CITY OF BRIDGMAN PLANNING COMMISSION
REGULAR MEETING
AGENDA
Thursday, April 18, 2024 at 5:30 PM
City Hall, 9765 Maple Street, Bridgman, MI 49106

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Approve/Amend Agenda for April 18, 2024**
5. **Approval of Minutes for March 21, 2024**
6. **Hearing of Citizens**
7. **Old Business**
    A. Distribute draft solar energy system regulations prepared by Williams & Works.
8. **New Business**
    A. Discuss and develop a timeline to update the City of Bridgman Master Plan.
    B. Review prioritized Master Plan Goals and Objectives.
9. **Staff Updates**
    A. Legislative update – HB 5438 Short Term Rental Regulation Act.
10. **Commissioner Comments**
11. **Adjournment**

City of Bridgman
Planning Commission
Meeting Minutes
March 21, 2024

1. **CALL TO ORDER**
   Chair Truesdell called the regular meeting of the Bridgman City Planning Commission to order at 5:30 pm EST on March 21, 2024, at City Hall, 9765 Maple Street, Bridgman, MI 49106.

2. **ROLL CALL**
   PRESENT: Lauren Baker, Jacquie Blackwell, Steve Parsons, John Truesdell, and Tom Woerdehoff
   ABSENT: Joan Hurray, Adam Schaller
   STAFF PRESENT: City Manager Juan Ganum, Building Official/Zoning Administrator Brad Mattner and Clerk Christine Fisher

3. **PLEDGE OF ALLEGIANCE**
   The Pledge of Allegiance was recited.

4. **APPROVE / AMEND THE AGENDA**
   Motion by Commissioner Parsons and seconded by Commissioner Woerdehoff to approve the agenda as presented. **Voice vote, motion carried unanimously.**

5. **APPROVAL OF THE MINUTES**
   Motion by Commissioner Blackwell and seconded by Commissioner Woerdehoff to approve the February 15, 2024, meeting minutes as presented. **Voice vote, motion carried unanimously.**

6. **HEARING OF CITIZENS –** No one wished to be heard.

7. **OLD BUSINESS**

   A. Discuss and consider the Planned Unit Development zoning district and the concepts of solar energy systems scale and type, pursuant to "Planning and Zoning for Solar Energy Systems – A Guide for Michigan Local Governments" (previously distributed). Discussion by board was held to add the new PUD to the zoning may that was left out of last discussion. Board agreed to have Chair update current zoning chart live during discussion. It was agreed to zone the new PUD the same as other residential area's.
   Mattner stated that once we have the updated zoning map he will forward to Williams and Works to come up with façade.

   Chair Truesdell asked what is the process for approval. Ganum stated once we receive the draft proposal, PC will change ordinance hearing, then public hearing, Recommendation to the Council for approval.

8. **NEW BUSINESS – None listed**

9. **STAFF UPDATES**

Mattner informed the Commission Midtown is working towards removing signage. Mattner informed the Commission he addressed the small building behind Midtown and it does belong to them.

Ganum informed the Commission that Lake Side Fitness is moving forward. They have been painting the building. Plans will be provided for interior of building.

Ganum informed the Commission that Tapistry sold to Mike Carlson and the new name will be Lake Time Brewery and Sprits.

Ganum informed the Commission that Rising Kite will open in June or July.

Ganum informed the Commission that a new CGA director has been hired. She started a 2 weeks ago and her office is at City Hall.

10. **COMMISSIONER COMMENTS**

Truesdell informed Commission we need to keep on the back burner they need to start working on the review of the Master Plan. It was suggested for the July time frame.

Woerdehoff asked when Habitat will be starting to build. Ganum stated discussion will be after the Cook Plant outage.

Blackwell asked how the PUD went during Council meeting. Ganum stated he was approved and the second reading will be held. Residents questions were answered by the Lannert group. Lannert group asked permission to clear underbrush, with the council's approval they have started the process.

11. **ADJOURNMENT**

Motion by Commissioner Woerdehoff, seconded by Commissioner Blackwell to adjourn the meeting at 6:15 PM. **Voice vote, motion carried unanimously**.

