower is 250 feet tall and will have a 4-foot lightning rod. No engineering documents were provided as to why this height is necessary. It should be noted that if this tower is approved a co-locator would be allowed to increase the structure by the taller of 10% or 20 feet without proof of need and the application must be approved. It would be considered an “eligible facility”.

- 4. Tower setbacks.**

- a. **A tower shall be located so that the setback from all property lines is equal to or greater than the height of the tower. The reviewing body may deviate from such requirements if the deviation is consistent with the spirit and intent of the Ordinance.**

The proposed tower will be a total of 254 feet tall and located at least 400 feet from any property line.

- b. **Towers shall not be located between a principal structure and a public street.**

The proposed tower is located behind the principle structure.

- c. **A tower's setback may be reduced or its location to a public street varied to allow the integration of a tower into an existing or proposed structure, such as a church steeple, utility pole, power line support device or other similar structure.**

Not applicable.

- d. **Towers shall be set back at least 150 feet from any adjacent residences, residentially zoned property or a public street.**

The tower is located at least 400 feet from any property line.

- 5. Accessory structures. Structures accessory to a tower, including utility buildings, shall be designed and located on the site to blend in with the surrounding environment and shall meet the minimum setback requirements of the underlying zoning district.**

No accessory structures are proposed for this site. Equipment supporting the structure (equipment cabinets, generator, and propane tank) will all be located within the proposed fenced compound. See page C-2 of the site plan for more details.

6. Landscaping/screening.

- a. Landscaping/screening at the site shall be designed and maintained to minimize visibility of the tower and related equipment from the public right-of-way and residentially zoned properties.**

Existing landscaping on the site will be utilized. There are wooded areas to the north, south, east, and west. The existing landscaping will help lessen the visibility of the tower from the public right of way and neighboring residentially zoning properties.

- b. Ground-mounted equipment and accessory buildings and structures may be required to be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and compliments the architectural character of the surrounding area.**

The proposed tower enclosure will not be visible from the road or neighboring properties. The requirement for additional landscaping of this nature is not required.

7. Security fencing. Security fencing of at least six feet (unless other height is required by state or federal regulations) shall be required to prevent access to the tower, accessory building/structure and/or guyed wires. The reviewing body may deviate from such requirements if the deviation is consistent with the spirit and intent of the Ordinance.

A 6-foot-tall chain link fence will be located around the proposed tower and its equipment.

8. Lighting. Towers shall not be illuminated by artificial means and shall not display strobe lights unless such lighting is specifically required by the Federal Aviation Administration or other federal or state authority for a particular tower. Site lighting shall comply with Article 54.

The proposed tower design has lighting at 125 feet and then at the top of the tower per FAA guidelines. A FLASH technology lighting system will be used that includes horizontal beams. No additional lighting is proposed on site. If the facility is approved, lighting will be further reviewed in conjunction with the structural evaluation of the tower at the time of the building permit.

9. Signs and advertising. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

Aside from a plaque to be installed at the entrance of the compound, which identifies the site as a Pathway Solutions facility and provides a phone number to call in case of an emergency, no other signage is being proposed.

10. Interference with public safety telecommunications. No new or existing telecommunications service shall interfere with public safety telecommunications. All applications for new service shall be accompanied by an intermodulation study by a qualified and licensed professional engineer which provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems.

An intermodulation study was provided and shows that the proposed tower would not interfere with public safety telecommunications or create any other interference.

11. Site access and parking. The reviewing body may allow deviation from the Access Management Guidelines, paving and/or parking standards of the Zoning Ordinance.

The proposed compound is accessed using the site's existing gravel and dirt drives. No parking spaces are required for an unmanned facility.

- 12. Inspections.** All towers shall be inspected at regular intervals, no less than once a year, and serviced as frequently as may be necessary, to maintain the tower in a safe and weather-withstanding condition. Reports as to all inspections and servicing shall be made available to the Township upon written request.

The applicant indicates that the tower will be visited by a technician two to three times per month. It is also noted that the equipment cabinets, radio equipment, and tower will be monitored via an alarm system, and if activated, would trigger a site visit.

- 13. Updated information.** The tower owner or representative shall annually update the Township with the following information:

- a. Name, address, phone number of tower owner; name, address and phone number of contact persons for engineering, maintenance and other notice purposes.
- b. Organization name, address, phone number, and contact person of each co-locator and the operational status of the equipment.
- c. Notification of date of lease expiration and/or cessation of operation of any equipment and date of removal.

The applicant has noted that the tower will be fully inspected once per year and have the reports available for the Township to review along with the requested above information. Per ANSI – CIA 222, a standalone tower, such as what is proposed, must be inspected once every 5 years. The applicant has not stated that this is the full inspection that they are referring to.

- 14. Abandonment or Unused towers, portions of towers, tower mounted equipment, and associated facilities.** Abandoned or unused towers, portions of towers, tower mounted equipment and associated facilities shall be removed as follows:

- a. All abandoned or unused towers, portions of towers, tower mounted equipment, and associated facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the reviewing body.
- b. In the event that a tower, portions of towers, tower mounted equipment, and/or associated facilities are not removed within 12 months of cessation of operations at a site, the subject facilities may be removed by the Township and the costs of removal assessed against the property.
- c. A copy of a signed lease, which includes a requirement that the applicant shall remove the tower, portion of tower, tower mounted equipment and associated facilities upon cessation of operations at the site shall be submitted at the time of application, if applicable.

A copy of the lease was provided; the requirement to remove the tower upon cessation of operations at this site is addressed under item 7. Improvements of the lease.

In addition to the information required for the Site Plan review and Special Use review, applications for towers shall include the following supplemental information:

- 1. Tower plans and a report from a qualified and licensed professional engineer which:**

- a. Describes the tower height and design, including a cross section and elevation;
Provided. However, no explanation was given, nor documentation provided, as to how the proposed height was chosen.
- b. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distance between antennas;

The height for each of the mounting positions for colocations are shown in the site plan elevation.

c. Describes the tower's capacity, including the number and type of antennas/equipment that it can accommodate;

The proposed tower is designed to support Pathway Solutions equipment and two additional carriers with a 15-foot separation distance. A total of 36 antennas are proposed (12 per carrier). High speed internet is to be provided by Pathways Solutions per their application. The tower design must include all equipment necessary for Pathways Solutions as well as for the two additional carriers. In today's environment each carrier normally has an equipment platform and 12 antennas with cabling running from their equipment on the ground to their antennas. There was no documentation provided as to how Pathways Solutions will be connecting to the public network (cable, fiber, or microwave) and will need to be documented if approved. The descriptions of the antennas can be found on page C-2 of the site plan. The descriptions show that all sets of antennas are identical for each provider.

d. Documents what steps the applicant will take to avoid interference with established public safety telecommunications;

Not applicable as the intermodulation study shows that the proposed tower will not create interference.

e. Includes an engineer's stamp and registration number;

Engineer's stamp is included: Christopher J Warren, registration number 6201050020.

f. Indicates that the proposed tower complies with regulations administered by the Federal Communications Commission and the Federal Aviation Administration.

A letter is provided from the applicant indicating that the tower will meet the regulations of the Federal Communications Commission and the Federal Aviation Administration. A tower of this type and height must be certified to ensure that it would not negatively impact aircrafts. No such documentation has been provided.

g. Includes information necessary to allow determination of compliance with Building Code, Electrical Code and other applicable Township Ordinances.

Additional information regarding the communication tower's construction will need to be provided if approved by the Planning Commission and at time of the building permit. However, the information provided does not demonstrate a need and therefore does not meet the special use requirements of the Township Ordinance.

h. Includes other information necessary to evaluate the request.

The applicant has been asked on multiple occasions to provide documentation outlining the reasoning for this tower (why this location? why this height?). Although the applicant responded to the question, that information was grossly inadequate. Several requests to discuss the proposal with Pathway Solutions and/or Unwired Consulting were unsuccessful by the Oshtemo's CMS consultant.

2. **A letter of intent committing the tower owner and his or her successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use. Further, a request to co-locate antennas on a tower shall not be unreasonably refused. No provider or lessee or agent thereof shall unreasonably fail to cooperate to accommodate co-location.**

Provided within the lease.

RECOMMENDATION:

Based on the submitted documents, the Oshtemo Township's Planning Department, Attorney's office, and Consultant Richard Comi with the Center for Municipal Solutions cannot recommend the approval of the proposed communication tower. Although the standard site plan requirements have been met, the requirements for the special use request have not. In summary, no reasoning has been provided as to why this tower is necessary. At this time, it is recommended to deny the request.

Attachments:

Evaluation provided by Richard Comi, Center for Municipal Solutions

Township Application Form

Letter of Intent

Site Plan

Applicant's Zoning Addendum

Provided search radius document

Letter acknowledging FCC and FAA regulations

Received Public Comment

Additional information requested by the applicant to be included (6/9/2020)

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(518) 439-3079

70 CAMBRIDGE DRIVE
GLENMONT, NEW YORK 12077

FAX (518) 478-0909

March 24, 2020

June 2, 2020 (comments are in red and in a different font below)

Iris Lubbert, AICP
Planning Director
Oshtemo Charter Township
7275 W. Main Street
Kalamazoo MI 49009

RE: Pathway Solutions proposed facility 8619 W ML Avenue

Dear Ms. Lubbert,

As you are aware, The Center for Municipal Solutions (CMS) has recently been retained to assist the Township in evaluating the above proposed facility. I have reviewed:

1. The Township zoning applicable to communications towers.
2. The planning and zoning application of Pathway Solutions signed 1/3/2020. Included were a letter of authorization from the property owner, a November 18, 2019 letter to the planning commission from Nolan Fox, a redacted lease and a site plan.
3. The letter dated January 28, 2020 from you to Matthew Kundert at Unwired Consulting, Inc.
4. The letter dated March 6, 2020, with attachments, to you from Matthew Kundert.

I have reviewed the following additional material on the proposal:

1. The letters and attachments from attorney Porter dated March 26, March 30, and April 6, 2020 to Matthew Kundert.
2. The letter and attachments from Matthew Kundert to attorney Porter dated March 30 and April 30, 2020.

I have made several attempts (both by phone and email) to reach either Mr. Fox or Mr. Kundert. All I get is recordings [the recording on Mr. Fox number on his letter now says it is for Mike Johnson]. In the last few weeks I have made several additional attempts to reach Mr. Fox or Mr. Kundert with no success. On June 1, 2020, I received an email from Mr. Kundert in which he states "Per the township's direction, communications

regarding Pathway Solution's application have been in writing." Attorney Porter responded with an email to Mr. Kundert clarifying that a "discussion" was appropriate. I tried an additional three times on June 1, 2020 to reach Mr. Kundert, left messages, and even after attorney Porter's email, I was unable to reach Mr. Kundert.

This "application" is woefully inadequate and incomplete. A great deal of information is required before this application is complete. A number of the unanswered questions are: An update to each item below is as follows:

1. Is Pathway Solutions a carrier or are they a reseller of another carrier's service? Who will the service provider be? In the March 30, 2020 letter to attorney Porter from Mr. Kundert it states; "Pathway Solutions is a wireless broadband wholesale provider of service and infrastructure. Again as a courtesy and to further clarify, Pathway Solutions will be the owner of the tower and broadband services (WISP) will be provided from the location." **COMPLETE.**
2. Is Unwired Consulting authorized to represent Pathway? I see no authorization letter. An authorization has been provided. **COMPLETE.**
3. No information was provided as to why the center of the .5 mile ring was chosen as shown on the map in the attachments to the March 6, 2020 letter from Mr. Kundert. Mr. Kundert responded in a March 30 letter to attorney Porter. The response did not give any details as to why this location was chosen. The response states; "The map and search area radius were provided in the response to Ms. Lubbert dated March 6, 2020." There was a map in the information provided to Ms. Lubbert, however, there was no written justification as to why that location was selected. **INCOMPLETE**
4. No wireless carrier "proof of need" for a tower at this location at the height of 250' has been provided. Mr. Kundert responded in a March 30 letter to attorney Porter. The answer was a denial to respond to any proof of need. **INCOMPLETE.**
5. No structural analysis, per TIA/EIA 222 has been provided. Mr. Kundert responded in a March 30 letter to attorney Porter. The response stated; "that the structural is provided with construction drawings and submitted along with the building permit application." There was no response that it would be provided under the appropriate TIA/EIA 222 revision. **INCOMPLETE**
6. No "certification" of RF Emissions has been provided. Mr. Kundert responded in a March 30 letter to attorney Porter. The response stated; "FCC would be the proper place for regulation of RF emissions." There was no attempt to regulate RF emissions. The Township has the right to proof that the FCC guidelines are met. The request is for how Pathway Solutions is going to provide that proof that the FCC guidelines are met. **INCOMPLETE**

A conference call is needed with Pathway Solutions to discuss with them the requirements of a complete application. All attempts to have a conference call with Pathway Solutions or their consultant, Mr. Kundert, have been in vain. They have been unresponsive and uncooperative. Their written letters and attachments to the Township have not in any way proven that Pathway Solutions needs a 250' tower at

their proposed location for wireless internet service, in fact, the only 'proof' they offer is a statement in their March 30, 2020 letter to the Township that Pathway Solutions is a wireless broadband wholesale provider. They provide no information as to why they want to provide service from the proposed location.

When it comes to the height of the proposed facility, they offer no proof for the 250' height for the tower that they are proposing.

The application is incomplete. There is no proof or justification for a 250' tower.

Sincerely,

R. A. Comi (electronic signature)

Richard A. Comi
CMS

CC: James Porter, Esq. (via email)

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7275 W. Main Street, Kalamazoo, Michigan 49009-9334
Phone: 269-216-5223 Fax: 269-375-7180

PLEASE PRINT

PROJECT NAME & ADDRESS Pathway Oshtemo Orchard 2018022 / 8619 W ML Avenue

PLANNING & ZONING APPLICATION

Applicant Name : Pathway Solutions
Company Pathway Solutions
Address 308 E Burlington Street, Ste 219
Iowa City, IA 52240
E-mail mkundert@unwiredconsulting.com
507-216-6576 Telephone Fax
Interest in Property Lease

THIS
SPACE
FOR
TOWNSHIP
USE
ONLY

OWNER*:

Name Kelly Verhage-Mallory & Kevin Verhage
Address 8619 West ML Avenue
Kalamazoo, MI 49009
Email _____
Phone & Fax _____

Fee Amount _____
Escrow Amount _____

NATURE OF THE REQUEST: (Please check the appropriate item(s))

- | | |
|--|---|
| <input type="checkbox"/> Planning Escrow-1042 | <input type="checkbox"/> Land Division-1090 |
| <input checked="" type="checkbox"/> Site Plan Review-1088 | <input type="checkbox"/> Subdivision Plat Review-1089 |
| <input type="checkbox"/> Administrative Site Plan Review-1086 | <input type="checkbox"/> Rczoning-1091 |
| <input checked="" type="checkbox"/> Special Exception Use-1085 | <input type="checkbox"/> Interpretation-1082 |
| <input type="checkbox"/> Zoning Variance-1092 | <input type="checkbox"/> Text Amendment-1081 |
| <input type="checkbox"/> Site Condominium-1084 | <input type="checkbox"/> Sign Deviation-1080 |
| <input type="checkbox"/> Accessory Building Review-1083 | <input type="checkbox"/> Other: _____ |

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary): Installation of an unmanned

Wireless communications facility including a 250' self-support tower and ground equipment
consisting of equipment cabinets, back-up power generator and one thousand gallon propane tank.

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

See attached survey

PARCEL NUMBER: 3905- 05-28-330-010

ADDRESS OF PROPERTY: 8619 West ML Avenue

PRESENT USE OF THE PROPERTY: Farm

PRESENT ZONING AG **SIZE OF PROPERTY** 65 acres

**NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS
HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:**

Name(s)	Address(es)
Kelly Verhage-Mallory	8619 West ML Avenue, Kalamazoo, MI 49009
Kevin Verhage	8619 West ML Avenue, Kalamazoo, MI 49009

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.

See attachment

Owner's Signature(* If different from Applicant)

[Handwritten Signature] ORO Pathway Solution

Applicant's Signature

Date

1/3/2020

Date

- Copies to:
- Planning -1
- Applicant -1
- Clerk -1
- Deputy Clerk -1
- Attorney-1
- Assessor -1
- Planning Secretary - Original

PLEASE ATTACH ALL REQUIRED DOCUMENTS

LETTER OF AUTHORIZATION

Property Address: 8619 West ML Avenue, Kalamazoo, MI 49009


Parcel ID#: 05-28-330-010

RE: Applications for Zoning/Land Use/Building Permits

The undersigned, the Owner of the above described property (the "Property"), does hereby authorize Pathway Solutions and its representatives, as Owner's agent (the "Authorized Agent") for the purpose of completing and/or filing any application, form, map, drawing, site plan or other document, in obtaining any zoning approval, variance, special permit or other land use approval or building permit (collectively, the "Approvals"), required to provide Pathway Solutions with lawful access to, and the ability to use the Property for the purpose of installing, erecting or otherwise placing a tower and related equipment on the Property.

By: 
Kevin R. Verhage

Date: 9-27-19

By: 
Kelly L. Verhage-Mallory

Date: 9-27-19



November 18, 2019

Oshtemo Township Planning Commission
7275 W. Main Street
Kalamazoo, MI 49009

RE: Pathway Solutions Site Plan Review / Special Exception Use
Pathway Solutions Site Oshtemo Orchard / 2018022
8619 West ML Avenue, Kalamazoo, MI 49009

Dear People:

Please accept this letter as notification that the proposed Pathway Solutions tower at the above referenced location will be designed as a multi carrier tower capable of accommodating a minimum of two additional antenna arrays below the primary array @ 245' CL. As is industry standard, Pathway allows collocation by other carriers on its towers and follows industry standards to accomplish the same.

Should you have any questions please contact Nolan Fox, 563-594-4460,
nolanf@pathwaysol.com.

Regards,

A handwritten signature in black ink, appearing to read "N. Fox", is written over the typed name.

Nolan Fox
President/Operations

SCHEDULE B - SECTION II EXCEPTIONS REVIEWED FROM FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NO. NCS-380200-MICH, DATED SEPTEMBER 06, 2019.

ITEMS 1 THROUGH 6, NOT A SURVEY MATTER.

7 The terms, provisions and easement(s) contained in the document entitled "Right of Way" recorded as Liber 357, Page 450 of Official Records, SHOWN.

8 Oil, gas and mineral reservations contained in the Instrument(s) recorded in Liber 491, Page 545, Liber 1160, Page 1310 and Instrument No. 2001-020084. This exception does not constitute a statement as to the ownership of this interest or right. There may be leases, grants, exceptions or reservations of such interests that are not listed. NOT SHOWN, BLANKET TYPE EASEMENT.

9 The terms, provisions and easement(s) contained in the document entitled "Permanent Electric Transmission Line Easement Agreement" recorded August 22, 2014 as Instrument No. 2014-027966 of Official Records, SHOWN.

10 The terms, provisions and easement(s) contained in the document entitled "Permanent Access Easement" recorded October 27, 2015 as Instrument 2015-036802 of Official Records, SHOWN.

11 The interest of John P. McNally and Mary Catherine McNally as disclosed in the instruments recorded in Liber 979, Page 736 and Liber 979, Page 737, SHOWN.

Items 12 through 17, not a survey matter.

PARENT PARCEL DESCRIPTION: (AS PROVIDED)

Land in the Township of Oshtemo, Kalamazoo County, Michigan, described as follows:
The East 1/2 of the Southwest 1/4 lying North of the railroad track of the Michigan Central Railroad Company (now New York Central Railroad Company), Section 28, Town 2 South Range 12 West.

TOWER LEASE AREA DESCRIPTION: (AS SURVEYED)

ALL THAT PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 LYING NORTH OF THE RAILROAD TRACK OF THE MICHIGAN CENTRAL RAILROAD COMPANY (NOW NEW YORK CENTRAL RAILROAD COMPANY), SECTION 28, TOWN 2 SOUTH RANGE 12 WEST, OSHTEMO TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE CENTER POST OF SAID SECTION 28; THENCE N 89°56'05" W ALONG THE EAST-WEST QUARTER LINE OF SAID SECTION 28, 737.85 FEET; THENCE S 00°03'55" W, 33.00 FEET TO A POINT ON THE SOUTH LINE OF WEST ML AVENUE (66' PUBLIC RIGHT OF WAY); THENCE S 01°33'23" E, 156.78 FEET; THENCE S 49°38'52" W, 84.21 FEET; THENCE S 05°04'05" W, 275.35 FEET; THENCE S 02°53'49" E, 118.56 FEET TO REFERENCE POINT "A"; THENCE S 00°00'00" E, 112.50 FEET; THENCE N 90°00'00" W, 12.50 FEET TO THE POINT OF BEGINNING; THENCE N 90°00'00" W, 60.00 FEET; THENCE N 00°00'00" E, 100.00 FEET; THENCE N 90°00'00" E, 60.00 FEET; THENCE S 00°00'00" E, 100.00 FEET TO THE POINT OF BEGINNING, CONTAINING 6,000 SQUARE FEET OR 0.138 ACRES, MORE OR LESS.

ACCESS EASEMENT DESCRIPTION: (AS SURVEYED)

ALL THAT PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 LYING NORTH OF THE RAILROAD TRACK OF THE MICHIGAN CENTRAL RAILROAD COMPANY (NOW NEW YORK CENTRAL RAILROAD COMPANY), SECTION 28, TOWN 2 SOUTH RANGE 12 WEST, OSHTEMO TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN, LYING 12.50 FEET EACH SIDE OF AND COINCIDENT WITH A CENTERLINE DESCRIBED AS: COMMENCING AT THE CENTER POST OF SAID SECTION 28; THENCE N 89°56'05" W ALONG THE EAST-WEST QUARTER LINE OF SAID SECTION 28, 737.85 FEET; THENCE S 00°03'55" W, 33.00 FEET TO A POINT ON THE SOUTH LINE OF WEST ML AVENUE (66' PUBLIC RIGHT OF WAY) AND THE POINT OF BEGINNING; THENCE S 01°33'23" E, 156.78 FEET; THENCE S 49°38'52" W, 84.21 FEET; THENCE S 05°04'05" W, 275.35 FEET; THENCE S 02°53'49" E, 118.56 FEET TO REFERENCE POINT "A"; THENCE S 00°00'00" E, 112.50 FEET TO THE POINT OF ENDING, CONTAINING 18,684.81 SQUARE FEET OR 0.429 ACRES, MORE OR LESS.

ACCESS & UTILITY EASEMENT DESCRIPTION: (AS SURVEYED)

ALL THAT PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 LYING NORTH OF THE RAILROAD TRACK OF THE MICHIGAN CENTRAL RAILROAD COMPANY (NOW NEW YORK CENTRAL RAILROAD COMPANY), SECTION 28, TOWN 2 SOUTH RANGE 12 WEST, OSHTEMO TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN, LYING 12.50 FEET EACH SIDE OF AND COINCIDENT WITH A CENTERLINE DESCRIBED AS: COMMENCING AT THE CENTER POST OF SAID SECTION 28; THENCE N 89°56'05" W ALONG THE EAST-WEST QUARTER LINE OF SAID SECTION 28, 737.85 FEET; THENCE S 00°03'55" W, 33.00 FEET TO A POINT ON THE SOUTH LINE OF WEST ML AVENUE (66' PUBLIC RIGHT OF WAY); THENCE S 01°33'23" E, 156.78 FEET; THENCE S 49°38'52" W, 84.21 FEET; THENCE S 05°04'05" W, 275.35 FEET; THENCE S 02°53'49" E, 118.56 FEET TO REFERENCE POINT "A"; THENCE N 17°59'47" E, 125.54 FEET; THENCE N 03°53'33" E, 330.79 FEET TO REFERENCE POINT "B"; THENCE N 09°59'06" E, 157.37 FEET TO THE SAID SOUTH LINE OF WEST ML AVENUE AND THE POINT OF ENDING, ALSO BEGINNING AT SAID REFERENCE POINT "B"; THENCE S 89°25'58" E, 149.60 FEET TO THE POINT OF ENDING, CONTAINING 29,566.36 SQUARE FEET OR 0.679 ACRES, MORE OR LESS.

TOPO SURVEY
IN SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 12 WEST

FOR: INFINIGY
SITE: OSHTEMO ORCHARD
SITE NO.: 2018022
ADDRESS: 8619 WEST ML AVENUE
KALAMAZOO, MI 49009
KALAMAZOO COUNTY

INFINIGY

NATIONAL SURVEY SERVICES COORDINATION BY:
GEOLINE SURVEYING, INC.
13400 WALKER TRAIL, SUITE 100, ALBANY, MI 49815
OFFICE: (386) 416-6300 FAX: (386) 462-9886
WWW.GEOLINEINC.COM

SURVEY WORK PERFORMED BY:
Global Land SOLUTIONS
Solutions that work for you.
9730 N. Greenville Rd.
Lakewood, Michigan 48850
(989) 352-4000
www.GlobalLandSolutions.com
Serving The Great Lakes Region

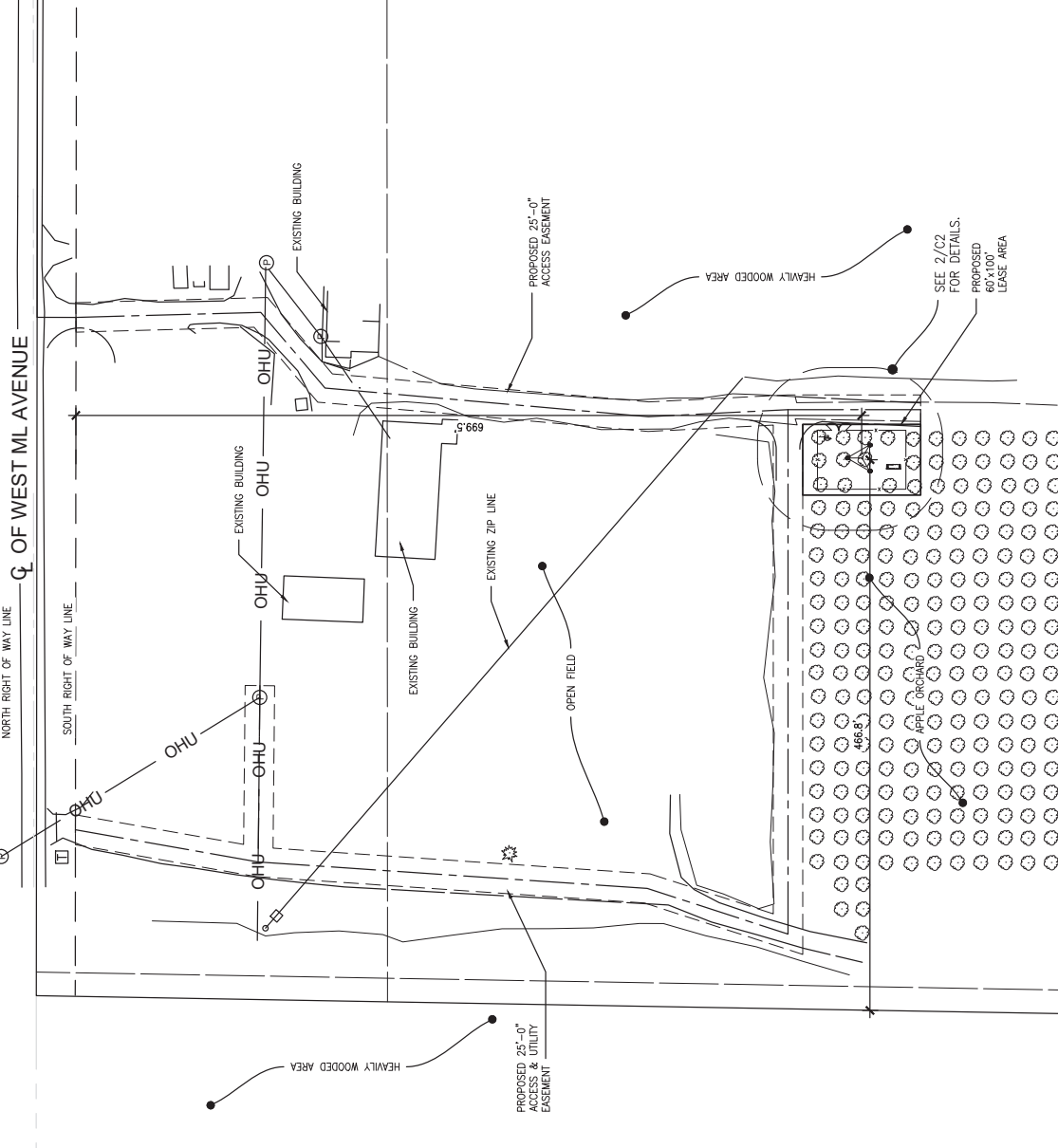
DRAWN BY: TBK [CHECKED BY: JMS JOB #: 193775

1. BASIS OF BEARING, ASSUMED N 89°56'05" W ON THE EAST-WEST 1/4 LINE SECTION 28.
 2. NO SUBSURFACE INVESTIGATION WAS PERFORMED. THE LOCATION OF UTILITIES SHOWN HEREON ARE LIMITED TO AND ARE PER OBSERVED EVIDENCE ONLY.
 3. THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY OF THE PARENT PARCEL.
 4. ALL VISIBLE TOWER EQUIPMENT AND IMPROVEMENTS ARE CONTAINED WITHIN THE DESCRIBED AREA.
 5. ALL SYMBOLS NOT TO SCALE.
- SURVEYOR'S CERTIFICATION
I HEREBY CERTIFY TO INFINIGY, PATHWAY SOLUTIONS.

GLOBAL LAND SOLUTIONS
Jay M. Schwandt
Jay M. Schwandt, P.S., J.D.
LAND SURVEYOR - MICHIGAN #47974
Date: DECEMBER 31, 2019
Revision: #1



NOTE: ROADS FOR FIRE DEPARTMENT ACCESS MUST BE KEPT CLEAR YEAR-ROUND.



Prepared By:
INFINIGY
 FROM ZERO TO INFINITY
 2500 W. HICKORY STREET
 HOFFMAN ESTATES, IL 60169
 PHONE: 847.915.9500-9993
 WWW.INFINIGY.COM



Signed: _____ Date: _____
 UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS
 A VIOLATION OF PROFESSIONAL ENGINEERING LAWS

2	REVISION COMMENTS	04/16/20
1	REVISION COMMENTS	03/27/20
0	ISSUED FOR SITE PLAN REVIEW	03/16/20
0	REVISION COMMENTS	03/17/20
0	ISSUED FOR REVIEW	03/16/20
0	REVISION COMMENTS	03/16/20

Designed by: GP Date: 4/24/20
 Approved by: JB Date: 4/24/20
 Infringe Project Number: 3176-Z0001-C

Project Title:
OSHTEMO ORCHARD
 2018022
 8619 WEST ML AVE.
 KALAMAZOO, MI 49009



Prepared For:
 THESE DOCUMENTS ARE CONFIDENTIAL AND ARE THE SOLE
 PROPERTY OF INFINIGY AND MAY NOT BE REPRODUCED,
 DISSEMINATED OR REDISTRIBUTED WITHOUT THE EXPRESS
 WRITTEN CONSENT OF PATHWAY SOLUTIONS.

Drawing Scale: _____
 AS NOTED: _____
SITE PLAN

Drawing Title:
OVERALL SITE PLAN

Drawing Number:
C1



1 OVERALL SITE PLAN
 C1





Signature: _____ Date: _____
 UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS
 A VIOLATION OF PROFESSIONAL ENGINEERING LAWS.

