Lodi Township Planning Commission

3775 Pleasant Lake Road
Ann Arbor, Michigan 48103

7:00 P.M. October 27, 2026

Agenda

1. **Call to Order and Pledge of Allegiance (both Planning Commission and Board of Trustees if there is a quorum)**

2. **Roll Call (both if there is a quorum)**

3. **Approval of Agenda**

4. **Public Hearing: None**

5. **Public Comment** – a member of the public may address the Planning Commission (or Township Board of Trustees) briefly (up to 2 minutes) on an **agenda item** not related to the Public Hearings portion of the agenda, or request to be on the agenda at a future meeting.

6. **Approval of Minutes – 9/8/2026 sub committee meeting, 9/22/2026, 10/15/2026 Special Meeting & 10/21/2026 Workshop Minutes**

7. **Old Business**
   a. Proposed Zoning Ordinance changes – Sec. 2.03 Definitions (Golf Courses), Sec. 55.10 Sanitary Sewer Facilities, Sec. 54.08 Natural Features Protection and Preservation
   b. Data Center Zoning Ordinance Update
   c. Master Plan- Next steps

8. **New Business**
   a. Frontier Club – set Public Hearing 11/24/2026

9. **Public Comment**

10. **Reports**
    A. Board of Trustees
    B. Commissioners
    C. Planning Consultant
    D. Engineering Consultant

11. **Adjournment**

Next Regular Meeting November 24, 2026, at 7:00 pm
Please note that Lodi Township does not visually record meetings.

There is a possibility of a quorum of the Board of Trustee Members and/or Zoning Board of Appeals at this meeting.

Individuals who require special accommodation should contact the Township Clerk at (734) 665-7583 at least three (3) business days prior to the hearing.

Planning Commission High Power Facilities Subcommittee Meeting Minutes
Thursday, October 8, 2026, at 9:00 am

Lodi Township Hall
3755 Pleasant Lake Road
Ann Arbor, Michigan 48103

Attendance –
Jens – Christian Meiners - present
Cindy Strader – present
Brian Sweetland- present
Other Attendees
Attorney – Jesse O'Jack
Planner – Julia Upfal (OHM)
Supervisor – Jacob Schaible

Meeting start time: 9:07 am
Meeting end time: 11:15 am

Topics of Discussion

- Chris disclosed that during his recent biology conference trip to France he had discussions with people from Open AI, and Phisio AI, at dinner. Dinner was not paid for by these or other AI companies.
- Draft HPF Ordinance
    - Power Plants: Chris feels we still need to address this in more detail in our draft ordinance – they have similarities to Data Centers but have particular concerns. Chris downloaded Milan Townships recently created Ordinance for Gas fired electric generating facilities, and brought a copy.
    - Zoning Ordinance now includes Adverse Thermal Impacts, which was acknowledged is hard to enforce.
    - Need to include in our Zoning Ordinance that studies of Water flow/usage, Thermal Impact, Noise/Vibration need to be done pre and post startup.
    - In the Zoning Ordinance, we need to set specific noise/vibration monitoring points around the site, where measurements of pre-construction values will be established as an ambient baseline, and future measurements will be made at the same points at similar times of day and similar circumstances.
    - Fire Protection: Add section that Applicant must provide a plan to containand mitigate any chemicals from emergency response on site (lots of discussion on PFAS).
    - Tax Abatements: Jesse says we can't prohibit it, since there may be circumstances where you want to accomplish something via the developer to address an issue.
    - High Power facilities Map – Julia provided, but will add BP and Wolverine pipelines, petroleum lines and any others. Will add WCRC truck routed and non-thru truck routes.

Update legend items for wetlands/watercourses and add Emerson School. At our next meeting we will look at possible locations for HPF.
    - NDA- Chris would like to include this in our Township Ethics Policy – BOT would need to authorize.

- Noise/Vibration Regulatory Ordinance– Jesse suggested to refer to complying with our existing Regulatory Noise ordinance, so that non-compliance is a Municipal Civil Infraction – needs to be "results based". Enforcing must be defendable in court. Suggested that noise/vibration be measured 2 times/yr but a report only needs to be issued annually, unless there are complaints. Will want to have our Engineering Firm (or a professional they choose), check noise levels, and could be pre-paid out of the developers Escrow account.
    - Noise/Vibration to be included in their annual report to the Township.
    - Need to include in our Regulatory Ordinance that studies of Water flow/usage, Thermal Impact, Noise/Vibration need to be done twice annually.

Action Items

- Continue to refine the proposed Zoning Ordinance, and Regulatory Ordinance
- Incorporate High Power Facilities into the Master Plan
- Revise the draft map showing existing power/energy facilities in the township (and borders)

Next Sub Committee Meeting is Thursday Oct. 29, 9:00 am

Respectfully Submitted,

Cindy Strader, Sub Committee member

DRAFT - Lodi Township Planning Commission Meeting Minutes

3755 Pleasant Lake Road Ann Arbor, Michigan 48103

September 22, 2026 at 7 pm

1. **Call to Order and Pledge of Allegiance**

   The meeting was called to order by Chair Strader at 7:00 pm. The Pledge of Allegiance was then recited.

2. **Roll Call**

Present:	Rentschler, Rogers, Stevenson, Strader, Sweetland
Absent:	Froberg, Meiners
Others Present:	Recording Secretary Michelle Joppeck, Township Planner Hannah Firlit, Township Planner Julia Upfal, Township Attorney Jesse O'Jack, Township Supervisor Jacob Schaible, Township Trustee Leslie Blackburn, Township Trustee Steve Marsh, Township Trustee David Naebeck, Claire Baker, Ann Damon, Xavier Edwards, Carola Gerigk, Tonya Ireland, Vicki Marsh, Susan Miller, Kathy VanKoevering, Addison and Leanne Walkusky and 12 other members of the public

3. **Approval of Agenda**

   Strader asked to add approval of the High Power Facilities Sub Committee minutes dated 9/10/2026 to the agenda and change 7. Old Business b. Data Center Zoning Ordinance Update to 7. Old Business b. High Power Facility Ordinance Update.

   Stevenson moved to approve the agenda as amended. Second by Rentschler. A voice vote was taken. Aye=all, Nay=none, absent=2. Motion carried.

4. **Public Hearing:** None

5. **Public Comment**

   Public comment began at 7:02 pm. Public comment was received from 1 member of the public. Public comment ended at 7:05 pm.

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6. **Approval of Minutes – 8/25/2026, High Powered Facilities Sub-Committee minutes (9/10/2026)**

Stevenson moved to approve the minutes of the August 25, 2026 Lodi Township Planning Commission regular meeting as presented. Second by Sweetland. A voice vote was taken. Aye=all, Nay=none, absent=2. Motion carried.

Rentschler moved to approve the minutes of the September 10, 2026 High Power Facility Sub Committee meeting as presented. Second by Stevenson. A voice vote was taken. Aye=all, Nay=none, absent=2. Motion carried.

7. **Old Business:**

   a. **Copperleaf Crossing Revised Area Plan**

Township Planner Hannah Firlit reviewed the updates to the memo based on the newest set of plans.

Discussion and confirmation on deviation requests was held.

A discussion on how the Zoning Ordinance addresses fence heights was held by Township Attorney Jesse O'Jack.

Parking and accessible parking was discussed. Strader took a voice vote on if the Planning Commission was ok with the temporary overflow parking lot remaining gravel. Aye=all, Nay=none, absent=2.

A discussion of what should be included directly on the Area Plan vs supplemental information was held. Other missing information or corrections to the plan that still need to be made were listed. Strader stated that she would provide that list to the applicant to get those updated/corrected.

Strader moved to recommend to the Township Board approval of the major amendment to the Planned Unit Development Area Plan for Copper Leaf Crossing, located at 4940 Ann Arbor Saline Road (parcel #M-13-14-400-025), subject to the findings and conditions set forth below:

Findings:

1. The major amendment to the Planned Unit Development (PUD) area plan was reviewed following the procedures and standards for a new application, in compliance with *Section 42.106.B*;
2. A public hearing was held on the request on November 25, 2025, in accordance with *Section 57.10 Public Hearing Procedures*;
3. Planning Commission determination that the application meets the Special District standards of *Section 42. 102.B Standards of Application Review*, based upon the evidence provided in the OHM Planning report dated 9/18/26 and Area Plan submitted on 9/16/2026;
4. Planning Commission determination that the application meets the Special District general standards listed in *Section 42.200 Special District General Standards*;
5. Planning Commission determination that the PUD is compatible with the eligibility criteria listed in *Section 42.301 Planned Unit Development District*, based upon the

evidence provided in the OHM Planning report dated 9/18/26 and the Area Plan dated 9/16/26;