_____ _____

Tom Woerdehoff, Secretary Christine Fisher, City Clerk

Definitions:

SOLAR ENERGY COLLECTOR OR SYSTEM: A system or facilities (including solar collector surfaces, panels, and/or ancillary solar equipment) either affixed to a permanent principal or accessory building or functioning as a freestanding structure, that collects, stores, and/or distributes solar energy for heating or cooling, generating electricity, or heating water. Solar Energy Systems include, but are not limited to, photovoltaic (PV) power systems and solar thermal systems.

Ancillary Solar Equipment: Any accessory part or device of a solar energy system that does not require direct access to sunlight, such as batteries, electric meters, converters, or water heater tanks.

Property Owner or Lessor: Any person, agent, firm, corporation, limited liability company, or partnership that alone, jointly, or severally with others: (1) has legal or equitable ownership or title to any premises, dwelling, or dwelling unit, with or without accompanying actual possession thereof; or (2) has charge, possession, care, or control of any premises, dwelling or dwelling unit, as an agent of the owner or as executor, administrator, trustee, or guardian of the estate of the beneficial owner.

Solar Collector Surface: Any part of a solar energy system that absorbs solar energy for use in the system's transformation process. The collector surface does not include frames, supports, and mounting hardware.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar energy system.

Solar Thermal System: A collection of solar panels and related equipment and components that converts sunlight into heat.

Building-Mounted Solar Energy Collector: A solar energy collector attached to the roof or wall of a building, or which serves as the roof, wall, or other element in whole or in part of a building. This also includes building-integrated photovoltaic systems (“BIPV”).

Accessory Ground-Mounted Solar Energy Collector: A solar energy collector that is not attached to and is separate from any building on the lot on which the solar energy collector is located, but is not the principal use of the property on which it is located.

Principal Use Solar Energy Collector, Small: A solar energy collector that generates electricity distributed off-site through the grid and exported to a wholesale utility market, and that is the primary use on the site. A small principal use solar energy collector has a nameplate capacity of not more than two (2) megawatts.

Principal Use Solar Energy Collector, Large: A solar energy collector generate electricity distributed off-site through the grid and exported to a wholesale utility market. These projects occupy single or multiple large parcels of land and are typically the primary use on the site. A large principal use solar energy collector has a nameplate capacity of more than two (2) megawatts.

Photovoltaic System: A semiconductor material that generates electricity from sunlight.

Regulations – Roof Mounted or Accessory Ground Mounted Solar Energy Collectors

1. Applicability. This section applies to any building mounted or accessory ground mounted solar energy collector system as defined by this Ordinance. This section does not apply to solar energy collectors with collector surface areas less than five (5) square feet and mounted less than five (5) feet above the ground, nor shall it apply to a solar energy system used to power a single device or specific piece of equipment such as a lawn ornament, light, weather station, thermometer, clock, well pump, or other similar device.

   A. General Regulations

      1. All roof mounted or accessory ground mounted solar energy collectors shall be installed, maintained, and used only in accordance with the manufacturer's specifications. Upon request, a copy of such specifications shall be submitted to the City prior to installation.

      2. The exterior surfaces of solar energy collectors shall be generally neutral in color, be substantially non-reflective of light, and shall not cause a nuisance to nearby properties. Such collectors shall not be installed or located so that sunlight or glare is reflected into neighboring dwellings or onto adjacent roads.

   B. Roof Mounted Solar Energy Collectors

      1. Roof mounted solar energy collectors are permitted in all districts subject to the issuance of a zoning permit by the Zoning Administrator.

      2. A roof mounted solar energy collector shall be permanently and safely attached to the building. Solar energy collectors, and their installation and use, shall comply with all building codes and all other applicable city and state requirements.

      3. Roof mounted solar energy collectors shall be exempt from screening requirements for rooftop equipment or mechanical system screening.

      4. The installation of a roof-mounted solar energy system on a nonconforming building, structure, lot, or use shall not be considered an expansion of the nonconformity.

      5. Roof-mounted solar energy collectors shall be designed, constructed, and finished such that the exterior appearance is compatible in terms of materials, color, and general construction with that of the principal structure.