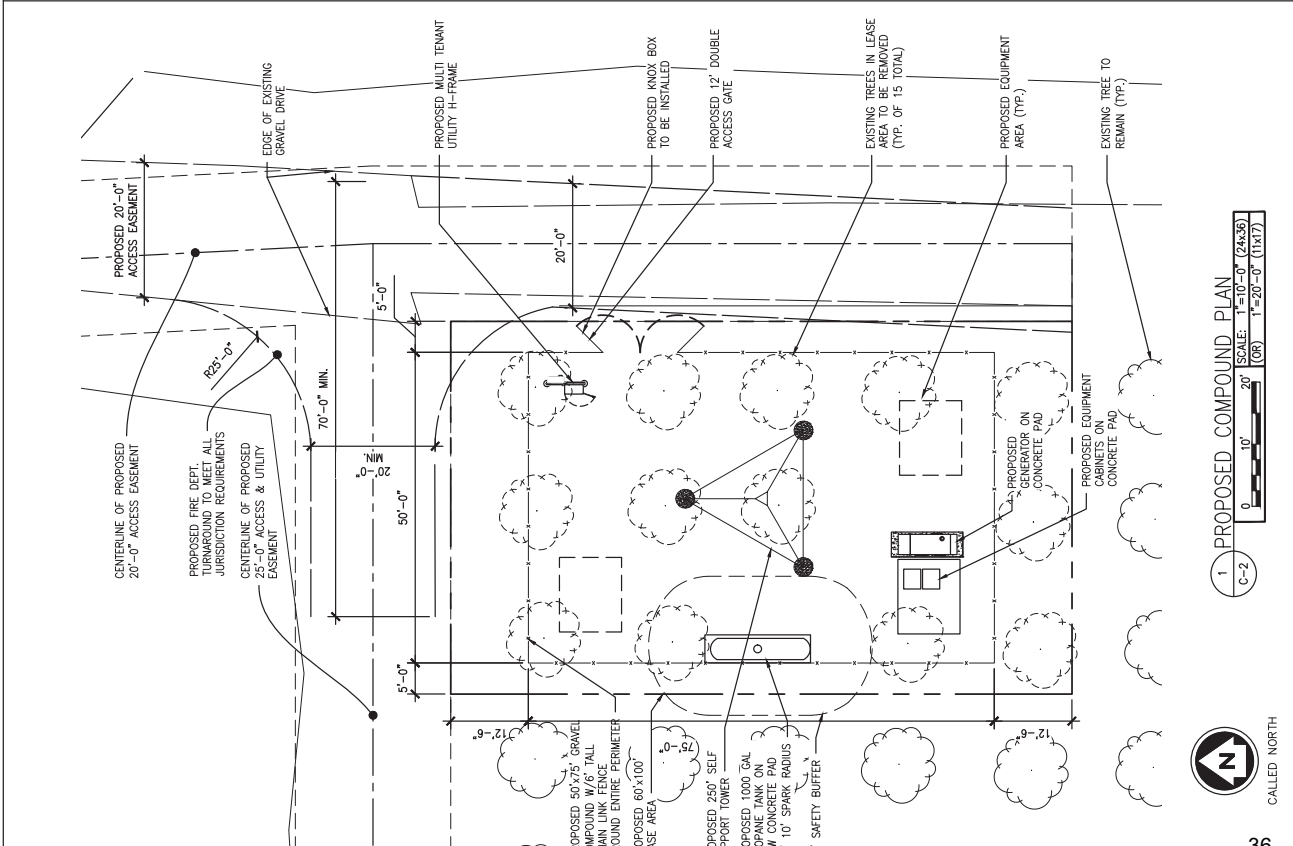
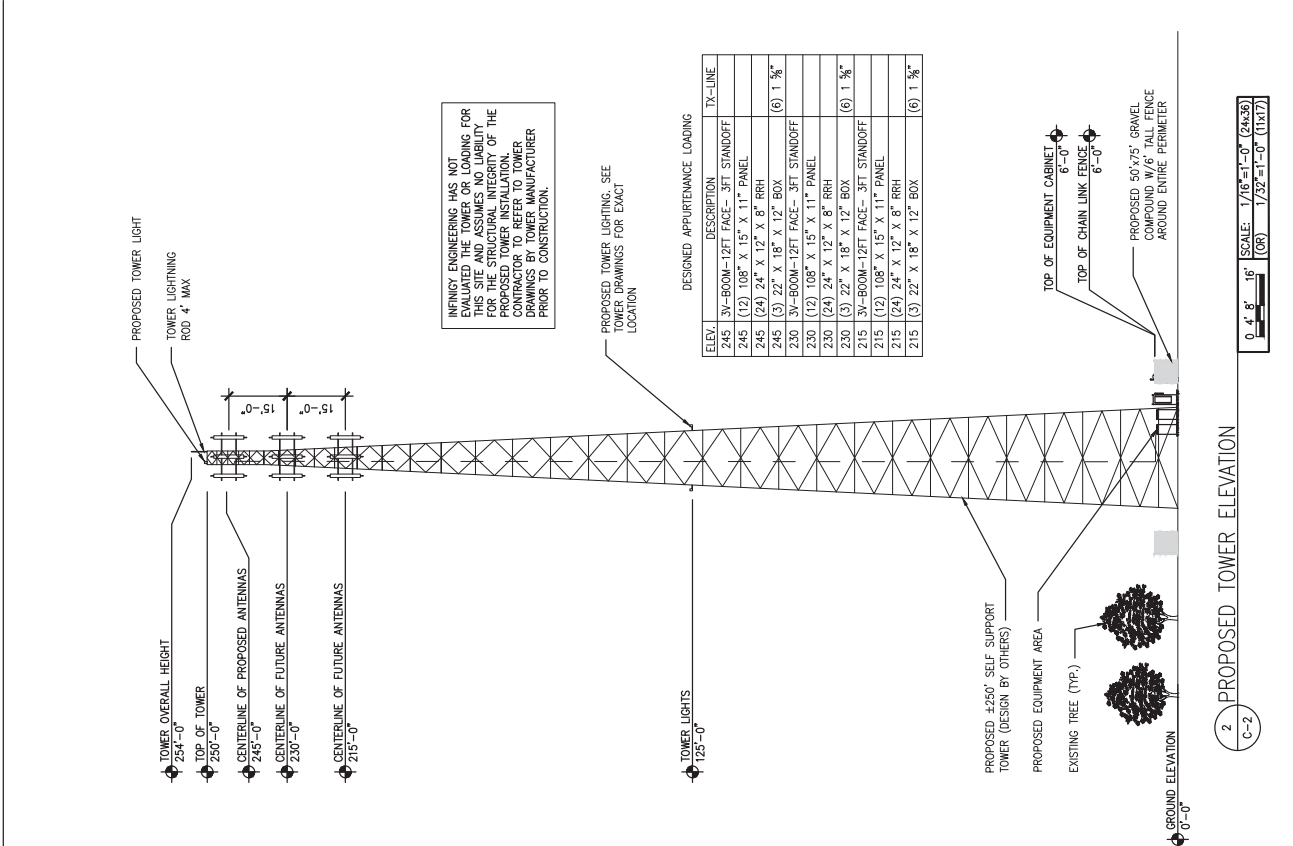
1	REVISION PER COMMENTS	DATE: 1/24/20
2	REVISION PER COMMENTS	DATE: 1/24/20
3	REVISION PER COMMENTS	DATE: 1/24/20
4	REVISION PER COMMENTS	DATE: 1/24/20
5	REVISION PER COMMENTS	DATE: 1/24/20
6	REVISION PER COMMENTS	DATE: 1/24/20
7	REVISION PER COMMENTS	DATE: 1/24/20
8	REVISION PER COMMENTS	DATE: 1/24/20
9	REVISION PER COMMENTS	DATE: 1/24/20
10	REVISION PER COMMENTS	DATE: 1/24/20

Designed: GP Date: 1/24/20
 Checked: GP Date: 1/24/20
 Approved: GP Date: 1/24/20
 Infringement Project Number: _____

Project Title:
OSHTEMO ORCHARD
2018022
 8619 WEST MIL AVE.
 KALAMAZOO, MI 49009

Prepared For:
PATHWAY SOLUTIONS
 THESE DOCUMENTS ARE CONFIDENTIAL AND ARE THE SOLE PROPERTY OF INFINIGY AND MAY NOT BE REPRODUCED, DISSEMINATED OR REDISTRIBUTED WITHOUT THE EXPRESS WRITTEN CONSENT OF PATHWAY SOLUTIONS.

SITE PLAN
 Drawing Title: _____
 Drawing Scale: _____
 Date: _____
 AS NOTED: _____
PROPOSED COMPOUND PLAN & TOWER ELEVATION
 Drawing Number: **C-2**



2 PROPOSED TOWER ELEVATION
 SCALE: 1/16"=1'-0" (24x36)
 OR 1/32"=1'-0" (11x17)

1 PROPOSED COMPOUND PLAN
 SCALE: 1"=10'-0" (24x36)
 OR 1"=20'-0" (11x17)



March 6, 2020

Iris Lubbert
Planning Director
Oshtemo Charter Township
7275 W. Main Street
Kalamazoo, MI 49009

RE: Pathway Solutions Zoning Application at 8619 West ML Avenue / Zoning Addendum

Dear Ms. Lubbert:

Please accept this letter containing the information required under Section 49.70 Communication Towers in the Oshtemo Township zoning ordinance as an addendum to our zoning application.

49.50 C. Communication tower provisions

1. Justification: The search radius for this facility is 0.5 miles (Exhibit A). The only existing structures within the search radius; and two miles for that matter; are the METC transmission towers. These towers are only approximately 90' tall and too short to provide the coverage necessary to provide adequate broadband service to the area.

2. Design of Tower: The proposed self-support lattice tower will be 254' tall (250' tower with a 4' lightning rod). It is designed to accommodate our equipment and two additional carriers with a 15' minimum separation distance. The proposed tower will be galvanized steel gray in color. It will be set back from ML Avenue 699' and be screened on all sides by existing mature trees.

3. Height: The proposed self-support lattice tower will be 254' tall (250' tower with a 4' lightning rod).

4. Tower setbacks: The proposed tower exceeds all setback requirements.

5. Accessory structures: There will be no buildings at this time. The proposed ground equipment will be two or three cabinets roughly the size of a standard refrigerator located on a concrete pad. The proposed ground equipment will be screened from surrounding properties by the thick mature trees existing on the property.

6. Landscaping/screening: The proposed facility will be screened from the surrounding properties by existing thick vegetation. No additional landscaping is proposed or necessary due to the heavily wooded perimeter.

7. **Security fencing:** The proposed facility will be surrounded by a six-foot high chain link fence.

8. **Lighting:** The proposed tower is required to be lit per FAA guidelines. It will be lit at the top and at the 125' level. We will use the FLASH technology lighting system that includes horizontal beams that greatly reduces the visual obtrusiveness of the tower lights. There will be no lights associated with the compound or ground equipment.

9. **Signs and advertising:** There will be no signs mounted on the tower.

10. **Interference with public safety telecommunications:** The proposed facility will not interfere with any existing public safety equipment or any other wireless equipment for that matter. Please see Exhibit B attached.

11. **Site access and parking:** The proposed facility will be accessed from ML Ave by an existing dirt/gravel commercial driveway. No parking is necessary for the unmanned facility.

12. **Inspections:** Pathway Solutions will have the tower inspected once per year and have the reports available for the township to review upon request.

13. **Updated information:** Pathway Solutions shall comply with this requirement.

14. **Abandonment or unused towers:** Pathway Solutions shall comply with this requirement. Please see Exhibit C for a copy of the lease agreement.

D. Additional application requirements:

1. See attached zoning drawings, Exhibit D.
2. See attached Exhibit E.

E. Collocation: This section does not apply.

GENERAL IMPACT

Earth, Air, Water, Plant Life, Animal Life

The proposed project includes minimal grading. Access to the site is by an existing dirt/gravel driveway from ML Avenue. There will be no air emissions from the equipment. No animal life will be disrupted because of this project

Noise

The proposed facility will be operated within the township noise standards.

Light and Glare

The tower will be lit per FAA regulations using horizontal beam FLASH technology at the 250' and 125' levels.

Land Use

The proposed unmanned wireless telecommunications facility will include antennas and associated equipment. The use is consistent with the underlying zoning and general plan.

Natural Resources

The proposed facility uses little power and is not expected to significantly increase consumption of or demand for natural resources.

Risk of Upset

The proposed equipment incorporates adequate safety measures and precautions. Each facility is electronically monitored 24 hours a day for intrusion and environmental disruption. The facility will also contain a small sign identifying the site as a Pathway Solutions facility and a phone number to call in case of an emergency (staffed 24 hours a day by Pathway Solution employees). Pathway Solutions will comply with all FCC regulations regarding signage at the facility.

To provide back-up power, the project does include a propane gas-powered generator and batteries. The generator will be located on a concrete pad. The generator is monitored 24 hours a day via an alarm system. A 1,000-gallon propane tank will be located on a concrete pad. The batteries are located inside an equipment cabinet.

Population and Housing

The proposed Pathway Solution unmanned wireless telecommunication facility will not affect population or housing trends in the area.

Transportation and Circulation

The proposed facility will have minimal impact on traffic and circulation. Peak travel to the proposed project will be limited to the initial construction of the facility, which should take approximately six to eight weeks. After construction is complete, the facility will be visited two to three times a month for routine maintenance.

Public Services, Energy and Utilities

The small, unmanned facility will not generate demand for additional public services and will not increase demand upon existing energy sources. The equipment will connect to and use utility systems (electrical and fiber optic lines) that are already present on the subject parcel. The

proposed facility will not require the use of services such as water or sewer. Electrical power and fiber optic services are the only necessary utilities.

Human Health

The proposed facility falls significantly below all state and federal regulations for emissions of non-ionizing radiation. All antenna facilities (including radio and television broadcasting, microwave and cellular communications, ham radios and police radar) emit a small amount of non-ionizing radio frequency radiation.

Aesthetics

The new tower will have a self-support lattice design and galvanized grey in color. The equipment cabinets, generator, and propane tank will be located adjacent to the tower and screened by existing mature trees.

Recreation

The proposed unmanned wireless telecommunication facility will have no impact on existing recreational facilities.

Archaeological and Historical Resources

The proposed facility will not have any impact on the archaeological and historic resources of the area.

Site Maintenance

A technician, for routine inspection and equipment maintenance, will visit the site two to three times per month. In addition, the equipment cabinets, radio equipment and tower are monitored via an alarm system. Should an alarm be activated, the site will be visited.

CONCLUSION

The establishment of this telecommunications facility will not be detrimental to the public health, safety or welfare of persons residing or working in the area, or be materially injurious to the neighborhood, or the general welfare of Oshtemo Township. The proposed facility will not place any burden on traffic, nor will it result in objectionable levels of noise, odor, dust, or dirt.

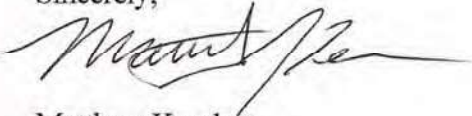
The proposed facility will be a link to important communication infrastructure. Individuals and businesses will be able to access wireless communications to stay in business, to expand their business, to provide personal convenience, or to strengthen personal safety and the ability to communicate on demand with business, government, family and friends.

In addition, the energy emitted is well below or within the parameters established by the FCC. The proposed facility will not interfere with any police, fire or emergency communications, or

nearby televisions or radios by Pathway Solutions. The FCC controls and regulates the operation of all the telecommunication equipment and devices to be used at this proposed facility. The proposed facility will conform to all FCC standards and regulations.

Please call me at (507) 216-6576 if you have any questions. Thank you in advance for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Kundert", with a long horizontal flourish extending to the right.

Matthew Kundert

This page has been intentionally left blank for printing purposes.

Shemo Rd

W L Ave

Pine Acres Dr

Wendell Way

Proposed Oshtemo Orchard
Pathway SAR 2018022

W M Ave

Hathaway Rd

S 6th St

W MI Ave

Google Earth

© 2020 Google

4000 ft





April 9, 2020

RE: Pathway Solutions Zoning Application at 8619 West ML Avenue for Tower
Property Location: 8619 West ML Avenue, Kalamazoo, MI 49009 (the "Property")
Letter Stating Tower Compliance with FAA and FCC regulations

To Who it May Concern,

Pathway Solutions LLC will comply with all FAA and FCC regulations for this proposed tower. FAA compliance is accomplished through an FAA Aeronautical Study and issuance of a "Determination of No Hazard to Air Navigation" along with any conditions of the determination. FCC compliance is accomplished through registration of the tower in the FCC's ASR (Antenna Structure Registration) system and the issuance of an ASR #.

Sincerely,

A handwritten signature in black ink, appearing to read "N. Fox", is written over the typed name.

Nolan Fox
President
Pathway Solutions LLC

June 2, 2020

SUBJECT: COMMENTS ON SPECIAL USE REVIEW FOR 254-FOOT TALL COMMUNICATION TOWER at 8619 WEST ML AVENUE.

OSHTEMO CHARTER TOWNSHIP PLANNING COMMISSION
7275 W. Main Street
Kalamazoo, MI 49009
Iris Lubbert, Planning Director

I OBJECT to the construction of a communication tower on the property located at 8619 W. ML Avenue, Kalamazoo, MI.

My property is directly across the road from the subject property and in my opinion the property at 8619 W. ML is already in blatant violation of Oshtemo Township lighting ordinances. I currently suffer the nuisance of these lights blazing away from dusk to dawn every night interfering with the enjoyment of my property at night.

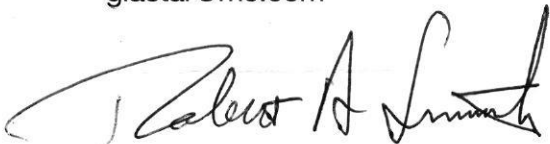
Given the current violation of Oshtemo Township Lighting ordinances I cannot believe that a tower with a blinking light on top is going to be anything other than an additional detraction from the nighttime enjoyment of my property.

Further the VerHages DO NOT LIVE AT THE SUBJECT PROPERTY! They themselves do not have to suffer the presence of a tower.

Thank you for the opportunity to make my objections known. I hope you seriously consider my objection at the June 11, 2020 meeting.

Regards

Robert A. Smith
8716 W ML Ave
Kalamazoo, MI. 49009
269 808-7440
glastar@me.com





Williams Williams Rattner & Plunkett, P.C.
Attorneys and Counselors

380 North Old Woodward Avenue
Suite 300
Birmingham, Michigan 48009

Tel: (248) 642-0333

Fax: (248) 642-0856

Robert A. LaBelle

Direct: 248-530-0717

June 8, 2020

Oshtemo Charter Township
Attention: Ms. Iris Lubbert
7275 W. Main Street
Kalamazoo, MI 49009

via overnight mail and email

**RE: Pathway Solutions, Special Use approval for a Wireless Communication Tower,
8619 W ML Avenue, Parcel number 3905-05-28-330-010**

Dear Ms. Lubbert:

As you may know, we are special counsel to Pathway Solutions, Inc. with respect to the referenced matter. While we will more fully respond at the Planning Commission meeting on June 11, 2020, this letter will specifically respond to the Planning Report, dated June 5, 2020, as to missing information that Pathway Solutions had previously submitted to or communicated to the Township, but which was not included in the package to the Planning Commission. This letter and its attachments, therefore, are provided in order to ensure that a complete record is presented to the Planning Commission.

Upon review of the Report, we have noted that a significant amount of the written correspondence regarding the Application has not been included or was omitted. Again, in order to provide the complete record to the Planning Commission with respect to material elements of the Application, including, for example, certification of emissions, we attach the entire set of written communications which should now be included in the package to the Planning Commission.

For clarity, we also point out that the attached is the complete interaction between Pathway Solutions and Oshtemo Township and that there were no verbal conversations once the Application was submitted, other than a call to the Fire Dept. for clarification on the requested vehicle turnaround.

Regards,

Robert A. LaBelle

cc: Bruce VanderWeele, Planning Commission
James Porter, Esq.
Richard A. Comi

Matt Kundert

From: Matt Kundert <mkundert@unwiredconsulting.com>
Sent: Thursday, January 09, 2020 12:00 PM
To: 'bclark@oshtemo.org'
Subject: Pathway Planning and Zoning Application
Attachments: 2018022 Oshtemo Orchard Site Plan_1-06-19.pdf

Ben, I spoke to Linda regarding an application that you should have or that is coming in today (via FedEx) from Pathway Solutions regarding a communications tower. Linda said to send 4 hard copies of plans (those are included with the application) and a pdf emailed to you. (attached here)

Let me know if you have any questions.

Thanks!
Matt

*Matthew Kundert
Unwired Consulting, Inc.
2625 Monroe Drive NW
Rochester, MN 55901*

*507-216-6576 office
507-319-3399 mobile
mkundert@unwiredconsulting.com*

Matt Kundert

From: Ben Clark <BClark@oshtemo.org>
Sent: Thursday, January 09, 2020 12:03 PM
To: Matt Kundert
Cc: Iris Lubbert
Subject: RE: Pathway Planning and Zoning Application

Great. Thanks for forwarding the PDF, Matt. Assuming your parcel does arrive today, you'll beat the submission deadline for our February 27th Planning Commission meeting by five calendar days, so that'll work well. I'll confirm receipt with you soon.

Thanks again. We'll be in touch as we work through the review process.

Ben Clark

Zoning Administrator/GIS Specialist

Oshtemo Charter Township

[7275 W. Main Street](#)

[Kalamazoo, MI 49009](#)

[269.216.5223](#)

[269.375.7180](#) (fax)

Matt Kundert

From: Matt Kundert <mkundert@unwiredconsulting.com>
Sent: Thursday, January 09, 2020 12:06 PM
To: 'Ben Clark'
Cc: 'Iris Lubbert'
Subject: RE: Pathway Planning and Zoning Application

FedEx shows it delivered.
Signed for by: C.MOESLEIN

*Matthew Kundert
Unwired Consulting, Inc.
2625 Monroe Drive NW
Rochester, MN 55901*

*507-216-6576 office
507-319-3399 mobile
mkundert@unwiredconsulting.com*

Matt Kundert

From: Ben Clark <BClark@oshtemo.org>
Sent: Thursday, January 09, 2020 12:25 PM
To: Matt Kundert
Cc: Iris Lubbert
Subject: RE: Pathway Planning and Zoning Application

Just laid hands on it, Matt. We'll provide you with a receipt of payment once the checks have been entered.

Thanks again,

Ben Clark

Zoning Administrator/GIS Specialist

Oshtemo Charter Township

[7275 W. Main Street](#)

[Kalamazoo, MI 49009](#)

[269.216.5223](#)

[269.375.7180](#) (fax)

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7275 W. Main Street, Kalamazoo, Michigan 49009-9334
Phone: 269-216-5223 Fax: 269-375-7180

PLEASE PRINT

PROJECT NAME & ADDRESS Pathway Oshemo Orchard 2018022 / 8619 W ML Avenue

PLANNING & ZONING APPLICATION

Applicant Name : Pathway Solutions
Company Pathway Solutions
Address 308 E Burlington Street, Ste 219
Iowa City, IA 52240
E-mail mkundert@unwiredconsulting.com
Telephone 507-216-6576 Fax _____
Interest in Property Lease

THIS SPACE
FOR
TOWNSHIP
USE
ONLY

Fee Amount _____
Escrow Amount _____

OWNER*:

Name Kelly Verhage-Mallory & Kevin Verhage
Address 8619 West ML Avenue
Kalamazoo, MI 49009
Email _____
Phone & Fax _____

NATURE OF THE REQUEST: (Please check the appropriate item(s))

- | | |
|--|---|
| <input type="checkbox"/> Planning Escrow-1042 | <input type="checkbox"/> Land Division-1090 |
| <input checked="" type="checkbox"/> Site Plan Review-1088 | <input type="checkbox"/> Subdivision Plat Review-1089 |
| <input type="checkbox"/> Administrative Site Plan Review-1086 | <input type="checkbox"/> Rezoning-1091 |
| <input checked="" type="checkbox"/> Special Exception Use-1085 | <input type="checkbox"/> Interpretation-1082 |
| <input type="checkbox"/> Zoning Variance-1092 | <input type="checkbox"/> Text Amendment-1081 |
| <input type="checkbox"/> Site Condominium-1084 | <input type="checkbox"/> Sign Deviation-1080 |
| <input type="checkbox"/> Accessory Building Review-1083 | Other: _____ |

BRIEFLY DESCRIBE YOUR REQUEST (Use Attachments if Necessary): Installation of an unmanned

Wireless communications facility including a 250' self-support tower and ground equipment
consisting of equipment cabinets, back-up power generator and one thousand gallon propane tank.

LEGAL DESCRIPTION OF PROPERTY (Use Attachments if Necessary):

See attached survey

PARCEL NUMBER: 3905- 05-28-330-010

ADDRESS OF PROPERTY: 8619 West ML Avenue

PRESENT USE OF THE PROPERTY: Farm

PRESENT ZONING AG **SIZE OF PROPERTY** 65 acres

NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:

Name(s)	Address(es)
Kelly Verhage-Mallory	8619 West ML Avenue, Kalamazoo, MI 49009
Kevin Verhage	8619 West ML Avenue, Kalamazoo, MI 49009

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. I (we) acknowledge that we have received the Township's Disclaimer Regarding Sewer and Water Infrastructure. By submitting this Planning & Zoning Application, I (we) grant permission for Oshtemo Township officials and agents to enter the subject property of the application as part of completing the reviews necessary to process the application.

See attachment

Owner's Signature(* If different from Applicant)

Date

[Handwritten Signature] ORBO Pathway Solution

1/3/2020

Applicant's Signature

Date

- Copies to:
- Planning -1
- Applicant -1
- Clerk -1
- Deputy Clerk -1
- Attorney-1
- Assessor -1
- Planning Secretary - Original

PLEASE ATTACH ALL REQUIRED DOCUMENTS

LETTER OF AUTHORIZATION

Property Address: 8619 West ML Avenue, Kalamazoo, MI 49009

Parcel ID#: 05-28-330-010

RE: Applications for Zoning/Land Use/Building Permits

The undersigned, the Owner of the above described property (the "Property"), does hereby authorize Pathway Solutions and its representatives, as Owner's agent (the "Authorized Agent") for the purpose of completing and/or filing any application, form, map, drawing, site plan or other document, in obtaining any zoning approval, variance, special permit or other land use approval or building permit (collectively, the "Approvals"), required to provide Pathway Solutions with lawful access to, and the ability to use the Property for the purpose of installing, erecting or otherwise placing a tower and related equipment on the Property.

By: 
Kevin R. Verhage

Date: 9-27-19

By: 
Kelly L. Verhage-Mallory

Date: 9-27-19



November 18, 2019

Oshtemo Township Planning Commission
7275 W. Main Street
Kalamazoo, MI 49009

RE: Pathway Solutions Site Plan Review / Special Exception Use
Pathway Solutions Site Oshtemo Orchard / 2018022
8619 West ML Avenue, Kalamazoo, MI 49009

Dear People:

Please accept this letter as notification that the proposed Pathway Solutions tower at the above referenced location will be designed as a multi carrier tower capable of accommodating a minimum of two additional antenna arrays below the primary array @ 245' CL. As is industry standard, Pathway allows collocation by other carriers on its towers and follows industry standards to accomplish the same.

Should you have any questions please contact Nolan Fox, 563-594-4460,
nolanf@pathwaysol.com.

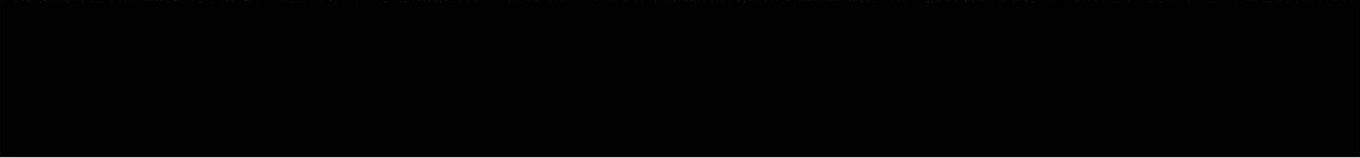
Regards,


Nolan Fox
President/Operations

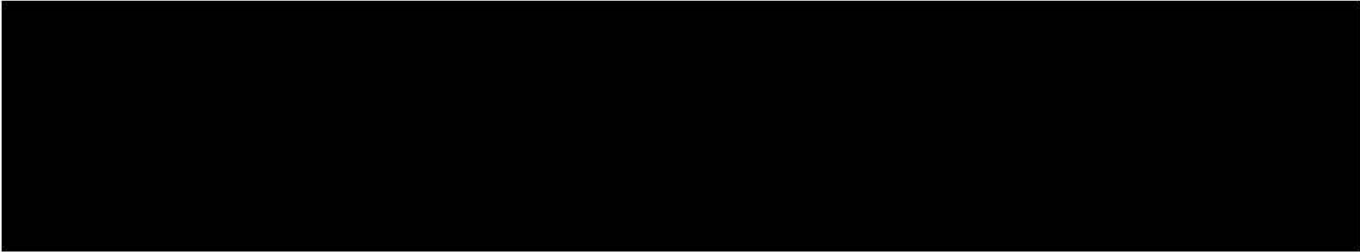
LAND LEASE AGREEMENT

This Land Lease Agreement (hereinafter "Agreement") is made and entered into this 11th of October, 2019, by and between Kevin R. Verhage and Kelly L. Verhage-Mallory (hereinafter referred to as "Lessor") located at 8619 West ML Avenue, Kalamazoo, Michigan 49009 and Pathway Solutions LLC, an Iowa limited liability company (hereinafter referred to as "Lessee") located at 308 E Burlington Street, Suite 219, Iowa City, Iowa 52240.

1. **Site and Use.** The Lessor leases to Lessee land consisting of approximately 6,000 square feet (60'x100') upon which Lessee will construct its communications facility, shown on Exhibit A, attached hereto, together with non-exclusive easements



2. **Term.**



4. **Title and Quiet Possession.**



6. **Notices.** All notices must be in writing and are effective only when deposited in the U.S. mail, certified and postage prepaid, or when sent via overnight delivery. Notices will be addressed to the parties as follows:

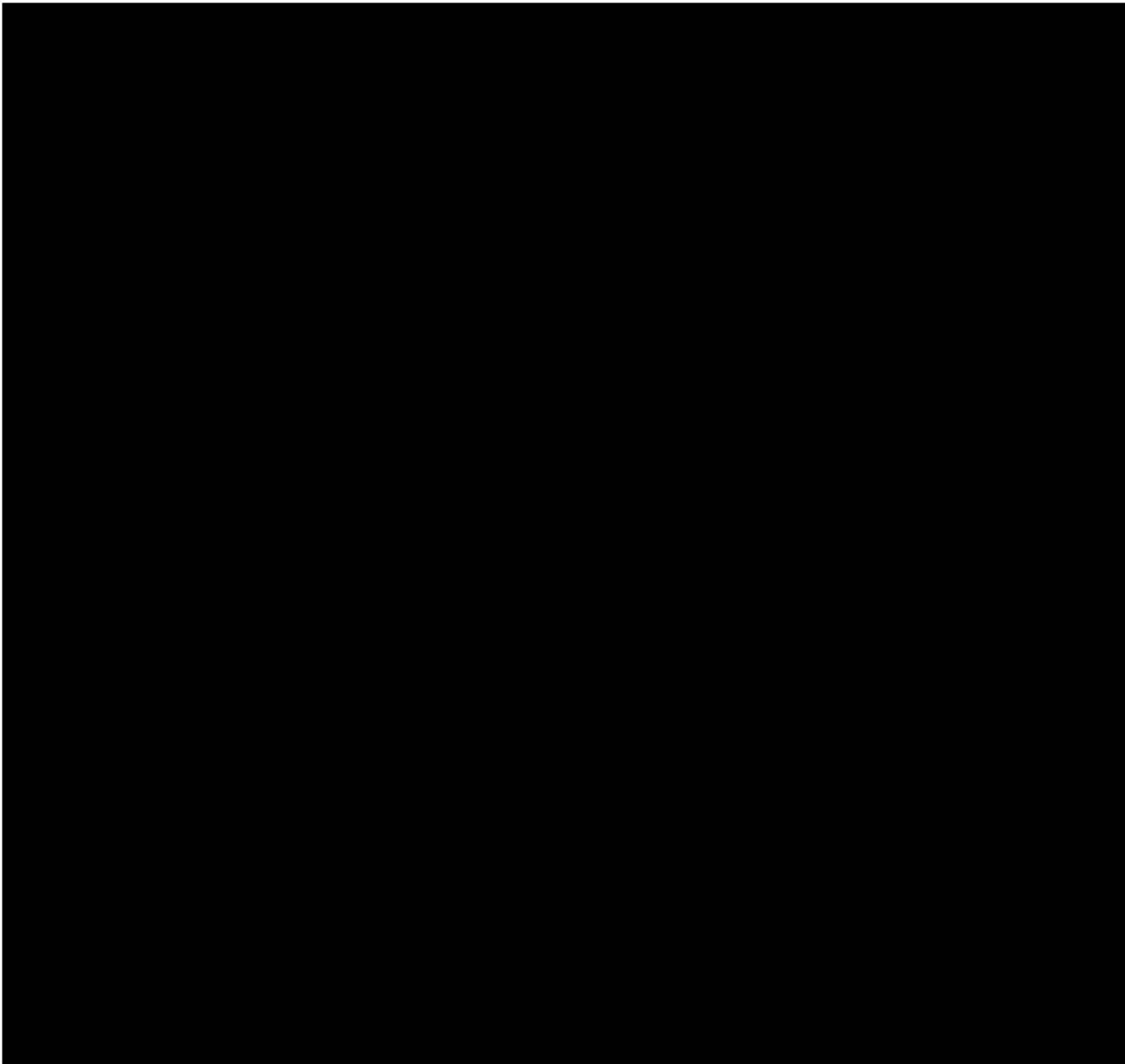
If to Lessee:
Pathway Solutions LLC
Re: Oshtemo Orchard
308 E Burlington Street, Ste B
Iowa City, Iowa 52240

If to Lessor:
Kevin R. Verhage
Kelly L. Verhage-Mallory
8619 West ML Avenue
Kalamazoo, MI 49009

7. **Improvements.**

 Lessor agrees to cooperate with Lessee with respect to obtaining any required zoning or other governmental approvals for the Site and the Facilities. Upon termination or expiration

of this Agreement, Lessee shall remove the above ground portions of the Facilities and will restore the Site to substantially the condition existing on the Lease Commencement Date, except for ordinary wear and tear and casualty loss.



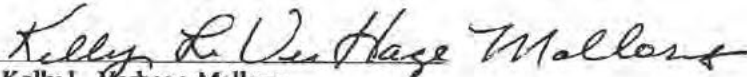
IN WITNESS WHEREOF, the parties have caused this Agreement to be effective as of the last date written below.

LESSOR

Kevin R. Verhage and Kelly L. Verhage-Mallory

By: 
Kevin R. Verhage


Date: 9-27-19

By: 
Kelly L. Verhage-Mallory

Date: 9/27/19

LESSEE

Pathway Solutions LLC

By: 
Its: President Nolan G. Fox

Date: 10-11-19

[ACKNOWLEDGMENTS APPEAR ON THE NEXT PAGE]

Pathway Solutions
308 E Burlington Street, Suite 219
Iowa City, IA 52240

US Bank
Des Moines, Iowa 50309

10527

17-2/910

1/3/2020

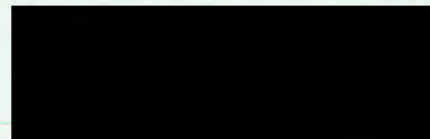
PAY TO THE ORDER OF Oshtemo Township

\$ **400.00

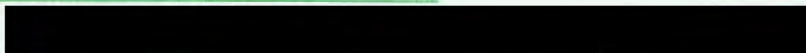
Four Hundred and 00/100*****

DOLLARS
Security feature included.
Details on back.

Oshtemo Township
7275 W Main Street
Kalamazoo, MI 49009



MEMO Special Exception Use Fee - Oshtemo Orchard



10527

Oshtemo Township

1/3/2020

Special Exception Use Fee - Oshtemo Orchard

400.00

Checking

Special Exception Use Fee - Oshtemo Orchard

400.00

10527

Oshtemo Township

1/3/2020

Special Exception Use Fee - Oshtemo Orchard

400.00

Checking

Special Exception Use Fee - Oshtemo Orchard

400.00

Pathway Solutions
308 E Burlington Street, Suite 219
Iowa City, IA 52240

US Bank
Des Moines, Iowa 50309

10528

17-2/910

1/8/2020

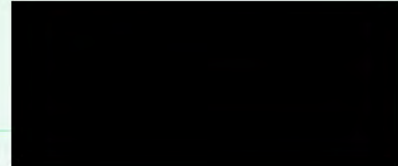
PAY TO THE ORDER OF Oshtemo Township

**2,100.00

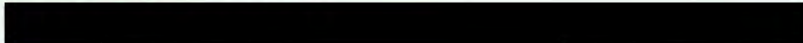
Two Thousand One Hundred and 00/100*****

DOLLARS
Security feature included. Details on back.