6. Planning Commission determination that the required information for an area plan, as required by *Section 42.110 Required Area Plan Information*, is provided on the revised area plan dated 9/16/26;
7. Determination that the land uses within the PUD District are a Veterinary Hospital, Kennel/Boarding with Grooming, Institutional Use and Nursery and Farm Market Use and are in compliance with the use limitations listed in *Section 42.301.B Limitations on Uses;*
8. The applicant has provided evidence that the development is in compliance with outside agencies with jurisdiction (as well as Township ordinances), in compliance with *Section 42.102.A.3.c*, including information about animals currently or historically housed on site, records of permits from regulating agencies such as MDNR (Scientific Collector's Permit; Threatened and Endangered Species Permit; Deer or Bear Carcass Permit; Cervidae Registration), US Fish & Wildlife Service (Special Purpose of Migratory Birds; Live Eagle Exhibition) and detail on reporting requirements of those agencies, as well as information regarding regular inspections from regulating agencies;
9. The applicant has provided a list of species that the Creature Conservancy commits to not housing on-site;
10. A deviation to allow Item 29 Canine Enclosure, as denoted on the revised area plan dated 9/16/26, to encroach into the required transition buffer area is acceptable;
11. A deviation to allow Item 24 Livestock Enclosure, as denoted on the revised area plan dated 9/16/26 to be moved out of the transition buffer area is acceptable;
12. A deviation to allow Items 6, 30, 31 and 32, Aviary Enclosures, as denoted on the revised Area Plan dated 9/16/26, to encroach into the required transition buffer area is acceptable, based on the following: located 10 feet off the Western property line and no other structures permitted in this area;
13. Proposed deviations are consistent with the intent of the Special District and will result in a higher quality of development that would be possible without the deviation, as outlined in *Section 42.003 Regulatory Flexibility*;
14. Planning Commission approval of gravel parking lots for the employee/stable lot (Item X on the revised area plan), based on the finding that the alternative surface is more appropriate for the site or use and limited to graded and compacted gravel. Barrier-free spaces and pathways to buildings are to be paved in accordance with Construction codes;
15. Planning Commission approval of gravel parking lots for the overflow parking lot, based on the finding that the alternative surface is more appropriate for the site or use and limited to graded and compacted gravel. Barrier-free spaces and pathways to buildings are to be paved in accordance with Construction codes;
16. Planning Commission approval of an additional barrier-free parking space near Building A;
17. Future Building H to be relocated outside of transition buffers and setbacks.

Conditions:

1. Operation of the Institutional Use shall be limited to those described in the application and area plan and supporting documentation;
2. Clarification from the applicant be provided if the required 50-foot open space setback area is provided along Ann Arbor Saline Road and Pleasant Lake Road or if deviations from this requirement are requested;
3. Clarification from the applicant be provided if the required 20-foot open space setback area is provided along perimeter lot lines that are not adjacent to right-of-way or if deviations from this requirement are requested;
4. Clarification from the applicant be provided if the required 20-foot landscape strip is provided in accordance with the ordinance;
5. Item 24 Livestock Shelter, as denoted on the Area Plan dated 9/16/26, will be moved out of the required transition buffer area;
6. An area plan agreement be signed, recorded by the applicant in the County Register of Deeds, and copies provided to the Township Clerk in compliance with *Section 42.102.A.9 Area Plan agreement or statement*;
7. Submittal of a site plan for review and approval in accordance with the requirements of *Article 44.0 Site Plan Review*, per *Section 42.103 Site Plan Approval*;
8. Any barrier-free parking spaces, aisle, and access must be paved and meet the requirements of the State Construction Code;
9. Review and approval from all other applicable consultants, departments, and agencies;
10. The Township Board can determine if they want to limit the number and types of exotic species;
11. The Township Board to determine if the 8 existing cargo containers should remain on site.

Second by Rentschler. A roll call vote was taken. Rogers=aye, Rentschler=aye, Stevenson=aye, Strader=aye, Sweetland=aye, absent=2. Motion carried.

b. High Power Facility Zoning Ordinance Update

Strader reviewed the items being discussed and worked on in the High Power Facility sub committee.

c. Master Plan – next steps

The next steps for the Master Plan update were reviewed.

8. New Business:

a. Home Occupation Application – Addison Walkusky, 4860 Weber Road, Saline, MI 48176

The applicant reviewed the request and the reasoning behind the request.

Strader confirmed the name of the business, that the house would be used as a home office, that there would be no second entrance, no additional employees, no additional parking, no

equipment stored on site, no signage outside, and no nuisance from smoke, odors or glare. The applicant confirmed all that was correct.

Rogers asked if the trucks were going to still be there. The applicant confirmed that the only vehicles on site were his personal truck and a truck used to move stuff around his property. Rogers asked if the business trucks were no longer stored on site. The applicant confirmed that.

Sweetland asked for more information about the type of property management and what equipment is used in the work. The applicant answered the questions. Sweetland asked where the small construction equipment used for the business will be stored. The applicant stated that it is stored at another location.

Strader moved to approve the Home Occupation for Addison Walkusky located at 4860 Weber Rd (parcel #M13-27-100-004) with the following Findings of Facts:

- Application made by Addison Walkusky on 9/1/26 for a Home Occupation Permit at their home at 4860 Weber Rd, Tax ID 13-27-100-004, zoned AG
- Business is called ARW Property Mgmt LLC
- The Home Occupation is secondary and incidental to the land and dwelling
- There will be no second entrance to the outside, and nothing is being generated for sale
- There will be no outside employees, thus no additional parking or traffic, sanitary sewage or water demand
- There will be no outside equipment or supplies stored on the property
- The primary activity will be business-related in a home office
- There will be no signage outside
- There will be no nuisance from odors, smoke, heat, glare etc.
- The proposed Home Occupation falls under the Home Occupation – Limited category as it is carried on only in the home, by a member of the family, as a professional/semi-professional office

Based on these Findings of Fact, we recommend the Township Board approve this application as a Home Occupation, Limited. Second by Sweetland. A roll call vote was taken. Sweetland=aye, Strader=aye, Stevenson=aye, Rentschler=aye, Rogers=aye, absent=2. Motion carried.

b. Proposed Zoning Ordinance changes – Section 2.03 Definitions (Golf Courses), Section 55.10 Sanitary Sewer Facilities, Section 54.08 Natural Features Protection and Preservation

Township Planner Julia Upfal explained the reasoning behind the proposed changes and the proposed changes. The proposed ordinance changes and reasoning for the changes was discussed at length including the implication of what those changes might open up in the Township in the future.

Rogers expressed concern about adjusting the Zoning Ordinance due to an application rather than figuring out how an application can fit into the Zoning Ordinance and the speed at which the change is being pushed. A discussion was held about that.

Questions and a discussion on ownership, what it means and what it does was held. Upfal explained the need for ownership to be included in the sanitary sewer changes due to the differences in permitting based on ownership.

Limiting the number of short-term lodging accommodations was discussed.

What defines a dwelling vs a structure vs short-term lodging accommodations was discussed.

O'Jack clarified that the Planning Commission needs to decide what they want and the consultants would then figure out how to write the Ordinance to meet those requests.

Strader expressed the desire to have septic field investigation and approval be received from the County before any project with multiple structures that is privately owned and controlled by one entity can move forward. Upfal noted that in many cases, the County will not give approval until the applicant can show a plan and, at some point, it is the developer's risk to create a plan without enough information.

It was requested to see and compare a Zoning Ordinance for a resort in another similar community in Michigan.

Firlit and Upfal will update definitions based on the preceding conversation.

c. Ann Arbor Sand and Gravel – set Public Hearing 10/15/2026 (Special Meeting as requested by the Applicant)

Strader moved to set a Public Hearing for Ann Arbor Sand and Gravel at a Special Meeting to be paid for by the applicant to be held on 10/15/2026. Second by Rogers. A voice vote was taken. Aye=all, Nay=none, absent=2. Motion carried.

d. Acknowledge Tammy Froberg resignation from Planning Commission – elect new Vice Chair

Strader moved to elect Dave Stevenson as Vice Chair of the Planning Commission for the remainder of the term. Second by Sweetland. A voice vote was taken. Aye=all, Nay=none, absent=2. Motion carried.

9. Public Comment

Public comment began at 10:15 pm. No comments were received from the public. Public comment ended at 10:15 pm.

10. Reports

A. Board of Trustees: Rentschler reviewed the most recent Board of Trustees meeting held on August 11, 2026.

B. Commissioners: None

C. Planning Consultant: None

D. Engineering Consultant: None

11. Adjournment

Stevenson moved to adjourn at 10:17 pm. Second by Sweetland. A voice vote was taken. Aye=all, Nay=none, absent=2. Motion carried.

Respectfully Submitted,

Brian Sweetland,
Planning Commission Secretary

Michelle Joppeck,
Recording Secretary

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DRAFT - Lodi Township Planning Commission Special Meeting Minutes

3755 Pleasant Lake Road Ann Arbor, Michigan 48103

October 15, 2026 at 7 pm

1. **Call to Order and Pledge of Allegiance**

   The special meeting was called to order by Vice Chair Stevenson at 7:00 pm. The Pledge of Allegiance was then recited.

2. **Roll Call**

Present:	Doyle, Meiners, Rentschler, Rogers, Stevenson, Sweetland
Absent:	Strader
Others Present:	Recording Secretary Michelle Joppeck, Township Planner Julia Upfal, Township Engineer Marcus McNamara, Township Supervisor Jacob Schaible, Township Trustee David Naebeck, Mark Leoni and Brian Hayes from Ann Arbor Sand & Gravel, Bill Stapleton from Hooper Hathaway, Rob Wagner from Midwestern Consulting, Jane Chronis, Margaret Maru, John Maru, David Ellison, Don Eaton, Dave Duetsch, Lindsay Fleming, Ed Nairn, Leo and Mary Byers, Rita Galin, A Vinnik, D. Nanabetian, David Giampetroni, Debbee Thompson, Nick Onkow, Diane Byrne, Becks, Craig Swenson and numerous other members of the public

   Eamon Doyle introduced himself.

3. **Public Comment**

   Public comment began at 7:02 pm. No public comment was received from the public. Public comment ended at 7:02 pm.

4. **Announcements:** None

5. **Approval of Agenda**

   Rogers moved to approve the agenda as amended and posted earlier in the day. Second by Sweetland. A voice vote was taken. Aye=all, Nay=none, absent=1. Motion carried.

