

**OSHTEMO CHARTER TOWNSHIP
PLANNING COMMISSION
MINUTES OF A MEETING HELD AUGUST 13, 2026**

AGENDA

WORK ITEM: DRAFT ONE – ENERGY SYSTEMS ORDINANCE

A meeting of the Oshtemo Charter Township Planning Commission was held Thursday, August 13, 2026, commencing at 6:00 p.m. at the Oshtemo Township Hall, 7275 West Main Street.

MEMBERS PRESENT: Michael Chapman, Township Board Liaison
 Grace Engels
 Deb Everett, Vice Chair
 Scot Jefferies
 Alistair Smith, Chair
 Jeremiah Smith
 Ron Ver Planck

MEMBERS ABSENT: None

Also present were Jodi Stefforia, Planning Director; James Porter, Township Attorney; Colten Hutson, Zoning Administrator; Jennifer Wood, Recording Secretary; and approximately 55 members of the public.

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

At 6:00 p.m., Chair A. Smith called the meeting to order. Those in attendance joined in reciting the Pledge of Allegiance.

APPROVAL OF AGENDA

Chair A. Smith introduced the agenda and asked if there were any additions or modifications. There were none.

Trustee Chapman **made a motion** to approve the agenda as presented. Vice Chair Everett supported the motion. The motion passed unanimously.

APPROVAL OF THE MINUTES FROM THE MEETING OF JULY 23, 2026

Chair A. Smith asked if there were any additions, deletions, or corrections to the minutes of the July 23, 2026, meeting. There were none.

Commissioner Jefferies **made a motion** to approve the Minutes of July 23, 2026, meeting as presented. Trustee Chapman supported the motion. The motion passed unanimously.

WORK ITEM: DRAFT ONE – ENERGY SYSTEMS ORDINANCE

Chair A. Smith explained that the Commission would review the proposed Energy Systems Ordinance line by line for approximately two hours. Public comment would be received at the conclusion of the review and would be limited to matters covered during the meeting. He noted that the working draft was approximately 39 pages and would require review over multiple meetings. He reminded speakers of the four-minute time limit and asked that comments be made in good faith and remain civil.

The working draft would create a new Energy Systems section of the Zoning Ordinance addressing principal-use and private accessory solar, wind, and energy storage systems. Existing wind and solar provisions would eventually be repealed so the requirements could be located in one section. The draft was presented as a working document subject to continued revision. No formal action was requested.

The Commission began with the purpose statement and definitions. Commissioners discussed the distinction between a Battery Energy Storage System and the broader term Energy Storage System, noting that energy can be stored through methods other than electrochemical batteries. Staff explained that BESS was intended to describe electrochemical battery systems, while ESS was broader and included stationary storage systems. Fossil-fuel storage and power-to-gas storage using fossil-fuel inputs were excluded.

Discussion focused on the proposed 200-kilowatt threshold separating a private accessory ESS from a principal-use system. Commissioners questioned whether the same threshold was appropriate for homes, businesses, schools, universities, data centers, and other institutional or commercial uses. They noted that a system serving a large on-site user could exceed 200 kilowatts without being designed primarily for transmission-grid use. Staff agreed to provide examples and additional information to determine whether the definition or threshold should be revised. Residential battery systems, including Powerwall-type installations, were also discussed.

The Commission reviewed definitions for emergency plans, fire response, monitoring, testing, thermal runaway, participating and non-participating properties, sensitive land uses, prime farmland, and specialty crop farms. Commissioners discussed whether references to technical standards and codes should identify the current adopted edition or include future amendments. The participating-property definition was reviewed in relation to host agreements and monetary compensation. The prime-farmland and specialty-crop definitions were retained for further review.

The definitions for solar and wind energy systems were reviewed. Commissioners noted that the introductory wording appeared to limit the systems to energy produced for sale or off-site use, while the classifications also included private accessory systems serving the property on which they are located. Staff agreed that the language should be broadened and revised so the general definitions clearly include both private accessory and principal-use systems. Under the private accessory classifications, the Staff identified that the term Wind Energy Storage System was incorrect and directed that the word storage be removed so it would read Wind Energy System. A misplaced apostrophe in Section 3.1.8 was also identified for correction. Language regarding private solar systems connected to the public utility grid would also be reviewed.