Oshtemo Township
7275 W Main Street
Kalamazoo, MI 49009



MEMO Site Plan Review Fee - Oshtemo Orchard



10528

Oshtemo Township

Site Plan Review Fee - Oshtemo Orchard

1/8/2020

2,100.00

Checking

Site Plan Review Fee - Oshtemo Orchard

2,100.00

10528

Oshtemo Township

Site Plan Review Fee - Oshtemo Orchard

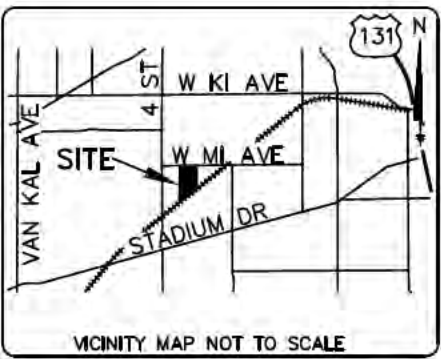
1/8/2020

2,100.00

Checking

Site Plan Review Fee - Oshtemo Orchard

2,100.00



PROPOSED TOWER LOCATION INFORMATION:
 NAD 83
 LATITUDE = 42°15'53.07" N ±20'
 LONGITUDE = 85°43'10.30" W ±20'
 GROUND ELEVATION AT PROPOSED BASE = 974.14' ±3' NAVD88

TOPO SURVEY
 IN SECTION 28,
 TOWNSHIP 2 SOUTH, RANGE 12 WEST
 FOR: INFINIGY
SITE: OSHTEMO ORCHARD
 SITE NO.: 2018022
 ADDRESS: 8619 WEST ML AVENUE
 KALAMAZOO, MI 49009
 KALAMAZOO COUNTY

INFINIGY
 NATIONAL SURVEY SERVICES COORDINATION BY:

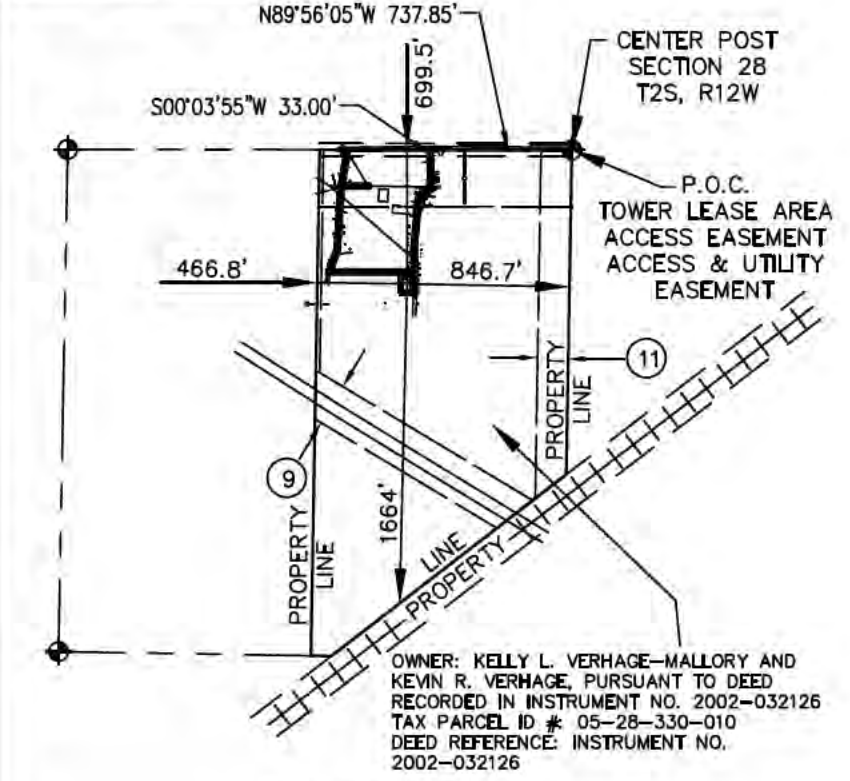
GEOLINE SURVEYING, INC.
 13430 NW 104th Terrace, Suite A, Alachua, FL 32615
 Office: (386) 418-0500 Fax: (386) 462-9986
 WWW.GEOLINEINC.COM

SURVEY WORK PERFORMED BY:
 Surveying & Mapping Performed By:
Global Land SOLUTIONS
 Solutions that work for you.
 Corporate Office:
 9730 N. Greenville Rd,
 Lakeview, Michigan 48850
 (989) 352-4000
 www.GlobalLandSolutions.com
 Serving The Great Lakes Region

DRAWN BY: TBK CHECKED BY: JMS JOB # 193175

- SURVEYOR'S NOTES**
1. BASIS OF BEARING, ASSUMED N 89°56'05" W ON THE EAST-WEST 1/4 LINE SECTION 28.
 2. NO SUBSURFACE INVESTIGATION WAS PERFORMED TO LOCATE UNDERGROUND UTILITIES. UTILITIES SHOWN HEREON ARE LIMITED TO AND ARE PER OBSERVED EVIDENCE ONLY.
 3. THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY OF THE PARENT PARCEL.
 4. ALL VISIBLE TOWER EQUIPMENT AND IMPROVEMENTS ARE CONTAINED WITHIN THE DESCRIBED AREA.
 5. ALL SYMBOLS NOT TO SCALE.
- SURVEYOR'S CERTIFICATION**
 I HEREBY CERTIFY TO INFINIGY, PATHWAY SOLUTIONS.

GLOBAL LAND SOLUTIONS
Jay M. Schwandt
 Jay M. Schwandt, PS, JD
 LAND SURVEYOR - MICHIGAN #47974
 Date: DECEMBER 31, 2019
 Revision: #1



OWNER: KELLY L. VERHAGE-MALLORY AND KEVIN R. VERHAGE, PURSUANT TO DEED RECORDED IN INSTRUMENT NO. 2002-032126 TAX PARCEL ID # 05-28-330-010 DEED REFERENCE: INSTRUMENT NO. 2002-032126

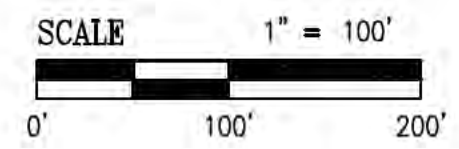
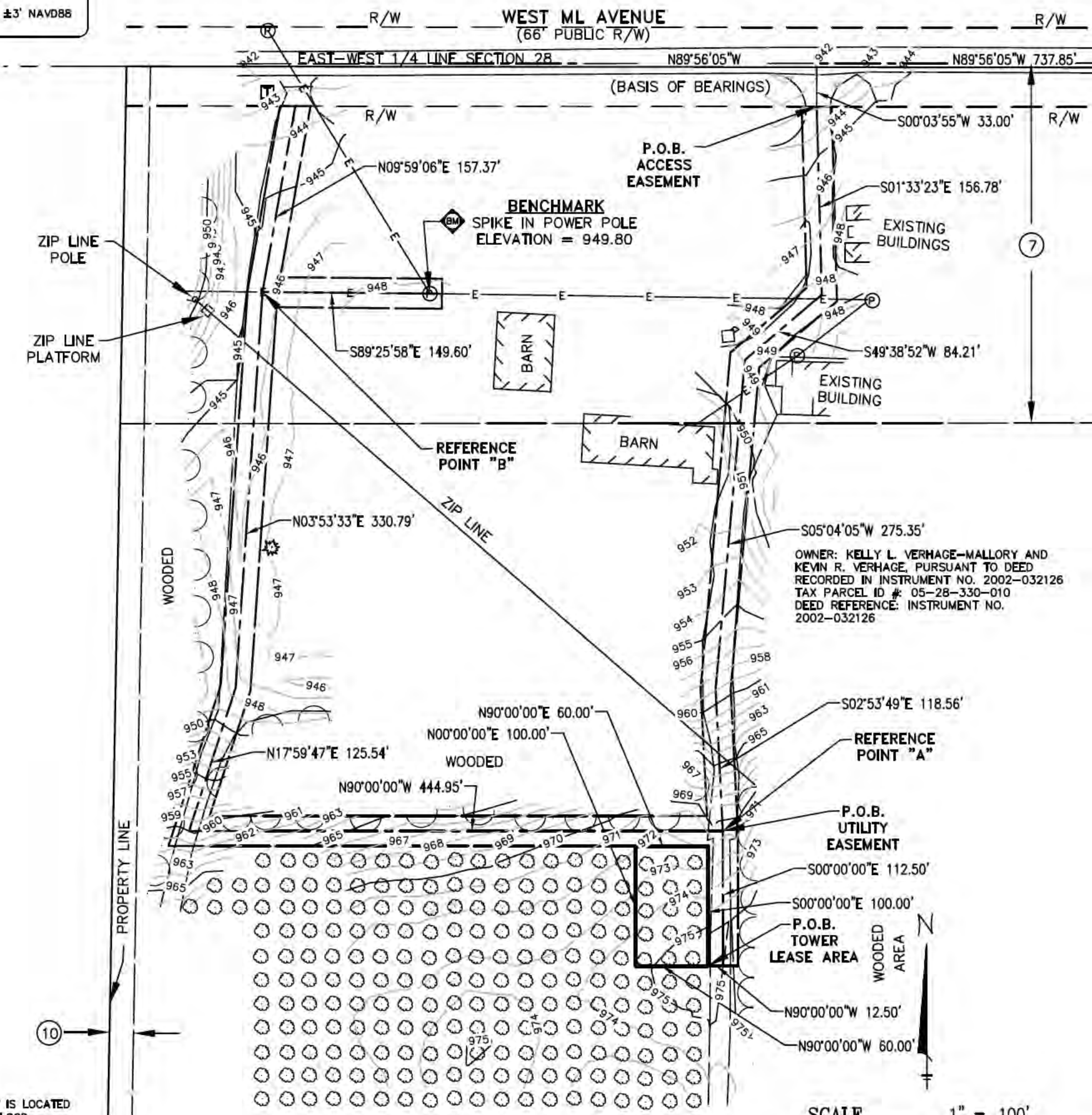
PARENT PARCEL DETAIL
 SCALE: NTS

- LEGEND**
- FOUND 5/8" IRON ○
 - FOUND PK NAIL △
 - SET 5/8" IRON ●
 - POINT OF BEGINNING P.O.B.
 - POINT OF COMMENCEMENT P.O.C.
 - RIGHT OF WAY R/W
 - POWER POLE Ⓟ
 - ELECTRIC TRANSFORMER BOX Ⓜ
 - ELECTRIC METER Ⓜ
 - TELEPHONE PEDESTAL Ⓜ
 - CABLE TV PEDESTAL Ⓜ
 - OVERHEAD ELECTRIC —E—
 - FENCE —*—

ZONING: NOT AVAILABLE

FLOOD NOTE: SUBJECT PROPERTY IS LOCATED IN ZONE "X", AREA OF MINIMAL FLOOD HAZARD PER F.E.M.A. MAP NO. 26077C01750 EFFECTIVE DATE 02/17/2010.

AREA TABLE	SQUARE FEET	ACRE
(A) PARENT PARCEL	2,894,827±	66.46±
(B) TOWER LEASE AREA	6,000	0.138
(C) ACCESS EASEMENT	18,684.81	0.429
(D) UTILITY EASEMENT	29,566.36	0.679



TOPO SURVEY
 IN SECTION 28,
 TOWNSHIP 2 SOUTH, RANGE 12 WEST

FOR: INFINIGY
SITE: OSHTEMO ORCHARD
 SITE NO.: 2018022
 ADDRESS: 8619 WEST ML AVENUE
 KALAMAZOO, MI 49009
 KALAMAZOO COUNTY

INFINIGY

NATIONAL SURVEY SERVICES COORDINATION BY:

GEOLINE SURVEYING, INC.

13430 NW 104th Terrace, Suite A, Alachua, FL 32615
 Office: (386) 418-0500 Fax: (386) 462-9986
 WWW.GEOLINEINC.COM

SURVEY WORK PERFORMED BY:

Surveying & Mapping Performed By:
Global Land SOLUTIONS
 Solutions that work for you.
 Corporate Office:
 9730 N. Greenville Rd,
 Lakeview, Michigan 48850
 (989) 352-4000
 www.GlobalLandSolutions.com
 Serving The Great Lakes Region

DRAWN BY: TBK CHECKED BY: JMS JOB # 193175

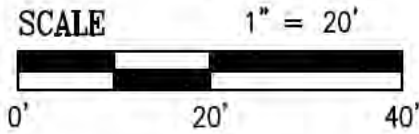
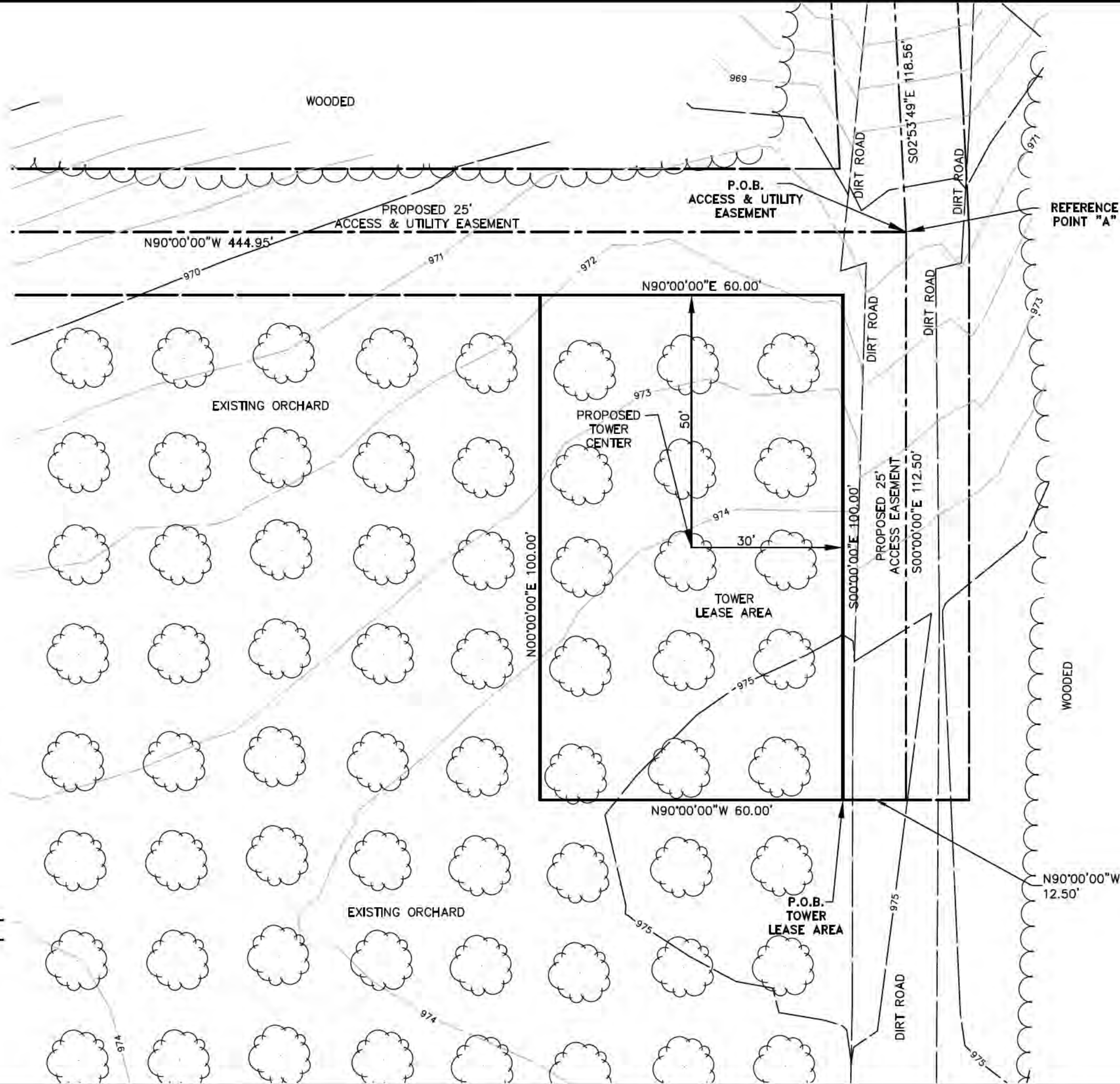
SURVEYOR'S NOTES

1. BASIS OF BEARING, ASSUMED N 89°56'05" W ON THE EAST-WEST 1/4 LINE SECTION 28.
2. NO SUBSURFACE INVESTIGATION WAS PERFORMED TO LOCATE UNDERGROUND UTILITIES. UTILITIES SHOWN HEREON ARE LIMITED TO AND ARE PER OBSERVED EVIDENCE ONLY.
3. THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY OF THE PARENT PARCEL.
4. ALL VISIBLE TOWER EQUIPMENT AND IMPROVEMENTS ARE CONTAINED WITHIN THE DESCRIBED AREA.
5. ALL SYMBOLS NOT TO SCALE.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY TO INFINIGY, PATHWAY SOLUTIONS.

GLOBAL LAND SOLUTIONS
Jay M. Schwandt
 Jay M. Schwandt, PS, JD
 LAND SURVEYOR - MICHIGAN #47974
 Date: DECEMBER 31, 2019
 Revision: #1



LEGEND

- | | |
|--------------------------|--------|
| FOUND 5/8" IRON | ○ |
| FOUND PK NAIL | △ |
| SET 5/8" IRON | ● |
| POINT OF BEGINNING | P.O.B. |
| POINT OF COMMENCEMENT | P.O.C. |
| RIGHT OF WAY | R/W |
| POWER POLE | ⊙ |
| ELECTRIC TRANSFORMER BOX | ⊞ |
| ELECTRIC METER | ⊞ |
| TELEPHONE PEDESTAL | ⊞ |
| CABLE TV PEDESTAL | CATV |
| OVERHEAD ELECTRIC FENCE | —E— |
| | —*— |

ITEMS 1 THROUGH 6, NOT A SURVEY MATTER.

- 7 The terms, provisions and easement(s) contained in the document entitled "Right of Way" recorded as Liber 357, Page 450 of Official Records, SHOWN.
- 8 Oil, gas and mineral reservations contained in the Instrument(s) recorded in Liber 491, Page 545, Liber 1160, Page 1310 and Instrument No. 2001-020084. This exception does not constitute a statement as to the ownership of this interest or right. There may be leases, grants, exceptions or reservations of such interests that are not listed. NOT SHOWN, BLANKET TYPE EASEMENT.
- 9 The terms, provisions and easement(s) contained in the document entitled "Permanent Electric Transmission Line Easement Agreement" recorded August 22, 2014 as Instrument No. 2014-027968 of Official Records, SHOWN.
- 10 The terms, provisions and easement(s) contained in the document entitled "Permanent Access Easement" recorded October 27, 2015 as Instrument 2015-036802 of Official Records, SHOWN.
- 11 The interest of John P. McNally and Mary Catherine McNally as disclosed in the Instruments recorded in Liber 979, Page 736 and Liber 979, Page 737, SHOWN.

Items 12 through 17, not a survey matter.

PARENT PARCEL DESCRIPTION: (AS PROVIDED)

Land in the Township of Oshtemo, Kalamazoo County, Michigan, described as follows:

The East 1/2 of the Southwest 1/4 lying North of the railroad track of the Michigan Central Railroad Company (now New York Central Railroad Company), Section 28, Town 2 South Range 12 West.

TOWER LEASE AREA DESCRIPTION: (AS SURVEYED)

ALL THAT PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 LYING NORTH OF THE RAILROAD TRACK OF THE MICHIGAN CENTRAL RAILROAD COMPANY (NOW NEW YORK CENTRAL RAILROAD COMPANY), SECTION 28, TOWN 2 SOUTH RANGE 12 WEST, OSHTEMO TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE CENTER POST OF SAID SECTION 28; THENCE N 89°56'05" W ALONG THE EAST-WEST QUARTER LINE OF SAID SECTION 28, 737.85 FEET; THENCE S 00°03'55" W, 33.00 FEET TO A POINT ON THE SOUTH LINE OF WEST ML AVENUE (66' PUBLIC RIGHT OF WAY); THENCE S 01°33'23" E, 156.78 FEET; THENCE S 49°38'52" W, 84.21 FEET; THENCE S 05°04'05" W, 275.35 FEET; THENCE S 02°53'49" E, 118.56 FEET TO REFERENCE POINT "A"; THENCE S 00°00'00" E, 112.50 FEET; THENCE N 90°00'00" W, 12.50 FEET TO THE POINT OF BEGINNING; THENCE N 90°00'00" W, 60.00 FEET; THENCE N 00°00'00" E, 100.00 FEET; THENCE N 90°00'00" E, 60.00 FEET; THENCE S 00°00'00" E, 100.00 FEET TO THE POINT OF BEGINNING. CONTAINING 6,000 SQUARE FEET OR 0.138 ACRES, MORE OR LESS.

ACCESS EASEMENT DESCRIPTION: (AS SURVEYED)

ALL THAT PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 LYING NORTH OF THE RAILROAD TRACK OF THE MICHIGAN CENTRAL RAILROAD COMPANY (NOW NEW YORK CENTRAL RAILROAD COMPANY), SECTION 28, TOWN 2 SOUTH RANGE 12 WEST, OSHTEMO TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN, LYING 12.50 FEET EACH SIDE OF AND COINCIDENT WITH A CENTERLINE DESCRIBED AS: COMMENCING AT THE CENTER POST OF SAID SECTION 28; THENCE N 89°56'05" W ALONG THE EAST-WEST QUARTER LINE OF SAID SECTION 28, 737.85 FEET; THENCE S 00°03'55" W, 33.00 FEET TO A POINT ON THE SOUTH LINE OF WEST ML AVENUE (66' PUBLIC RIGHT OF WAY) AND THE POINT OF BEGINNING; THENCE S 01°33'23" E, 156.78 FEET; THENCE S 49°38'52" W, 84.21 FEET; THENCE S 05°04'05" W, 275.35 FEET; THENCE S 02°53'49" E, 118.56 FEET TO REFERENCE POINT "A"; THENCE S 00°00'00" E, 112.50 FEET TO THE POINT OF ENDING. CONTAINING 18,684.81 SQUARE FEET OR 0.429 ACRES, MORE OR LESS.

ACCESS & UTILITY EASEMENT DESCRIPTION: (AS SURVEYED)

ALL THAT PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 LYING NORTH OF THE RAILROAD TRACK OF THE MICHIGAN CENTRAL RAILROAD COMPANY (NOW NEW YORK CENTRAL RAILROAD COMPANY), SECTION 28, TOWN 2 SOUTH RANGE 12 WEST, OSHTEMO TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN, LYING 12.50 FEET EACH SIDE OF AND COINCIDENT WITH A CENTERLINE DESCRIBED AS: COMMENCING AT THE CENTER POST OF SAID SECTION 28; THENCE N 89°56'05" W ALONG THE EAST-WEST QUARTER LINE OF SAID SECTION 28, 737.85 FEET; THENCE S 00°03'55" W, 33.00 FEET TO A POINT ON THE SOUTH LINE OF WEST ML AVENUE (66' PUBLIC RIGHT OF WAY); THENCE S 01°33'23" E, 156.78 FEET; THENCE S 49°38'52" W, 84.21 FEET; THENCE S 05°04'05" W, 275.35 FEET; THENCE S 02°53'49" E, 118.56 FEET TO REFERENCE POINT "A" AND THE POINT OF BEGINNING; THENCE N 90°00'00" W, 444.95 FEET; THENCE N 17°59'47" E, 125.54 FEET; THENCE N 03°53'33" E, 330.79 FEET TO REFERENCE POINT "B"; THENCE N 09°59'06" E, 157.37 FEET TO THE SAID SOUTH LINE OF WEST ML AVENUE AND THE POINT OF ENDING. ALSO BEGINNING AT SAID REFERENCE POINT "B"; THENCE S 89°25'58" E, 149.60 FEET TO THE POINT OF ENDING. CONTAINING 29,566.36 SQUARE FEET OR 0.679 ACRES, MORE OR LESS.

TOPO SURVEY

IN SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 12 WEST

FOR: INFINIGY

SITE: OSHTEMO ORCHARD

SITE NO.: 2018022

ADDRESS: 8619 WEST ML AVENUE

KALAMAZOO, MI 49009

KALAMAZOO COUNTY

INFINIGY

NATIONAL SURVEY SERVICES COORDINATION BY:

GEOLINE
SURVEYING, INC.

13430 NW 104th Terrace, Suite A, Alachua, FL 32615
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SURVEY WORK PERFORMED BY:

Surveying & Mapping Performed By:

Global Land
SOLUTIONS

Solutions that work for you.

Corporate Office:
9730 N. Greenville Rd,
Lakeview, Michigan 48850
(989) 352-4000
www.GlobalLandSolutions.com
Serving The Great Lakes Region

DRAWN BY: TBK CHECKED BY: JMS JOB # 193175

SURVEYOR'S NOTES

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5. ALL SYMBOLS NOT TO SCALE.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY TO INFINIGY, PATHWAY SOLUTIONS.

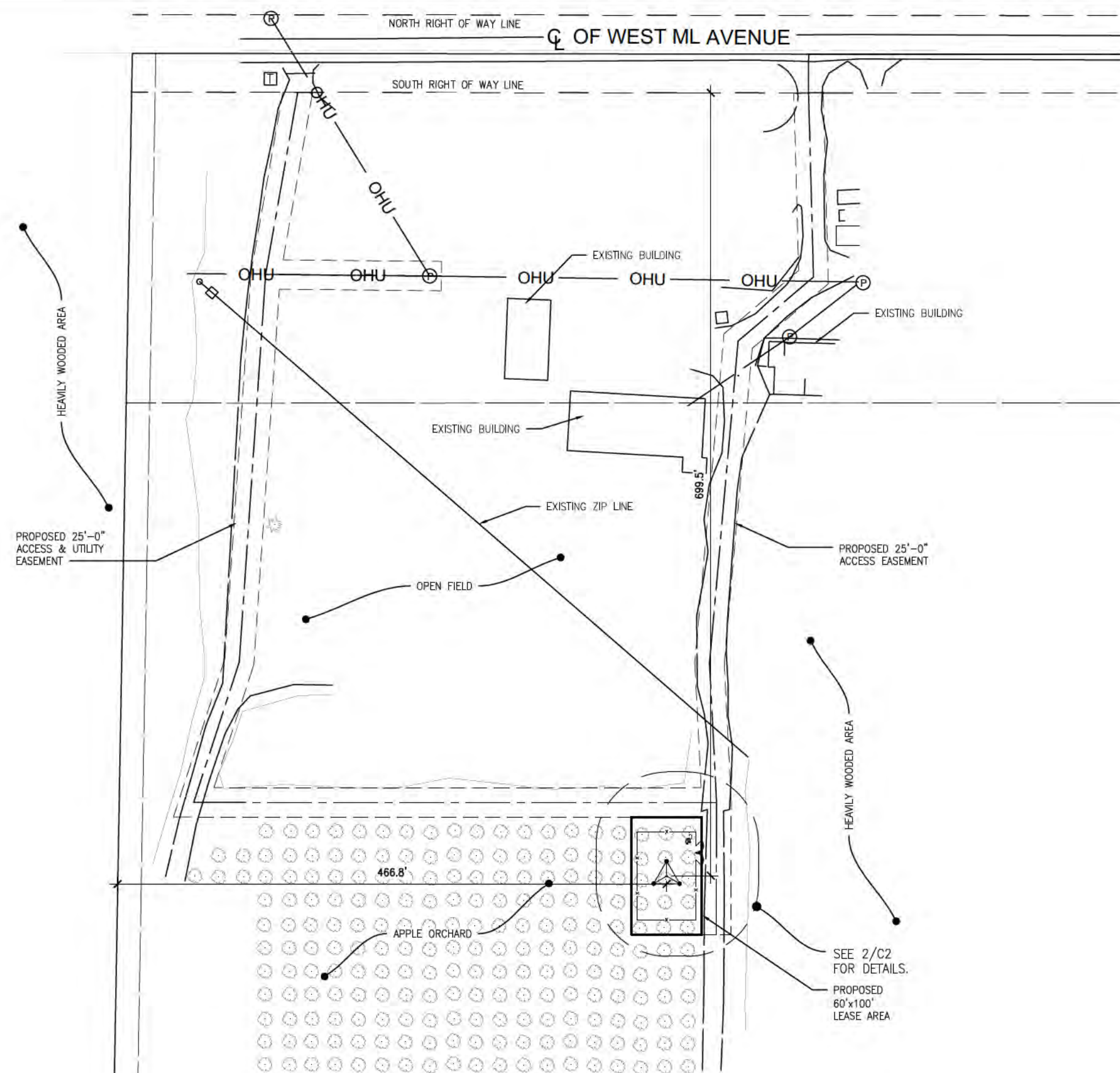
Jay M. Schwandt
GLOBAL LAND SOLUTIONS

Jay M. Schwandt, PS, JD
LAND SURVEYOR - MICHIGAN #47974

Date: DECEMBER 31, 2019

Revision: #1





Prepared By:
INFINIGY
 FROM ZERO TO INFINIGY
 the solutions are endless
 2500 W. HIGGINS RD., SUITE 500
 HOFFMAN ESTATES, IL 60169
 Phone: 847-648-4068 | Fax: 518-690-0793
 www.infinigy.com



NOT FOR CONSTRUCTION

Signed: _____ Date: _____

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Rev.	Submit / Revision	App'd	Date
0	ISSUED FOR SITE PLAN REVIEW	EDR	1/08/19
B	REVISED PER COMMENTS	CAP	1/02/19
A	ISSUED FOR REVIEW	EDR	12/10/19

Designed: CSH Date: 1/08/19
 Approved: EDR Date: 1/08/19

Infinigy Project Number:
3176-Z0001-C

Project Title:
**OSHTEMO ORCHARD
 2018022**

8619 WEST ML AVE.
 KALAMAZOO, MI 49009

Prepared For:

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Drawing Scale: AS NOTED Date: 1/08/19

SITE PLAN

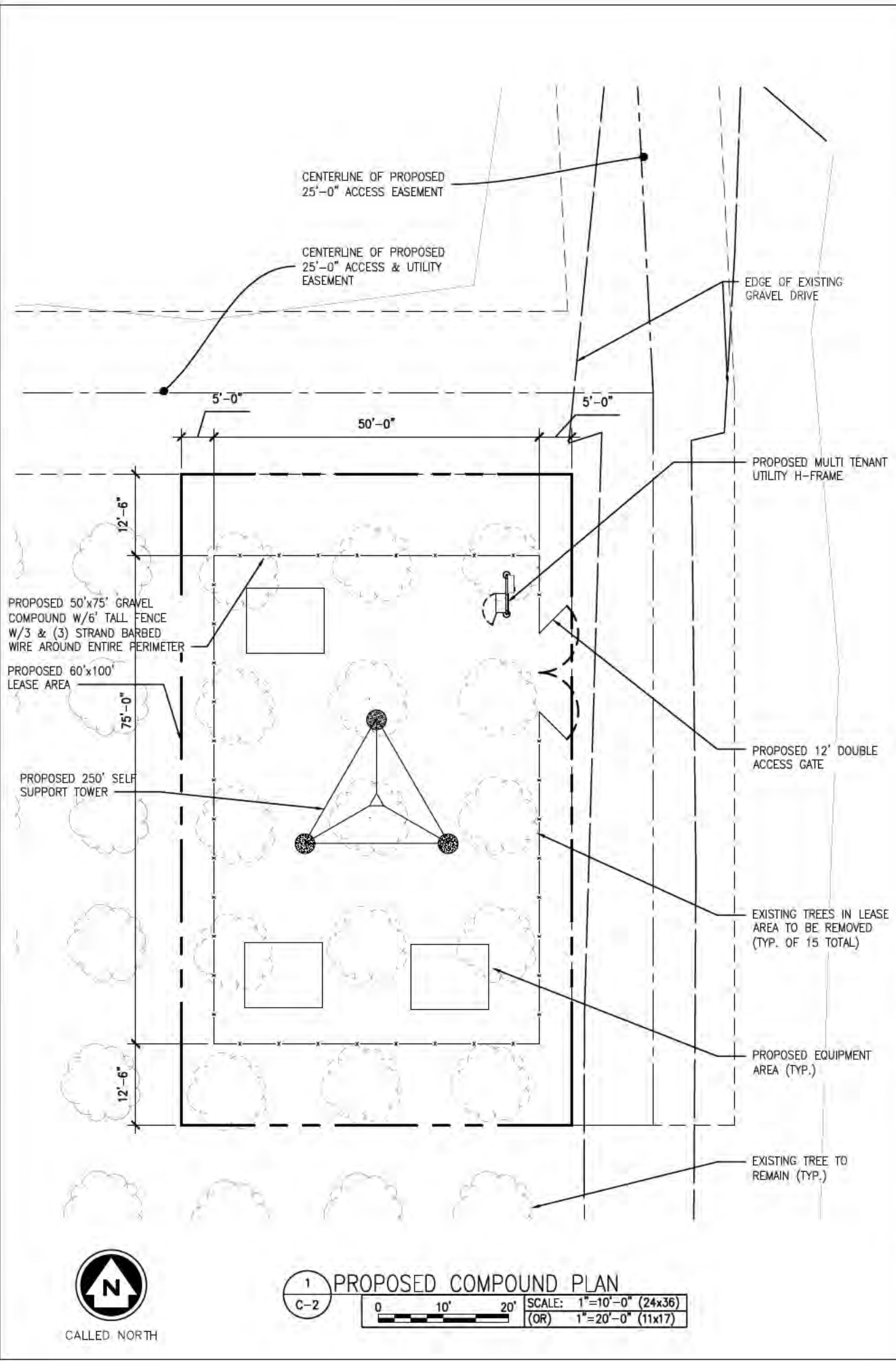
Drawing Title:
OVERALL SITE PLAN

Drawing Number: **C1**

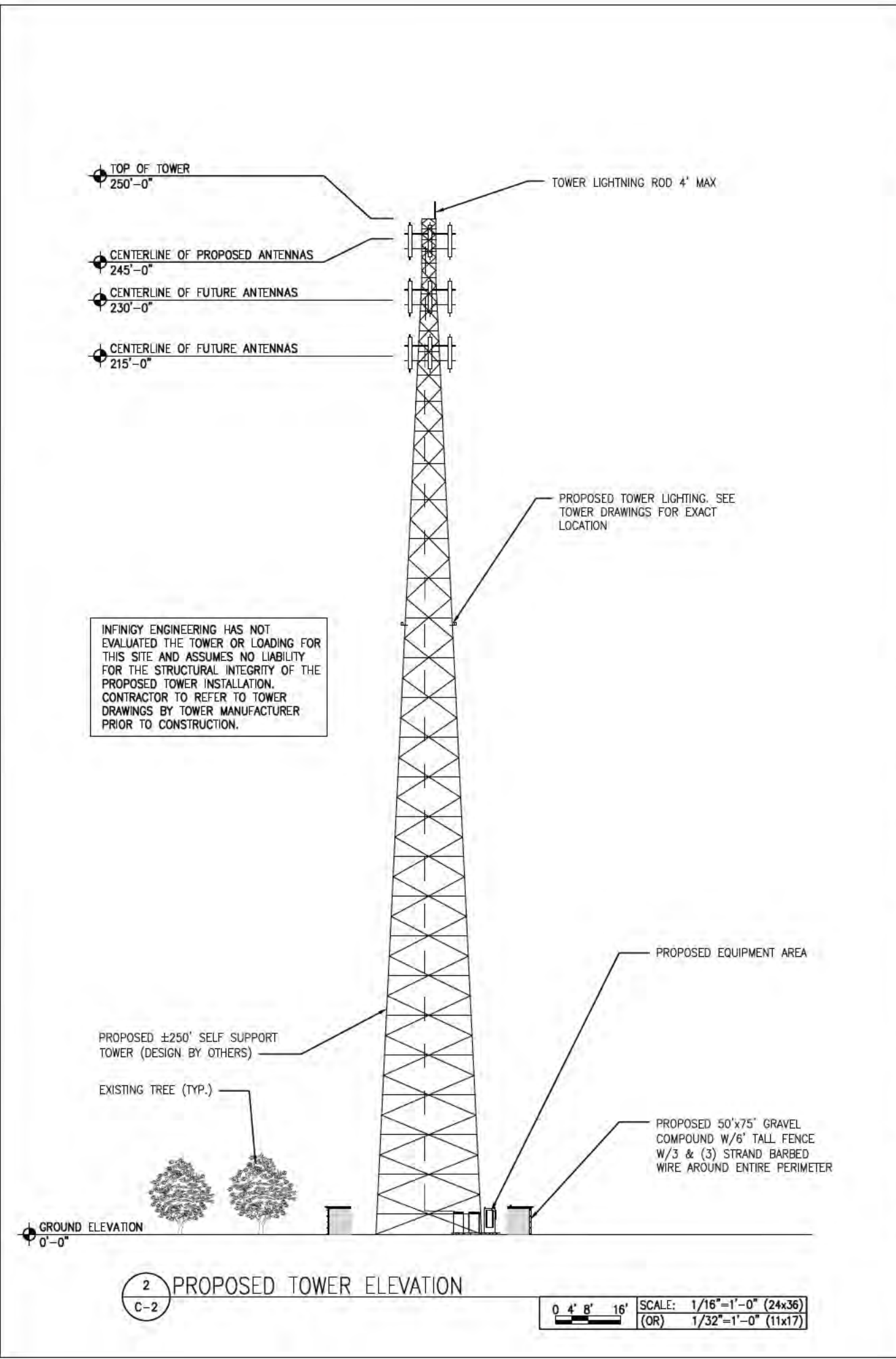


1 OVERALL SITE PLAN
 C1

0 50' 100' SCALE: 1"=50'-0" (24x36)
 (OR) 1"=100'-0" (11x17)



1 PROPOSED COMPOUND PLAN
 SCALE: 1"=10'-0" (24x36)
 (OR) 1"=20'-0" (11x17)



2 PROPOSED TOWER ELEVATION
 SCALE: 1/16"=1'-0" (24x36)
 (OR) 1/32"=1'-0" (11x17)

INFINIGY ENGINEERING HAS NOT EVALUATED THE TOWER OR LOADING FOR THIS SITE AND ASSUMES NO LIABILITY FOR THE STRUCTURAL INTEGRITY OF THE PROPOSED TOWER INSTALLATION. CONTRACTOR TO REFER TO TOWER DRAWINGS BY TOWER MANUFACTURER PRIOR TO CONSTRUCTION.