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6. **Ann Arbor Sand & Gravel Public Hearing:**

The Lodi Township Planning Commission will hold a Public Hearing at 7:00 pm on October 15, 2026, at the Lodi Township Hall, 3755 Pleasant Lake Road, Ann Arbor, Michigan, 48103, to address a request by Mike Leoni, Ann Arbor Sand and Gravel, for a Mineral Extraction Permit to allow for the extraction of Sand and Gravel at 4095 Scio Church Rd, Section 2, T3S, R5E in Lodi Township including parcels #M-13-02-200-001, M-13-02-200-004, and M-13-02-200-002.

The Planning Commission will vote to open the Public Hearing; the Chairperson will state its purpose and rules of procedure. The Applicant will be heard first, then staff reports will be received. Public comment on this issue shall then be received. The Public Hearing shall then be closed, Commission deliberation held, and action taken.

Meiners moved to open the public hearing at 7:03 pm. Second by Rogers. A voice vote was taken. Aye=all, Nay=none, absent=1. Motion carried.

Bill Stapleton, a lawyer from Hooper Hathaway who is representing Ann Arbor Sand & Gravel, introduced the applicant and other representatives for the applicant and thanked the Township and Township officials for their time and consideration of the application. Stapleton also noted the conditions and concerns listed in the Township Planner's report and stated that they are reviewing them and do not see any issues with those conditions. Stapleton reviewed the history of the request, an overview of the changes they expect to happen on site if the permit is approved, and an overview of the process used to extract the sand and gravel. Stapleton also reviewed the necessary environmental permits and approvals already received from regulatory agencies for the request.

A member of the public asked where on the site the extraction is going to take place. Rob Wagner from Midwestern Consulting used a drone topographic survey from November 2025 to explain the site plan for the extraction process.

A member of the public asked where on the property the extraction will be taking place with regards to their property. Wagner stated that it is about 300 feet from the property line.

A member of the public asked if the existing entrance off of Scio Church Road was going to be used and if there will be any other entrances or exits. Wagner stated that they would be using the currently existing entrances and exits off of Scio Church Road only.

A member of the public who lives in the area stated that they see big trucks full of construction debris going into Ann Arbor Sand & Gravel and coming out empty and asked if there is dumping occurring on site in addition to the extracting. Wagner confirmed that is true. The member of the public asked if anyone has been watching what has been going on or monitoring that. Another member of the public asked if they are dumping into the lake. Applicant Mike Leoni stated that everything that is coming into the site is being watched and monitored.

Another member of the public asked if there is someone with no financial interest making sure what is brought on site is safe. Leoni stated that that is not required by the Ordinance and stated that the water is being tested every year and the results have been very clean and are available for review. The member of the public asked again if anyone representing the public's interest is monitoring what is going on there or if it is up to the public to take Leoni's word for what is happening on site. Township Engineer Marcus McNamara stated that OHM does annual inspections to confirm that operations are compliant with their approvals. Up until now, the

applicant was approved to make efforts towards the reclamation plan that was approved by the Township Board of Trustees. In the past, if a complaint was made or a question was brought up about if something is appropriate, OHM has gone to the site to investigate. Annual ticket logs are provided by the applicant as part of the annual review so if something was found after the fact to be an issue, it is known what trucks were on site, when, and where they went. McNamara also stated that the focus of that night's public hearing was a request to take material out of the site.

A member of the public asked if materials that are being brought in are being buried and how an annual inspection would inform the public as to what has been brought in. McNamara stated that the load tickets tell what trucks had been there and generally where they dumped.

A member of the public asked if the water testing is done by a public entity. McNamara stated that it was not; it is done by a third-party testing lab and is paid for by the applicant. Those labs' reputations depend on them providing accurate results and they are unaware of the chain of custody; they are just performing the tests that are required.

Wagner stated that the schedule for the mining is about five to eight years depending on the market.

Wagner stated that the bottom of the excavation is about 30 feet higher than the groundwater table so the extraction will not be impacting the groundwater.

A member of the public asked why the extract was stopped a few years ago and why a new permit is being requested at this point. Leoni stated that there was a tower with guide wires in the area that needed to be removed first before the 90 feet of overburden could be removed to get to the sand and gravel to be excavated.

A member of the public asked if there were any restrictions on the previous permit. Leoni discussed the consent order received from a judge.

A member of the public brought up the fact that about 20 years ago, Leoni requested to make the pit a type 3 landfill. Local residents raised money to get an attorney to stop that request, but there is still concern about the environmental impact to the water and aquifers. The member of the public stated that they were still concerned by the fact that that request was made.

A member of the public stated that at some point there has to be reclamation and at this point, it has been a bunch of debris, garbage and junk put in there and there is concern about what was put in. Leoni stated that he had an operator in the back and asked him if there was a lot of garbage that goes into the property. The operator, Tom, stated that there is absolutely no garbage that gets dumped onto the site. If there is any garbage, Tom makes them pick every last piece of it out. A member of the public asked how do you know if there is garbage in the middle of a 40-yard dump truck. Tom stated that if he sees garbage in it, he will spread out that pile and make them pick every piece of garbage out of it.

A member of the public stated that someone came onto the site on their behalf one time and he received tickets months later for other loads that were not on his behalf. Leoni stated that that could happen. The member of the public stated that the applicant does not have good logs then. Leoni stated that they have logs.

A representative of the applicant reminded everyone that they already went through an exhaustive procedure with the Township to get the reclamation plan approved and everything they are doing out there in terms of reclamation has been approved by the Township and its

engineers.

A member of the public stated that Stapleton said that it would be a continuation of what has already been going on out there and asked what the trigger point for this application was and what changed to require submitting the application. A representative of the applicant stated that there was extraction, the extraction stopped and reclamation was started. The overburden material was being removed and now they want to start extracting sand and gravel again which requires a new permit by the Township.

A member of the public asked what overburdened material was. The representative stated that it was material that is not usable in the market like dirt, grass, vegetation, and clay.

A member of the public asked when the extraction stopped. Leoni stated that he thought the last operator was out there in 2014.

A member of the public asked what has been going on there since then and what reclamation means. Leoni said that he could show pictures and that he thinks they have done a great job restoring it.

A member of the public asked what the long-term trajectory for the site is, when does something like that get exhausted or what is the next phase for a thing like that. Leoni stated that they have an agreement with the Township to be there until 2034. Leoni stated that he would like to see something happen with the site and has shared different ideas with the Township.

A member of the public asked if what is going on there with the inputs and outputs, the gravel operation and whatever is being deposited is set to end in 2034. Leoni stated that he would say that is pretty darn close. The member of the public asked if there would be an opportunity to renew the permit for continued work. McNamara stated that they could make an application and the permit renews every five years. Leoni stated that he does not care to get another permit because there is just too much overburden.

A member of the public stated that 30 feet between the dig and the water table is not very much and asked who would be monitoring the process and making sure the water table is not reached. Leoni stated that does not believe it is possible to reach the water table. Another member of the public asked if any independent contractors looked into that. Leoni stated that they had a hydrological study done and they know exactly where the water table is. A member of the public stated that they understand that they know where the water table is, but asked what the guarantee is that they will not get there. Leoni stated that the bottom of the lake was about 70 feet from the water table.

A member of the public asked where they can get the hydrological results. Leoni stated that it is on the website.

A member of the public stated that the hydrological report was done in 1989 and there have been quite a few houses built much closer to the Southeast end of the pit than there were in 1989 and asked if there was any intention to update that study or report. The report talked about the water moving 150 feet a year. The houses that were in the original report were 2.5 miles away so that was going to take 30 years to get there, but now there are houses that are only 1,200 feet away. Leoni stated that was unsure which houses the member of the public was referencing. The member of the public stated that it was the houses on Trillium Lane. Leoni asked how deep his well was. The member of the public stated that it was 205.

A member of the public asked if there were any plans to do any dewatering because that would impact wells fairly quickly. Another member of the public asked what dewatering was. It was explained that it would be pumping water out.

A representative of the applicant stated that the water that they are going to use for the processing of the material on the site is all ponded rainwater and they are not going to go down into the bottom of the lake. The bottom of the lake is 70 feet from the top of the aquifer and there is 70 feet of impermeable blue clay that separates the lake from the top of the aquifer. The Water Resources Division has looked at it carefully and if there was any remote possibility that there was a connection between the excavation and the aquifers, they would have required a new hydrological study. They were satisfied that there was not a hydrogeological connection. A member of the public asked if that letter was publicly accessible. A representative of the applicant said that it was.

Leoni stated that he asked Washtenaw County where all of the clay came from and why it was so hard. He was told that it was from ice and water sitting on it for thousands of years.

A member of the public stated that their concern is that, despite all of these assurances, other local pits have gone through the same thing and suddenly the water table was drawn down and wells were going dry. A representative of the applicant stated that according to his understanding, in those cases, there was dewatering occurring which led to that result and stated that they will not be dewatering. A member of the public asked if there was a plan or a commitment that there would be no dewatering. A representative of the applicant stated that they have made that representation to the Township. The member of the public asked if it was legally binding. The representative stated that it was and they cannot dewater without a permit that they do not have. If they wanted to dewater, they would have to go through the application process to get the permit. A member of the public asked if they get the permit to dewater, who would pay for the dry wells. A representative of the applicant stated that there is no reason or need for them to dewater. All of the water that they will be using is rainwater.