The Commission then reviewed the general application requirements for a principal-use energy system. The application would be processed as a special use and would require complete information concerning the applicant, property owners, construction schedule, proposed system, site plan, and supporting materials. Incomplete applications would not be accepted.

Site-selection requirements were discussed at length. The draft stated that a proposed energy system should not unreasonably diminish prime farmland or land used for specialty crops. Commissioners clarified that farmland would not be automatically excluded; its agricultural value would be one factor

considered during review. The required mapping would identify participating properties, current land uses, property ownership, PA 116 agreements, occupied and vacant structures, and agricultural land within specified distances. The larger mapping distance proposed for wind systems was attributed to tower height, visibility, and other potential impacts.

Additional site-plan information would include setbacks, water and sewer, electric, gas, and telecommunications facilities, substations, storage facilities, staging areas, drainage features, groundwater-management zones, flood-prone areas, and groundwater depth. Commissioners requested that waterways and bodies of water be expressly included with wildlife and scenic corridors, wetlands, parks, historic and archaeological areas, conservation lands, trails, specialty farms, and community or municipal facilities. Sound-isoline maps and shadow-flicker information for wind systems would also be required.

The draft required a Phase I Environmental Site Assessment and, when warranted, a Phase II assessment, along with consultation records from applicable state, tribal, and federal agencies. A compatibility assessment would address environmental, agricultural, historic, recreational, residential, health, equity, and social impacts. Commissioners discussed who would select the professionals performing these reviews. Staff and Attorney Porter explained that the Township would select the appropriate subject-matter experts and consultants, which could include environmental engineers, hydrogeologists, and other specialists. The applicant would fund the reviews through an escrow account.

The proposed one-mile radius for the social-impact assessment was discussed. Some Commissioners felt that one mile may not capture the full impact of every energy technology, while others noted that an unnecessarily large study area could dilute useful findings. Staff agreed to research available standards and consider language allowing the scope to be adjusted according to the type, size, and potential impact of the proposed system. No distance was changed during the meeting.

The Commission reviewed requirements addressing tribal consultation, federal agencies, adjoining counties, the MISO interconnection queue, military and radar information, groundwater and wellhead protection, and other approvals. Staff stated that the Bureau of Indian Affairs would be specifically included among the federal agencies from which consultation records are required.

A substantial portion of the review addressed the Fire Response Plan and Emergency Response Plan. The draft required consultation with the Oshtemo Township Fire Chief, first responders, and county emergency-management officials; identification of site hazards and emergency procedures; on-site fire-protection systems; 24-hour emergency contacts; evacuation and community-notification procedures; access and shutdown information; and review of changes in equipment, design, or ownership.

Commissioners discussed language requiring the applicant to conduct or fund site-specific training and drills. They agreed that merely offering or committing to offer training was not sufficient. The applicant should be required to participate in and fund training developed with the Township and its emergency responders, while allowing the Township to determine the appropriate participants and outside experts. Training must address the actual site, equipment, hazards, access, and operating procedures.

The draft also required an analysis of whether local emergency-response capacity was sufficient. Commissioners stated that identified deficiencies could not remain unresolved. Where specialized equipment, training, staffing, or other resources are necessary, the applicant would be responsible for addressing the deficiency as a condition of approval and through the Fire Response Plan. Staff noted that the Fire Chief had reviewed the developing fire-response appendix and had requested language requiring the developer to purchase necessary equipment, which would be housed by the Township. The

Commission also supported reviewing the Emergency Response Plan annually rather than once every three years because routes, infrastructure, personnel, and other conditions could change.

The decommissioning provisions were reviewed next. The plan would identify the facility, existing land use, events triggering decommissioning, removal procedures, soil testing and restoration, affected resources, required permits, a schedule, and the final condition of the property. Commissioners requested a definite schedule for updating decommissioning plans rather than using the word periodically. They discussed changes in technology and battery chemistry, replacement of system components, and the anticipated useful life of a facility.

Financial assurance would be held for the benefit of the Township and could be provided through an approved bond or irrevocable letter of credit. The draft required notice before the assurance expired, periodic updates of decommissioning costs, annual proof that the assurance remained sufficient and in effect, and a recorded decommissioning agreement. Commissioners discussed how the assurance would protect the Township if an owner became insolvent or abandoned the system. Attorney Porter explained that the assurance would remain available to complete decommissioning if the facility were not transferred to a successor operator.