Project Manager:
NOT FOR CONSTRUCTION
 STATE OF MICHIGAN
 CHRISTOPHER J. WARREN
 ENGINEER
 No. 8201050020
 1/7/20
 LICENSED PROFESSIONAL ENGINEER

Signed: _____ Date: _____

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Rev.	Submit / Revision	App'd	Date
0	ISSUED FOR SITE PLAN REVIEW	EUR	1/08/19
B	REVISED PER COMMENTS	CAP	1/02/19
A	ISSUED FOR REVIEW	EUR	12/10/19

Designed: CSH Date: 1/08/19
 Approved: EUR Date: 1/08/19
 Infinigy Project Number:
 3176-Z0001-C

Project Title:
OSHTEMO ORCHARD
 2018022
 8619 WEST ML AVE.
 KALAMAZOO, MI 49009



Prepared For:
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Drawing Scale: AS NOTED Date: 1/08/19
SITE PLAN

Drawing Title:
PROPOSED COMPOUND PLAN & TOWER ELEVATION

Drawing Number:
C-2



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Matt Kundert

From: Ben Clark <BClark@oshtemo.org>
Sent: Tuesday, January 14, 2020 10:06 AM
To: Matt Kundert
Cc: Iris Lubbert
Subject: RE: Pathway Planning and Zoning Application

Good morning Matt,

Sorry I missed your call yesterday. I've been trying to get ahold of you but for some reason I keep getting a busy signal. We won't do the formal intake of your application until later today/tomorrow, but we have started some preliminary reviews, and will have initial feedback to you well within the 30-day shot clock for information requests that started on the 9th. Per our internal schedule, you can expect comments no later than 1/27.

Thanks for following up. Please let me know if you have any other questions.

Ben Clark

Zoning Administrator/GIS Specialist

Oshtemo Charter Township

[7275 W. Main Street](#)

[Kalamazoo, MI 49009](#)

[269.216.5223](#)

[269.375.7180](#) (fax)

Matt Kundert

From: Matt Kundert <mkundert@unwiredconsulting.com>
Sent: Tuesday, January 14, 2020 10:09 AM
To: 'Ben Clark'
Cc: 'Iris Lubbert'
Subject: RE: Pathway Planning and Zoning Application

Ben –

That's strange about the phone. Please use my mobile phone below if it comes up again.

*Matthew Kundert
Unwired Consulting, Inc.
2625 Monroe Drive NW
Rochester, MN 55901*

*507-216-6576 office
507-319-3399 mobile
mkundert@unwiredconsulting.com*

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Matt Kundert

From: Iris Lubbert <ilubbert@oshtemo.org>
Sent: Tuesday, January 28, 2020 10:06 AM
To: mkundert@unwiredconsulting.com
Cc: Ben Clark; James Porter
Subject: Technical Comments - 250' Self Support Tower at Oshtemo Orchard
Attachments: FINAL 2020 DEVELOPMENT SCHEDULE OF APPLICATIONS.pdf; Technical Comments 01-28-20.pdf

Good morning Matthew,

Please find attached a memo with the Oshtemo Internal Development Review Committee's comments on your submittal. As noted at the end of the memo, due to the lack of details needed for staff to complete a full evaluation of this proposal, this application has been deemed incomplete and cannot move forward to the Planning Commission for consideration. A complete resubmittal following another full internal review cycle will be required. Please see the attached 2020 Development Schedule of Applications for the next submittal dates.

Please don't hesitate to contact me if you have any questions. Kind regards,

Iris Lubbert, AICP

Planning Director for Oshtemo Charter Township
7275 W. Main Street, Kalamazoo MI 49009
Phone: (269) 216-5232
Fax: (269) 375-7180

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7275 West Main Street
Kalamazoo, MI 49009
269.375.4260 phone
269.375.7180 fax
www.oshtemo.org

January 28th, 2020

Matthew Kundert
Unwired Consulting, Inc.
2625 Monroe Drive NW
Rochester, MN 55901

Re: 250' Self Support Tower at Oshtemo Orchard – 8619 West ML Ave, Kalamazoo, MI 49009

Dear Mr. Kundert,

The Oshtemo Internal Development Review Committee met on Thursday, January 23rd, 2020 and reviewed the submitted site plan for the 250' Self Support Tower at Oshtemo Orchard. Please see the Committee's comments below.

Per **Section 49.70** of Oshtemo's Zoning Ordinance:

1. Provide a letter stating that the tower complies with FCC and FAA regulations.
2. Is there a carrier planned for the proposed tower, or is the tower speculative? Please provide details.
3. A proposed tower shall not be established in Oshtemo unless the communications equipment/antenna(s) planned for the proposed location cannot be accommodated on an existing or approved tower within the area of the proposed tower.
 - a. What was the search radius for this project? Provide an RF map.
 - b. Is collocation possible? Would collocating on one of the nearby METC power line pylons be a possibility? Please provide proof that collocation options have been explored.
4. Provide a clean copy of the lease agreement, only the price should be redacted.
5. Describe the tower's capacity and how many and what kinds of antennas it can accommodate.
6. Add a minimum separation distance notation that would be required for the antenna mounts.
7. Provide an Intermodulation study. This study is explicitly required by the Ordinance which staff does not have the authority to waive.
8. Provide a letter of intent to allow the shared use for other carriers of this tower under reasonable conditions. Would the applicant consider allowing the Local Emergency Response a collocate at this site?
9. How is this project fulfilling section 49.70.C.2.b?
10. The "Code Compliance" section on sheet T1 is not accurate. Please update to include Oshtemo's Ordinances, NFDA, and codes adopted by the Southwest Michigan Building Authority (SMBA). Oshtemo does not use KABA.

11. Is any lighting being proposed? Please provide light fixture cut sheets for any site illumination. Township requests the use of flip lights where possible. All lighting shall comply with Article 54.
12. Update the height of the tower to include the lighting rod.

Per **Section 64** of Oshtemo's Zoning Ordinance:

13. Add zoning classification for the subject parcel and the surrounding properties to Sheet T1.
14. Provide details on the proposed utility buildings, including: height, square footages, and more detailed building elevation illustrations (showing doors, windows, materials, and colors). These details will also help in determining the fire load of the structures.
15. Indicate where the 1,000-gallon propane tank and generator, that are noted in the application, will be on the site plan.
16. Barbed wire fences are not permitted on properties abutting residential districts. Please update plans accordingly.

Per **NFDA** – for any questions on these items please feel free to contact Jim Wiley, Assistant Fire Chief, at 269.375.0487 or jwiley@oshtemo.org.

17. Dead-end fire department access roads in excess of 150 ft in length shall be provided with approved provisions for the fire apparatus to turn around. NFPA 18.2.3.5.4 Dead Ends.
 18. A Knox key box shall be required for this site. NFPA 1, 2018, 18.2.2.1
19. For the review of this application the Township has engaged Richard Comi from the Center of Municipal Solutions. At this time, the Township requests additional escrow funds be remitted in the amount \$8,500.00 to support review costs. Once the project is complete, any remaining funds will be reimbursed.

Due to the lack of details needed for staff to complete a full evaluation of this proposal, this application has been deemed incomplete and cannot move forward to the Planning Commission for consideration. **A complete resubmittal following another full internal review cycle will be required.** Please see the attached 2020 Development Schedule of Applications for the next submittal dates.

Please don't hesitate to contact me if you have any questions. Kind regards,



Iris Lubbert, AICP
Planning Director



**PLANNING COMMISSION AND ZONING BOARD OF APPEALS
2020 DEVELOPMENT SCHEDULE OF APPLICATIONS***

Deadline to Submit Plans DUE BY 5PM	Internal Review Meeting	Comments Provided to Applicant**	Final / Revised Plan Submittal DUE BY 5PM	Staff Report / Packet Distribution	Zoning Board of Appeals Meeting	Planning Commission Meeting
					OR	
12/17/2019	12/26/19	12/30/19	01/07	01/22	01/28	01/30
01/14	01/23	01/27	02/04	02/19	02/25	02/27
02/11	02/20	02/24	03/03	03/18	03/24	03/26
03/10	03/19	03/23	04/07	04/22	04/28	04/30
04/14	04/23	04/27	05/05	05/20	05/26	05/28
05/12	05/21	05/25	06/02	06/17	06/23	06/25
06/09	06/18	06/22	07/07	07/22	07/28	07/30
07/14	07/23	07/27	08/04	08/19	08/25	08/27
08/11	08/20	08/24	09/01	09/16	09/22	09/24
09/08	09/17	09/21	10/06	10/21	10/27	10/29
09/29	10/08	10/12	10/20	11/04	11/17	11/12
10/27	11/05	11/09	11/17	12/02	12/15	12/10
12/08	12/17	12/21	01/05/21	01/20/21	01/26/21	01/28/21

*The Planning Department will confirm if the application is scheduled for review by the Planning Commission or Zoning Board of Appeals.

** If internal comments/corrections are extensive another internal review will be required. In these cases, resubmittals will follow original submittal deadlines and will be pushed to the corresponding review cycle.

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Matt Kundert

From: Jim Wiley <JWiley@oshtemo.org>
Sent: Tuesday, January 28, 2020 3:50 PM
To: Matt Kundert (mkundert@unwiredconsulting.com)
Subject: Fire Access
Attachments: Fire Access Roadways,.pdf

Hi Matt,

Attached is the fire truck turn around options that we spoke about on the phone today.

Please let me know if you have any additional questions.

Thank you in advance for your cooperation in this Life Safety matter.

Jim Wiley
Assistant Fire Chief
Oshtemo Township Fire Department
7275 W.Main
Kalamazoo, MI 49009
P. 269.375.0487 Ext. 5247



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ORIGIN ID:RSTA (507) 319-3399
MATTHEW KUNDERT
2625 MONROE DRIVE NW
ROCHESTER, MN 55901
UNITED STATES US

SHIP DATE: 07MAR20
ACTWGT:
CAD: 308600009/INET4222

BILL CREDIT CARD

TO IRIS LUBBERT
OSHTEMO TOWNSHIP
7275 W MAIN ST

KALAMAZOO MI 49009

(269) 216-5232 REF:
INV: DEPT:
PO:

568J2/64E0/FE4A



MON - 09 MAR 3:00P
STANDARD OVERNIGHT

TRK# 7779 6060 6921
0201

XX HAIA

49009
MI-US GRR



Delivered 3/9/20 @ 10:46 am

After printing this label:
CONSIGNEE COPY - PLEASE PLACE IN FRONT OF POUCH
1. Fold the printed page along the horizontal line.
2. Place label in shipping pouch and affix it to your shipment.

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March 6, 2020

Iris Lubbert
Planning Director
Oshtemo Charter Township
7275 W. Main Street
Kalamazoo, MI 49009

RE: Pathway Solutions Zoning Application at 8619 West ML Avenue

Dear Ms. Lubbert:

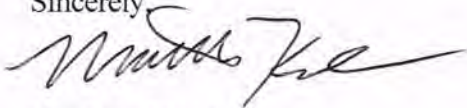
This letter is in response to your letter dated January 28th 2020.

1. This tower will comply with all FAA and FCC guidelines.
2. This tower is for use by Pathway Solutions and or other wireless providers. Pathway Solutions is a wireless broadband wholesale provider of service and infrastructure.
3. Please see attached zoning application addendum for further information regarding existing structures in the area.
4. Please see attached zoning application addendum for this information.
5. Please see attached zoning application addendum for this information.
6. Please see attached zoning application addendum for this information.
7. Please see attached zoning application addendum for this information.
8. Please see attached zoning application addendum for this information.
9. Please see attached zoning application addendum for this information. The proposed facility is set back from all property lines a minimum of 466', far exceeding the setback requirements of the ordinance. The tower will be a galvanized steel gray color. The facility will be screened by the existing thick vegetation that surrounds the property. Lastly, the tower will blend in with the existing METC transmission towers that run along the back portion of the property.
10. Please see attached zoning application addendum for this information.
11. Please see attached zoning application addendum for this information. There is no proposed lighting for the compound or ground equipment.
12. Please see attached zoning application addendum for this information.
13. Please see attached zoning application addendum for this information.

14. Please see attached zoning application addendum for this information. There are no buildings proposed at this time. We will be using equipment cabinets located on a concrete pad.
15. Please see attached zoning application addendum for this information.
16. Please see attached zoning application addendum for this information.
17. Please see attached zoning application addendum for this information.
18. A Knox box will be installed at the compound gate.
19. Per State of Michigan Senate Bill No. 1064, we are only required to pay an application fee of \$1,000 or the actual, reasonable costs of reviewing and processing the application, whichever is less. We have already sent \$2,500 in for this application.

Please don't hesitate to contact me if you have any questions.

Sincerely

A handwritten signature in black ink, appearing to read "Matthew Kundert", written in a cursive style.

Matthew Kundert

March 6, 2020

Iris Lubbert
Planning Director
Oshtemo Charter Township
7275 W. Main Street
Kalamazoo, MI 49009

RE: Pathway Solutions Zoning Application at 8619 West ML Avenue / Zoning Addendum

Dear Ms. Lubbert:

Please accept this letter containing the information required under Section 49.70 Communication Towers in the Oshtemo Township zoning ordinance as an addendum to our zoning application.

49.50 C. Communication tower provisions

1. Justification: The search radius for this facility is 0.5 miles (Exhibit A). The only existing structures within the search radius; and two miles for that matter; are the METC transmission towers. These towers are only approximately 90' tall and too short to provide the coverage necessary to provide adequate broadband service to the area.

2. Design of Tower: The proposed self-support lattice tower will be 254' tall (250' tower with a 4' lightning rod). It is designed to accommodate our equipment and two additional carriers with a 15' minimum separation distance. The proposed tower will be galvanized steel gray in color. It will be set back from ML Avenue 699' and be screened on all sides by existing mature trees.

3. Height: The proposed self-support lattice tower will be 254' tall (250' tower with a 4' lightning rod).

4. Tower setbacks: The proposed tower exceeds all setback requirements.

5. Accessory structures: There will be no buildings at this time. The proposed ground equipment will be two or three cabinets roughly the size of a standard refrigerator located on a concrete pad. The proposed ground equipment will be screened from surrounding properties by the thick mature trees existing on the property.

6. Landscaping/screening: The proposed facility will be screened from the surrounding properties by existing thick vegetation. No additional landscaping is proposed or necessary due to the heavily wooded perimeter.

7. **Security fencing:** The proposed facility will be surrounded by a six-foot high chain link fence.

8. **Lighting:** The proposed tower is required to be lit per FAA guidelines. It will be lit at the top and at the 125' level. We will use the FLASH technology lighting system that includes horizontal beams that greatly reduces the visual obtrusiveness of the tower lights. There will be no lights associated with the compound or ground equipment.

9. **Signs and advertising:** There will be no signs mounted on the tower.

10. **Interference with public safety telecommunications:** The proposed facility will not interfere with any existing public safety equipment or any other wireless equipment for that matter. Please see Exhibit B attached.

11. **Site access and parking:** The proposed facility will be accessed from ML Ave by an existing dirt/gravel commercial driveway. No parking is necessary for the unmanned facility.

12. **Inspections:** Pathway Solutions will have the tower inspected once per year and have the reports available for the township to review upon request.

13. **Updated information:** Pathway Solutions shall comply with this requirement.

14. **Abandonment or unused towers:** Pathway Solutions shall comply with this requirement. Please see Exhibit C for a copy of the lease agreement.

D. Additional application requirements:

1. See attached zoning drawings, Exhibit D.
2. See attached Exhibit E.

E. Collocation: This section does not apply.

GENERAL IMPACT

Earth, Air, Water, Plant Life, Animal Life

The proposed project includes minimal grading. Access to the site is by an existing dirt/gravel driveway from ML Avenue. There will be no air emissions from the equipment. No animal life will be disrupted because of this project

Noise

The proposed facility will be operated within the township noise standards.

Light and Glare

The tower will be lit per FAA regulations using horizontal beam FLASH technology at the 250' and 125' levels.

Land Use

The proposed unmanned wireless telecommunications facility will include antennas and associated equipment. The use is consistent with the underlying zoning and general plan.

Natural Resources

The proposed facility uses little power and is not expected to significantly increase consumption of or demand for natural resources.

Risk of Upset

The proposed equipment incorporates adequate safety measures and precautions. Each facility is electronically monitored 24 hours a day for intrusion and environmental disruption. The facility will also contain a small sign identifying the site as a Pathway Solutions facility and a phone number to call in case of an emergency (staffed 24 hours a day by Pathway Solution employees). Pathway Solutions will comply with all FCC regulations regarding signage at the facility.

To provide back-up power, the project does include a propane gas-powered generator and batteries. The generator will be located on a concrete pad. The generator is monitored 24 hours a day via an alarm system. A 1,000-gallon propane tank will be located on a concrete pad. The batteries are located inside an equipment cabinet.

Population and Housing

The proposed Pathway Solution unmanned wireless telecommunication facility will not affect population or housing trends in the area.

Transportation and Circulation

The proposed facility will have minimal impact on traffic and circulation. Peak travel to the proposed project will be limited to the initial construction of the facility, which should take approximately six to eight weeks. After construction is complete, the facility will be visited two to three times a month for routine maintenance.

Public Services, Energy and Utilities

The small, unmanned facility will not generate demand for additional public services and will not increase demand upon existing energy sources. The equipment will connect to and use utility systems (electrical and fiber optic lines) that are already present on the subject parcel. The

proposed facility will not require the use of services such as water or sewer. Electrical power and fiber optic services are the only necessary utilities.

Human Health

The proposed facility falls significantly below all state and federal regulations for emissions of non-ionizing radiation. All antenna facilities (including radio and television broadcasting, microwave and cellular communications, ham radios and police radar) emit a small amount of non-ionizing radio frequency radiation.

Aesthetics

The new tower will have a self-support lattice design and galvanized grey in color. The equipment cabinets, generator, and propane tank will be located adjacent to the tower and screened by existing mature trees.

Recreation

The proposed unmanned wireless telecommunication facility will have no impact on existing recreational facilities.

Archaeological and Historical Resources

The proposed facility will not have any impact on the archaeological and historic resources of the area.

Site Maintenance

A technician, for routine inspection and equipment maintenance, will visit the site two to three times per month. In addition, the equipment cabinets, radio equipment and tower are monitored via an alarm system. Should an alarm be activated, the site will be visited.

CONCLUSION

The establishment of this telecommunications facility will not be detrimental to the public health, safety or welfare of persons residing or working in the area, or be materially injurious to the neighborhood, or the general welfare of Oshtemo Township. The proposed facility will not place any burden on traffic, nor will it result in objectionable levels of noise, odor, dust, or dirt.

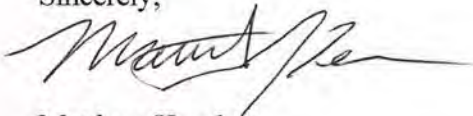
The proposed facility will be a link to important communication infrastructure. Individuals and businesses will be able to access wireless communications to stay in business, to expand their business, to provide personal convenience, or to strengthen personal safety and the ability to communicate on demand with business, government, family and friends.

In addition, the energy emitted is well below or within the parameters established by the FCC. The proposed facility will not interfere with any police, fire or emergency communications, or

nearby televisions or radios by Pathway Solutions. The FCC controls and regulates the operation of all the telecommunication equipment and devices to be used at this proposed facility. The proposed facility will conform to all FCC standards and regulations.

Please call me at (507) 216-6576 if you have any questions. Thank you in advance for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Kundert", with a long horizontal flourish extending to the right.

Matthew Kundert

EXHIBIT A

Shemo Rd

W L Ave

Pine Acres Dr

Wendell Way

Pathway SAR 2018022
Proposed Oshtemo Orchard

W M Ave

Hathaway Rd

S 6th St

W MI Ave

© 2020 Google

Google Earth

4000 ft



Stadium

EXHIBIT B



OWL ENGINEERING & EMC TEST LABS, INC.

CONSULTING COMMUNICATIONS ENGINEERS · EMC TEST LABORATORIES

5844 Hamline Avenue North, Shoreview, MN 55126
651-784-7445 • Fax 651-784-7541

March 3, 2020

Mr. Nolan Fox
Pathway Solutions
308 E. Burlington Street
Suite 219
Iowa City, IA 52240

Reference: Intermodulation Study for the Oshtemo Site # 2018022

Dear Mr. Nolan Fox:

As an independent consulting engineering firm, I have completed the intermodulation (interference) study on the proposed Pathway Solutions new tower proposed in Oshtemo, MI¹.

The analysis was performed on the proposed installation of the Pathway Solutions communications system on the new tower. Because of the large amount of potential frequencies available with the technologies proposed, a random subset of each of these types of technologies was selected for the analysis. There are no other existing carriers at this location. Additionally, I included any frequencies used by the County, Public Works and Public Safety even if they were not installed on the new tower. They are: KB32580, KNAS229, KQF751, KK7205, KQI317, KWE803, WPJG779 and WQHJ933. The data was obtained by performing a search of the Federal Communications Commission frequency data base², the expired licenses listed were not included in the analysis. These frequencies were considered so if a mobile unit passed nearby or if they were mounted on the new tower in the future, protection was considered.

The study shows that there are mathematically predicted potential interference intermodulation products generated from combinations of existing City, County and proposed channels at this site. However, there are no predicted (low order) interference intermodulation products generated from combinations of existing and proposed channels at this site. When the proposed communications facility is constructed, antenna separation, antenna pattern directionality properties and equipment filtering will further reduce the potential of intermodulation induced interference.

¹ Site Location N 42° 15' 53.07" W 85° 43' 10.3"

² Federal Communications Commission, Wireless Telecommunications Bureau –“*Universal Licensing System*”



OWL ENGINEERING & EMC TEST LABS, INC.

CONSULTING COMMUNICATIONS ENGINEERS · EMC TEST LABORATORIES

5844 Hamline Avenue North, Shoreview, MN 55126
651-784-7445 • Fax 651-784-7541

This analysis is a mathematical study and will not account for interference mitigation that will occur due to the differences in technologies and equipment configurations and filtering. This study assumes a worst-case scenario using as many as five transmitters operating simultaneously (which is a rare occurrence).

It is my opinion that the Pathway Solutions communications system frequencies should not cause any harmful interference problems to any existing communications systems in the area.

This analysis did not compute or review any RF radiation values either predicted or measured on the new tower.

If you have any questions in this matter please contact me.

Sincerely,

A handwritten signature in black ink that reads "Garrett G. Lysiak". The signature is written in a cursive style with a large initial 'G'.

Garrett G. Lysiak, P.E.

EXHIBIT C

LAND LEASE AGREEMENT

This Land Lease Agreement (hereinafter "Agreement") is made and entered into this 11th of October, 2019, by and between Kevin R. Verhage and Kelly L. Verhage-Mallory (hereinafter referred to as "Lessor") located at 8619 West ML Avenue, Kalamazoo, Michigan 49009 and Pathway Solutions LLC, an Iowa limited liability company (hereinafter referred to as "Lessee") located at 308 E Burlington Street, Suite 219, Iowa City, Iowa 52240.

1. **Site and Use.** The Lessor leases to Lessee land consisting of approximately 6,000 square feet (60' x 100') upon which Lessee will construct its communications facility, shown on Exhibit A, attached hereto, together with non-exclusive easements for reasonable access thereto, and for access to the appropriate source of electric, fiber and telephone facilities, in the discretion of Lessee (the "Site"). The Site will be used by Lessee for the purpose of installing, removing, replacing, modifying, maintaining and operating, at its expense, communications service facilities, including, without limitation, antenna and base station equipment, cable, wiring, back-up power sources (including generators and fuel storage tanks), HVAC equipment, related fixtures and tower (the "Facilities"). Lessee will have unrestricted access to the Site 24 hours per day, 7 days per week.

2. **Term.** The term of this Agreement (the "Initial Term") is 5 years, commencing on the date that Lessee begins construction of the Facilities ("Lease Commencement Date"). This Agreement will be automatically renewed for 8 additional terms of 5 years each (each a "Renewal Term"), unless Lessee provides Lessor with notice of its intention not to renew not less than 60 days prior to the expiration of the Initial Term or any Renewal Term.

3. **Rent.**



4. **Title and Quiet Possession.** Lessor represents and warrants to Lessee and further agrees that: (a) it is the owner of the property; (b) it has the right to enter into this Agreement; (c) the person signing this Agreement has the authority to sign; (d) Lessee is entitled to access the Site at all times and to the quiet possession of the Site throughout the Initial Term and each Renewal Term so long as Lessee is not in default beyond the expiration of any cure period; and (e) Lessor will not have unsupervised access to the Site or to the Facilities.

5. **Assignment/Subletting.** Lessee will have the right to sublease all or any portion of the Site, or assign its rights under this Agreement without notice to or consent of Lessor. From and after the date this Agreement has been sold, assigned or transferred by Lessee to a third party agreeing to be subject to the terms hereof, Lessee shall immediately be released from any and all liability under this Agreement, including the payment of any rental or other sums due, without any further action.

6. **Notices.** All notices must be in writing and are effective only when deposited in the U.S. mail, certified and postage prepaid, or when sent via overnight delivery. Notices will be addressed to the parties as follows:

If to Lessee:

Pathway Solutions LLC
Re: Oshtemo Orchard
308 E Burlington Street, Ste B
Iowa City, Iowa 52240

If to Lessor:

Kevin R. Verhage
Kelly L. Verhage-Mallory
8619 West ML Avenue
Kalamazoo, MI 49009

7. **Improvements.** Lessee may, at its expense, make improvements, modifications and changes on the Site as it deems necessary or desirable from time to time for the operation of the Facilities. Lessor agrees to cooperate with Lessee with respect to obtaining any required zoning or other governmental approvals for the Site and the Facilities. Upon termination or expiration

of this Agreement, Lessee shall remove the above ground portions of the Facilities and will restore the Site to substantially the condition existing on the Lease Commencement Date, except for ordinary wear and tear and casualty loss.

8. Compliance with Laws. Lessor represents and warrants to Lessee that Lessor's property (including the Site), and all improvements located thereon, are in substantial compliance with building, life/safety, disability and other laws, codes and regulations of applicable governmental authorities. Lessee will substantially comply with all applicable laws relating to its possession and use of the Site.

9. Interference. Lessee will resolve technical interference problems with other equipment located at the Site on the Lease Commencement Date or any equipment that becomes attached to the Site at any future date when Lessee desires to add additional equipment to the Site. Likewise, Lessor will not permit or suffer the installation of any equipment after the Lease Commencement Date that: (a) results in technical interference problems with the Facilities; or (b) encroaches onto the Site.

10. Utilities. Lessor represents and warrants to Lessee that all utilities adequate for Lessee's use of the Site are available at or near the Site. Lessee will pay for all utilities used by it at the Site. Lessor will cooperate with Lessee in Lessee's efforts to obtain utilities from any location provided by Lessor or the servicing utility, including signing any easement(s) or other instrument(s) reasonably required by the utility company. If there is a loss of electrical service at the Site, Lessee may, at its expense, install and maintain a temporary generator and fuel storage tank at the Site or the property adjacent to the Site at the location depicted in Exhibit A.

11. Termination. Notwithstanding any provision contained in this Agreement, Lessee may, in Lessee's sole and absolute discretion and at any time and for any or no reason, terminate this Agreement without further liability by delivering prior written notice to Lessor.

12. Default. If either party is in default under this Agreement for a period of 30 days following receipt of written notice from the non-defaulting party, the non-defaulting party may pursue any remedies available to it against the defaulting party at law or in equity, including, but not limited to, the right to terminate this Agreement. If a non-monetary default cannot reasonably be cured within a 30-day period, this Agreement may not be terminated if the defaulting party commences action to cure the default within the 30-day period and proceeds with due diligence to fully cure the default.

13. Indemnity. Subject to Section 17 hereof, Lessor and Lessee each indemnifies and agrees to defend the other against and holds the other harmless from any and all costs (including reasonable attorneys' fees) and claims of liability or loss which arise out of the ownership, use and occupancy of the Site by the indemnifying party. This indemnity does not apply to any claims arising from the negligence or intentional misconduct of the indemnified party. The indemnity obligations under this Section will survive termination of this Agreement.

14. Hazardous Substances; Environmental Compliance. Lessor represents and warrants to Lessee that it has no knowledge of any substance, chemical or waste on the Site that is identified as hazardous, toxic or dangerous (collectively, "Substance") in any applicable federal, state or local law or regulation. Lessee will not introduce or use any Substance on the Site in violation of any applicable law. Lessor will have sole responsibility for the identification, investigation, monitoring and remediation and/or cleanup of any Substance discovered at the Site unless the presence or release of the Substance is caused by the activities of Lessee.

15. Subordination and Non-Disturbance. This Agreement is subordinate to any mortgage or deed of trust of record against the Site as of the Lease Commencement Date. Promptly after this Agreement is fully executed, however, Lessor will obtain a non-disturbance agreement in a form reasonably acceptable to Lessee from the holder of any mortgage or deed of trust.

16. Property Taxes. Lessee will be responsible for payment of all personal property taxes assessed directly upon and arising solely from its use of the Facilities on the Site. In the event that a reassessment of real property taxes are grossly increased and are deemed to be directly attributable to the addition of the tower on the Site, Lessee will appeal, on behalf of the Lessor, the increased taxes, to the best of Lessee's ability. Lessor shall provide Lessee with the annual tax assessment within ten (10) days of receipt of the tax bill. In the event that Lessor fails to pay, when due, any taxes affecting the Site or the easements, Lessee shall have the right, but not the obligation, to pay such taxes and deduct the full amount of the taxes paid by Lessee on Lessor's behalf from future installments of Rent.

17. **Insurance.** Lessee will procure and maintain commercial general liability insurance, with limits of not less than \$1,000,000 combined single limit per occurrence for bodily injury and property damage liability, with a certificate of insurance to be furnished to Lessor within 30 days of the Lease Commencement Date. Each party hereby waives its right of recovery against the other for any loss or damage covered by any insurance policies maintained by the waiving party. Each party will cause each insurance policy obtained by it to provide that the insurance company waives all rights of recovery by subrogation against the other party in connection with any damage covered by the policy.

18. **Maintenance.** Lessee will be responsible for repairing and maintaining the Facilities and any other improvements installed by Lessee at the Site in a proper operating and reasonably safe condition; provided, however, if any repair or maintenance is required due to the acts or omissions of Lessor, its agents, contractors or employees, Lessor will promptly reimburse Lessee for the reasonable costs incurred by Lessee to restore the damaged areas to the condition which existed immediately prior thereto. Lessor will maintain and repair all other portions of the property of which the Site is a part in a proper operating and reasonably safe condition.

19. **Right of First Refusal/Rental Stream Offer** If Lessor elects, during the Initial Term or any Renewal Term (i) to sell or otherwise transfer all or any portion of the Site, or (ii) grant to a third party by easement or other legal instrument an interest in and to that portion of the Site occupied by Lessee, with or without an assignment of this Agreement to such third party, Lessee shall have the right of first refusal to meet any bona fide offer of sale or transfer on the same terms and conditions of such offer. If Lessee fails to meet such bona fide offer within thirty (30) days after written notice thereof from Lessor, Lessor may sell or grant the easement or interest in the Site or portion thereof to such third person in accordance with the terms and conditions of such third party offer. For purposes of this paragraph, any transfer, bequest or devise of Lessor's interest in the Site as a result of the death of Lessor, whether by will or intestate succession, shall not be considered a sale of the Site for which Lessor has any right of first refusal.

If at any time after the date of this Agreement, Lessor receives a bona fide written offer from a third party seeking an assignment of the rental stream associated with this Agreement ("Rental Stream Offer"), Lessor shall immediately furnish Lessee with a copy of the Rental Stream Offer. Lessee shall have the right within thirty (30) days after it receives such copy and representation to match the Rental Stream Offer and agree in writing to match the terms of the Rental Stream Offer. Such writing shall be in the form of a contract substantially similar to the Rental Stream Offer. If Lessee chooses not to exercise this right or fails to provide written notice to Lessor within the thirty (30) day period, Lessor may assign the rental stream pursuant to the Rental Stream Offer, subject to the terms of this Agreement.