A member of the public asked for clarification on the 30-foot measurement versus the 70-foot measurement. Representatives of the applicant clarified that there is 30 feet from the bottom of the lake to the top of the aquifer and 70 feet was the amount of overburden that needed to be removed to get to the sand and gravel requested to be extracted.

A member of the public asked if the city or the state ever tests the water. Leoni stated that he sends the water to an outside firm to test it every year even though it is not required.

A member of the public asked if there is enough rainwater in the lake to do what they want to do. Leoni said there is. The member of the public asked how he knows there is. Leoni said he knows how much water is needed to clean that type of stone. A representative of the applicant stated that it would be a closed loop.

A member of the public asked if there were any complaints with the previous permit and if there were, what were they. Leoni said he had no complaints.

A representative of the applicant stated that they do have a hydrogeologist consulting on the project, but she was unable to attend the meeting.

More discussion was held regarding the differences in distances. A representative of the applicant stated that the 70 feet measurement is the distance from where the grade is at now and the aquifer. Once the extraction is finished, it will be 30 feet to the aquifer.

A member of the public stated that 30 feet is not a lot. A representative of the applicant said that 30 feet of blue clay is a lot. A member of the public asked if it was blue clay or Morley clay. Representatives of the applicant confirmed it is blue clay.

A member of the public asked McNamara if an annual inspection will be completed on the mining operation in addition to the reclamation. McNamara confirmed that the mining operation would be reviewed annually in addition to the reclamation. Updated contour maps will need to be provided as part of that review in addition to a physical site inspection to compare.

McNamara also stated that in regards to the 30-foot measurement, the pits to the West are permitted to mine within 10 feet of the water table and that 10 feet to the water table is composed of sand and gravel. So, 30 feet of clay is a cushion and there is no concern about that by the Township Engineers. If an extra bucket was taken out, there would be no impact and there would be time to address it.

Commissioner Stevenson stated that many years ago with the original mining, a hole deep enough to fill up with water was dug and asked what made them stop mining at that point. Leoni stated that it was the clay. McNamara also stated that it was likely the dimensions of the site and the slopes of the walls that forced them to stop mining and start the reclamation process to maintain safe slopes. McNamara also stated that the applicant would run into a similar issue with the current proposal. With the size of the bottom of the hole, they would not be able to maintain those slopes and go deeper because they would run out of room because the property is not big enough. Based on that, they would never be close to needing to dewater to get the material that they are requesting to extract with the current application.

Commissioner Sweetland asked where the 90 feet of overburden ended up. McNamara stated that, according to his understanding, it was moved around to a variety of places, but it all remained on the property and none of it was trucked out. Sweetland asked for confirmation that there was never a berm that was created. Leoni stated that there was never a berm. Sweetland clarified that his property is next to the Stone Co pit and they created a berm that created an issue with surface water that they did funnel back into the hole once the issue was disclosed. He wanted to make sure that that issue would not happen with this application as well.

A member of the public asked what kind of atmospheric effects, in terms of sound, dust, looms, and anything like that, might be expected. A representative of the applicant stated that he did not believe anything would be heard and their permit from EGLE requires that they provide dust suppression. For the dust suppression, they paved the road 800 feet from the entrance and have been putting chloride treatment on the existing roadways. As a part of the permit, EGLE will come out to the site while it is operating to make a judgement as to whether they are complying with the suppression of dust that is required as part of the permit. For the noise, he stated that he does not believe they have ever gotten a complaint about noise.

A member of the public stated that they are Sand & Gravel's nearest neighbor to that site and he finds the noise acceptable. He stated that he is an engineer and he likes quarries because they are progress. They are building roads, schools and hospitals and quarries are good things. He commended Leoni on doing a really good job in that quarry so far, but his fear is the groundwater and what the backfill is going to be. He stated that he has been told that what is going in is housing materials and he is not sure where those materials are coming from. He asked if it is lead-based paint from houses being torn down in Detroit. Leoni stated that there is nothing like that and anything like that would be allowed on the site. Operator Tom stated that there are

no second changes; if somebody brings in a load that they are not supposed to bring in, they do not come back. There is no construction materials or tires and, basically, it is only dirt and concrete.

Commissioner Meiners asked how many tons were expected to be pulled out this year, how many tons will be extracted per year, and how many tons would be extracted total. Meiners also asked how much overburden has already been moved and how much is still there. A representative of the applicant stated that the volume is all market driven, but they estimate there is about a million tons there and, in a good year, they would extract 150,000 to 200,000 tons a year. Meiners asked if it was correct that 200,000 tons would come out to about 5,000 trucks per year. A representative of the applicant stated that it is more nuanced than that because a lot of the trucks are already on their site dumping material and then leaving empty. The goal would be to deposit the fill material and then leave loaded. The goal would be to have most of the materials taken out of the site by trucks that are already on site. Meiners asked how many trucks visit the site per day now. Leoni estimated about 25 trucks a day, but stated that it depends on the time of year.

Commissioner Rentschler asked if different grades of sand will be offered. A representative of the applicant stated that different grades will be offered. Right now, the tests of just dry-screening pass for 2NS. As they go deeper, they believe they will have class 2.

A member of the public asked the applicant if they would be willing to host some of the neighbors at the Township Hall to help them understand the operation. Leoni stated that he thought that would be a good idea and he would like that.

A member of the public asked if there was a bond and if so, how much. Leoni stated that there is an $820,000 bond that was required when the pit was originally started. A member of the public asked what the bond covers. Leoni stated restoration in case the business goes bankrupt.

A member of the public asked who is liable when a gravel mining situation does dewater and wells and property values of the houses around are affected. McNamara stated that the court would decide. A representative of the applicant said that the operators are liable. A member of the public asked if the operator has enough insurance to cover their losses. Leoni stated that he has $5 million in liability insurance.

Township Supervisor Schaible stated that if the applicant decides that they want to dewater, they have to go through the whole process again to get the required permit. Even if they did start dewatering without a permit, people are watching the pit and the Township gets calls about the pit quite a bit. Schaible and McNamara have walked through the pit before. Schaible asked McNamara if the Township's Extraction Ordinance is well written. McNamara confirmed it was one of the better ordinances in the area.

A member of the public stated that previously, when the site was being mined, it was a mess on site which caused a lot of problems for traffic and pedestrians and asked for assurances that that would not be an issue this time. A representative of the applicant stated that they have three sweepers on site.

A member of the public stated that his concern is that when problems came up in the past, they were not worked in a cooperative manner. There was a situation about 12 years ago where the slope was inappropriately steep and it took a lawsuit by some of the residents to get a judgement against Ann Arbor Sand & Gravel to get that corrected. Once the judgement was in place,

inspectors were not allowed on the property for some period of time to see whether or not complaints occurred. He stated that that is not the kind of people he would like to work with. He also stated that he has another concern with the sewer vacuum trucks that pull in and out of there. He stated that every truck is from outside of Washtenaw County and asked what the economic force that causes those people to spend so much time and money to drive in. Additionally, the fact that he has never seen a Washtenaw County truck go in there raises questions about what is in those trucks. He also stated that out of an abundance of concern the Township did ask for some surface water testing, but there was a period of time that that was not addressed. Leoni stated that the requirement to do surface water testing was not in the ordinance and that is why it was not completed, but when he was asked to do it, he did it.

A member of the public asked if someone could randomly come in, get some water out of the pond and have it tested themselves. Leoni stated that he did not know if he trusted that.

Leoni shared his side of the lawsuit from 12 years ago. The slope was there before he was even born and they did not cause the slope. The case went to court and the judge allowed them to bring in material to fix the side. It cost him a lot of money to do it, but it was already there when he bought the company. Leoni said that he tried to buy 100 feet of the neighbor's property in order to bring it into compliance, but he was refused. Leoni, the judge, previous Township Supervisor Jan Godek, and Leoni's lawyers went into the pit and the judge said no, that's fine. You're doing all the right things.

Township Planner Julia Upfal reviewed her report regarding the application. Township Engineer Marcus McNamara reviewed his report regarding the application.

Commissioner Doyle asked if one of the surface water standards come back out of spec, is there a compulsory stop or some sort of remediation plan that follows that or is it just purely informational. McNamara stated that as soon as that is known, it would be investigated. If PFAS is found, it would not be from their operation, but from something else because nothing they are doing would introduce PFAS. McNamara stated that if anything above the action limits is found, they would start tracking down where and why, but that would not necessarily stop all operations until that is determined.

Due to no more public comment, Rentschler moved to close the public hearing at 8:18 pm. Second by Rogers. A roll call vote was taken. Sweetland=aye, Stevenson=aye, Rentschler=aye, Rogers=aye, Meiners=aye, Doyle=aye, Strader=absent. Motion carried, 6-0.

Rentschler stated that he was ready to make a motion to approve. Doyle read the motion included in the Township Planner's report.

A discussion was held on which option of the provided motion was appropriate for the alternative paving material. It was decided to allow alternative paving materials.

A discussion was held regarding if there were any additional performance standards required to protect the health, safety, morals, and well-being of the Township or any additional conditions for traffic flow, security, or signage to ensure public safety. It was decided to require annual surface water testing.

Rentschler moved to recommend approval to the Township Board of the Preliminary and Final Site Plan Application and Extraction Permit for the proposed extraction use located at 4095 Scio Church Road (Parcels M-13-02-200-001, M-13-02-200-04, and M 13-02-200-002), subject to the findings and conditions set forth below:

Findings:

1. The proposed development is a Permitted land use in the NR Zoning District.
2. The proposed development generally meets all requirements of the Lodi Township Zoning Ordinance and the Lodi Township Extraction Ordinance (Ordinance #103).
3. A public hearing has been held on the application. The public hearing was noticed in a paper of record and to all neighbors within 300 feet.
4. Alternative paving materials (gravel) for the parking areas are appropriate due to the use of the site.
5. Surface water testing shall be completed as part of the annual review.