      6. Roof-mounted solar energy collectors shall be mounted at the same angle as the roof itself, except that angle adjustment, solar tracking, and the like may be permitted provided that the collectors do not extend more than three feet above the height of the roof.

      7. Roof-mounted solar energy collectors shall not obstruct or impede solar access to adjacent properties.

C. Accessory Ground Mounted Solar Energy Systems.

1. Districts Permitted. Accessory ground mounted solar energy systems are permitted as follows:

   a. In the Interstate Gateway, Transitional Industrial, and Open Lands/Agricultural District by right, subject to the issuance of a zoning compliance permit issued by the zoning administrator.

   b. In the Corridor Commercial, and Commercial Gateway Districts, subject to site plan review and approval by the Planning Commission.

   c. In all other zoning districts as a special land use pursuant to Section 8.11.

2. Rear and Side Yards. Accessory ground mounted solar energy collectors may be located in the rear yard or the side yard but shall be subject to setbacks for accessory structures.

3. Obstruction. Accessory ground mounted solar energy collectors shall not obstruct or impede solar access to adjacent properties.

4. Vegetation. All vegetation underneath ground mounted solar energy collectors shall be properly maintained consistent with the adopted International Property Maintenance Code and other applicable ordinances so as to not block access to collectors or become a nuisance.

5. Number Permitted. There shall be no more than one (1) accessory ground-mounted solar energy system per principal building on a lot.

6. Size Limitations. There shall be no more than a maximum of one thousand five hundred (1,500) square feet of collector panels on an accessory ground-mounted solar energy system.

7. Maximum Height. The maximum height shall be six (6) feet, measured from the natural grade below the equipment or collector to the highest point at full tilt.

8. A minimum lot area of _____ square feet is required to establish a accessory ground-mounted solar energy system.

Regulations – Principal Use Small Solar Energy Collectors

1. Site Plan Required. An application for special land use approval for a principal use small solar energy collector shall include a site plan in accordance with Section 8.09. In addition to the information required for a full site plan Section 8.09 (Table 2.03), all applications must also include all of the following:

   A. Equipment and unit renderings.

   B. Elevation drawings.

   C. Setbacks from all property lines and adjacent structures.

D. Notarized written permission from the property owner authorizing the principal use small solar energy collector systems.

2. Special Land Use Approval; Permits. Principal use small solar energy collector systems require special land use approval pursuant to Section 8.11and shall only be permitted in the Interstate Gateway, Corridor Commercial, and Transitional Industrial districts. In addition, no principal use small solar energy collector system shall be constructed, installed, operated, maintained, or modified as provided in this section without first obtaining all applicable approvals and permits. The construction, installation, operation, maintenance, or modification of all principal use small solar energy collector systems shall be consistent with all applicable local, state, and federal requirements, and all buildings and structures that comprise a principal use small solar energy collector system shall be constructed, installed, operated, and maintained in strict accordance with the Michigan Building Code and the manufacturer's specifications.

3. Setbacks. Principal use small solar energy collector systems shall be located at least 50 feet from all property lines. The City may require greater setbacks if it is determined that greater separation would better protect adjacent residents and property owners.

4. Height. Principal use small solar energy collector systems shall not exceed sixteen (16) feet in height, measured from the natural grade below the collector or equipment to the highest point at full tilt.

5. Noise. Noise emanating from the solar energy collector system shall not exceed 50 decibels (dBA) as measured from any property line.

6. Screening. The Planning Commission may require that a principal use small solar energy collector system be screened from adjoining residential properties or public rights-of-way. Screening methods may include the use of material, colors, textures, screening walls, fencing, berms, landscaping, and/or natural vegetation that will blend the facility into the natural setting and existing environment.

7. Glare and Reflection. The exterior surfaces of principal use small solar energy collector systems shall be generally neutral in color and substantially non-reflective of light. A solar collector surface shall not be installed or located so that sunlight or glare is reflected into neighboring residences or onto adjacent streets.

8. Location. Solar energy systems shall be located in the area least visibly obtrusive to adjacent residential properties and roads while remaining functional.

9. Obstruction. Solar energy systems shall not obstruct or impede solar access to adjacent and neighboring properties.

10. Power lines. On site power lines between all structures and ancillary equipment and inverters shall be installed and maintained underground.