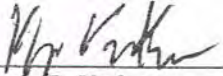
20. **Miscellaneous.** (a) This Agreement applies to and binds the heirs, successors, executors, administrators and assigns of the parties to this Agreement; (b) this Agreement is governed by the laws of the state of Michigan, which the Site is located in; (c) Lessor agrees to promptly execute and deliver to Lessee a recordable Memorandum of Lease Agreement in the form of Exhibit B, attached hereto; (d) Lessor agrees not to lease or grant rights on any of its property within a radius of one (1) mile from the Site for construction of a tower or for use as a communications facility or for the operation of an antenna site leasing business which competes directly or indirectly with Lessee (e) this Agreement (including the Exhibits) constitutes the entire agreement between the parties and supersedes all prior written and verbal agreements, representations, promises or understandings between the parties. Any amendments to this Agreement must be in writing and executed by both parties; (f) if any provision of this Agreement is invalid or unenforceable with respect to any party, the remainder of this Agreement or the application of the provision to persons other than those as to whom it is held invalid or unenforceable, will not be affected and each provision of this Agreement will be valid and enforceable to the fullest extent permitted by law; and (g) the prevailing party in any action or proceeding in court or mutually agreed upon arbitration proceeding to enforce the terms of this Agreement is entitled to receive its reasonable attorneys' fees and other reasonable enforcement costs and expenses from the non-prevailing party. (h) This Agreement is not and will not be binding on either party until and unless it is fully executed by both parties.

The following Exhibits are attached to and made a part of this Agreement: Exhibits A and B.

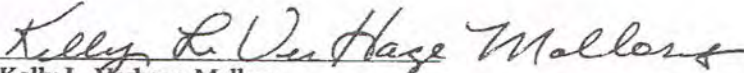
IN WITNESS WHEREOF, the parties have caused this Agreement to be effective as of the last date written below.

LESSOR

Kevin R. Verhage and Kelly L. Verhage-Mallory

By: 
Kevin R. Verhage

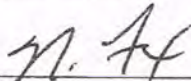
Date: 9-27-19

By: 
Kelly L. Verhage-Mallory

Date: 9/27/19

LESSEE

Pathway Solutions LLC

By: 
Nolan G. Fox

Its: President

Date: 10-11-19

[ACKNOWLEDGMENTS APPEAR ON THE NEXT PAGE]

LESSOR ACKNOWLEDGMENT

STATE OF MI)
) ss.
COUNTY OF Van Buren)

On this 27th day of September, 2019, before me, a Notary Public, personally appeared Kevin R. Verhage, to me known to be the person(s) named in and who executed the foregoing instrument, and acknowledged that he/she/they executed the same as his/her/their voluntary act and deed.

AMANDA MACDONALD
NOTARY PUBLIC, VAN BUREN COUNTY, MI
ACTING IN Van Buren COUNTY
MY COMMISSION EXPIRES June 3, 2025

Amanda MacDonald
Signature of Notary

STATE OF MI)
) ss.
COUNTY OF Van Buren)

On this 27th day of September, 2019, before me, a Notary Public, personally appeared Kelly L. Verhage-Mallory, to me known to be the person(s) named in and who executed the foregoing instrument, and acknowledged that he/she/they executed the same as his/her/their voluntary act and deed.

AMANDA MACDONALD
NOTARY PUBLIC, VAN BUREN COUNTY, MI
ACTING IN Van Buren COUNTY
MY COMMISSION EXPIRES June 3, 2025

Amanda MacDonald
Signature of Notary

**EXHIBIT A
TO LAND LEASE AGREEMENT**

**Site Description
Page 1 of 2**

Site consists of a 60'x100' parcel located at 8619 W. ML Avenue, Kalamazoo, MI 49009 situated in the County of Kalamazoo, together with a 25' ingress/egress and utility easement and 25' wide easement for ingress/egress within the parent parcel commonly described as follows:

Legal Description of the Property:

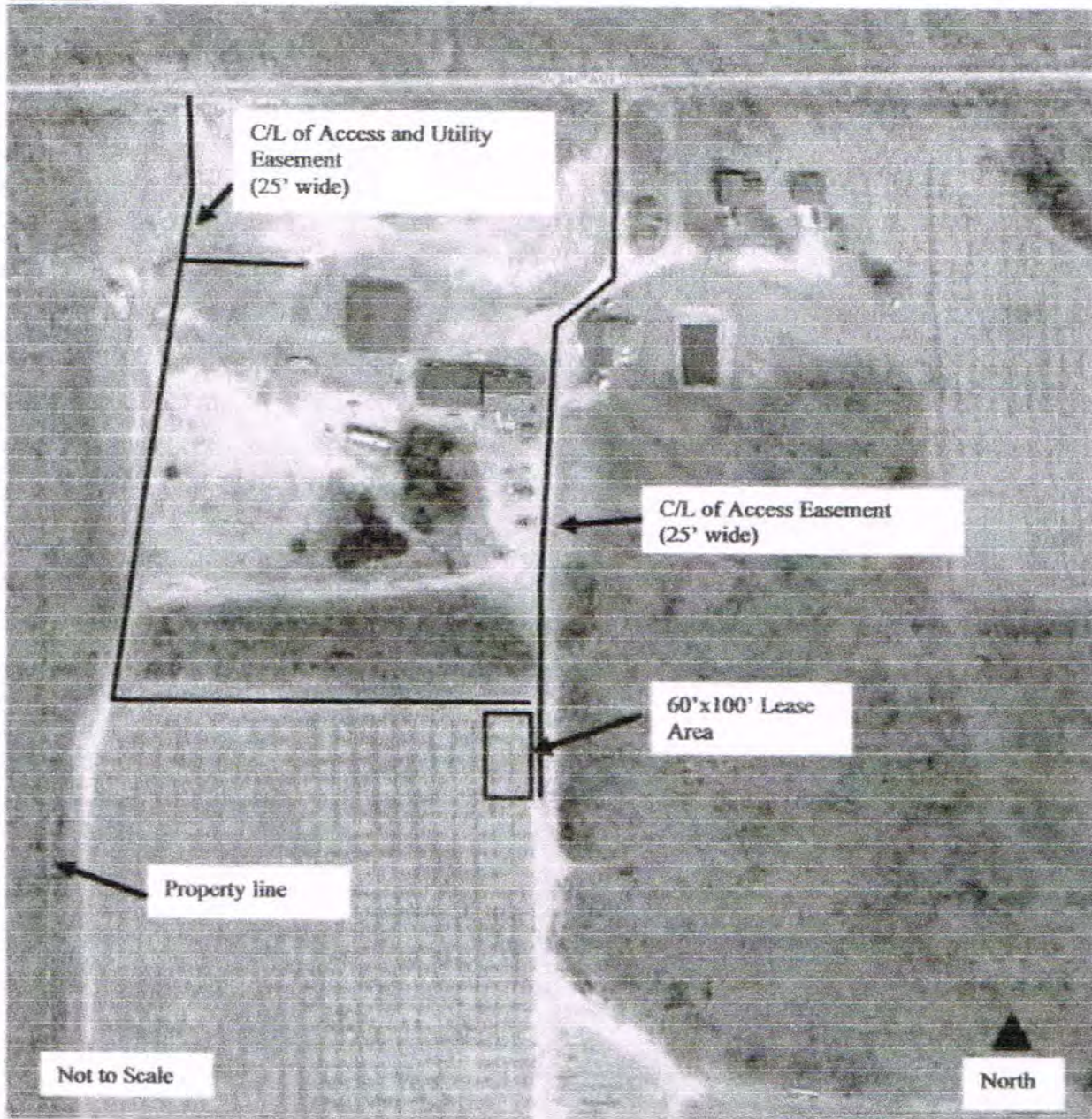
Land situated in the Township of Oshtemo, County of Kalamazoo, State of Michigan, described as follows:

The East 1/2 of the Southwest 1/4 lying North of the railroad track of the Michigan Central Railroad Company (now New York Central Railroad Company), Section 28, Town 2 South Range 12 West.

**EXHIBIT A
TO LAND LEASE AGREEMENT**

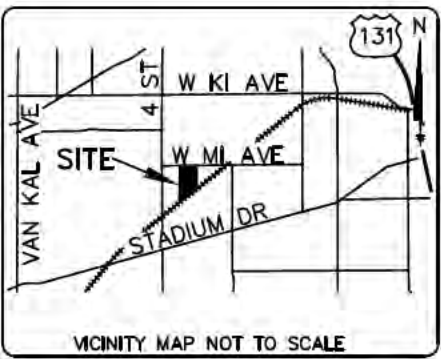
Site Description
(Page 2 of 2)

Site Plan:



Note: Lessee may, at Lessee's option, replace this Exhibit with a survey of the Site.

EXHIBIT D



PROPOSED TOWER LOCATION INFORMATION:
 NAD 83
 LATITUDE = 42°15'53.07" N ±20'
 LONGITUDE = 85°43'10.30" W ±20'
 GROUND ELEVATION AT PROPOSED BASE = 974.14' ±3' NAVD88

TOPO SURVEY
 IN SECTION 28,
 TOWNSHIP 2 SOUTH, RANGE 12 WEST
 FOR: INFINIGY
SITE: OSHTEMO ORCHARD
 SITE NO.: 2018022
 ADDRESS: 8619 WEST ML AVENUE
 KALAMAZOO, MI 49009
 KALAMAZOO COUNTY

INFINIGY
 NATIONAL SURVEY SERVICES COORDINATION BY:

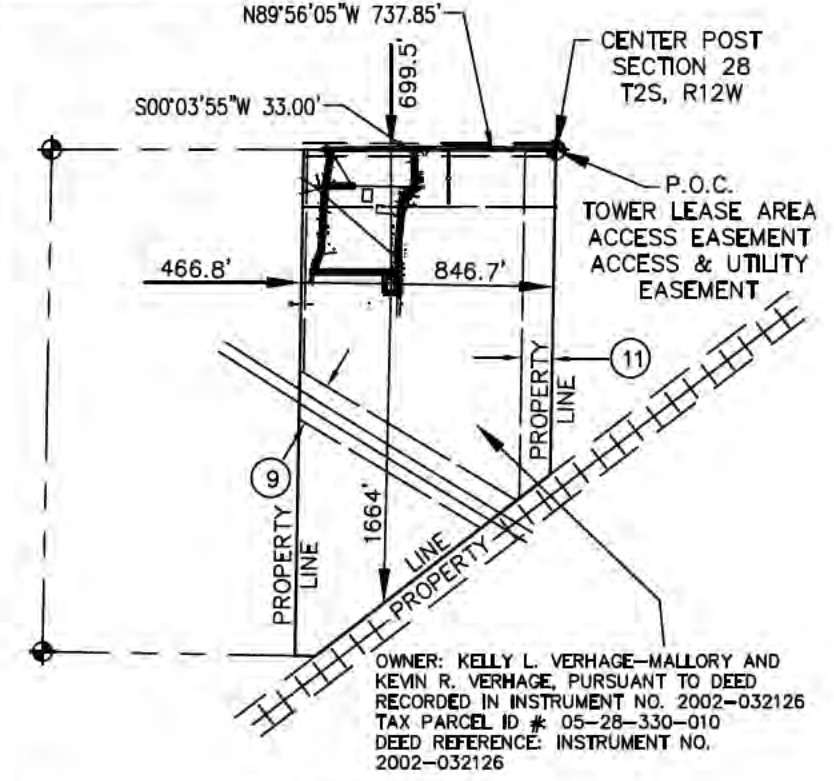
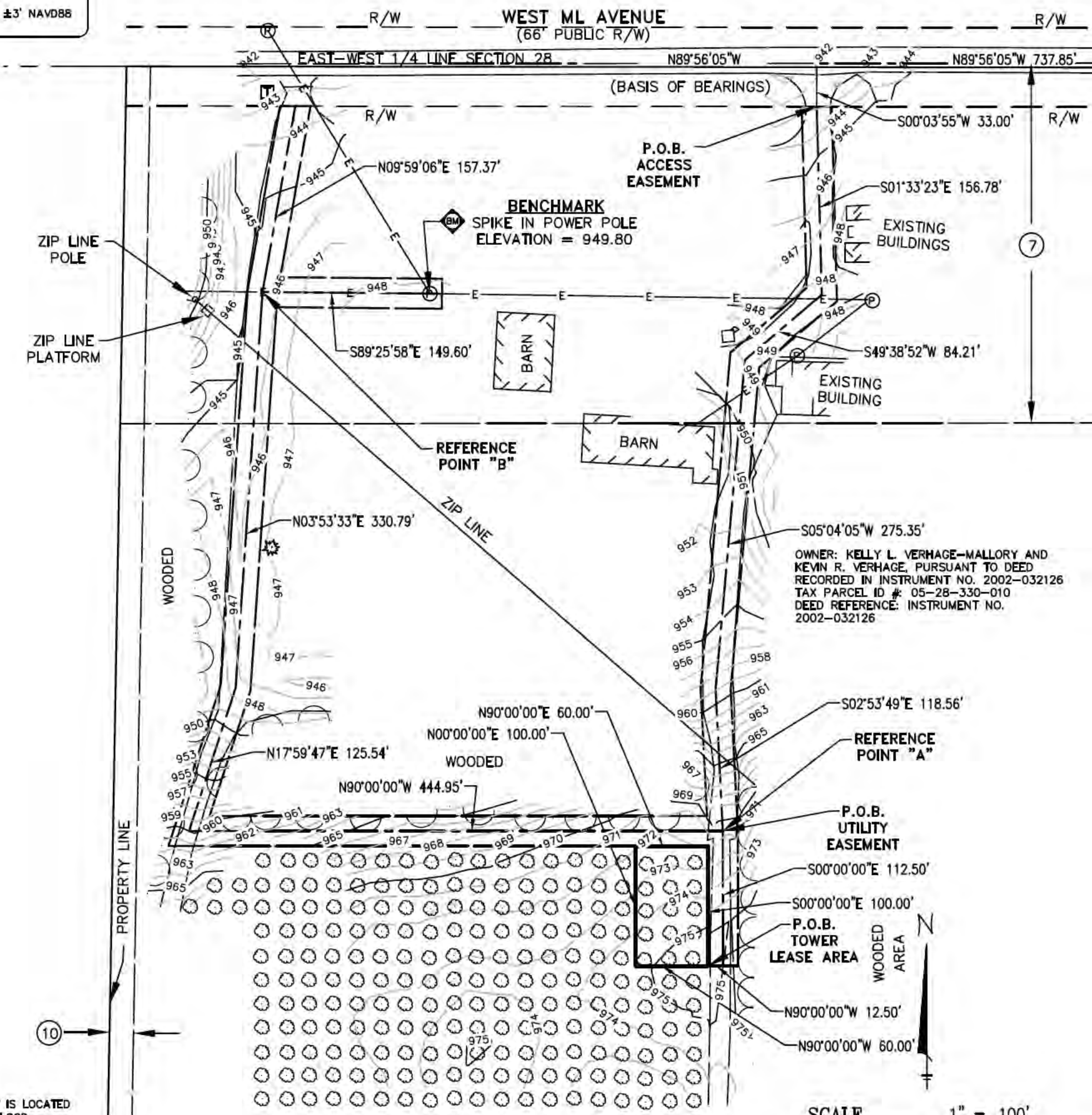
GEOLINE SURVEYING, INC.
 13430 NW 104th Terrace, Suite A, Alachua, FL 32615
 Office: (386) 418-0500 Fax: (386) 462-9986
 WWW.GEOLINEINC.COM

SURVEY WORK PERFORMED BY:
 Surveying & Mapping Performed By:
Global Land SOLUTIONS
 Solutions that work for you.
 Corporate Office:
 9730 N. Greenville Rd,
 Lakeview, Michigan 48850
 (989) 352-4000
 www.GlobalLandSolutions.com
 Serving The Great Lakes Region

DRAWN BY: TBK CHECKED BY: JMS JOB # 193175

SURVEYOR'S NOTES
 1. BASIS OF BEARING, ASSUMED N 89°56'05" W ON THE EAST-WEST 1/4 LINE SECTION 28.
 2. NO SUBSURFACE INVESTIGATION WAS PERFORMED TO LOCATE UNDERGROUND UTILITIES. UTILITIES SHOWN HEREON ARE LIMITED TO AND ARE PER OBSERVED EVIDENCE ONLY.
 3. THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY OF THE PARENT PARCEL.
 4. ALL VISIBLE TOWER EQUIPMENT AND IMPROVEMENTS ARE CONTAINED WITHIN THE DESCRIBED AREA.
 5. ALL SYMBOLS NOT TO SCALE.
SURVEYOR'S CERTIFICATION
 I HEREBY CERTIFY TO INFINIGY, PATHWAY SOLUTIONS.

GLOBAL LAND SOLUTIONS
Jay M. Schwandt
 Jay M. Schwandt, PS, JD
 LAND SURVEYOR - MICHIGAN #47974
 Date: DECEMBER 31, 2019
 Revision: #1



OWNER: KELLY L. VERHAGE-MALLORY AND KEVIN R. VERHAGE, PURSUANT TO DEED RECORDED IN INSTRUMENT NO. 2002-032126 TAX PARCEL ID # 05-28-330-010 DEED REFERENCE: INSTRUMENT NO. 2002-032126

PARENT PARCEL DETAIL
 SCALE: NTS

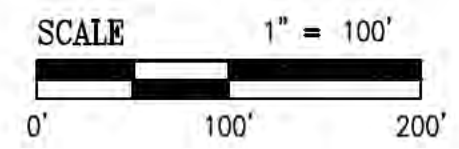
LEGEND

FOUND 5/8" IRON	○
FOUND PK NAIL	△
SET 5/8" IRON	●
POINT OF BEGINNING	P.O.B.
POINT OF COMMENCEMENT	P.O.C.
RIGHT OF WAY	R/W
POWER POLE	Ⓟ
ELECTRIC TRANSFORMER BOX	Ⓜ
ELECTRIC METER	Ⓜ
TELEPHONE PEDESTAL	Ⓜ
CABLE TV PEDESTAL	Ⓜ
OVERHEAD ELECTRIC	—E—
FENCE	—*—

ZONING: NOT AVAILABLE
FLOOD NOTE: SUBJECT PROPERTY IS LOCATED IN ZONE "X", AREA OF MINIMAL FLOOD HAZARD PER F.E.M.A. MAP NO. 26077C01750 EFFECTIVE DATE 02/17/2010.

AREA TABLE

	SQUARE FEET	ACRE
(A) PARENT PARCEL	2,894,827±	66.46±
(B) TOWER LEASE AREA	6,000	0.138
(C) ACCESS EASEMENT	18,684.81	0.429
(D) UTILITY EASEMENT	29,566.36	0.679



TOPO SURVEY
 IN SECTION 28,
 TOWNSHIP 2 SOUTH, RANGE 12 WEST

FOR: INFINIGY
SITE: OSHTEMO ORCHARD
 SITE NO.: 2018022
 ADDRESS: 8619 WEST ML AVENUE
 KALAMAZOO, MI 49009
 KALAMAZOO COUNTY

INFINIGY

NATIONAL SURVEY SERVICES COORDINATION BY:
GEOLINE SURVEYING, INC.
 13430 NW 104th Terrace, Suite A, Alachua, FL 32615
 Office: (386) 418-0500 Fax: (386) 462-9986
 WWW.GEOLINEINC.COM

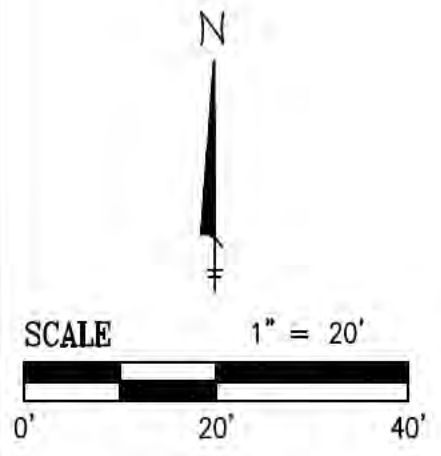
SURVEY WORK PERFORMED BY:
 Surveying & Mapping Performed By:
Global Land SOLUTIONS
 Solutions that work for you.
 Corporate Office:
 9730 N. Greenville Rd,
 Lakeview, Michigan 48850
 (989) 352-4000
 www.GlobalLandSolutions.com
 Serving The Great Lakes Region

DRAWN BY: TBK CHECKED BY: JMS JOB # 193175

- SURVEYOR'S NOTES**
1. BASIS OF BEARING, ASSUMED N 89°56'05" W ON THE EAST-WEST 1/4 LINE SECTION 28.
 2. NO SUBSURFACE INVESTIGATION WAS PERFORMED TO LOCATE UNDERGROUND UTILITIES. UTILITIES SHOWN HEREON ARE LIMITED TO AND ARE PER OBSERVED EVIDENCE ONLY.
 3. THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY OF THE PARENT PARCEL.
 4. ALL VISIBLE TOWER EQUIPMENT AND IMPROVEMENTS ARE CONTAINED WITHIN THE DESCRIBED AREA.
 5. ALL SYMBOLS NOT TO SCALE.

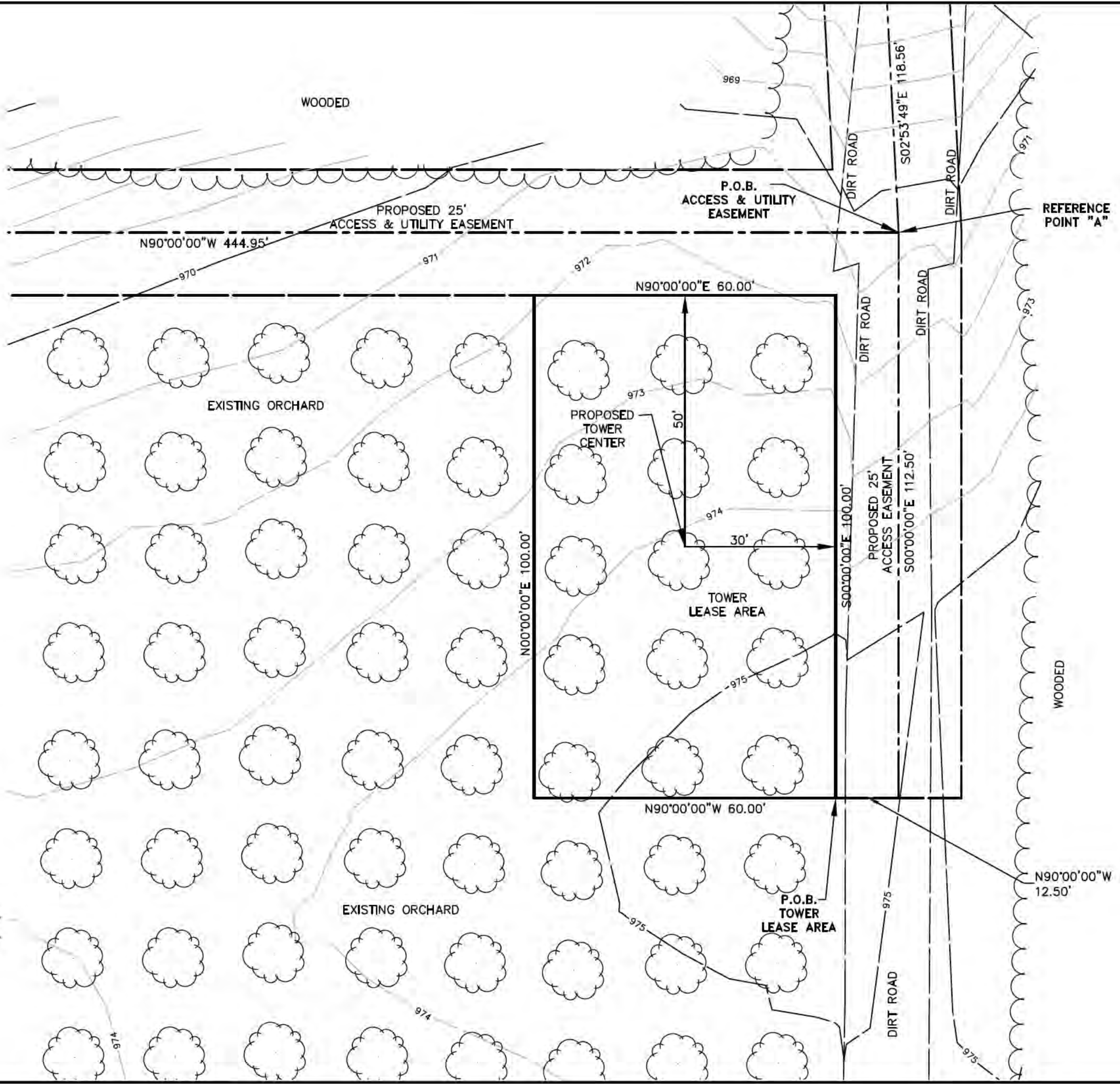
SURVEYOR'S CERTIFICATION
 I HEREBY CERTIFY TO INFINIGY, PATHWAY SOLUTIONS.

GLOBAL LAND SOLUTIONS
Jay M. Schwandt
 Jay M. Schwandt, PS, JD
 LAND SURVEYOR - MICHIGAN #47974
 Date: DECEMBER 31, 2019
 Revision: #1



LEGEND

FOUND 5/8" IRON	○
FOUND PK NAIL	△
SET 5/8" IRON	●
POINT OF BEGINNING	P.O.B.
POINT OF COMMENCEMENT	P.O.C.
RIGHT OF WAY	R/W
POWER POLE	Ⓟ
ELECTRIC TRANSFORMER BOX	Ⓜ
ELECTRIC METER	Ⓜ
TELEPHONE PEDESTAL	Ⓜ
CABLE TV PEDESTAL	CATV
OVERHEAD ELECTRIC FENCE	—E—
FENCE	—*—



ITEMS 1 THROUGH 6, NOT A SURVEY MATTER.

- 7 The terms, provisions and easement(s) contained in the document entitled "Right of Way" recorded as Liber 357, Page 450 of Official Records, SHOWN.
- 8 Oil, gas and mineral reservations contained in the Instrument(s) recorded in Liber 491, Page 545, Liber 1160, Page 1310 and Instrument No. 2001-020084. This exception does not constitute a statement as to the ownership of this interest or right. There may be leases, grants, exceptions or reservations of such interests that are not listed. NOT SHOWN, BLANKET TYPE EASEMENT.
- 9 The terms, provisions and easement(s) contained in the document entitled "Permanent Electric Transmission Line Easement Agreement" recorded August 22, 2014 as Instrument No. 2014-027968 of Official Records, SHOWN.
- 10 The terms, provisions and easement(s) contained in the document entitled "Permanent Access Easement" recorded October 27, 2015 as Instrument 2015-036802 of Official Records, SHOWN.
- 11 The interest of John P. McNally and Mary Catherine McNally as disclosed in the Instruments recorded in Liber 979, Page 736 and Liber 979, Page 737, SHOWN.

Items 12 through 17, not a survey matter.

PARENT PARCEL DESCRIPTION: (AS PROVIDED)

Land in the Township of Oshtemo, Kalamazoo County, Michigan, described as follows:

The East 1/2 of the Southwest 1/4 lying North of the railroad track of the Michigan Central Railroad Company (now New York Central Railroad Company), Section 28, Town 2 South Range 12 West.

TOWER LEASE AREA DESCRIPTION: (AS SURVEYED)

ALL THAT PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 LYING NORTH OF THE RAILROAD TRACK OF THE MICHIGAN CENTRAL RAILROAD COMPANY (NOW NEW YORK CENTRAL RAILROAD COMPANY), SECTION 28, TOWN 2 SOUTH RANGE 12 WEST, OSHTEMO TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE CENTER POST OF SAID SECTION 28; THENCE N 89°56'05" W ALONG THE EAST-WEST QUARTER LINE OF SAID SECTION 28, 737.85 FEET; THENCE S 00°03'55" W, 33.00 FEET TO A POINT ON THE SOUTH LINE OF WEST ML AVENUE (66' PUBLIC RIGHT OF WAY); THENCE S 01°33'23" E, 156.78 FEET; THENCE S 49°38'52" W, 84.21 FEET; THENCE S 05°04'05" W, 275.35 FEET; THENCE S 02°53'49" E, 118.56 FEET TO REFERENCE POINT "A"; THENCE S 00°00'00" E, 112.50 FEET; THENCE N 90°00'00" W, 12.50 FEET TO THE POINT OF BEGINNING; THENCE N 90°00'00" W, 60.00 FEET; THENCE N 00°00'00" E, 100.00 FEET; THENCE N 90°00'00" E, 60.00 FEET; THENCE S 00°00'00" E, 100.00 FEET TO THE POINT OF BEGINNING. CONTAINING 6,000 SQUARE FEET OR 0.138 ACRES, MORE OR LESS.

ACCESS EASEMENT DESCRIPTION: (AS SURVEYED)

ALL THAT PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 LYING NORTH OF THE RAILROAD TRACK OF THE MICHIGAN CENTRAL RAILROAD COMPANY (NOW NEW YORK CENTRAL RAILROAD COMPANY), SECTION 28, TOWN 2 SOUTH RANGE 12 WEST, OSHTEMO TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN, LYING 12.50 FEET EACH SIDE OF AND COINCIDENT WITH A CENTERLINE DESCRIBED AS: COMMENCING AT THE CENTER POST OF SAID SECTION 28; THENCE N 89°56'05" W ALONG THE EAST-WEST QUARTER LINE OF SAID SECTION 28, 737.85 FEET; THENCE S 00°03'55" W, 33.00 FEET TO A POINT ON THE SOUTH LINE OF WEST ML AVENUE (66' PUBLIC RIGHT OF WAY) AND THE POINT OF BEGINNING; THENCE S 01°33'23" E, 156.78 FEET; THENCE S 49°38'52" W, 84.21 FEET; THENCE S 05°04'05" W, 275.35 FEET; THENCE S 02°53'49" E, 118.56 FEET TO REFERENCE POINT "A"; THENCE S 00°00'00" E, 112.50 FEET TO THE POINT OF ENDING. CONTAINING 18,684.81 SQUARE FEET OR 0.429 ACRES, MORE OR LESS.

ACCESS & UTILITY EASEMENT DESCRIPTION: (AS SURVEYED)

ALL THAT PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 LYING NORTH OF THE RAILROAD TRACK OF THE MICHIGAN CENTRAL RAILROAD COMPANY (NOW NEW YORK CENTRAL RAILROAD COMPANY), SECTION 28, TOWN 2 SOUTH RANGE 12 WEST, OSHTEMO TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN, LYING 12.50 FEET EACH SIDE OF AND COINCIDENT WITH A CENTERLINE DESCRIBED AS: COMMENCING AT THE CENTER POST OF SAID SECTION 28; THENCE N 89°56'05" W ALONG THE EAST-WEST QUARTER LINE OF SAID SECTION 28, 737.85 FEET; THENCE S 00°03'55" W, 33.00 FEET TO A POINT ON THE SOUTH LINE OF WEST ML AVENUE (66' PUBLIC RIGHT OF WAY); THENCE S 01°33'23" E, 156.78 FEET; THENCE S 49°38'52" W, 84.21 FEET; THENCE S 05°04'05" W, 275.35 FEET; THENCE S 02°53'49" E, 118.56 FEET TO REFERENCE POINT "A" AND THE POINT OF BEGINNING; THENCE N 90°00'00" W, 444.95 FEET; THENCE N 17°59'47" E, 125.54 FEET; THENCE N 03°53'33" E, 330.79 FEET TO REFERENCE POINT "B"; THENCE N 09°59'06" E, 157.37 FEET TO THE SAID SOUTH LINE OF WEST ML AVENUE AND THE POINT OF ENDING. ALSO BEGINNING AT SAID REFERENCE POINT "B"; THENCE S 89°25'58" E, 149.60 FEET TO THE POINT OF ENDING. CONTAINING 29,566.36 SQUARE FEET OR 0.679 ACRES, MORE OR LESS.

TOPO SURVEY

IN SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 12 WEST

FOR: INFINIGY

SITE: OSHTEMO ORCHARD

SITE NO.: 2018022

ADDRESS: 8619 WEST ML AVENUE

KALAMAZOO, MI 49009

KALAMAZOO COUNTY

INFINIGY

NATIONAL SURVEY SERVICES COORDINATION BY:

GEOLINE SURVEYING, INC.

13430 NW 104th Terrace, Suite A, Alachua, FL 32615
Office: (386) 418-0500 Fax: (386) 462-9986
WWW.GEOLINEINC.COM

SURVEY WORK PERFORMED BY:

Surveying & Mapping Performed By:



Solutions that work for you.

Corporate Office:
9730 N. Greenville Rd,
Lakeview, Michigan 48850
(989) 352-4000
www.GlobalLandSolutions.com
Serving The Great Lakes Region

DRAWN BY: TBK CHECKED BY: JMS JOB # 193175

SURVEYOR'S NOTES

1. BASIS OF BEARING, ASSUMED N 89°56'05" W ON THE EAST-WEST 1/4 LINE SECTION 28.
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5. ALL SYMBOLS NOT TO SCALE.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY TO INFINIGY, PATHWAY SOLUTIONS.