Conditions:

1. The applicant will address all administrative corrections identified by the Township Engineer in their report dated August 31, 2026 before final site plan approval shall be granted.
2. The applicant will address all administrative corrections identified in the Planning report dated October 9, 2026 before final site plan approval shall be granted.

Second by Sweetland. A roll call vote was taken. Doyle=aye, Meiners=aye, Rogers=aye, Rentschler=aye, Stevenson=aye, Sweetland=aye, absent=1. Motion carried, 6-0.

7. Public Comment

Public comment began at 8:33 pm. Public comment was received from 4 members of the public. Public comment ended at 8:36 pm.

8. Adjournment

Sweetland moved to adjourn at 8:37 pm. Second by Rogers. A roll call vote was taken. Sweetland=aye, Stevenson=aye, Rentschler=aye, Rogers=aye, Meiners=aye, Doyle=aye, absent=1. Motion carried.

Respectfully Submitted,

Brian Sweetland,
Planning Commission Secretary

Michelle Joppeck,
Recording Secretary

DRAFT

October 23, 2026

Planning Commission
Lodi Township
3755 Pleasant Lake Road
Ann Arbor, Michigan 48103

Attention: Cindy Strader, Planning Commission Chair

Subject: Golf Course Definitions

Dear Ms. Strader,

Lodi Township has received an application for the development of a golf course that includes lodging facilities for guests. Although this type of use is not uncommon, the Ordinance does not currently regulate or define "Golf Course Resorts" making permissibility subject to interpretation. The enclosed amendment takes this into consideration and includes clear language to regulate Golf Course Resorts as a Special Land Use in the same districts where golf courses are currently permitted.

It should be noted that although the Township has received a relevant application, this amendment must be considered based upon its broader regulatory impact, and not its applicability to a specific development.

Previous Discussion

September 2, 2026- The Township Board approved a request by OHM to have the Planning Commission to review and update the definition of golf course to provide clear language that articulates the appropriate zoning treatment for golf courses with lodging facilities in order to reduce potential confusion with existing language in the ordinance.

September 22, 2026- During the September Planning Commission meeting, the Commissioners reviewed the draft language and discussed some additional desired changes, including clarification that the site shall be maintained under common ownership, a limit on the amount of lodging, and considerations for a broader recreational resort type of use.

October 21, 2026- A joint meeting of the Planning Commission and Township Board was held to review the proposed amendments and contemplate any changes. A technical correction to the use of the term "rental" was requested, which is addressed in this draft. In addition, the public bodies suggested updating the draft to include separate definitions and regulations for recreational resorts and golf course resorts.

During the meeting, a question was raised regarding whether golf course resorts should be limited to only the RC Zoning District. After consideration of the areas currently zoned RC, the permitted uses in RC, and the intent of the RC district, we have determined that this may not be the appropriate treatment of golf course resorts. Golf course resorts are commercial and private in nature, and may not be consistent with the goal of providing recreational opportunities to residents broadly, as described in the intent for this district. Furthermore, this district is confined to limited areas and would substantially reduce the opportunities available to develop this use. Finally, if rezonings are needed to permit these uses, they would result in "downzoning," which would limit opportunities for future redevelopment and may impact property values.

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Proposed Language

The language below includes a definition for Golf Course Resorts and separately, recreational resorts. It also ensures that clubhouses and sleeping quarters for guests are regulated as principal buildings when associated with a destination golf course. This ensures that these uses are not regarded as accessory dwellings or accessory structures, which are not permitted to include sleeping quarters.

Since the September meeting, new language has been added to ensure common ownership and limit the amount of lodging based on the size of the clubhouse (for attached lodging) or the number of holes (for detached lodging). In addition, separate standards were added for "recreational resorts."

Finally, we updated the parking schedule to include a requirement for golf course resorts. The Planning Commission may determine that the use of the golf course and resort will overlap, eliminating the need for additional parking spaces. With that in mind, we have proposed language for the purpose of discussion subject to the review and consideration of the Commission.

Section 2.03 Definitions

Golf Course. The premises upon which the game of golf is played, ~~that may include clubhouses, swimming pools, tennis courts, or other facilities or uses customarily incidental to a golf course.~~ including the golf course, clubhouse, and other buildings, structures, facilities, and uses associated with the operation of a golf course. For purposes of this Ordinance, a clubhouse located at a golf course shall be considered integral to the operation of the golf course and part of the principal use and shall be regarded as a principal structure, rather than as an accessory use or accessory structure. A golf course may also include accessory uses such as swimming pools, tennis courts, spa or wellness facilities, maintenance facilities, and other facilities or uses customarily associated with and incidental to a golf course.

~~**Par-3 Golf Course.** A golf course consisting of shortened fairways, typically no longer than 200 yards. Par-3, eighteen-hole golf courses typically occupy 50 to 60 acres.~~

Golf Driving Range. A golf practice facility commonly consisting of a large, open field with a teeing ground at one end where golfers line up side-by-side hitting golf balls into the field. The landing area for the golf balls may be an empty field or include target greens and yardage markers. A golf driving range may be included as part of golf course or as a stand-alone business away from a golf courses.

Disc Golf. A game in which a concave plastic disc is thrown into each of a series of metal baskets situated on an outdoor course, the object being to complete the course using the fewest possible throws.

Golf Course Resort. A golf course that includes short-term lodging accommodations for members or guests of members for transient stays as a component of the golf course. The golf course and lodging accommodations shall be maintained under common ownership and shall be operated as an integrated use. Lodging accommodations may include guest rooms, suites, cottages, villas, or similar accommodations. For purposes of this Ordinance, lodging accommodations and buildings containing such accommodations shall be considered part of the principal use and shall be regarded as principal buildings, rather than accessory uses or accessory buildings.

Recreational Resort. A recreational use or campground that includes short-term lodging accommodations for transient stays as a component of the recreational use, excluding Golf Course Resorts, as separately defined in this ordinance. The recreational use and lodging accommodations shall be maintained under common ownership and shall be operated as an integrated use. Lodging accommodations may include guest rooms, suites, cottages, villas, or similar accommodations. For purposes of this Ordinance, lodging accommodations and buildings containing such accommodations shall be considered part of the principal use and shall be regarded as principal buildings, rather than accessory uses or accessory buildings.

Section 20.04 Table of Uses by District

Uses	Rural			Residential			Business		Other			Use Standards
	RC	AG	NR	R-1	R-3	MHP	O	C-1	LCD	PSP	I-1	
Disc Golf	S	S										Section 41.24
Golf Course Resort	S	S										Section 41.24
Recreational Resort	S	S										Section 41.24

Section 41.24 Recreational Facilities, Golf Courses, Golf Driving Ranges, and Campgrounds and Recreational Vehicle Parks.

Recreational facilities, golf courses, golf driving ranges, campgrounds, and recreational vehicle parks shall be subject to the following:

A. General Standards
   1. No building shall be located within 100 feet of any property line.
   2. Facilities such as licensed restaurants and bars may be permitted as an accessory use when occupying an integral part of the main structure, provided there is no exterior display or advertising of said facilities.
   3. Golf fairways, swimming pools, tennis courts, and similar uses shall comply with the greater of the required yard and setback requirements of the zoning district in which located or a minimum setback of 50 feet from any property line. Screening shall be provided per the requirements of Section 55.09.D (Methods of Screening).
   4. Construction, expansion, and alteration of recreational facilities shall be subject to site plan approval per Article 44.0 (Site Plan Review).

B. Golf Courses, Golf Course Resorts, and Driving Ranges.
   The following requirements shall apply to all golf courses, golf course resorts, and driving ranges, in addition to the general standards above:
   1. A maintenance plan shall be submitted with the application for site plan approval, which shall include the following minimum information:
      a) The entity responsible for long-term maintenance of the facility, and methods and anticipated funding sources for such maintenance.
      b) Details of the proposed landscape and lawn care maintenance program, which shall include the best available practices for protection of abutting properties and the environment of the Township.

2. Accessory uses, such as restaurants and bars, swimming pools, tennis courts, spa and wellness facilities, or other ancillary uses shall be limited to members, or guests of members when attending with that member present, of the golf course or clubhouse.
3. Structures associated with such uses shall be set back a minimum of 100 feet from lot boundaries that abut Residential Districts or existing Residential Uses.
4. The facility shall be designed and maintained to contain golf balls and other course activities within the site.
    a) The use of netting or similar materials to contain errant golf balls within the site shall be prohibited, except where the Planning Commission determines that it would be compatible with surrounding uses.
    b) The site plan shall include illustration of expected ball trajectories and dispersion patterns for fairways and driving ranges located within 500 feet of a building, parking lot, lot boundary or road right-of-way.
5. Golf Course Resorts.
    a) Golf course resorts may only provide short-term lodging accommodations during months when golf is open and available for regular play.
    b) Lodging accommodations shall be limited to members or guests of members using the golf course, when members are present. Lodging accommodations shall not be operated as a hotel, motel, short term rental, or other lodging facility for general public use.
    c) Lodging accommodations shall not be permanently occupied. No occupancy period shall exceed 30 consecutive days.
    d) Lodging accommodations shall be limited to the following:
        1. When located within the clubhouse building, lodging accommodations shall be limited to 25% of the total floor area of the building or less.
        2. When located within detached structures, lodging accommodations shall be limited to three (3) guest bedrooms for each hole of the golf course.