11. Fencing. For the purpose of restricting unauthorized access to the site, the Planning Commission may require that the perimeter of a principal use small solar energy collector system be fenced in with at least a four (4) foot tall high fence.

12. Operation and Maintenance Plan. The applicant shall submit a plan to the City for the operation and maintenance of the principal use small solar energy collector system, which shall include measures for maintaining safe access to the installation and storm water controls, as well as general procedures of operational maintenance of the installation, as applicable.

13. Emergency Services. Upon request by the City of Bridgman, the owner/operator of the principal use small solar energy collector system shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar energy system shall be clearly marked on the plan. The owner/operator shall identify a current responsible person for public inquiries throughout the life of the installation. An information sign shall be posted and maintained at the entrance(s) which lists the then-current name, phone number and email address of the operator.

14. Maintenance. The principal use small solar energy collector system owner/operator shall maintain the facility in good and safe condition at all times. Maintenance shall include, but not be limited to, structural repairs, safety-related upgrades, and integrity of security measures. Site access roads or drives shall be maintained to a level acceptable to local emergency services personnel. The owner/operator shall be responsible for the cost of fully maintaining the solar photovoltaic installation and any access road(s).

15. Decommissioning.

    A. Any principal use small solar energy collector system which has reached the end of its useful life or has not operated continuously for one (1) year or longer shall be fully removed and the parcel owners shall be required to restore the site to its prior state. The owner/operator shall physically remove the installation no more than one hundred and fifty (150) days after the date of discontinued operations.

    B. The owner/operator shall notify the City directly or by certified mail of the proposed date of discontinued operations and plans for removal.

    C. If the owner/operator fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the City may enter the property and physically remove all of the solar energy system and facilities and charge the cost back to the owner(s) of the lot.

    D. Removal of the solar energy system and facilities shall consist of all of the following:

        1. Physical removal of all aboveground or underground solar energy systems, structures, equipment, security barriers, and transmission lines from the site.

        2. Disposal off-site of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.

3. Restoration and stabilization or re-vegetation of the site as necessary to minimize erosion.

E. Financial Guarantee. The applicant for principal use small solar energy collector systems shall provide to the City a form of monetary surety or security, either through an escrow account, letter of credit, bond, or other instrument, acceptable to the City Attorney. The purpose of the surety or security is to cover the cost of removal of the principal use small solar energy collector system in the event the owner/operator does not fully remove the solar energy system and facilities or the City must remove the same. The amount of the financial surety or security shall not exceed more than 125 percent of all costs of removal and compliance with the additional requirements set forth herein. The estimated costs of removal shall be submitted by the applicant to the City and be prepared by a qualified engineer. The surety or security shall be subject to review and approval by the Planning Commission and the City Attorney and shall be a condition of special land use approval. The amount of the surety or security shall increase by the Federal CPI every five years.

During the February 7, 2022 Council meeting, Mayor Rose suggested that the Planning Commission revisit the Master Plan goals that were coded red "limited or no progress" during the PC's prior review of all goals within the Plan. The PC then selected the top five (5) that it believed were the highest priority for the City (listed below). The goal numbers refer to the numbering in the Master Plan and on the spreadsheet that was in the Feb 7 Council packet. They are in no particular order, although the Commission agreed that the Oak Wilt issue (relating to goals 14b and 17d) is of greatest importance because it ties into slope stabilization.

10f. Evaluate the local ordinance to support renewable energy and adjust as needed to improve feasibility and encourage use.

14a. Coordinate with Bridgman Public Schools to incorporate resilience and environmental education curricula, and to encourage volunteer opportunities for community projects that support resiliency efforts. (Shoreline Resiliency Committee)

14b. Develop a best practices plan to provide educational information to homeowners living within sensitive landscapes (e.g., native vegetation, shoreline stabilization, erosion prevention, etc.). (Also includes Oak Wilt)

16b. Encourage daily destinations such as grocery stores to accommodate bicyclists and pedestrians in their site plans.

17d. Establish a pilot program for the use of native vegetation in order to stabilize sensitive landscapes.