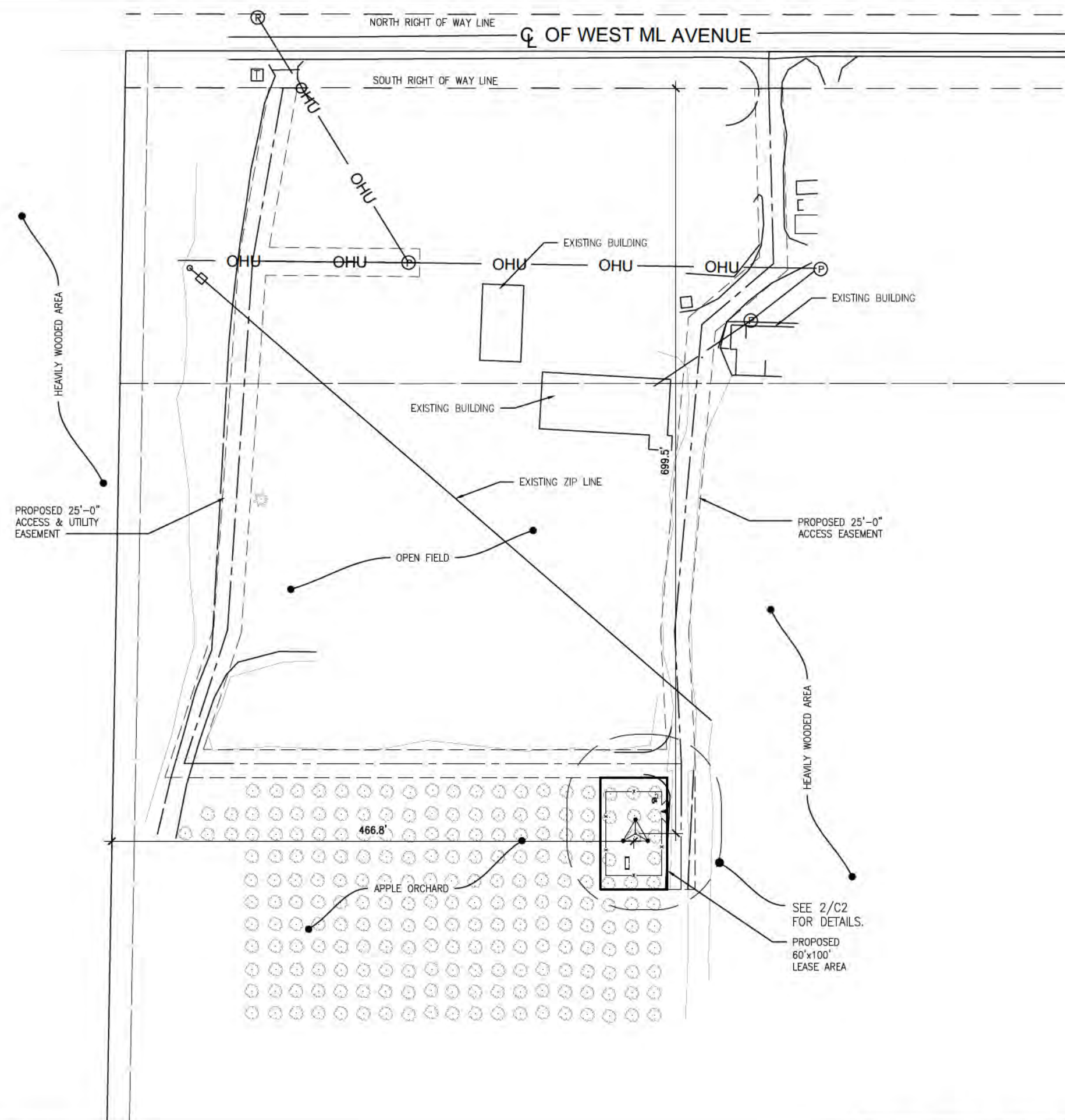
Jay M. Schwandt
GLOBAL LAND SOLUTIONS

Jay M. Schwandt, P.S., J.D.
LAND SURVEYOR - MICHIGAN #47974

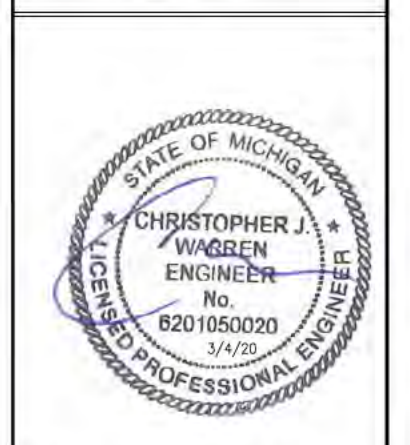
Date: DECEMBER 31, 2019

Revision: #1





Prepared By:
INFINIGY
 FROM ZERO TO INFINIGY
 the solutions are endless
 2500 W. HIGGINS RD. SUITE 500
 HOFFMAN ESTATES, IL 60169
 Phone: 847-648-4068 | Fax: 518-690-0793
 www.infinigy.com



Signed: _____ Date: _____

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Rev.	Submit / Revision	App'd	Date
I	REVISED PER COMMENTS	EDR	2/3/20
0	ISSUED FOR SITE PLAN REVIEW	EDR	1/6/20
II	REVISED PER COMMENTS	EDR	1/2/20
A	ISSUED FOR REVIEW	EDR	12/10/19

Designed: CAP Date: 2/3/20
 Approved: EDR Date: 2/3/20

Infinigy Project Number:
3176-Z0001-C

Project Title:
**OSHTEMO ORCHARD
 2018022**
 8619 WEST ML AVE.
 KALAMAZOO, MI 49009



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Drawing Scale: AS NOTED Date: 2/3/20

SITE PLAN

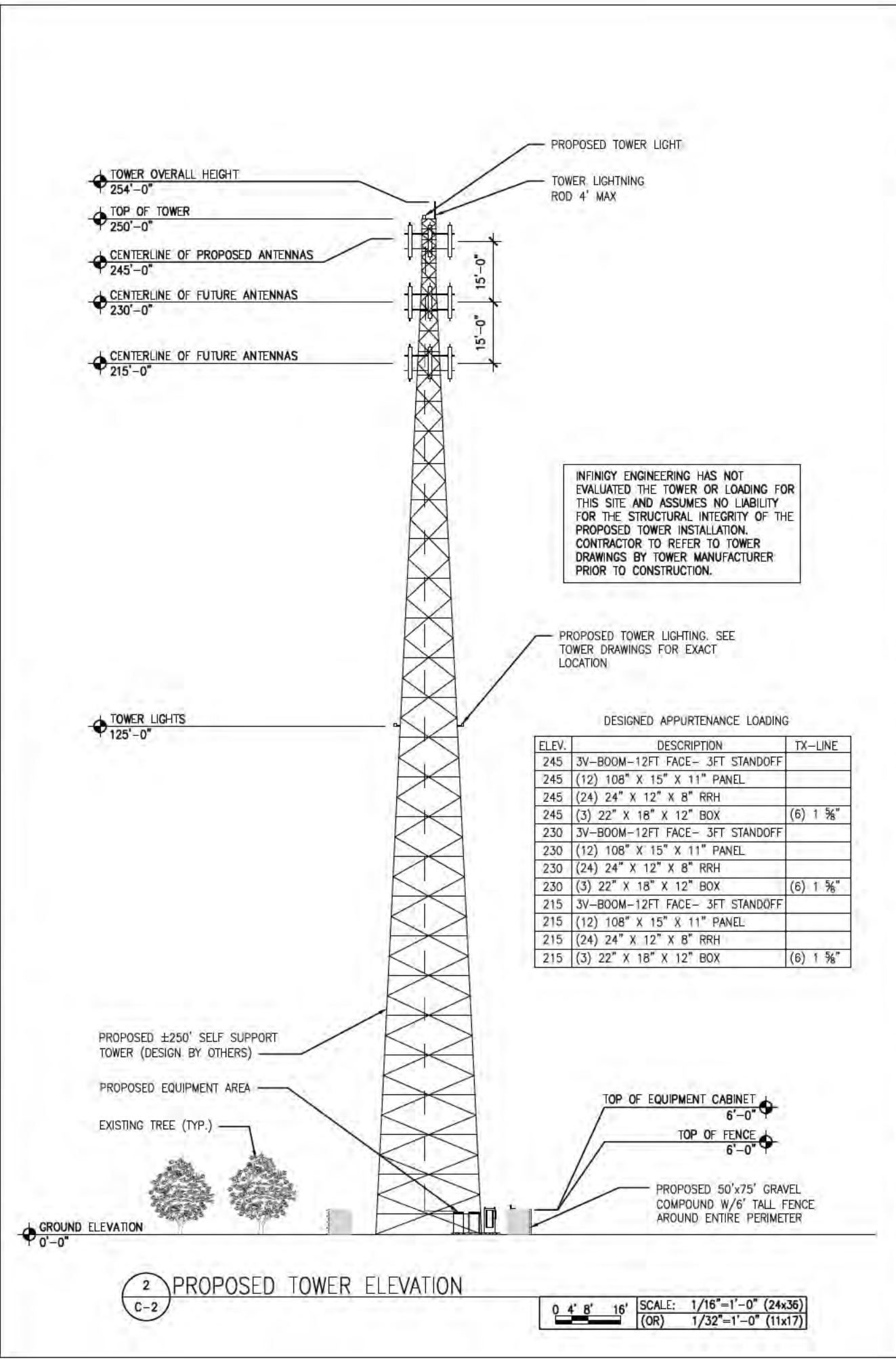
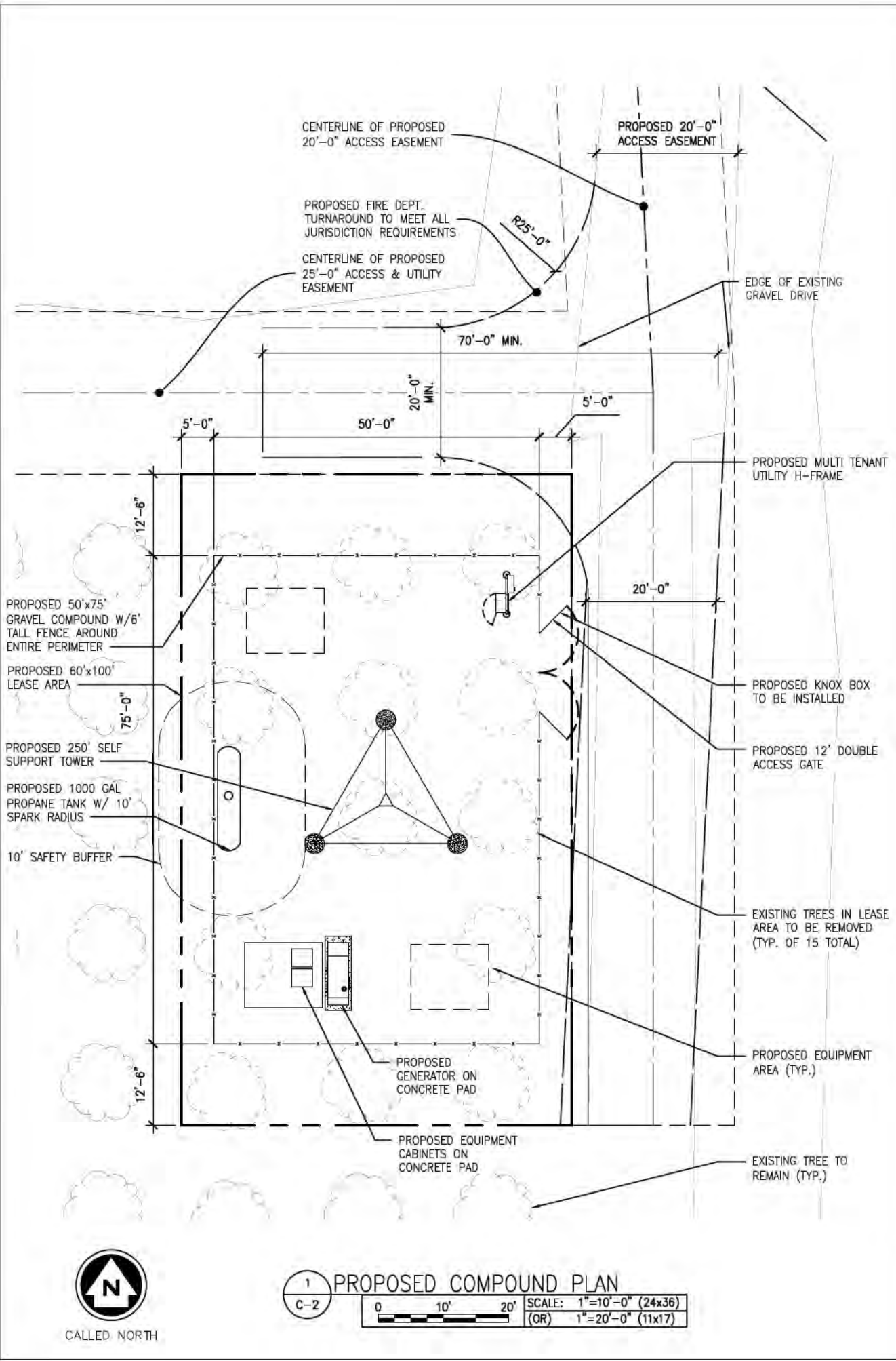
Drawing Title:
OVERALL SITE PLAN

Drawing Number:
C1

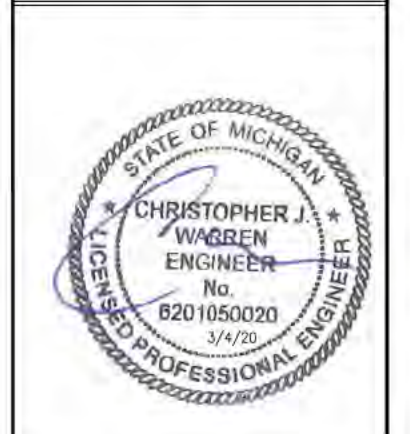


1 OVERALL SITE PLAN
 C1

0 50' 100' SCALE: 1"=50'-0" (24x36)
 (OR) 1"=100'-0" (11x17)



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INFINIGY
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2500 W. HIGGINS RD. SUITE 500
HOFFMAN ESTATES, IL 60169
Phone: 847-648-4068 | Fax: 518-690-0793
www.infinigy.com



Signed: _____ Date: _____

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Rev	Submitted / Revision	App'd	Date
1	REVISED PER COMMENTS	EDR	2/3/20
0	ISSUED FOR SITE PLAN REVIEW	EDR	1/6/20
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Designed: CAP Date: 2/3/20
Approved: EDR Date: 2/3/20

Infinigy Project Number:
3176-Z0001-C

Project Title:
**OSHTEMO ORCHARD
2018022**

8619 WEST ML AVE.
KALAMAZOO, MI 49009



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Drawing Scale: AS NOTED Date: 2/3/20

SITE PLAN

Drawing Title:
**PROPOSED COMPOUND PLAN
& TOWER ELEVATION**

Drawing Number: **C-2**

EXHIBIT E



November 18, 2019

Oshtemo Township Planning Commission
7275 W. Main Street
Kalamazoo, MI 49009

RE: Pathway Solutions Site Plan Review / Special Exception Use
Pathway Solutions Site Oshtemo Orchard / 2018022
8619 West ML Avenue, Kalamazoo, MI 49009

Dear People:

Please accept this letter as notification that the proposed Pathway Solutions tower at the above referenced location will be designed as a multi carrier tower capable of accommodating a minimum of two additional antenna arrays below the primary array @ 245' CL. As is industry standard, Pathway allows collocation by other carriers on its towers and follows industry standards to accomplish the same.

Should you have any questions please contact Nolan Fox, 563-594-4460,
nolanf@pathwaysol.com.

Regards,

A handwritten signature in black ink, appearing to read "N. Fox".

Nolan Fox
President/Operations

Intentionally Left Blank

Matt Kundert

From: Kathy Barnes <kboshtwp@oshtemo.org>
Sent: Friday, March 27, 2020 11:58 AM
To: mkundert@unwiredconsulting.com
Cc: James Porter; Iris Lubbert
Subject: Proposed Facility at 8619 West ML Avenue, Kalamazoo
Attachments: Final Ltr to Kundert_Orchard Cell Tower_032620.pdf

*This is the first the
letter was received.
The letter is dated 3/26/20*

Importance: High

Mr. Kundert:

Attached hereto is a letter dated March 26, 2020, from Oshtemo Township in-house Counsel, James Porter, concerning the above matter.

Kathy K. Barnes
Paralegal Administrative Assistant
to James W. Porter, Township Attorney
Oshtemo Charter Township
7275 West Main Street
Kalamazoo, MI 49009
(269) 375-7195
(269) 375-7180 (Fax)

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TOWNSHIP ATTORNEY'S OFFICE
7275 WEST MAIN STREET
KALAMAZOO, MI 49009-9334

269-375-7195 FAX: 269-375-7180

jposhtwp@oshtemo.org

March 26, 2020

Matthew Kundert
Unwired Consulting, Inc.
2625 Monroe Drive NW
Rochester, MN 55901

Re: Pathway Solutions proposed facility at 8619 West ML Avenue, Kalamazoo, MI 49009

Mr. Kundert,

Oshtemo Township staff and their representatives have completed their review of your submittal for a self-support tower at 8619 West ML Avenue in Oshtemo Township. Your application was deemed incomplete and cannot be accepted for the following two reasons:

1. Oshtemo Township requires that all site plan applications, via the adopted fee schedule, submit escrow to cover actual costs incurred by the Township for public notices, engineering, legal, landscape architecture, and any outside consultant fees. If costs exceed the initial escrow payment, additional funds will be required with any residuals returned to the applicant. Oshtemo Township, consistent with other self-support tower submissions, has obtained the consultant services of the CMS, Center for Municipal Solutions, specifically Richard Comi, to assist staff in their review of your application.

I have searched Michigan State Senate Bill No. 1064 and have been unable to find the language that your application notes exempts you from paying additional escrow fees. Please provide this language to me for verification. At this time, I believe the language you are referring to is for communication towers in the rights-of-way, which would not apply to this proposal.

Unless the language requested above is provided, Oshtemo Township cannot proceed with the review of your application without at minimum a letter from you acknowledging to pay escrow to the Township as needed.

2. The application you provided does not afford the level of detail required to be considered viable. See below of a summary of the key issues identified with your application. Our consultant has tried on multiple occasions to contact you and Mr. Fox to discuss these inadequacies with no avail. Please contact Richard Comi at dick@telecomsol.com or 518-439-3079 to discuss with him the requirements of a complete application.

CHARTER TOWNSHIP OF OSHTEMO

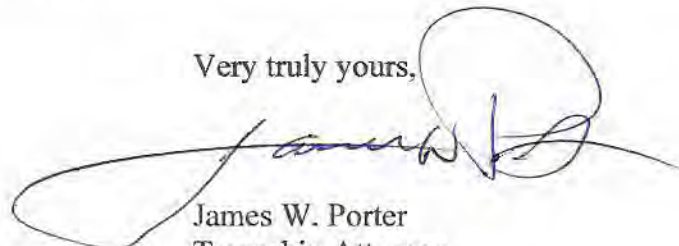
Letter to Matthew Kundert

Page 2

- a. There is no clear indication if Pathway Solutions is a carrier or a reseller of another carrier's service. A clear provider needs to be provided.
- b. No documentation has been provided that shows that Unwired Consulting is authorized to represent Pathway Solutions. An authorization letter is needed.
- c. No information has been provided as to why the center of the 0.5 mile ring was chosen as shown on the map in the attachments to the March 6, 2020 letter from Mr. Kundert.
- d. No wireless carrier "proof of need" for a tower at this location at the height of 250' has been provided.
- e. No structural analysis, per TIA/EIA 222 has been provided.
- f. No "certification" of RF Emissions has been provided.

Again, for the reasons above your application has not been accepted and a resubmittal will be required.

Very truly yours,



James W. Porter
Township Attorney

JWP/kkb

c: Iris Lubbert
Libby Heiny-Cogswell
Dusty Farmer
Grant Taylor

**Intentionally
Left
Blank**

Matt Kundert

From: Matt Kundert <mkundert@unwiredconsulting.com>
Sent: Monday, March 30, 2020 4:25 PM
To: 'Kathy Barnes'; 'James Porter'
Cc: 'Iris Lubbert'
Subject: RE: Proposed Facility at 8619 West ML Avenue, Kalamazoo
Attachments: Response Ltr to Porter_Orchard Tower_033020.pdf

Please see the attached letter in regards to your letter received via email March 27, 2020 (the letter is dated March 26, 2020).

*Matthew Kundert
Unwired Consulting, Inc.
2625 Monroe Drive NW
Rochester, MN 55901*

*507-216-6576 office
507-319-3399 mobile
mkundert@unwiredconsulting.com*

From: Kathy Barnes <kboshtwp@oshtemo.org>
Sent: Friday, March 27, 2020 11:58 AM
To: mkundert@unwiredconsulting.com
Cc: James Porter <jposhtwp@oshtemo.org>; Iris Lubbert <ilubbert@oshtemo.org>
Subject: Proposed Facility at 8619 West ML Avenue, Kalamazoo
Importance: High

Mr. Kundert:

Attached hereto is a letter dated March 26, 2020, from Oshtemo Township in-house Counsel, James Porter, concerning the above matter.

Kathy K. Barnes
Paralegal Administrative Assistant
to James W. Porter, Township Attorney
Oshtemo Charter Township
7275 West Main Street
Kalamazoo, MI 49009
(269) 375-7195
(269) 375-7180 (Fax)

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March 30, 2020

James W. Porter
Township Attorney
Oshtemo Charter Township
7275 W. Main Street
Kalamazoo, MI 49009

RE: Pathway Solutions Zoning Application at 8619 West ML Avenue

Dear Mr. Porter:

This letter is in response to your letter received via email on March 27, 2020, the letter itself is dated March 26, 2020.

1. Per Michigan PA 143 there is no distinction made between rights-of-way and other properties. You will find this language referenced in Michigan PA 143, Sec. 3514 (5). For your convenience and reference, I have attached PA 143 and the committee summary. We have already paid \$2,500 for the application fee (\$1,500 more than required by law).
2. Please see the attached response letter (along with exhibits) to Ms. Lubbert dated March 6, 2020. This letter responded to all the items the Township had listed as needing additional comment. In review of these written correspondences all the Township's comments were addressed. Per state and/or federal guidelines (shot clocks), Mr. Comi's comments, if he had any, should have been incorporated/submitted with the Township comments dated January 28, 2020 detailing the application as incomplete.

Please note per state and/or federal guidelines (shot clocks), in a second notice of an incomplete application (your letter dated March 27, 2020) the scope is limited to only items specifically listed in the first notice of an incomplete application (township letter dated January 28, 2020).

2(a) Under Oshtemo Township Ordinance 49.70 Communications Tower Provisions, there is no requirement for this request nor was this information requested in the Township comments dated January 28, 2020. As a courtesy I would point out there is no requirement for carrier information, only ownership information. We did address a similar item in the response letter to Ms. Lubbert dated March 6, 2020; from township letter dated January 28, 2020, item 2 "Is there a carrier planned for the proposed tower, or is the tower speculative? Please provide details." In the letter to Ms. Lubbert dated March 6, 2020, "This tower is for use by Pathway Solutions and or other wireless providers. Pathway Solutions is a wireless broadband wholesale provider of service and infrastructure." Again, as a courtesy and to further clarify, Pathway Solutions will be the owner of the tower and broadband services (WISP) will be provided from this location. Pathway will provide the services directly in their name or DBA or through business arrangements with another WISP (wireless internet service provider).

2(b) This item was not requested in the Township comments dated January 28, 2020. As a courtesy please see the attached letter from Pathway Solutions.

2(c) Under Oshtemo Township Ordinance 49.70 Communications Tower Provisions, there is no requirement for this request nor was this information requested in the Township comments dated January 28, 2020. The request in that Township letter was, "What was the search radius for the project? Provide an RF map." The map and search area radius were provided in the response letter to Ms. Lubbert dated March 6, 2020. As a courtesy please note that an "RF map" is an internal company tool subject to modifications internal to the company. It does not mean that all locations inside the search area will work as a valid site location. It is a starting point used as guidance for field personnel and to search for existing structures.

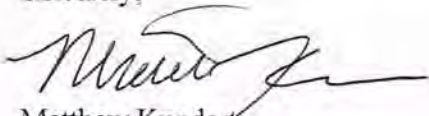
2(d) Under Oshtemo Township Ordinance 49.70 Communications Tower Provisions, there is no requirement for this request nor was this information requested in the Township comments dated January 28, 2020. As a courtesy we would suggest this might be the kind of question that gets brought up at a planning commission hearing.

2(e) Under Oshtemo Township Ordinance 49.70 Communications Tower Provisions, there is no requirement for this request nor was this information requested in the Township comments dated January 28, 2020. As a courtesy please note that the structural analysis is provided with construction drawings and submitted along with the building permit application.

2(f) Under Oshtemo Township Ordinance 49.70 Communications Tower Provisions, there is no requirement for this request nor was this information requested in the Township comments dated January 28, 2020. As a courtesy please note that since the installation has not been built there is nothing to certify. Additionally, FCC would be the proper venue for regulation of RF emissions.

Thank you in advance for declaring the application complete. Please place this application on the agenda of the next available Planning Commission meeting.

Sincerely,



Matthew Kundert
Representative for
Pathway Solutions

Act No. 143
Public Acts of 2012
Approved by the Governor
May 23, 2012
Filed with the Secretary of State
May 24, 2012
EFFECTIVE DATE: May 24, 2012

**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2012**

Introduced by Senator Kowall

ENROLLED SENATE BILL No. 1064

AN ACT to amend 2006 PA 110, entitled "An act to codify the laws regarding local units of government regulating the development and use of land; to provide for the adoption of zoning ordinances; to provide for the establishment in counties, townships, cities, and villages of zoning districts; to prescribe the powers and duties of certain officials; to provide for the assessment and collection of fees; to authorize the issuance of bonds and notes; to prescribe penalties and provide remedies; and to repeal acts and parts of acts," (MCL 125.3101 to 125.3702) by adding section 3514.

The People of the State of Michigan enact:

Sec. 3514. (1) Wireless communications equipment is a permitted use of property and is not subject to special land use approval or any other approval under this act if all of the following requirements are met:

(a) The wireless communications equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.

(b) The existing wireless communications support structure or existing equipment compound is in compliance with the local unit of government's zoning ordinance or was approved by the appropriate zoning body or official for the local unit of government.

(c) The proposed collocation will not do any of the following:

(i) Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.

(ii) Increase the width of the wireless communications support structure by more than the minimum necessary to permit collocation.

(iii) Increase the area of the existing equipment compound to greater than 2,500 square feet.

(d) The proposed collocation complies with the terms and conditions of any previous final approval of the wireless communications support structure or equipment compound by the appropriate zoning body or official of the local unit of government.

(2) Wireless communications equipment that meets the requirements of subsection (1)(a) and (b) but does not meet the requirements of subsection (1)(c) or (d) is a permitted use of property if it receives special land use approval under subsections (3) to (6).

(3) An application for special land use approval of wireless communications equipment described in subsection (2) shall include all of the following:

(a) A site plan as required under section 501, including a map of the property and existing and proposed buildings and other facilities.

(b) Any additional relevant information that is specifically required by a zoning ordinance provision described in section 502(1) or 504.

(4) After an application for a special land use approval is filed with the body or official responsible for approving special land uses, the body or official shall determine whether the application is administratively complete. Unless the body or official proceeds as provided under subsection (5), the application shall be considered to be administratively complete when the body or official makes that determination or 14 business days after the body or official receives the application, whichever is first.

(5) If, before the expiration of the 14-day period under subsection (4), the body or official responsible for approving special land uses notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period under subsection (4) is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification. A fee required to accompany any application shall not exceed the local unit of government's actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.

(6) The body or official responsible for approving special land uses shall approve or deny the application not more than 60 days after the application is considered to be administratively complete. If the body or official fails to timely approve or deny the application, the application shall be considered approved and the body or official shall be considered to have made any determination required for approval.

(7) Special land use approval of wireless communications equipment described in subsection (2) may be made expressly conditional only on the wireless communications equipment's meeting the requirements of other local ordinances and of federal and state laws before the wireless communications equipment begins operation.

(8) If a local unit of government requires special land use approval for wireless communications equipment that does not meet the requirements of subsection (1)(a) or for a wireless communications support structure, subsections (4) to (6) apply to the special land use approval process, except that the period for approval or denial under subsection (6) is 90 days.

(9) A local unit of government may authorize wireless communications equipment as a permitted use of property not subject to a special land use approval.

(10) As used in this section:

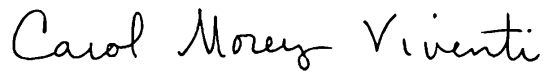
(a) "Collocate" means to place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Collocation" has a corresponding meaning.

(b) "Equipment compound" means an area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.

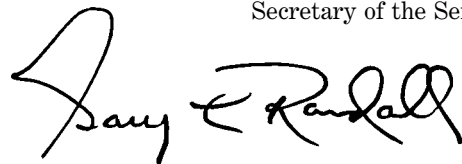
(c) "Wireless communications equipment" means the set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.

(d) "Wireless communications support structure" means a structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

.....
Governor



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL



ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 1064 (as enacted)
Sponsor: Senator Mike Kowall
Senate Committee: Economic Development
House Committee: Energy and Technology

PUBLIC ACT 143 of 2012

Date Completed: 7-24-12

CONTENT**The bill amended the Michigan Zoning Enabling Act to do the following:**

- Provide that wireless communications equipment that meets certain conditions is a permitted use of property and is not subject to special land use approval or any other approval under the Act.
- Provide that equipment that does not meet all of the conditions is a permitted use if it receives special land use approval.
- Require a zoning body or local official to grant or deny special land use approval within 60 days after receiving an administratively complete application, or 90 days under certain circumstances.
- Provide that an application is considered approved if the zoning body or official does not act within the prescribed time period.
- Limit a special land use application fee to \$1,000 or the local unit's administrative costs, whichever is less.
- Limit the conditions that may be imposed on special land use approval.
- Allow a local unit to authorize wireless communications equipment as a permitted use not subject to special land use approval.

The bill took effect on May 24, 2012.

Specifically, under the bill, wireless communications equipment is a permitted use of property and is not subject to special

land use approval or any other approval under the Act if all of the following requirements are met:

- The equipment will be collocated on an existing wireless communications support structure or in an existing equipment compound.
- The existing structure or compound is in compliance with the local unit of government's zoning ordinance or was approved by the appropriate zoning body or official for the local unit.
- The proposed collocation complies with the terms and conditions of any previous final approval of the structure or compound by the appropriate zoning body or official.

In addition, the proposed collocation may not do any of the following:

- Increase the overall height of the support structure by more than 20 feet or 10% of its original height, whichever is greater.
- Increase the width of the support structure by more than the minimum necessary to permit collocation.
- Increase the area of the existing compound to greater than 2,500 square feet.

(The bill defines "wireless communications equipment" as the set of equipment and network components used in the provision of wireless communications services, including antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables,

and coaxial and fiber optic cables. The term excludes wireless communications support structures.

"Wireless communications support structure" means a structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building. "Equipment compound" means an area surrounding or adjacent to the base of a wireless communications support structure and within which the equipment is located.)

Wireless communications equipment that will be collocated on an existing support structure or in an existing compound or that is in compliance with the zoning ordinance or was properly approved, but does not meet the requirements regarding compliance with previous final approval or an increase in size, is a permitted use of property if it receives special land use approval.

An application for special land use approval for the equipment must include both of the following:

- A site plan, including a map of the property and existing and proposed buildings and other facilities.
- Any additional relevant information required specifically by a zoning ordinance provision regarding special land uses.

After an application is filed with the body or official responsible for approving special land uses, the body or official must determine whether the application is administratively complete. Unless the body or official proceeds as described below, the application must be considered administratively complete when the determination is made or 14 days after the application is received, whichever is first.

If the body or official notifies the applicant before the 14-day period expires that the application is not administratively complete, specifying the information necessary to make it complete, or notifies the applicant that a required application fee has not been paid, specifying the amount due, the running of the 14-day period will be tolled until the applicant submits the specified information or fee amount due. The notice must be given in writing or electronically. A

fee required to accompany the application may not exceed the local unit's actual, reasonable costs to review and process the application or \$1,000, whichever is less.

The body or official responsible for approving special land uses must approve or deny the application within 60 days after it is considered to be administratively complete. If the body or official fails to approve or deny the application in a timely manner, it will be considered approved and the body or official will be considered to have made any determination required for approval.

If a local unit requires special land use approval for a wireless communications support structure, or for equipment that does not meet the requirement of collocation on an existing support structure or in an existing compound, the period for approval or denial is 90 days.

Special land use approval of wireless communications equipment may be made expressly conditional only on the equipment's meeting the requirements of local ordinances and of Federal and State laws before the equipment begins operation.

MCL 125.3514

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill will increase both revenue and expenses for local units by an unknown amount, depending on the number of entities that file applications and the fees charged for applications. Because the bill limits fees to the lesser of \$1,000 or the local unit's actual costs, the bill potentially will increase costs by more than it increases revenue, although any differences likely will be minimal.

Fiscal Analyst: David Zin

S1112\S1064es

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.



March 26, 2020

RE: Pathway Solutions Zoning Application at 8619 West ML Avenue
Property Location: 8619 West ML Avenue, Kalamazoo, MI 49009 (the "Property")
Agent Authorization

To Who it May Concern,

Pathway Solutions LLC has authorized Matthew Kundert of Unwired Consulting as Pathway Solutions Agent (the "Authorized Agent") for the purpose of completing and/or filing any application, form, map, drawing, site plan or other document, in obtaining any zoning approval, variance, special use permit or other land use approval or building permit (collectively, the "Approval"), required to provide Pathway Solutions with the ability to use the Property for the purpose of installing, erecting or otherwise placing a tower and related equipment on the Property.

Sincerely,

A handwritten signature in black ink, appearing to read "N. Fox".

Nolan Fox
President
Pathway Solutions LLC

The entire 3/6/2020 letter and exhibits to Lubbert were attached to this letter. They are omitted here.

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Matt Kundert

From: Yvonne Rumery <yrumery@oshtemo.org>
Sent: Monday, April 06, 2020 11:06 AM
To: mkundert@unwiredconsulting.com
Cc: Libby Heiny-Cogswell; Dusty Farmer; Josh Owens; Iris Lubbert; James Porter; Kathy Barnes
Subject: Pathway Solutions Zoning Application
Attachments: Ltr to Matthew Kundert Final 040620.pdf; Attachmt - Planning Review - Orchard Cell Tower.pdf

Good morning, Mr. Kundert. Attached please find correspondence from Township Attorney James Porter, along with the referenced attachment. Thank you.

Yvonne Rumery
Paralegal Admin Assistant
Legal Office
Oshtemo Charter Township
7275 W. Main Street
Kalamazoo, Michigan 49009

Confidentiality Notice: The information contained in this electronic mail message and any attachments is intended only for the use of the individual or entity to which it is addressed and may contain legally privileged, confidential information, or work product. If the reader of this message is not the intended recipient, you are hereby notified that any use, dissemination, distribution, or forwarding of the e-mail message is strictly prohibited. If you have received this message in error, please notify me by e-mail reply, and delete the original message from your system.



TOWNSHIP ATTORNEY'S OFFICE
7275 WEST MAIN STREET
KALAMAZOO, MI 49009-9334

269-375-7195 FAX: 269-375-7180

jposhtwp@oshtemo.org

April 6, 2020

VIA EMAIL ONLY: mkundert@unwiredconsulting.com

Mr. Matthew Kundert
Unwired Consulting, Inc.
2625 Monroe Drive, NW
Rochester, Minnesota 55901

Re: *Pathway Solutions Zoning Application – 8619 West ML Avenue*

Dear Mr. Kundert:

I am writing in response to your letter of March 30, 2020. First, let me apologize for the oversight on my part regarding PA 143 of 2012. You are correct and I stand corrected. However, I want to respond to additional comments in your letter of March 30, 2020.

I stand by my previous comments in my letter of March 26, 2020. Your application for the Special Exception Use for the property located at 8619 West ML Avenue is not complete. While you have provided a response to the questions raised by our Planning Director, Iris Lubbert, those responses are deficient, in that, they do not provide the amount of detail requested or necessary in order to consider your application complete. In way of explanation, I have attached a copy of an analysis prepared by Ms. Lubbert, showing the continuing deficiencies in your application and your response to the requested information.

With regard to the additional information we requested in my letter of March 26, 2020, this was information that was sought in order to more fully analyze your request and answer the larger issues associated with any special use as provided for in Article 65 of the Oshtemo Charter Township Zoning Ordinance. We believe those questions are relevant and necessary in order for the Planning Department to properly prepare and provide a report for consideration by the Planning Commission. If you do not wish to provide that information, that is certainly your choice. However, without a thorough analysis of your request, including the information requested in my letter of March 26, 2020, our Planning Director will be unable to provide the proper analysis for the Planning Commission to consider your application.