C. Recreational Resorts
1. Recreational resorts may only provide short-term lodging accommodations during months when the recreational use is actively being used.
2. Lodging accommodations shall be limited to individuals using the recreational use and shall not be operated as a hotel, motel, short term rental, or other lodging facility for general public use.
3. Lodging accommodations shall not be permanently occupied. No occupancy period shall exceed 30 consecutive days.
4. Lodging accommodations shall be limited to the following:
    a) When located within a clubhouse building, lodging accommodations shall be limited to 25% of the total floor area of the building or less.
    b) When located within detached structures, lodging accommodations shall be limited to:
        1. Five (5) detached buildings used for lodging purposes, plus one (1) additional building for each ten acres of land in excess of the first fifty (50) acres.
        2. Within the detached buildings used for lodging purposes, there shall be no more than ten (10) guest bedrooms in aggregate, plus two (2) additional guest bedrooms for each ten (10) acres of land in excess of the first fifty (50) acres

D. Campgrounds and Recreational Vehicle Parks. (Renumbered)
Recreational vehicle parks and campgrounds shall be subject to the following
1. No Changes Proposed
2. No Changes Proposed
3. No Changes Proposed
4. No Changes Proposed

Section 51.05.B Schedule of Off-Street Parking Requirements

Recreation Facilities, Outdoor, with the exception of Campgrounds or Recreational Vehicle Parks	For golf courses: Four (4) per hole, plus one (1) per employee.
	For golf driving ranges: One (1) per practice station, plus one (1) per employee.
	For recreational resorts and golf course resorts: One (1) additional parking space shall be provided for every four (4) guest bedrooms, in addition to the parking spaces required for the principal recreational use.
	For facilities with a known maximum occupancy: One (1) per four (4) persons allowed within the maximum authorized occupancy.
	For all other uses: One (1) per 7,500 square feet of land area.

We would be happy to answer any questions regarding the proposed language.

Sincerely,
OHM Advisors

Hannah Firlit
Senior Planner

Julia Upfal
Client Representative

cc: Jacob Schiable, Township Supervisor
Christina Smith, Township Clerk
Marcus McNamara, OHM Advisors
MC Moritz; OHM Advisors

October 23, 2026

Planning Commission
Lodi Township
3755 Pleasant Lake Road
Ann Arbor, Michigan 48103

Attention: Cindy Strader, Planning Commission Chair

Subject: Tree Regulation and Replacement Requirements

Dear Chairperson. Strader,

During the September 2nd Township Board Meeting, the Township Board recommended the Planning Commission review considerations relevant to the regulations of trees and tree mitigation in the Zoning Ordinance. The request was made to resolve regulatory challenges stemming from a recent application by Scott Kovanda of Frontier Club, LLC to develop 13 parcels totaling approximately 334 acres to serve a golf course.

Although we do not recommend consideration of zoning ordinance amendments to address the needs of an individual application, this issue is likely to arise for future development proposals as well. Review of this section will benefit the Township by ensuring that this application, and future applications, are reviewed under standards that do not create hardships and reduce the potential for variance requests or legal challenges. The Planning Commission should evaluate these provisions to determine whether the proposed amendments are appropriate to address future development while maintaining the intent of the ordinance.

This memorandum includes a review of four topics relevant to the Natural Features Protection and Preservation Ordinance in Section 54.08:

1. Tree Survey Requirements
2. Dead, Dying, and Invasive Trees
3. Tree Preservation Requirements
4. Tree Replacement Requirements

Previous Discussion

September 2, 2026- The Township Board reviewed a request by OHM for the Planning Commission to review an amendment to the regulation of natural features in the Zoning Ordinance. The request was made to address legal concerns within the current ordinance language, to ensure that required mitigation is proportionate to the impact of development.

October 21, 2026- The Planning Commission and Township Board convened a joint meeting to review the draft language and provide suggestions. During this discussion, the public bodies requested the following updates to the draft:

- Re-instate the minimum preservation requirement, but consider whether a different percentage of total tree canopy should be used
- Review the list of trees not included in replacement calculations and update based on current best practices
- Clarify the qualified professionals referenced in Section 54.08.D.1

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- Ensure that natural features impact statement and landscaping details are requirements of a preliminary site plan application

During this meeting, there was some discussion regarding the "Five-year lookback," which requires tree replacement to account for any trees removed on a site in the last five years. The group discussed the pros and cons of this regulation, noting that it prevents applicants from removing trees prior to submission of an application, but may be difficult to consistently enforce. Ultimately, it seemed like the group wanted to retain the protection provided by the five-year lookback in the ordinance, and no changes were made to this provision.

Background

Relevant Case Law

Recent litigation in Canton Township, including F.P. Development, LLC v. Charter Township of Canton and Charter Township of Canton v. 44650, Inc. demonstrated the possibility of limitations on local tree-preservation and replacement requirements. In both cases, challenges were made regarding the constitutionality of the ordinance, with the courts ultimately ruling in favor of the developers.

1. **F.P. Development LLC v. Charter Township of Canton.** F.P. Development owned property in Canton Township that it wanted to develop. The property contained a large number of trees. Canton Township had a Tree Ordinance requiring property owners to obtain a permit before removing certain trees and, in many circumstances, to replace removed trees or pay money into the Township's tree fund. F.P. removed trees from its property without obtaining a permit. F.P. said it needed to remove the trees because a clogged drainage ditch was causing flooding on the property. The Township determined that 159 regulated trees had been removed and required F.P. either to replant 187 trees or pay approximately $47,898 into the Township's tree fund. F.P argued that the tree requirements were unconstitutional, making the claim that the Ordinance resulted in a "taking" without just compensation. F.P. argued that forcing them to either replace trees or pay into the tree fund was an unconstitutional "taking" of property under the **Fifth Amendment**, which mandates just compensation for property taken for public use.

   The case was heard by the U.S. District Court for the Eastern District of Michigan and subsequently appealed to the Sixth Circuit Court of Appeals. Ultimately, the appellate Court agreed that Canton was in violation of the Fifth Amendment and that the regulations resulted in a taking.

   This ruling means that Townships can regulate tree removals for the purpose of preserving natural resources, but that these types of regulations must be proportionate to the impact of the development. In this case, the courts found that the Township went too far by requiring replacement of the removed trees or paying $48,000 based upon the circumstances that were presented. Regarding replacement trees, the court determined that the mechanism for counting replacement trees did not adequately account for the consequences of removing them, requiring an individualized assessment of the environmental impact of each tree's removal on the property and surrounding area to reasonably relate required mitigation requirements as proportionate that impact.

   Notably, this case involved the removal of trees in a drainage ditch, and evidence was presented to the court indicating that clearing the clogged ditch and removing dead trees might have actually resulted in improvements to the property and surrounding area.

2. **Charter Township of Canton v. 44650, Inc.** In this case, 44650, Inc. owned a 16-acre parcel in Canton Township with the intent of using the property for agricultural purposes. Although the applicant was notified of the local tree ordinance, they clear-cut the property without first obtaining the Township's required tree-removal permit. The trees were in poor condition, with many dead ash trees, invasive species, and other brush, and characterized as "blighted and neglected" by 44650, emphasizing that the tree removals did not occur in a healthy forest. Canton Township sued the applicant to enforce the ordinance, but similar to FP, the applicant argued that the Ordinance resulted in a "taking" without just compensation. The applicant argued that forcing them to preserve or replace trees or pay into the tree fund was an unconstitutional "taking" of property under the **Fifth Amendment**, which mandates just compensation for property taken for public use. Their claim argued that Canton could not condition the use of the property on giving the Township something unless there was sufficient connection and proportionality between the requirement and the impact of the proposed activity. Canton's requirement was not sufficiently connected to the environmental impact of what was removed.

   Following an initial hearing in front of the Wayne County Circuit Court which favored the applicant, the case was subsequently appealed to the Michigan Court of Appeals. The Court of Appeals found that although Canton can regulate tree removal, the requirement must be justified; when a government requires a property owner to give up something in exchange for use of the land, there must be (1) a legitimate connection between the government's requirement and the problem caused by the property owner's activity and (2) a reasonable relationship between the amount of mitigation and the impact of the property owner's activity. Canton had a legitimate tree-preservation objective, but its mitigation requirements weren't adequately tied to the particular impact of the property owner's activity.

   Notably, this case highlights that distinctions between dead, diseased, invasive, or hazardous trees should be incorporated into regulations to ensure that the environmental impact of each tree removal is adequately evaluated.

Recent Developments in Lodi Township

In addition to the findings of the Canton Township lawsuits, it should be further noted that two recent large-scale developments required relief from the tree ordinance requirements, granted by way of a variance and a consent judgement. In both cases, relief was granted to account for trees that were dead, dying, or invasive.

This pattern of hardships may be a signal that the current language in the ordinance may not adequately account for the practical challenges of developing land uses that are permitted by the zoning ordinance (or listed as special land uses). Furthermore, in a similar manner as the Canton Township cases, these developments highlight the importance of considering the environmental impact of tree removal when accounting for replacement trees.

Tree Survey Requirements (Section 54.08.D.a.4.e)

The Lodi Township Ordinance requires a tree survey for all developments that involve a preliminary site plan, preliminary plat, or Planned Unit Development, as described in Section 54.08 Natural Features Protection and Preservation. The tree survey applies to individual trees or groupings of trees whose individual bases are located at a ground elevation within one (1) foot of each other.