The Commission reviewed sound modeling, visual-impact assessments, property-tax guarantees, construction requirements, and operational safeguards. Sound reports would be independently reviewed and followed by post-construction monitoring. Visual review would include simulations and screening measures based on the site and neighboring uses. Commissioners discussed what form a property-tax guarantee should take and directed that the requirement be developed further.

Installation and construction provisions included compliance with applicable building and electrical codes, underground wiring where permitted, construction monitoring, periodic reports, and authority to stop work when material violations were documented. The independent third-party construction monitor would be selected or approved by the Planning Commission and funded by the applicant. Commissioners confirmed that the monitor must remain independent of the developer and accountable to the Township.

Access drives were required to support fire apparatus. Commissioners requested that this requirement be stated clearly so an exception allowing impermeable surfaces on brownfield or previously paved land could not be read as an exception to the load requirement. The Commission also discussed whether BESS areas should include impermeable containment to prevent contaminated stormwater or firefighting water from entering the ground. Staff noted that technology-specific containment provisions appeared later in the draft. Language would be revised to accommodate required containment while avoiding unnecessary paving of an entire solar or wind site. The exception for paved areas would also be expanded so new solar-covered parking areas would not be unintentionally prohibited.

The remaining provisions reviewed included visual screening, site maintenance, non-motorized facilities, construction routes, utility and drainage information, and an Unanticipated Discoveries Plan. The plan would establish procedures for cultural resources or human remains found during construction and would include contacts for the State Historic Preservation Office, Tribal Historic Preservation Offices, law enforcement, and the medical examiner.

The Commission continued into the post-approval requirements. The Completion Report would include final plans, permits, compliance documentation, mechanical-completion certificates, post-construction sound monitoring, an as-built survey, and record drawings. The Commission changed the introductory wording from should include to shall include so the listed information would be mandatory. Annual reports would address facility operations, electricity production, complaints, equipment failures, repairs,

improvements, fencing, screening, and other site conditions, with the Township retaining annual inspection authority.

Ownership and operator changes were discussed. Commissioners requested advance notice of a transfer rather than notice within 30 days afterward. They also requested documentation showing that the successor had assumed the financial assurance, decommissioning obligations, emergency contacts, and Fire and Emergency Response Plans before the transfer occurred. The 24-month initial approval period was discussed in relation to the time necessary to obtain MISO and other approvals. The Commission then reviewed abandonment, complaint-resolution procedures, and replacement of battery modules or solar arrays.

The Commission concluded its review at Section C.3, Battery Module or Array Replacement, on page 16 of the working draft. Review of the remaining provisions will continue at a future meeting. No formal action was taken.

PUBLIC COMMENT

Before public comment began, Ms. Stefforia clarified that her cover memorandum should not have stated that maps had been prepared. Staff had reviewed available data but was still gathering information from EGLE, other State of Michigan resources, Kalamazoo and Van Buren Counties, Western Michigan University, and the Township's outside GIS consultant. Maps covering the Township and surrounding areas will be presented at a future meeting.

Chair A. Smith opened the floor for public comment. Twenty-two individuals spoke. Topics included local control, public trust, BESS safety, zoning placement, health impacts, fire response, water protection, tribal engagement, expert review, ordinance language, testing standards, map data, modification limits, specialty crops, legal loopholes, and public input.

Chair A. Smith closed public comment.

PLANNING COMMISSIONER COMMENTS

Trustee Chapman thanked staff and those who worked on the draft ordinance. He also thanked the public for the thoughtful and heartfelt comments. He noted that prior public input was reflected in the working draft and would continue to be considered as the ordinance was revised. He stated that the Commissioners were residents working to do their best and thanked those in attendance for the grace shown during the meeting.

OTHER UPDATES AND BUSINESS

Ms. Stefforia advised that review of the Energy Systems Ordinance would resume at the September 10, 2026, meeting. The August 27, 2026, meeting agenda includes three public hearings and will not allow sufficient time for an additional work session.

ADJOURNMENT

There being no further business, the meeting was adjourned at 9:25 p.m.

Minutes Prepared: August 14, 2026

Minutes Approved: August 27, 2026