If you do not wish to provide the requested information and are still requesting a public hearing, we would be happy to accommodate you and schedule a public hearing. However, I think it would be difficult, if not impossible, for the Planning Commission to give your request proper consideration and could very well result in an unnecessary denial of your special use. We will leave the choice up to you.

OSHTEMO CHARTER TOWNSHIP

Letter to Mr. Matthew Kundert

April 6, 2020

Please let me know if you wish to proceed with a public hearing based upon the current information provided, or whether you will comply with our request and provide the additional information before scheduling the public hearing. Please note, that due to the Covid-19 pandemic, we are having difficulty holding public meetings and, therefore, there may be some delay associated with scheduling a meeting.

Very truly yours,

James W. Porter

James W. Porter
Township Attorney

JWP/y

enc

c Libby Heiny-Cogswell
Dusty Farmer
Iris Lubbert
Josh Owens

Black text – Oshtemo comments 1/28/2020

Green text -Applicants response 3/6/2020

Red text – Oshtemo comments

Per Section 49.70 of Oshtemo’s Zoning Ordinance:

1. Provide a letter stating that the tower complies with FCC and FAA regulations. “The tower will comply with all FAA and FCC guidelines.” ... “The proposed tower is required to be lit per FAA guidelines” “the Facility will also contain a small sign identifying the site as a Pathway Solutions facility and a phone number to call in case of an emergency (staffed 24 hours a day by Pathway Solution employees). Pathway Solutions will comply with all FCC regulations regarding signage at the facility” “The proposed facility falls significantly below all state and federal regulations for emissions of non-ionized radiation” Information is scattered throughout the submittal addressing this question. The captured details above are just some. Please provide a concise letter, one place of reference, outlining how the FCC and FAA regulations will be met.

2. Is there a carrier planned for the proposed tower, or is the tower speculative? Please provide details. “This tower is for use by Pathway Solutions and or other wireless providers. Pathway Solutions is a wireless broadband wholesale provider of service and infrastructure.... The proposed facility will be a link to important communication infrastructure. Individuals and businesses will be able to access wireless communication to say in business, to expand their business, to provide personal convenience, or to strengthen personal safety and the ability to communicate on demand with business, government, family and friends”. There is no clear indication if Pathway Solutions is a carrier or a reseller of another carrier’s service. A clear provider needs to be provided. Also see comment under question 4.

3. A proposed tower shall not be established in Oshtemo unless the communications equipment/ antenna(s) planned for the proposed location cannot be accommodated on an existing or approved tower within the area of the proposed tower. “The only existing structures within the search radius; and two miles for that matter, are the METC transmission towers. These towers are only approximately 90’ tall and too short to provide the coverage necessary to provide adequate broadband service to the area.” See comments to 3a and 3b.

a. What was the search radius for this project? Provide an RF map. “The search radius for the facility is 0.5 miles (exhibit A).” **Exhibit A is an image from google maps showing two pins “Pathway SAR 2018022” and “Proposed Oshtemo Orchard” and a red circle marking the 0.5 search radius. Exhibit A is inadequate. No information has been provided as to why the center of the 0.5 mile ring was chosen as shown on the map.**

b. Is collocation possible? Would collocating on one of the nearby METC power line pylons be a possibility? Please provide proof that collocation options have been explored. “These towers are only approximately 90’ tall and too short to provide the coverage necessary to provide adequate broadband service to the area.” No proof has been provided that collocation has been explored or that 90’ is not tall enough to provide necessary coverage. We need to be able to answer: What area/s is the provider trying to provide service to and what existing coverage is here? No need has been demonstrated.

4. Provide a clean copy of the lease agreement, only the price should be redacted. **Provided.** Requirement met. However, the agreement notes that the Lessee is “Pathway Solutions LLC, an Iowa limited liability company” and not a wireless provider... please explain.
5. Describe the tower’s capacity and how many and what kinds of antennas it can accommodate. “It is designed to accommodate our equipment and two additional carries with a 15’ minimum separation distance.” **Sheet C-2 notes** “Centerline for proposed antennas” and “Centerline of future antennas.” **Specific antenna types and amounts have not been provided.**
6. Add a minimum separation distance notation that would be required for the antenna mounts. “...with a 15’ minimum separation distance.” **On Sheet C-2 the 15’ separation is indicated.** Requirement met
7. Provide an Intermodulation study. This study is explicitly required by the Ordinance which staff does not have the authority to waive. “The proposed facility will not interfere with any existing public safety equipment or any other wireless equipment for that matter. Please see Exhibit B attached.” **Exhibit B – letter from Mr. Nolan Fox – independent consulting firm. Letter summarizes a study that was conducted** “This analysis is a mathematical study and will not account for interference mitigation that will occur due to the differences in technologies and equipment configurations and filtering. This study assumes a worst case scenario using as many as five transmitters operating simultaneously (which is a rare occurrence). It is in my opinion that the Pathway Solutions communications system frequencies should not cause any harmful interference problems to any existing communications systems in the area...” **An intermodulation study was not provided, only a summary of one. Please provide the study for staff review and records.**
8. Provide a letter of intent to allow the shared use for other carriers of this tower under reasonable conditions. Would the applicant consider allowing the Local Emergency Response a collocate at this site? **Letter provided dated November 18, 2019.** Requirement met?
9. How is this project fulfilling section 49.70.C.2.b? “The proposed facility is setback from all property lines a minimum of 466’, far exceeding the setback requirements of the Ordinance. The tower will be galvanized steel grey color. The facility will be screened by the existing vegetation that surrounds the property. Lastly, the tower will blend in with the existing METC transmission towers that run along the back portion of the property”... “The proposed tower will be galvanized steel grey in color. It will be setback from ML avenue 699’ and be screened on all sides by existing mature trees”. **Section 49.70.C.2.b states** “A proposed or modified tower shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in instances where the color is dictated by federal or state authorities and located on the site so as to minimize its visibility from the public right-of-way and residentially zoned properties.” **No camouflaging or color is proposed to help this structure blend into the environment. There are residential properties surrounding this site that will see this 254’ structure. Saying that the tower will blend into the METC transmission towers as the reason to not do so is not acceptable. Unless proof is provided that the proposed galvanized steel grey is a color dictated by the federal or state authorities, setbacks and screening cannot be part of and cannot be used to meet this requirement.**
10. The “Code Compliance” section on sheet T1 is not accurate. Please update to include Oshtemo’s Ordinances, NFDA, and codes adopted by the Southwest Michigan Building Authority (SMBA). Oshtemo does not use KABA. **Done.** Requirement met.

11. Is any lighting being proposed? Please provide light fixture cut sheets for any site illumination. Township requests the use of flip lights where possible. All lighting shall comply with Article 54. “There is no proposed lighting for the compound or ground equipment” “The proposed tower is required to be lit per FAA guidelines. It will be lit at the top and at the 125’ level. We will use the FLASH technology lighting system that includes horizontal beams that greatly reduces the visual obtrusiveness of the tower lights. There will be no lights associated with the compound or ground equipment. “**Requirement met?**”

12. Update the height of the tower to include the lighting rod. “The proposed self support lattice tower will be 254’ tall (250’ tower with a 4’ lighting rod).”**on Sheet T-1 structure height is listed as 250’.** Update Sheet T-1 to note the height of the structure as 254’.

Per Section 64 of Oshtemo’s Zoning Ordinance:

13. Add zoning classification for the subject parcel and the surrounding properties to Sheet T1. **Zoning Classification is listed as “AGRICULTURAL” under Project information.** This requirement was not addressed. For example, although the property under consideration is zoned AG, all immediately adjacent properties are zoned RR, Rural Residential. Update Vicinity Map on Sheet T-1 to show the zoning classification of surrounding properties. Also please update the “Zoning Jurisdiction” on Sheet T1 to Oshtemo Township.

14. Provide details on the proposed utility buildings, including: height, square footages, and more detailed building elevation illustrations (showing doors, windows, materials, and colors). These details will also help in determining the fire load of the structures. “There are no buildings proposed at this time. We will be using equipment cabinets located on a concrete pad” “There will be no buildings at this time. The proposed ground equipment will be two or three cabinets roughly the size of a standard refrigerator located on a concrete pad. The proposed ground equipment will be screened from surrounding properties by the thick mature trees existing on the property.” Requirement met.

15. Indicate where the 1,000-gallon propane tank and generator, that are noted in the application, will be on the site plan. “To provide back-up power, the project does include a propane gas-powered generator and batteries. The generator will be located on a concrete pad. The generator is monitored 24 hours a day via alarm system. A 1,000-gallon propane tank will be located on a concrete pad. The batteries are located inside an equipment cabinet.” **Shown on Sheet C-2. Sheet C-2 does not note that the propane tank will be located on a concrete pad – it does note this for the generator and equipment cabinets. This needs to be updated.**

16. Barbed wire fences are not permitted on properties abutting residential districts. Please update plans accordingly. “The proposed facility will be surrounded by a six-foot high chain link fence”. **Shown on Sheet C-2 – notes “6’ tall fence around entire perimeter”. Request that sheet C-2 specifically note that the proposed fence will be chain link.**

Per NFDA – for any questions on these items please feel free to contact Jim Wiley, Assistant Fire Chief, at 269.375.0487 or jwiley@oshtemo.org.

17. Dead-end fire department access roads in excess of 150 ft in length shall be provided with approved provisions for the fire apparatus to turn around. NFPA 18.2.3.5.4 Dead Ends. “The proposed facility will be accessed from ML Ave by an existing dirt/gravel commercial driveway. No parking is necessary for the unmanned facility”. **Sheet 1 of 3 and Sheet 2 of 3 shows a 25’ wide P.O.B access/utility easement that**

loops through the property. Notes a dirt road at the tower site. Sheet C-2 specifically calls out a Fire department turnaround. Note that roads for fire department access need to be kept clear (from snow etc.) year-round. Please provide details as to how the road will be maintained.

18. A Knox key box shall be required for this site. NFPA 1, 2018, 18.2.2.1. "A Knox box will be installed at the compound gate". Shown on Sheet C-2. Requirement met.

19. For the review of this application the Township has engaged Richard Comi from the Center of Municipal Solutions. At this time, the Township requests additional escrow funds be remitted in the amount \$8,500.00 to support review costs. Once the project is complete, any remaining funds will be reimbursed. "Per State of Michigan Senate Bill No.1064, we are only required to pay an application fee of \$1,000 or the actual, reasonable cost of reviewing and processing the application, whichever is less. We have already sent \$2,500 in for this application." Proven true, requirement met.

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Matt Kundert

From: Iris Lubbert <ilubbert@oshtemo.org>
Sent: Tuesday, April 14, 2020 9:43 AM
To: mkundert@unwiredconsulting.com
Cc: Ben Clark; James Porter
Subject: Voicemail - Proposed Facility at 8619 West ML Ave
Attachments: Planning Review - Orchard Cell Tower.docx

Good morning Matt,

I received your voicemail regarding the above project. Unfortunately with township offices being closed and with my now working from home communication has become a little more challenging. Currently the best way to communicate is through email and I believe that having your comments/questions in writing would be helpful. I do not want to claim to be an expert in communication towers and having your comments/questions in writing would allow me to pass them on to other staff or our consultant if needed. Also in this way there is no risk that I miss or miscommunicate any information you provide. Please feel free to add your comments/questions directly to the review comments. I attached a word version for your use.

Thank you for your patience. Stay safe,

Iris Lubbert, AICP

Planning Director for Oshtemo Charter Township
7275 W. Main Street, Kalamazoo MI 49009
Phone: (269) 216-5232
Fax: (269) 375-7180

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Matt Kundert

From: Iris Lubbert <ilubbert@oshtemo.org>
Sent: Tuesday, April 14, 2020 11:10 AM
To: mkundert@unwiredconsulting.com
Cc: James Porter; dick@telecomsol.com; Ben Clark
Subject: RE: Voicemail - Proposed Facility at 8619 West ML Ave

Hi Matt,

If you wish to talk about the application we would like our consultant, Richard Comi, to be involved. I have ccd him to this email. Please reach out to Richard to discuss your application or respond to this email with your availability this week so I can set up a conference call. Richard can be reached at 518-429-3079 or 518-368-6606.

Thank you,

Iris Lubbert, AICP

Planning Director for Oshtemo Charter Township
7275 W. Main Street, Kalamazoo MI 49009
Phone: (269) 216-5232
Fax: (269) 375-7180

Matt Kundert

From: Iris Lubbert <ilubbert@oshtemo.org>
Sent: Tuesday, April 14, 2020 2:21 PM
To: mkundert@unwiredconsulting.com
Cc: James Porter; dick@telecomsol.com; Ben Clark
Subject: RE: Voicemail - Proposed Facility at 8619 West ML Ave

Hi Matt,

After speaking with counsel, please contact Richard Comi first. His cell phone is the easiest way to reach him: 518-368-6606.

Kind regards,

Iris Lubbert, AICP

Planning Director for Oshtemo Charter Township
7275 W. Main Street, Kalamazoo MI 49009
Phone: (269) 216-5232
Fax: (269) 375-7180

Matt Kundert

From: Matt Kundert <mkundert@unwiredconsulting.com>
Sent: Tuesday, April 14, 2020 2:31 PM
To: 'Iris Lubbert'
Cc: 'James Porter'; 'dick@telecomsol.com'; 'Ben Clark'
Subject: RE: Voicemail - Proposed Facility at 8619 West ML Ave

Based on your first communication this morning, we are drafting a written response and will have it to you shortly.

*Matthew Kundert
Unwired Consulting, Inc.
2625 Monroe Drive NW
Rochester, MN 55901*

*507-216-6576 office
507-319-3399 mobile
mkundert@unwiredconsulting.com*

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Matt Kundert

From: Matt Kundert <mkundert@unwiredconsulting.com>
Sent: Thursday, April 30, 2020 3:51 PM
To: 'Yvonne Rumery'; 'James Porter'
Cc: 'Libby Heiny-Cogswell'; 'Dusty Farmer'; 'Josh Owens'; 'Iris Lubbert'; 'Kathy Barnes'
Subject: RE: Pathway Solutions Zoning Application
Attachments: Response Ltr to Porter_Orchard Tower_043020.pdf

Good Afternoon. Please find the attached Response letter. Hard copies are in the post.
Thank you

*Matthew Kundert
Unwired Consulting, Inc.
2625 Monroe Drive NW
Rochester, MN 55901*

*507-216-6576 office
507-319-3399 mobile
mkundert@unwiredconsulting.com*

From: Yvonne Rumery <yrumery@oshtemo.org>
Sent: Monday, April 06, 2020 11:06 AM
To: mkundert@unwiredconsulting.com
Cc: Libby Heiny-Cogswell <libbyhc@oshtemo.org>; Dusty Farmer <dfarmer@oshtemo.org>; Josh Owens <jowens@oshtemo.org>; Iris Lubbert <ilubbert@oshtemo.org>; James Porter <jposhtwp@oshtemo.org>; Kathy Barnes <kboshtwp@oshtemo.org>
Subject: Pathway Solutions Zoning Application

Good morning, Mr. Kundert. Attached please find correspondence from Township Attorney James Porter, along with the referenced attachment. Thank you.

Yvonne Rumery
Paralegal Admin Assistant
Legal Office
Oshtemo Charter Township
7275 W. Main Street
Kalamazoo, Michigan 49009

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April 30, 2020

James W. Porter
Township Attorney
Oshtemo Charter Township
7275 W. Main Street
Kalamazoo, MI 49009

RE: Pathway Solutions Zoning Application at 8619 West ML Avenue

Dear Mr. Porter:

This letter is in response to your letter dated April 6, 2020 and the attached file you named: "Attachmt – Planning Review – Orchard Cell Tower.pdf".

In reference to the paragraph where you state the reason for requesting additional information in your letter of March 26, 2020, "being sought to more fully analyze the application as it pertains to larger issues associated with Article 65 of the Oshtemo Township Zoning Ordinance," I would again point out, as I did in my letter to you dated March 30, 2020, per federal regulations (shot clock), in a second notice of an incomplete application (your letter dated March 26, 2020) the scope of that second notice is limited to only items specifically listed and detailed in the first notice of an incomplete application (township letter dated January 28, 2020), There is no provision that changes that scope based on wanting to evaluate information against Article 65 or any other part of the ordinance. Further, under the state shot clock the township had 14 business days from the receipt of the application dated January 9, 2020, to deem the application administratively complete or specify the information needed to make the application administratively complete. The township issued a notice of an incomplete application on January 28, 2020. The applicant's response to the notice of incomplete application was submitted on March 6, 2020 after compiling the information requested at which point the state shoot clock commenced (90 days). On March 27, 2020 the township sent a letter stating that the application was still incomplete and asked for new information not included in the notice sent on January 28, 2020. While MI PA 143 does not address a second notice of an incomplete application the Telecommunications Act of 1996 (TCA) does. Under the TCA within 10 days of the applicant's additional requested information (applicant response letter dated March 6, 2020) the township may issue a second notice of the application being incomplete limited to items specifically listed and detailed in the township's first notice of an incomplete application dated January 28, 2020. The township letter of March 27, 2020 did not meet that criteria. The applicant's response to the first notice of incomplete application occurred on March 6, 2020, the second response from the township occurred on March 27, 2020, twenty-two days later. As such, the application became administratively complete on March 6, 2020. As a courtesy, we did address each of the requested items.

In reference to the, "Attachmt – Planning Review – Orchard Cell Tower", I note that this is the first submission of these questions posed as a separate document. I would also point out that while you state the document shows, "the continuing deficiencies...and your response to the requested

information,” indicating this document was current as of the date of your letter of April 6, 2020, review of this document shows it was not current as of the date of your letter as it only shows applicant comments from March 6, 2020. Many of the items requested in this document were addressed in my response letter dated March 30, 2020.

For consistency of the written record, please see the following responses to, “Attachmt – Planning Review – Orchard Cell Tower” (please note that sections where the township added the note “Requirement Met” are omitted).

1. The original request from the township dated January 28, 2020, was, “Provide a letter stating that the tower complies with FCC and FAA regulations.” The letter sent by the applicant on March 6, 2020 states on line 1, “This tower will comply with all FAA and FCC guidelines.” It is now being requested that this be done in a separate letter. As a courtesy, please find the attached separate letter (Exhibit A) stating the tower complies with FCC and FAA regulations and the specific regulations that apply to the tower.
2. This was addressed in the letter sent by the applicant on March 30, 2020 in paragraph 2(a). Pathway Solutions is the provider and by FCC definitions is a WISP (Wireless Internet Service Provider).
- 3(a) This was addressed in the letter sent by the applicant on March 30, 2020 in paragraph 2(c). An “RF map” is an internal company tool subject to modifications internal to the company. It does not mean that all locations inside the search area will work as a valid site location. It is a starting point used as guidance for field personnel and used to search out existing structures.
- 3(b) This was addressed in the letter sent by the applicant on March 30, 2020 in paragraph 2(d). In addition to the previous response and as a courtesy it should be noted that while the METC transmission towers are too low to provide adequate coverage, simply as a structure, they are not considered suitable collocation options. They were not constructed to accommodate wireless communications systems. As the power company does not allow any outside access to these towers, the provider cannot install, cannot optimize, cannot upgrade, cannot repair and cannot get to their equipment in case of an outage, in any kind of timely manner, and with their own personnel, access their system. In fact, these legacy holdovers of earlier buildouts are being systematically replaced and decommissioned.

In the last part of the paragraph the township makes two additional requests for information that were not part of the township’s notice of an incomplete application letter of January 28, 2020 or the second notice of an incomplete application letter dated March 30, 2020. As a courtesy please note the primary area to service from this location will be a 6-mile diameter circle centered on the tower location. As Pathway Solutions has no existing system here there no existing coverage.

5. The specific antenna types and amounts can be found on the on the C-2 page of the drawing under “Designed Appurtenance Loading”. As stated in that section, Antenna Type: PANEL, Antenna Amounts: 12 per CL.
7. The entire study is attached. (Exhibit B)

9. This item was not referenced in your letter dated March 26, 2020 as a deficient item. Per federal regulations (shot clock) only allows inquires listed in detail in a first notice of an incomplete application to be further addressed in a second notice of an incomplete application

The tower design and placement were done in a manner to minimize visual impacts to the greatest extent possible. Tower type, setbacks, natural screening and the use of a neutral color like gray are universally accepted as tools for minimizing visual impacts. A self-support tower was selected vs a guyed tower of the same height. The neutral color gray is much more preferable to minimizing visual impacts vs the alternating orange and white of a FAA color scheme. Minimum township setback requirements are doubled. To the North of the tower there are two tree lines between the tower and public road. There is a wooded area to the east and west. There is a significant distance to the South end of the property where there is another tree line. There is a transmission line crossing the property. The proposed placement is on a property zoned Ag vs RR. The tower use is consistent with the use and character of the property.

Per the FCC's Declaratory Ruling and Third Report and Order sections 253 and 332, Aesthetic Regulations, published in the Federal Register on October 15, 2018, the FCC clarifies that local aesthetic requirements on facilities must meet three criteria to be permissible under the Act. Aesthetics requirements are not preempted if they are (1) reasonable, (2) no more burdensome than those applied to other types of infrastructure deployments, and (3) objective and published in advance." The FCC further clarifies that to be "reasonable," aesthetic requirements must be "technically feasible and reasonably directed to avoiding or remedying the intangible public harm of unsightly or out-of-character deployments. The FCC notes that aesthetic requirements imposed on certain types of facilities that are more burdensome than those applied to similar infrastructure deployments would show that the requirement is being applied in a discriminatory fashion and is not, in fact reasonable. The FCC clarifies that an "objective" aesthetic requirement "must incorporate clearly-defined and ascertainable standards," which would be "applied in a principled manner."

Therefore, in order for the required "use of color and camouflaging architectural treatment" to be a valid requirement in reviewing the project it must include defined and ascertainable standards. For instance, it would need to read something like, "use of color, which will be gray, blue or green and camouflaging architectural treatment which will be self-support tower design vs guyed tower surrounded by an 8' solid fence of natural materials."

12. Typically, tower height is described as the height of the support structure itself. Overall height would include appurtenances including a lightning rod. While this is already shown on the C-2 page of the drawings the T-1 page has been updated to show overall height to meet your request. (Exhibit C, revised drawings)
13. T-1 has been updated with this information. (Exhibit C, revised drawings)
15. The C-2 has been updated to show this information. (Exhibit C, revised drawings)

16. The C-2 has been updated to show this information. (Exhibit C, revised drawings)

17. A local service provider will be on call for snow removal/debris removal/weed control.

Please place this application on the agenda of the next available Planning Commission meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew Kundert", with a long horizontal flourish extending to the right.

Matthew Kundert
Representative for
Pathway Solutions

EXHIBIT A



April 9, 2020

RE: Pathway Solutions Zoning Application at 8619 West ML Avenue for Tower
Property Location: 8619 West ML Avenue, Kalamazoo, MI 49009 (the "Property")
Letter Stating Tower Compliance with FAA and FCC regulations

To Who it May Concern,

Pathway Solutions LLC will comply with all FAA and FCC regulations for this proposed tower. FAA compliance is accomplished through an FAA Aeronautical Study and issuance of a "Determination of No Hazard to Air Navigation" along with any conditions of the determination. FCC compliance is accomplished through registration of the tower in the FCC's ASR (Antenna Structure Registration) system and the issuance of an ASR #.

Sincerely,

A handwritten signature in black ink, appearing to read "N. Fox".

Nolan Fox
President
Pathway Solutions LLC

EXHIBIT B



OWL ENGINEERING & EMC TEST LABS, INC.

CONSULTING COMMUNICATIONS ENGINEERS · EMC TEST LABORATORIES

5844 Hamline Avenue North, Shoreview, MN 55126
651-784-7445 • Fax 651-784-7541

March 3, 2020

Mr. Nolan Fox
Pathway Solutions
308 E. Burlington
Street
Suite 219
Iowa City, IA 52240

Reference: Intermodulation Study for the Oshtemo Site # 2018022

Dear Mr. Noland Fox:

As an independent consulting engineering firm, I have completed the intermodulation (interference) study on the proposed Pathway Solutions new tower proposed in Oshtemo, MI¹.

The analysis was performed on the proposed installation of the Pathway Solutions communications system on the new tower. Because of the large amount of potential frequencies available with the technologies proposed, a random subset of each of these types of technologies was selected for the analysis. There are no other existing carriers at this location. Additionally, I included any frequencies used by the County, Public Works and Public Safety even if they were not installed on the new tower. They are: KB32580, KNAS229, KQF751, KK7205, KQI317, KWE803, WPJG779 and WQHJ933. The data was obtained by performing a search of the Federal Communications Commission frequency data base², the expired licenses listed were not included in the analysis. These frequencies were considered so if a mobile unit passed nearby or if they were mounted on the new tower in the future, protection was considered.

The study shows that there are mathematically predicted potential interference intermodulation products generated from combinations of existing City, County and proposed channels at this site. However, there are no predicted (low order) interference intermodulation products generated from combinations of existing and proposed channels at this site. When the proposed communications facility is constructed, antenna separation, antenna pattern directionality properties and equipment filtering will further reduce the potential of intermodulation induced interference.

¹ Site Location N 42° 15' 53.07" W 85° 43' 10.3"

² Federal Communications Commission, Wireless Telecommunications Bureau –“*Universal Licensing System*”



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This analysis is a mathematical study and will not account for interference mitigation that will occur due to the differences in technologies and equipment configurations and filtering. This study assumes a worst-case scenario using as many as five transmitters operating simultaneously (which is a rare occurrence).

It is my opinion that the Pathway Solutions communications system frequencies should not cause any harmful interference problems to any existing communications systems in the area.

This analysis did not compute or review any RF radiation values either predicted or measured on the new tower.

If you have any questions in this matter please contact me.

Sincerely,

A handwritten signature in black ink that reads "Garrett G. Lysiak".

Garrett G. Lysiak, P.E.



Summary of Transmit Frequencies

Location: Proposed New Tower

Location: New Tower

2 GHz Unlicensed Band

All non-overlapping channels operating at full power levels using non-directional antenna as a worst-case scenario.

2412.0000	->	Channel 1
2422.0000	->	Channel 3
2432.0000	->	Channel 5
2442.0000	->	Channel 7
2452.0000	->	Channel 9
2462.0000	->	Channel 11

5 GHz Unlicensed Band

All non-overlapping channels operating at full power levels using non-directional antenna as a worst-case scenario.

5260.0000	->	Channel 52
5280.0000	->	Channel 56
5300.0000	->	Channel 60
5320.0000	->	Channel 64
5500.0000	->	Channel 100
5520.0000	->	Channel 104
5540.0000	->	Channel 108
5560.0000	->	Channel 112
5580.0000	->	Channel 116

The operation of all of these channels is under the conditions that they accept all incoming interference from other users and services as required by FCC Rules.

Summary of City & County Receive Frequencies

All of the City study frequencies were all assumed to be located at the proposed new tower site to provide a worst-case scenario. In the real world they are located in the surrounding area and most of them are mobile locations which can change the locations.



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Location: City & County Channels

Call Sign Frequency

KB32580	154.3550
KNAS229	154.1150 154.4300
KQF751	154.4300
KQI317	154.7850 154.8450 155.3700 155.4300 155.6250 159.0000 159.1500 453.1875 453.4375 458.1875 458.4375
KWE803	153.7850
KB32580	154.3550 159.2325
WPJG779	155.6850 159.2325

The frequencies for **WQHJ933** were not included in the study since it was determined that the license had expired.

The study was performed for intermodulation orders up to the 12th order. These calculations amounted to over 700 million combinations. The specific order calculations are massive and only the results are shown since there were no intermodulation products found to occur on any of the City or County frequencies. This outcome is predictable due to the much higher frequencies (2 and 5 GHz) for the proposed new tower and the low power of the proposed transmitters.



Intermodulation Study Results

ORDER -> 2

NO INTERMODULATION PRODUCTS DETECTED.

ORDER -> 3

NO INTERMODULATION PRODUCTS DETECTED.

ORDER -> 4

NO INTERMODULATION PRODUCTS DETECTED.

ORDER -> 5

NO INTERMODULATION PRODUCTS DETECTED.

ORDER -> 6

NO INTERMODULATION PRODUCTS DETECTED.

ORDER -> 7

NO INTERMODULATION PRODUCTS DETECTED.

ORDER -> 8

NO INTERMODULATION PRODUCTS DETECTED.

ORDER -> 9

NO INTERMODULATION PRODUCTS DETECTED.

ORDER -> 10

NO INTERMODULATION PRODUCTS DETECTED

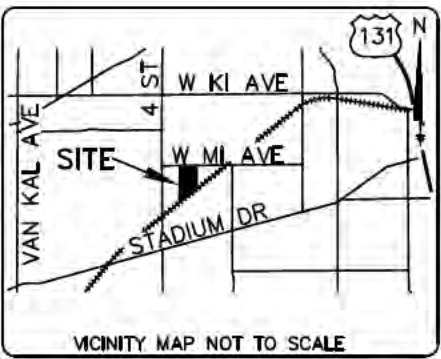
ORDER -> 11

NO INTERMODULATION PRODUCTS DETECTED

ORDER -> 12

NO INTERMODULATION PRODUCTS DETECTED

EXHIBIT C



PROPOSED TOWER LOCATION INFORMATION:
 NAD 83
 LATITUDE = 42°15'53.07" N ±20'
 LONGITUDE = 85°43'10.30" W ±20'
 GROUND ELEVATION AT PROPOSED BASE = 974.14' ±3' NAVD88

TOPO SURVEY
 IN SECTION 28,
 TOWNSHIP 2 SOUTH, RANGE 12 WEST
 FOR: INFINIGY
SITE: OSHTEMO ORCHARD
 SITE NO.: 2018022
 ADDRESS: 8619 WEST ML AVENUE
 KALAMAZOO, MI 49009
 KALAMAZOO COUNTY

INFINIGY
 NATIONAL SURVEY SERVICES COORDINATION BY:

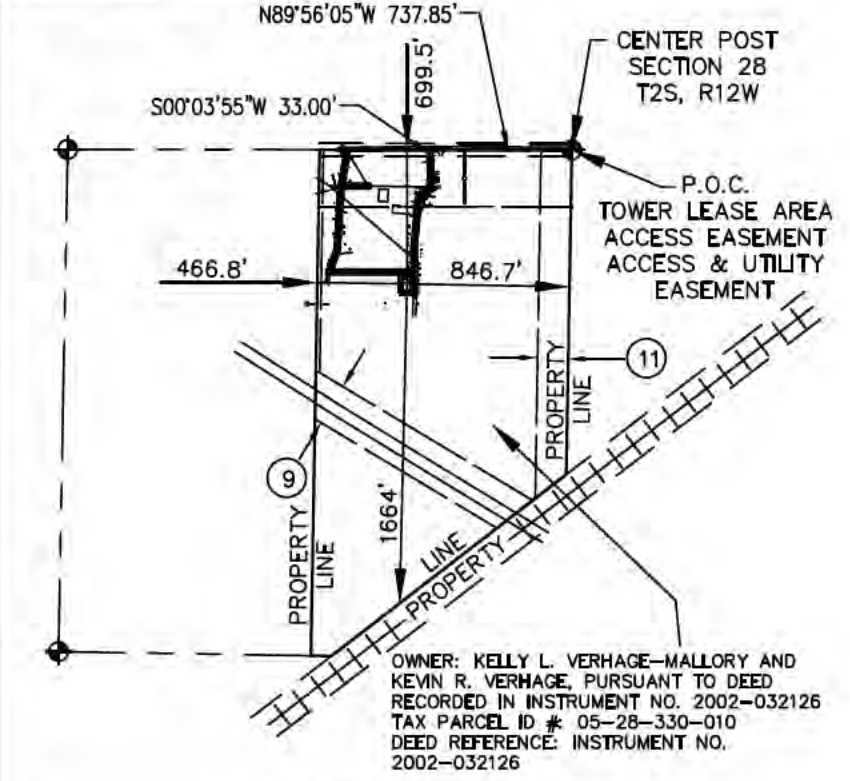
GEOLINE SURVEYING, INC.
 13430 NW 104th Terrace, Suite A, Alachua, FL 32615
 Office: (386) 418-0500 Fax: (386) 462-9986
 WWW.GEOLINEINC.COM

SURVEY WORK PERFORMED BY:
 Surveying & Mapping Performed By:
Global Land SOLUTIONS
 Solutions that work for you.
 Corporate Office:
 9730 N. Greenville Rd,
 Lakeview, Michigan 48850
 (989) 352-4000
 www.GlobalLandSolutions.com
 Serving The Great Lakes Region

DRAWN BY: TBK CHECKED BY: JMS JOB # 193175

SURVEYOR'S NOTES
 1. BASIS OF BEARING, ASSUMED N 89°56'05" W ON THE EAST-WEST 1/4 LINE SECTION 28.
 2. NO SUBSURFACE INVESTIGATION WAS PERFORMED TO LOCATE UNDERGROUND UTILITIES. UTILITIES SHOWN HEREON ARE LIMITED TO AND ARE PER OBSERVED EVIDENCE ONLY.
 3. THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY OF THE PARENT PARCEL.
 4. ALL VISIBLE TOWER EQUIPMENT AND IMPROVEMENTS ARE CONTAINED WITHIN THE DESCRIBED AREA.
 5. ALL SYMBOLS NOT TO SCALE.
SURVEYOR'S CERTIFICATION
 I HEREBY CERTIFY TO INFINIGY, PATHWAY SOLUTIONS.