With that, when portions of a site are undeveloped and trees are to remain in-tact, it may not be necessary to require a survey of each individual tree. This amendment proposes to allow applicants to forgo the tree survey on portions of a site where trees are not impacted by construction. The proposed amendment also removes language requiring the tree survey to include trees within 100-feet beyond the property line.

Ultimately, this relief from the survey requirements helps to ensure that the tree ordinance does not require excessive information and that all required information is tied to the regulations in the ordinance.

Dead, Dying, and Invasive Trees

Section 54.08 Natural Features Protection and Preservation includes standards to ensure that the impact of tree removal is offset by a proportionate level of new plantings. This section of the ordinance has helped to preserve the Township's robust tree canopy, while allowing for new development that is compatible with the Township's character and natural environment.

With that, the ordinance does not consider the condition or species type when determining the mitigation requirement. The language below includes considerations that the Township may wish to consider to ensure that planting requirements are proportionate to the impact of tree removals. This language will also help to align the ordinance with the legal precedents set in the F.P. Development LLC v. Charter Township of Canton and Charter Township of Canton v. 44650, Inc cases.

In addition, the proposed language includes updates to the qualifications of arborists and qualified wetland consultants to ensure the accuracy and objectivity of tree and wetland evaluation in making these determinations.

Tree Preservation Requirements

The ordinance requires preservation of thirty-five percent of the number of protected or landmark trees that have existed on the subject site within the last five years. If the preserved trees do not average 15 trees per acre, then additional mitigation trees must be planted to ensure sufficient canopy. If additional trees are planted, they can count towards an applicant's existing mitigation requirements.

These standards raise some important policy considerations and questions based on the relevant case law described above:

1. Does the five year lookback mean a developer can be penalized for trees that were removed before the developer owned the property? *If the intent of this regulation is to prevent a property owner from intentionally clearing trees shortly before a development application, the ordinance should clearly distinguish between trees removed by the current owner and trees removed by a prior owner. With that, it is important to ensure that no individual clears trees for the purpose of avoiding replacement requirements.*
2. Does the ordinance create an inconsistent incentive by providing replacement credits for new trees planted to meet the minimum preservation requirement, but does not give credit for preserved trees? *Since landmark trees are the most valuable for preservation and provide the greatest ecological impact, we recommend providing replacement credit for preserved landmark trees.*
3. Are the standards of "35%" and 15 trees per acre arbitrary? What is the justification for these preservation requirements? How are these numbers connected and proportional to the impact of the regulation? *We recommend providing credits for landmark trees that are preserved, rather than requiring an arbitrary level of preservation. In some circumstances (such as those included in the Canton Township cases) tree removal may provide a greater ecological benefit than preservation. In addition, the 15-trees-per-acre requirement may require new plantings when a site does not currently have any trees, rather than providing a base level of preservation. Instead of this requirement, we recommend a "general site landscaping" requirement that can be met with existing or new trees.*

The draft language eliminates the required preservation minimums to ensure that they are not considered arbitrary or excessive. Instead, a general site landscaping requirement was added to the landscaping section, which can be

met using existing vegetation to encourage preservation. In addition, a preservation credit is offered for preserved landmark trees which incentivizes preservation by reducing the number of replacement trees needed.

Tree Replacement Requirements

The ordinance includes a replacement schedule for trees that are removed, requiring any clearing to be aligned with restoration of the canopy. While these regulations play an important role in minimizing the impact of tree removal, it is important to make sure that replacement plantings are proportionate to the impact of tree removal and that they cannot be deemed excessive.

The draft language includes a mechanism for relief, based upon an individualized assessment of the impact of tree removal, to ensure that the requirement does not hinder the development feasibility of a site and that replacement requirements are proportionate to the impact of removal.

Trees excluded from replacement tree list

During the October 21st Joint Board meeting, the public bodies requested the planners provide an updated list of trees not counted towards replacements trees based on current best practices. This section was also updated to exclude these trees from being counted towards both replacement and landscaping requirements. In addition, the trees on this list are "exempt" from requiring replacement when removed.

The updated tree list includes all of the species that are currently listed on the MDNR's invasive species list. In addition to invasive species, the list includes trees that may create conflicts near roads, utilities, foundations and stormwater infrastructure, trees that are susceptible to disease, non-native trees, trees with significant litter that create maintenance issues, trees with aggressive root suckering, and trees that can have a negative impact on understory vegetation.

The proposed list was adapted from the lists prepared by Canton Township and the City of Novi, which are commonly regarded as "model ordinances" and are representative of industry best practices. The Lodi Township ordinance currently includes some relief to allow horse chestnuts, catalpas, and black walnuts when used in greenbelts and transition zones between developed and undeveloped areas of a site, likely to balance the ecosystem benefits with the litter and maintenance issues related to these species. The updated list counts horse chestnuts and catalpas in greenbelts and transition zones; however, black walnuts were removed from the list because of their benefit to the local ecosystem and important contribution to healthy rural woodlands.

Additional Considerations

While the draft language proposes a waiver in circumstances where site constraints prevent an applicant from being able to provide required replacement trees, the Township may also consider a conservation fund to serve as an alternative approach to mitigation in circumstances where tree replacement would be infeasible.

Many communities use a tree fund that supports plantings on public lands at the discretion of the community. However, in Lodi Township, a tree fund may be problematic because the Township does not own any roads or parks where tree planting would typically take place. One potential alternative could be to create a conservation fund, but this would require the implementation of a substantial conservation policy.

The conservation fund would be used to support the purchase of development rights or conservation easements in the Township. A new conservation policy would be required, which would likely include the creation of a new public body responsible for reviewing and selecting sites, creating plans or partnerships for stewardship, establishing funding priorities and criteria, overseeing acquisitions and easements, and developing a mechanism for monitoring and enforcing conservation requirements.

Proposed Text

The text below provides language in accordance with the policy analysis above. The proposed language is intended to serve as a starting point for discussion and subject to change based on the Planning Commission's priorities and intent. Text in black is existing zoning ordinance language; text in blue is new proposed language, and language proposed to be removed is in ~~red strikethrough~~.

Section 2.03 Definitions

Qualified Arborist. A person who, through education, training, and professional experience, has demonstrated expertise in the care, preservation, and management of trees and meets all of the following minimum qualifications:

1. Has a bachelor's or graduate degree from an accredited institution in a field related to arboriculture, including, but not limited to, arboriculture, forestry, horticulture, botany, plant science, landscape architecture, natural resources, or a related field as determined by the Township.
2. Has at least three years of professional experience in arboriculture, horticulture, forestry, landscape architecture or other closely-related field as determined by the Township.
3. Holds a current arboricultural credential or certification from a nationally recognized professional organization, such as the International Society of Arboriculture (ISA).
4. Is able to provide documentation of qualifications, including relevant training, professional experience, and examples of comparable tree assessment, preservation, or management work, upon request by the Township.

Qualified Wetland Professional. A person who, through education, training, and professional experience, possesses demonstrated expertise in wetland identification and delineation and who meets all of the following minimum qualifications:

1. Has a bachelor's or graduate degree from an accredited institution in a field related to wetland science, including, but not limited to, biology, ecology, environmental science, natural resources, soil science, hydrology, botany, or a related field.
2. Has at least three years of professional experience conducting wetland identification, delineation, assessment, or permitting work, including demonstrated experience in Michigan.
3. Has knowledge of Michigan's Part 303, Wetlands Protection, and applicable federal wetland regulations.
4. Is able to provide documentation of qualifications, including relevant training, professional experience, and examples of comparable wetland delineation work, upon request by the Township.

Protected tree. Any deciduous tree species having a DBH of six (6) inches or greater or coniferous tree species with a height of six (6) feet or greater and that is not included in the definition of landmark tree.

Section 54.08 (D) (4) (a) (4) Natural Features Statement of Impact, Protection, and Mitigation

(1) Natural features determination. A determination shall be made regarding the nature and extent of natural features currently existing on the site or that has existed on the site within the last five (5) years. This determination shall be made by outside professional consultants retained by the applicant as described in Section 54.08.D.4.a.7. Township staff and the Planning Commission will confirm these determinations during the review process. This determination shall be part of the preliminary site plan, preliminary plat (tentative approval) or PUD review process. If the determination results in no natural features being found on the site, as defined or regulated herein, no further action is necessary in this regard.