GLOBAL LAND SOLUTIONS
Jay M. Schwandt
 Jay M. Schwandt, PS, JD
 LAND SURVEYOR - MICHIGAN #47974
 Date: DECEMBER 31, 2019
 Revision: #1



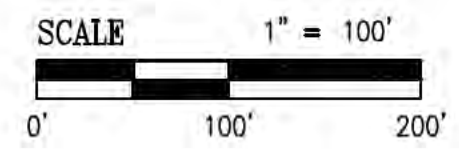
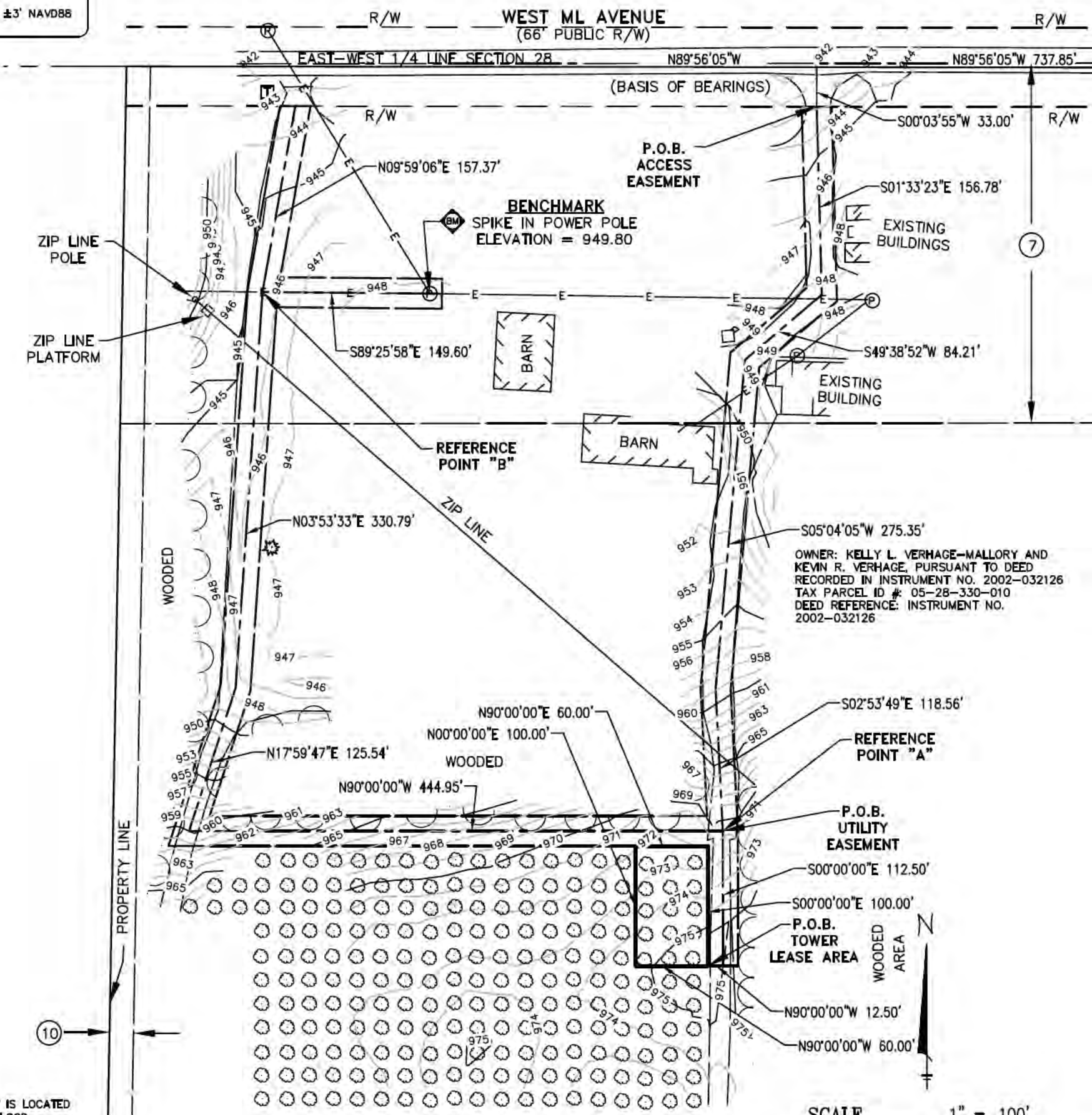
OWNER: KELLY L. VERHAGE-MALLORY AND KEVIN R. VERHAGE, PURSUANT TO DEED RECORDED IN INSTRUMENT NO. 2002-032126 TAX PARCEL ID # 05-28-330-010 DEED REFERENCE: INSTRUMENT NO. 2002-032126

PARENT PARCEL DETAIL
 SCALE: NTS

- LEGEND**
- FOUND 5/8" IRON ○
 - FOUND PK NAIL △
 - SET 5/8" IRON ●
 - POINT OF BEGINNING P.O.B.
 - POINT OF COMMENCEMENT P.O.C.
 - RIGHT OF WAY R/W
 - POWER POLE Ⓟ
 - ELECTRIC TRANSFORMER BOX Ⓜ
 - ELECTRIC METER Ⓜ
 - TELEPHONE PEDESTAL Ⓜ
 - CABLE TV PEDESTAL Ⓜ
 - OVERHEAD ELECTRIC E
 - FENCE *

AREA TABLE	SQUARE FEET	ACRE
(A) PARENT PARCEL	2,894,827±	66.46±
(B) TOWER LEASE AREA	6,000	0.138
(C) ACCESS EASEMENT	18,684.81	0.429
(D) UTILITY EASEMENT	29,566.36	0.679

ZONING: NOT AVAILABLE
FLOOD NOTE: SUBJECT PROPERTY IS LOCATED IN ZONE "X", AREA OF MINIMAL FLOOD HAZARD PER F.E.M.A. MAP NO. 26077C01750 EFFECTIVE DATE 02/17/2010.



TOPO SURVEY
 IN SECTION 28,
 TOWNSHIP 2 SOUTH, RANGE 12 WEST

FOR: INFINIGY
SITE: OSHTEMO ORCHARD
 SITE NO.: 2018022
 ADDRESS: 8619 WEST ML AVENUE
 KALAMAZOO, MI 49009
 KALAMAZOO COUNTY

INFINIGY

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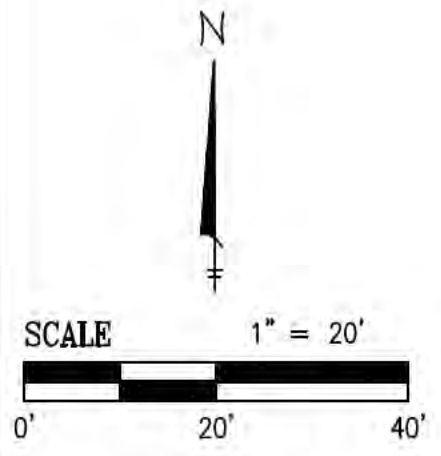
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DRAWN BY: TBK | CHECKED BY: JMS | JOB #: 193175

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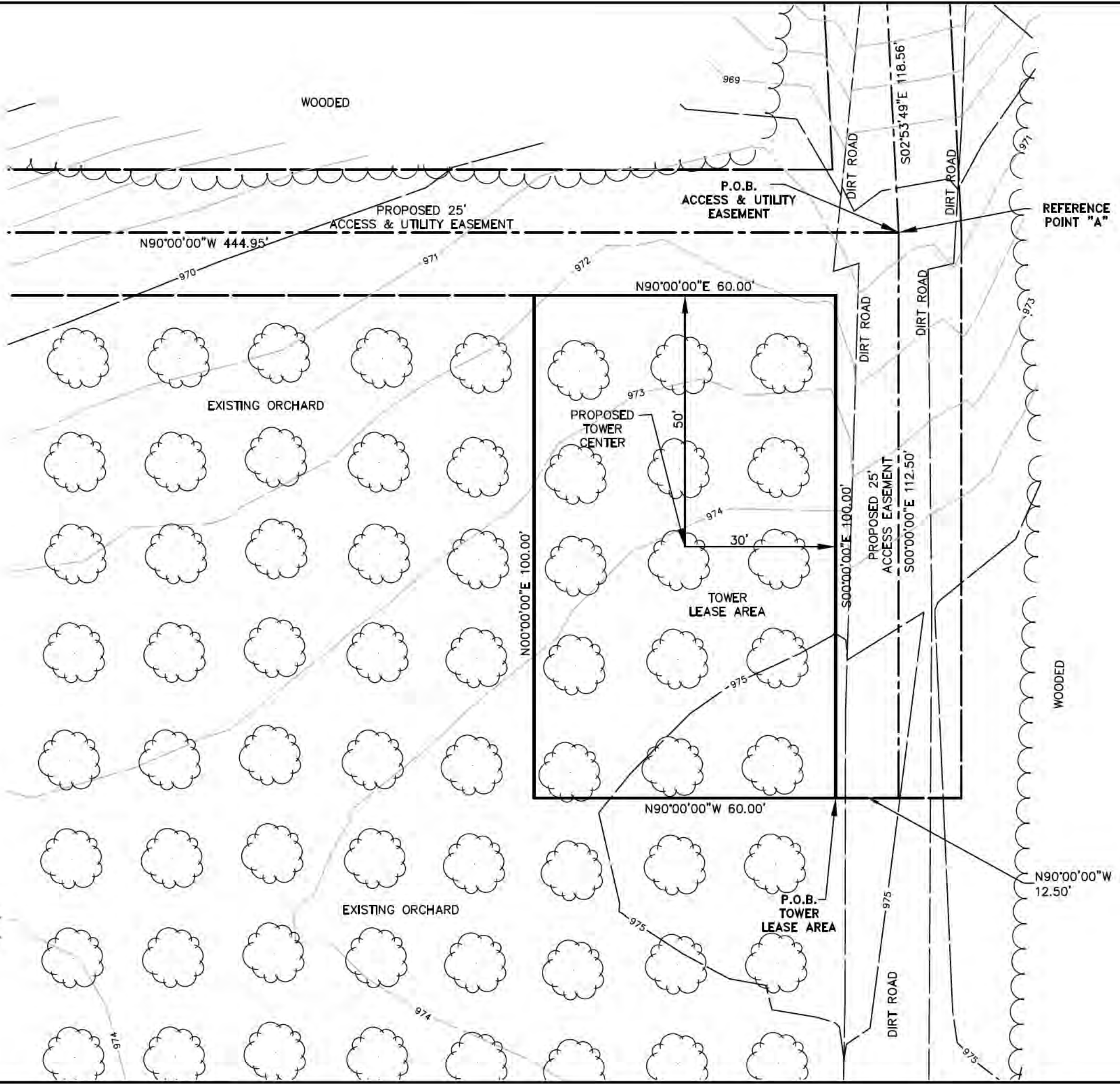
SURVEYOR'S CERTIFICATION
 I HEREBY CERTIFY TO INFINIGY, PATHWAY SOLUTIONS.

GLOBAL LAND SOLUTIONS
Jay M. Schwandt
 Jay M. Schwandt, PS, JD
 LAND SURVEYOR - MICHIGAN #47974
 Date: DECEMBER 31, 2019
 Revision: #1



LEGEND

FOUND 5/8" IRON	○
FOUND PK NAIL	△
SET 5/8" IRON	●
POINT OF BEGINNING	P.O.B.
POINT OF COMMENCEMENT	P.O.C.
RIGHT OF WAY	R/W
POWER POLE	Ⓟ
ELECTRIC TRANSFORMER BOX	Ⓜ
ELECTRIC METER	Ⓜ
TELEPHONE PEDESTAL	Ⓜ
CABLE TV PEDESTAL	CATV
OVERHEAD ELECTRIC FENCE	—E—
	—*—



ITEMS 1 THROUGH 6, NOT A SURVEY MATTER.

- 7 The terms, provisions and easement(s) contained in the document entitled "Right of Way" recorded as Liber 357, Page 450 of Official Records, SHOWN.
- 8 Oil, gas and mineral reservations contained in the Instrument(s) recorded in Liber 491, Page 545, Liber 1160, Page 1310 and Instrument No. 2001-020084. This exception does not constitute a statement as to the ownership of this interest or right. There may be leases, grants, exceptions or reservations of such interests that are not listed. NOT SHOWN, BLANKET TYPE EASEMENT.
- 9 The terms, provisions and easement(s) contained in the document entitled "Permanent Electric Transmission Line Easement Agreement" recorded August 22, 2014 as Instrument No. 2014-027968 of Official Records, SHOWN.
- 10 The terms, provisions and easement(s) contained in the document entitled "Permanent Access Easement" recorded October 27, 2015 as Instrument 2015-036802 of Official Records, SHOWN.
- 11 The interest of John P. McNally and Mary Catherine McNally as disclosed in the Instruments recorded in Liber 979, Page 736 and Liber 979, Page 737, SHOWN.

Items 12 through 17, not a survey matter.

PARENT PARCEL DESCRIPTION: (AS PROVIDED)

Land in the Township of Oshtemo, Kalamazoo County, Michigan, described as follows:

The East 1/2 of the Southwest 1/4 lying North of the railroad track of the Michigan Central Railroad Company (now New York Central Railroad Company), Section 28, Town 2 South Range 12 West.

TOWER LEASE AREA DESCRIPTION: (AS SURVEYED)

ALL THAT PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 LYING NORTH OF THE RAILROAD TRACK OF THE MICHIGAN CENTRAL RAILROAD COMPANY (NOW NEW YORK CENTRAL RAILROAD COMPANY), SECTION 28, TOWN 2 SOUTH RANGE 12 WEST, OSHTEMO TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE CENTER POST OF SAID SECTION 28; THENCE N 89°56'05" W ALONG THE EAST-WEST QUARTER LINE OF SAID SECTION 28, 737.85 FEET; THENCE S 00°03'55" W, 33.00 FEET TO A POINT ON THE SOUTH LINE OF WEST ML AVENUE (66' PUBLIC RIGHT OF WAY); THENCE S 01°33'23" E, 156.78 FEET; THENCE S 49°38'52" W, 84.21 FEET; THENCE S 05°04'05" W, 275.35 FEET; THENCE S 02°53'49" E, 118.56 FEET TO REFERENCE POINT "A"; THENCE S 00°00'00" E, 112.50 FEET; THENCE N 90°00'00" W, 12.50 FEET TO THE POINT OF BEGINNING; THENCE N 90°00'00" W, 60.00 FEET; THENCE N 00°00'00" E, 100.00 FEET; THENCE N 90°00'00" E, 60.00 FEET; THENCE S 00°00'00" E, 100.00 FEET TO THE POINT OF BEGINNING. CONTAINING 6,000 SQUARE FEET OR 0.138 ACRES, MORE OR LESS.

ACCESS EASEMENT DESCRIPTION: (AS SURVEYED)

ALL THAT PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 LYING NORTH OF THE RAILROAD TRACK OF THE MICHIGAN CENTRAL RAILROAD COMPANY (NOW NEW YORK CENTRAL RAILROAD COMPANY), SECTION 28, TOWN 2 SOUTH RANGE 12 WEST, OSHTEMO TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN, LYING 12.50 FEET EACH SIDE OF AND COINCIDENT WITH A CENTERLINE DESCRIBED AS: COMMENCING AT THE CENTER POST OF SAID SECTION 28; THENCE N 89°56'05" W ALONG THE EAST-WEST QUARTER LINE OF SAID SECTION 28, 737.85 FEET; THENCE S 00°03'55" W, 33.00 FEET TO A POINT ON THE SOUTH LINE OF WEST ML AVENUE (66' PUBLIC RIGHT OF WAY) AND THE POINT OF BEGINNING; THENCE S 01°33'23" E, 156.78 FEET; THENCE S 49°38'52" W, 84.21 FEET; THENCE S 05°04'05" W, 275.35 FEET; THENCE S 02°53'49" E, 118.56 FEET TO REFERENCE POINT "A"; THENCE S 00°00'00" E, 112.50 FEET TO THE POINT OF ENDING. CONTAINING 18,684.81 SQUARE FEET OR 0.429 ACRES, MORE OR LESS.

ACCESS & UTILITY EASEMENT DESCRIPTION: (AS SURVEYED)

ALL THAT PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 LYING NORTH OF THE RAILROAD TRACK OF THE MICHIGAN CENTRAL RAILROAD COMPANY (NOW NEW YORK CENTRAL RAILROAD COMPANY), SECTION 28, TOWN 2 SOUTH RANGE 12 WEST, OSHTEMO TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN, LYING 12.50 FEET EACH SIDE OF AND COINCIDENT WITH A CENTERLINE DESCRIBED AS: COMMENCING AT THE CENTER POST OF SAID SECTION 28; THENCE N 89°56'05" W ALONG THE EAST-WEST QUARTER LINE OF SAID SECTION 28, 737.85 FEET; THENCE S 00°03'55" W, 33.00 FEET TO A POINT ON THE SOUTH LINE OF WEST ML AVENUE (66' PUBLIC RIGHT OF WAY); THENCE S 01°33'23" E, 156.78 FEET; THENCE S 49°38'52" W, 84.21 FEET; THENCE S 05°04'05" W, 275.35 FEET; THENCE S 02°53'49" E, 118.56 FEET TO REFERENCE POINT "A" AND THE POINT OF BEGINNING; THENCE N 90°00'00" W, 444.95 FEET; THENCE N 17°59'47" E, 125.54 FEET; THENCE N 03°53'33" E, 330.79 FEET TO REFERENCE POINT "B"; THENCE N 09°59'06" E, 157.37 FEET TO THE SAID SOUTH LINE OF WEST ML AVENUE AND THE POINT OF ENDING. ALSO BEGINNING AT SAID REFERENCE POINT "B"; THENCE S 89°25'58" E, 149.60 FEET TO THE POINT OF ENDING. CONTAINING 29,566.36 SQUARE FEET OR 0.679 ACRES, MORE OR LESS.

TOPO SURVEY

IN SECTION 28,
TOWNSHIP 2 SOUTH, RANGE 12 WEST

FOR: INFINIGY

SITE: OSHTEMO ORCHARD

SITE NO.: 2018022

ADDRESS: 8619 WEST ML AVENUE

KALAMAZOO, MI 49009

KALAMAZOO COUNTY

INFINIGY

NATIONAL SURVEY SERVICES COORDINATION BY:

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SURVEYING, INC.**

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Office: (386) 418-0500 Fax: (386) 462-9986
WWW.GEOLINEINC.COM

SURVEY WORK PERFORMED BY:

Surveying & Mapping Performed By:



Solutions that work for you.

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9730 N. Greenville Rd,
Lakeview, Michigan 48850
(989) 352-4000
www.GlobalLandSolutions.com
Serving The Great Lakes Region

DRAWN BY: TBK CHECKED BY: JMS JOB # 193175

SURVEYOR'S NOTES

1. BASIS OF BEARING, ASSUMED N 89°56'05" W ON THE EAST-WEST 1/4 LINE SECTION 28.
2. NO SUBSURFACE INVESTIGATION WAS PERFORMED TO LOCATE UNDERGROUND UTILITIES. UTILITIES SHOWN HEREON ARE LIMITED TO AND ARE PER OBSERVED EVIDENCE ONLY.
3. THIS SURVEY DOES NOT REPRESENT A BOUNDARY SURVEY OF THE PARENT PARCEL.
4. ALL VISIBLE TOWER EQUIPMENT AND IMPROVEMENTS ARE CONTAINED WITHIN THE DESCRIBED AREA.
5. ALL SYMBOLS NOT TO SCALE.

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY TO INFINIGY, PATHWAY SOLUTIONS.

Jay M. Schwandt
GLOBAL LAND SOLUTIONS

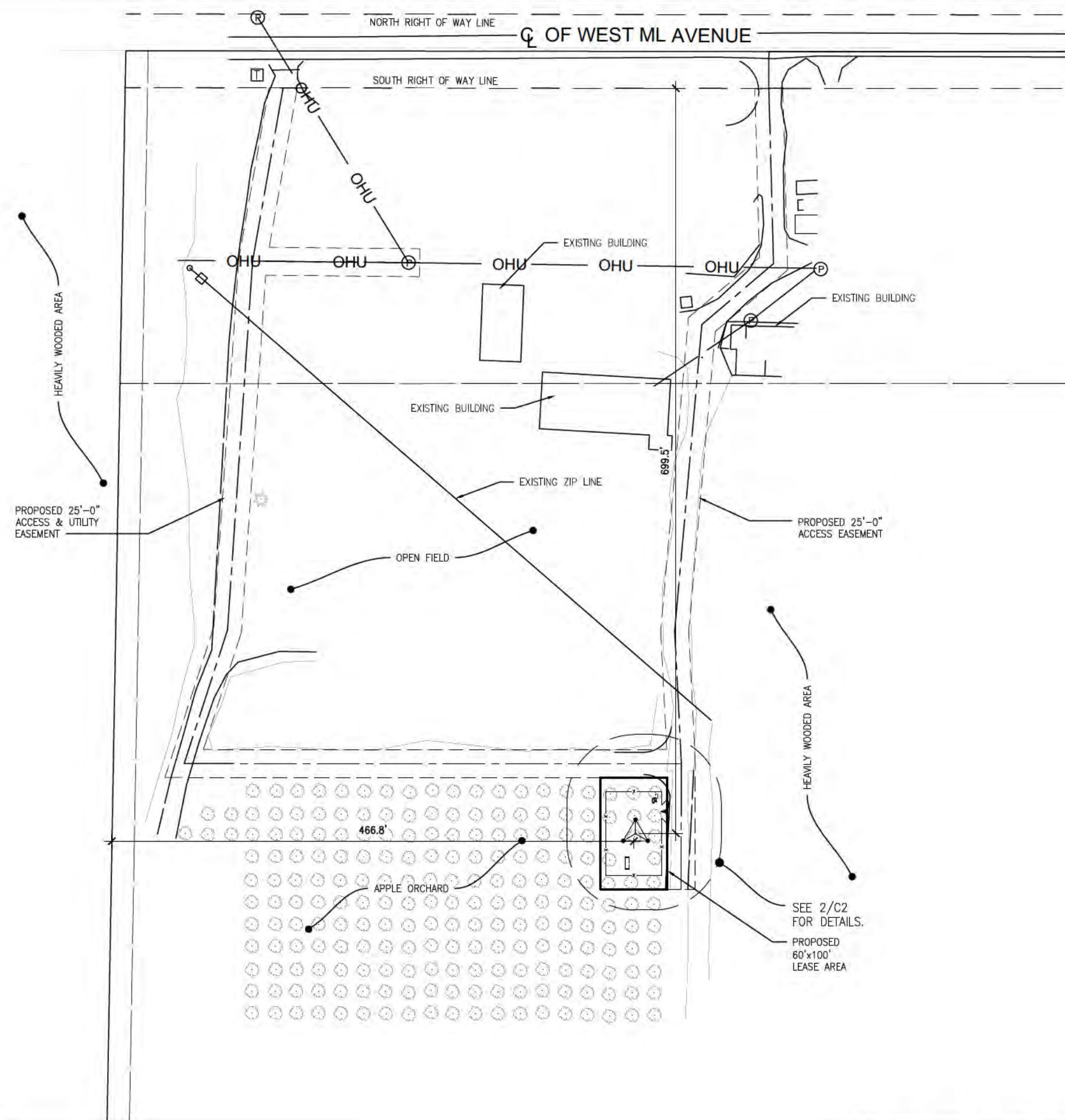
Jay M. Schwandt, PS, JD
LAND SURVEYOR - MICHIGAN #47974

Date: DECEMBER 31, 2019

Revision: #1



NOTE:
ROADS FOR FIRE DEPARTMENT ACCESS
MUST BE KEPT CLEAR YEAR-ROUND.



Prepared By:
INFINIGY
FROM ZERO TO INFINIGY
the solutions are endless
2500 W. HIGGINS RD. SUITE 500
HOFFMAN ESTATES, IL 60169
Phone: 847-648-4068 | Fax: 518-690-0793
www.infinigy.com



Signed: _____ Date: _____

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Rev.	Submit / Revision	App'd	Date
2	REVISED PER COMMENTS	CAP	4/24/20
1	REVISED PER COMMENTS	EDR	2/3/20
0	ISSUED FOR SITE PLAN REVIEW	EDR	1/6/20
B	REVISED PER COMMENTS	EDR	1/2/20
A	ISSUED FOR REVIEW	EDR	12/10/19

Designed: CAP Date: 4/24/20
Approved: EDR Date: 4/24/20

Infinigy Project Number:
3176-Z0001-C

Project Title:
**OSHTEMO ORCHARD
2018022**
8619 WEST ML AVE.
KALAMAZOO, MI 49009

Prepared For:
PATHWAY SOLUTIONS

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Drawing Scale: AS NOTED Date: 4/24/20

SITE PLAN

Drawing Title:
OVERALL SITE PLAN

Drawing Number: **C1**



1 OVERALL SITE PLAN
C1

0 50' 100' SCALE: 1"=50'-0" (24x36)
(OR) 1"=100'-0" (11x17)

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Matt Kundert

From: Iris Lubbert <ilubbert@oshtemo.org>
Sent: Friday, May 08, 2020 10:57 AM
To: Matt Kundert
Cc: Libby Heiny-Cogswell; Dusty Farmer; Josh Owens; Kathy Barnes; Richard Comi; Yvonne Rumery; James Porter
Subject: RE: Pathway Solutions Zoning Application

Good morning Matt,

Thank you for your response letter. We will move forward and schedule your application for a hearing with the Planning Commission. Would you prefer a hearing on Thursday June 11th or Thursday June 25th? The Planning Commission meetings start at 6PM and at this time will most likely be held virtually through Zoom.

Kind regards,

Iris Lubbert, AICP

Planning Director for Oshtemo Charter Township
7275 W. Main Street, Kalamazoo MI 49009
Phone: (269) 216-5232
Fax: (269) 375-7180

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Matt Kundert

From: Iris Lubbert <ilubbert@oshtemo.org>
Sent: Tuesday, May 19, 2020 4:44 PM
To: Matt Kundert
Cc: Libby Heiny-Cogswell; Dusty Farmer; Josh Owens; Kathy Barnes; 'Richard Comi'; Yvonne Rumery; James Porter
Subject: RE: Pathway Solutions Zoning Application

Matt,

This item has been scheduled for a hearing on the June 11th Planning Commission meeting. The packet for the meeting, which includes the staff report, will be released the week before (typically Friday). I will keep you updated as the meeting gets closer.

Thank you,

Iris Lubbert, AICP

Planning Director for Oshtemo Charter Township
7275 W. Main Street, Kalamazoo MI 49009
Phone: (269) 216-5232
Fax: (269) 375-7180

From: Matt Kundert <mkundert@unwiredconsulting.com>
Sent: Tuesday, May 19, 2020 5:01 PM
To: Iris Lubbert <ilubbert@oshtemo.org>
Cc: Libby Heiny-Cogswell <libbyhc@oshtemo.org>; Dusty Farmer <dfarmer@oshtemo.org>; Josh Owens <jowens@oshtemo.org>; Kathy Barnes <kboshtwp@oshtemo.org>; 'Richard Comi' <dick@telecomsol.com>; Yvonne Rumery <yrumery@oshtemo.org>; James Porter <jposhtwp@oshtemo.org>
Subject: RE: Pathway Solutions Zoning Application

Iris,
Please confirm what hearing date this is on.
Thank you

*Matthew Kundert
Unwired Consulting, Inc.
2625 Monroe Drive NW
Rochester, MN 55901*

*507-216-6576 office
507-319-3399 mobile
mkundert@unwiredconsulting.com*

From: Matt Kundert <mkundert@unwiredconsulting.com>
Sent: Wednesday, May 13, 2020 3:43 PM
To: 'Iris Lubbert' <ilubbert@oshtemo.org>
Cc: 'Libby Heiny-Cogswell' <libbyhc@oshtemo.org>; 'Dusty Farmer' <dfarmer@oshtemo.org>; 'Josh Owens' <jowens@oshtemo.org>; 'Kathy Barnes' <kboshtwp@oshtemo.org>; 'Richard Comi' <dick@telecomsol.com>; 'Yvonne Rumery' <yrumery@oshtemo.org>; 'James Porter' <jposhtwp@oshtemo.org>
Subject: RE: Pathway Solutions Zoning Application

Iris,
Please place the application on the Thursday June 11th hearing.

Please send me a copy of the planning report asap.

Thank you!

*Matthew Kundert
Unwired Consulting, Inc.
2625 Monroe Drive NW
Rochester, MN 55901*

*507-216-6576 office
507-319-3399 mobile
mkundert@unwiredconsulting.com*

From: Iris Lubbert <ilubbert@oshtemo.org>
Sent: Friday, May 08, 2020 10:57 AM
To: Matt Kundert <mkundert@unwiredconsulting.com>
Cc: Libby Heiny-Cogswell <libbyhc@oshtemo.org>; Dusty Farmer <dfarmer@oshtemo.org>; Josh Owens <jowens@oshtemo.org>; Kathy Barnes <kboshtwp@oshtemo.org>; Richard Comi <dick@telecomsol.com>; Yvonne Rumery <yrumery@oshtemo.org>; James Porter <jposhtwp@oshtemo.org>
Subject: RE: Pathway Solutions Zoning Application

Good morning Matt,

Thank you for your response letter. We will move forward and schedule your application for a hearing with the Planning Commission. Would you prefer a hearing on Thursday June 11th or Thursday June 25th? The Planning Commission meetings start at 6PM and at this time will most likely be held virtually through Zoom.

Kind regards,

Iris Lubbert, AICP
Planning Director for Oshtemo Charter Township
7275 W. Main Street, Kalamazoo MI 49009
Phone: (269) 216-5232
Fax: (269) 375-7180

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Blank**

Matt Kundert

From: Matt Kundert <mkundert@unwiredconsulting.com>
Sent: Monday, June 01, 2020 8:15 AM
To: 'Richard Comi'
Cc: 'Robert LaBelle'; 'Libby Heiny-Cogswell'; 'Dusty Farmer'; 'Josh Owens'; 'Kathy Barnes'; 'Yvonne Rumery'; 'James Porter'; 'Iris Lubbert'
Subject: RE: Pathway Solutions Zoning Application

Mr. Comi,

Please accept this email in response to your voice message. Per the township's direction, communications regarding Pathway Solution's application have been in written form. We are surprised that you have additional questions as we have addressed all of the township's questions and we assume you were an integral part of forming those questions since you are the township's consultant. Nevertheless, if you have questions that follow up on our prior answers, please send an email with those questions. and we would be happy to review and answer them within the guidelines of the township's ordinance, state and federal law.

*Matthew Kundert
Unwired Consulting, Inc.
2625 Monroe Drive NW
Rochester, MN 55901*

*507-216-6576 office
507-319-3399 mobile
mkundert@unwiredconsulting.com*

Matt Kundert

From: Richard Comi <dick@telecomsol.com>
Sent: Monday, June 01, 2020 9:14 AM
To: Matt Kundert
Cc: Robert LaBelle; Libby Heiny-Cogswell; Dusty Farmer; Josh Owens; Kathy Barnes; Yvonne Rumery; James Porter; Iris Lubbert
Subject: Re: Pathway Solutions Zoning Application

Matt,

In Jim Porter's letter to you of March 26, 2020, item #2, he states: "Please contact Richard Comi at dick@telecomsol.com or 518-439-3079 to discuss with him the requirements of a complete application." I had not heard from you and so I have called and left several messages to discuss the application. I am unaware of any other guidance from the Township concerning my talking with you. I will try again, after I send this, to reach you on the number (507- 216-6576) that you put in your March 6th, 2020 letter to Iris Lubbert, asking her to call if she had any questions.

Dick comi
CMS

=====
Richard A. Comi
[Email:dick@telecomsol.com](mailto:dick@telecomsol.com)
Visit Our Web Site: <http://www.telecomsol.com>
Phone:518-439-3079
=====

Matt Kundert

From: Matt Kundert <mkundert@unwiredconsulting.com>
Sent: Monday, June 01, 2020 9:39 AM
To: 'Richard Comi'
Cc: 'Robert LaBelle'; 'Libby Heiny-Cogswell'; 'Dusty Farmer'; 'Josh Owens'; 'Kathy Barnes'; 'Yvonne Rumery'; 'James Porter'; 'Iris Lubbert'
Subject: RE: Pathway Solutions Zoning Application

Mr. Comi,

Since March 6 and March 26, we have submitted and resubmitted several times the application and supplemental materials. In addition and importantly, since those dates, our applications have been set for public hearing before the Planning Commission. All official communications between us and the Township since those dates, as was proper, have thus been in writing. Likewise, as you are acting in an official capacity for the Township, your inquiries should also be in writing. When received, we will be happy to address your questions, also in writing. I know you can appreciate the need in a formal review process for all official business to be reduced to writing. Thank you. We look forward to receiving your written questions.

*Matthew Kundert
Unwired Consulting, Inc.
2625 Monroe Drive NW
Rochester, MN 55901*

*507-216-6576 office
507-319-3399 mobile
mkundert@unwiredconsulting.com*

Matt Kundert

From: James Porter <jposhtwp@oshtemo.org>
Sent: Monday, June 01, 2020 10:00 AM
To: Matt Kundert
Cc: 'Richard Comi'; Iris Lubbert
Subject: RE: Pathway Solutions Zoning Application

We have no issues with you speaking with Mr. Comi directly – it was with staff that we requested written communication.

Matt Kundert

From: Matt Kundert <mkundert@unwiredconsulting.com>
Sent: Monday, June 01, 2020 11:17 AM
To: 'James Porter'; 'Robert LaBelle'
Cc: 'Libby Heiny-Cogswell'; 'Dusty Farmer'; 'Josh Owens'; 'Kathy Barnes'; 'Yvonne Rumery'; 'James Porter'; 'Iris Lubbert'
Subject: RE: Pathway Solutions Zoning Application

Mr. Porter,

Again, as all communications since the dates below have been in writing with the township, and given the need for a written record of communications after a public hearing is scheduled, it would just not be prudent to deviate from that process. Again, if Mr. Comi has questions that follow up on our prior answers, he should forward them in written form and we would be happy to review them within the guidelines of the township's ordinance, state and federal law.

*Matthew Kundert
Unwired Consulting, Inc.
2625 Monroe Drive NW
Rochester, MN 55901*

*507-216-6576 office
507-319-3399 mobile
mkundert@unwiredconsulting.com*

Matt Kundert

From: Matt Kundert <mkundert@unwiredconsulting.com>
Sent: Monday, June 01, 2020 2:20 PM
To: 'James Porter'; 'Robert LaBelle'
Cc: 'Libby Heiny-Cogswell'; 'Dusty Farmer'; 'Josh Owens'; 'Kathy Barnes'; 'Yvonne Rumery'; 'Richard Comi'; 'Iris Lubbert'
Subject: RE: Pathway Solutions Zoning Application

Including Mr. Comi.

*Matthew Kundert
Unwired Consulting, Inc.
2625 Monroe Drive NW
Rochester, MN 55901*

*507-216-6576 office
507-319-3399 mobile
mkundert@unwiredconsulting.com*

From: Matt Kundert <mkundert@unwiredconsulting.com>
Sent: Monday, June 01, 2020 11:17 AM
To: 'James Porter' <jposhtwp@oshtemo.org>; 'Robert LaBelle' <RALaBelle@wwrplaw.com>
Cc: 'Libby Heiny-Cogswell' <libbyhc@oshtemo.org>; 'Dusty Farmer' <dfarmer@oshtemo.org>; 'Josh Owens' <jowens@oshtemo.org>; 'Kathy Barnes' <kboshtwp@oshtemo.org>; 'Yvonne Rumery' <yrumery@oshtemo.org>; 'James Porter' <jposhtwp@oshtemo.org>; 'Iris Lubbert' <ilubbert@oshtemo.org>
Subject: RE: Pathway Solutions Zoning Application

Mr. Porter,

Again, as all communications since the dates below have been in writing with the township, and given the need for a written record of communications after a public hearing is scheduled, it would just not be prudent to deviate from that process. Again, if Mr. Comi has questions that follow up on our prior answers, he should forward them in written form and we would be happy to review them within the guidelines of the township's ordinance, state and federal law.

*Matthew Kundert
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2625 Monroe Drive NW
Rochester, MN 55901*

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507-319-3399 mobile
mkundert@unwiredconsulting.com*