(2) The integrity of woodland areas shall be maintained to the greatest extent reasonably possible, regardless of whether such woodlands cross property lines.
(3) Where the proposed activity consists of land clearing, it shall be limited to designated street rights-of-way, drainage and utility easements, building and driveways envelopes, and other areas (such as off-street parking and loading and unloading areas) necessary for site improvements, considering the development options available under this Ordinance.
(4) Natural feature location survey, in a form acceptable to the Township, including but not limited to the following:
    a. All natural features located on the parcel shall be inventoried by an actual field survey and shown on a map by type, location and drawn to scale.
    b. Proposed changes to any designated natural resources within the subject site.
    c. A statement setting forth how natural features, not to be relocated or physically impacted, are to be protected during land clearance and/or development construction.
    d. A general grading plan prepared by a registered engineer or land surveyor showing the anticipated drainage patterns, including the location of any areas where cut and fill operations are likely to occur and their potential impact on the viability of the natural resources.
    e. Existing landmark trees, as regulated by Section 54.08.I.2. (Landmark Tree Identification), all existing individual deciduous trees of six (6) inch diameter at breast height (D.B.H.) or larger, and all existing individual evergreen trees six (6) feet in height or higher located on the property, within adjoining road rights-of-way, ~~, and within 100 feet beyond the property~~ shall be shown on the map and clearly identified by numbered dots, along with an accompanying database table of corresponding species and size listings, and the ground elevation at the base of each tree. Groups of trees whose individual bases are located at a ground elevation within one (1) foot of each other may be shown on the map as a group with the overall crown spread drawn to scale, by predominant species, with estimated number and size of each predominant species, and with an average base elevation of each group.
        i. The above tree survey is only required for portions of the site where development is proposed and where the development area is supported by clearly defined clearing limits. Trees with driplines that extend into the area to be developed shall be included in the tree survey, even if the trunk of the tree is not in an area that will be disturbed.
    f. An evaluation of the quality of woodland area and trees proposed for removal, conducted by a Qualified Arborist. The evaluation shall include: ~~including but not limited to:~~
        i. Tree species (including diversity of species).
        ii. Tree size and density.
        iii. Health and vigor of the trees. Tree health and vigor shall be evaluated in accordance with the latest edition of the International Society of Arboriculture's Guide for Plant Appraisal or similar rating system approved by the Township Zoning Administrator.
        iv. Soil conditions and site drainage characteristics.
    g. Other factors such as the value of the woodland area as a scenic asset, wind block, noise buffer, or other environmental benefit (i.e., cooling effect).
    h. Isolated trees shown on the topographical map shall be tagged in the field with identifying numbers using non corrosive metal tags. Groups of trees shall be tagged sufficiently to identify the group upon field inspection. Such identifying numbers shall be shown on the topographical map.
    i. All existing trees proposed to remain, to relocate, or to remove shall be so designated by the identifying number.
    j. If existing trees are to be relocated, the proposed locations for such trees, together with a statement setting forth how such trees are to be removed, protected or sorted during land clearance, development, and construction, and how they are to be maintained after construction.

k. A determination of all wetlands regulated in accordance with part 303 of the Natural Resources and Environmental Protection Act and the Administrative Rules thereunder, as amended. The wetland determination must be conducted by a Qualified Wetland Professional, or the applicant may submit an applicable wetland determination or delineation verification issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE). The Zoning Administrator may reject a wetland delineation if the person preparing the delineation does not demonstrate the qualifications required by this Ordinance or if the submitted information is insufficient to determine the location or extent of wetlands. The Zoning Administrator may require a supplemental delineation or independent review by another Qualified Wetland Professional.

(5) Documentation of compliance with Section 54.07.D. (Floodplain Standards and Requirements).

(6) Such other information and detail as to vegetation or physical details as may be requested by the Township.

(7) Where a professional credential is not specifically required by this Ordinance, ~~All~~ information and details shall be provided by a registered land surveyor, registered engineer, registered landscape architect, certified arborist, or forester who shall verify the contents by seal or signature, whichever applies.

54.08 (I) Woodland and Tree Preservation Standards

1. No Changes Proposed
2. No Changes Proposed
3. Tree removal. Except as otherwise provided in this Section, any development that includes a building, structure, or use that requires site plan review and approval, according to Article 44.0 (Site Plan Review), subdivision plat approval or PUD approval shall not remove, transplant, damage or destroy any landmark tree or other deciduous tree, evergreen tree or similar woody vegetation regulated by this Section and Ordinance currently existing on the subject site or that has existed on the subject site within the last five (5) years; and shall not conduct any land clearing or grubbing activities within any woodland area.
4. All property subject to or proposed for development requiring site plan, plat or PUD approval shall be required to preserve and leave standing a minimum of ten percent (10%) of the total number of qualifying protected trees and ten percent (10%) of the total number of qualifying landmark trees that exist or have existed on the subject property within the last five (5) years. The ten percent (10%) threshold is intended to establish a reasonable balance between tree preservation and the practical challenges associated with site development, including building placement, utilities, access and other necessary improvements. For the purpose of calculating the minimum preservation requirements, the following shall apply:
    a. Trees identified as exempt trees pursuant to Section 54.08.O shall not be included in the number of qualifying protected or landmark trees subject to preservation.
    b. A tree that was removed from the subject site within the last five (5) years, but was removed prior to when the developer acquired or obtained a legal interest in the property shall not be included in the calculation of trees subject to the preservation requirement of this Section, unless the Township determines, based upon substantial evidence, that the tree was removed for the purposes of avoiding the preservation requirements of this section.
    c. Trees preserved in accordance with this section may be counted towards the general landscaping requirements, described in Section 55.09(H).
5. ~~The following requirements shall apply to all property subject to or proposed for development requiring site plan, plat, or PUD approval:~~
    a. ~~Except as provided elsewhere within this Section, the developer shall be subject to the following requirements:~~

1. ~~Preserve and leave standing a minimum of thirty-five percent (35%) of the total number of individual deciduous trees of six (6) inch D.B.H. or larger and individual evergreen trees six (6) feet in height or higher within the development that have existed on the subject site within the last five (5) years~~
2. ~~If existing preserved trees do not average 15 trees per acre in the subject development, additional trees shall be planted to equal a minimum average ratio of 15 trees per acre, at a minimum D.B.H. of 2.5 inches for deciduous trees and a minimum of six (6) feet for evergreen trees within any development subject to the provisions of this Section. Species and spacing of trees shall be subject to the approval of the planning commission. The required mitigation of trees shall be counted towards this ratio.~~

54.08(O) Tree Relocation and Replacement.

Tree Relocation and Replacement. The intent of this Section is to replace removed species with similar species in appropriate habitats. Whenever the removal of individual landmark trees and other deciduous trees and coniferous trees regulated by this Section and Ordinance is deemed necessary, such trees shall be replaced or relocated in accordance with this Section. If removed trees are to be replaced as provided within this Section, replacement trees may be used to satisfy preservation percentage requirements of this Section.

(1) When removed, trees shall be replaced in accordance with the following replacement standards. The replacement standards shall apply to all trees that have existed on the subject site within the last five (5) years preceding submission of the development application. A tree that was removed from the subject site before the applicant acquired or obtained a legal interest in the property shall not be included in the calculation of trees subject to the replacement requirements of this Section, unless the Township determines, based upon substantial evidence, that the tree was removed for the purposes of avoiding the replacement requirements of this section.

(2) Replacement species standards. Replacement trees shall be of the same species as the removed tree, except where otherwise provided ~~for in this Section~~below

- (a) *Non-native species.* Species that are not native to Michigan may be substituted with ~~for non-~~native species ~~or prohibited species~~.
- (b) *Not available.* Replacement trees for species not readily available from qualified nurseries may be substituted with an appropriate species acceptable to the applicable approving authority.
- (c) *More appropriate.* Different species that are more appropriate for local conditions or that provide greater benefits than the removed trees may be approved by the applicable approving authority.
- (d) *Diversity.* A maximum of twenty-five (25) percent of replacement trees may be of a single species in order to preserve genetic diversity and resilience, unless otherwise approved by the applicable approving authority.
- (e) *Habitat.* Replacement tree species shall be suitable for the habitat where they will be located and may be substituted with an appropriate species based upon site-specific environmental conditions with approval by the applicable approving authority.

(3) Exemptions.

- (a) *Exempt without Written Notice and Approval.* The following trees, when removed, shall be exempt from the replacement standards of this section, however, if the removed tree was part of an approved site plan or required under Section 55.09, the tree must be replaced in accordance with the approved site plan or Section 55.09, as applicable. Removal of any of the following trees shall not require written notice or approval:
  - i. Any deciduous tree less than six (6) Inches DBH as determined by a Qualified Arborist.

ii. Any evergreen tree less than six (6) feet tall as determined by a Qualified Arborist.

(b) *Exempt after Written Notice and Approval.* The following trees, when removed, shall be exempt from the replacement standards of this section, however, if the removed tree was part of an approved site plan or required under Section 55.09, the tree must be replaced in accordance with the approved site plan or Section 55.09, as applicable. Removal of any of the following trees requires written notice and approval by the Township Zoning Administrator:

i. *Dead trees or trees in poor condition.* Removal of any dead tree or tree that has been determined by a Qualified Arborist to be in poor or very poor condition using the latest edition of the International Society of Arboriculture's Guide for Plant Appraisal or similar rating system approved by the Township Zoning Administrator;

ii. *Damaged, diseased, and infested trees.* Removal of any damaged, diseased, or infested tree that is likely to die as a result of the damage, disease, or infestation as determined by a Qualified Arborist;

iii. *Hazards.* Removal of any tree that is a hazard or danger to human life or property due to its condition where such removal will prevent injury or damage to persons or property, as determined by a Qualified Arborist and verified by the Township Zoning Administrator, with the removal using accepted standard forestry practices;

iv. *Government agencies.* Removal, transplanting, or trimming of trees by or on behalf of government entities or agencies for public interest purposes when the Township Zoning Administrator determines the activities serve a bona fide public interest;

v. *Public road right-of-way and private road easement.* Removal, transplanting, or trimming of trees in an existing public road right-of-way or an existing private road easement but only to the extent necessary for safe access and proper drainage along such right-of-way or private road easement and to protect the public health, safety, and welfare;

vi. *Washtenaw County drain easement.* Removal, transplanting, or trimming of trees in a Washtenaw County drain easement when such removal, transplanting, or trimming is authorized by Washtenaw County in accordance with Washtenaw County requirements;

vii. *Invasive or prohibited species.* Any tree species identified by the Michigan Department of Natural Resources (MDNR) or other applicable state or federal agency as an invasive species, or identified by a recognized scientific or professional organization as an invasive species that is known to be unsuitable for use as a replacement tree, in addition to any species listed as one of the "prohibited species" in accordance with *Section 54.08.O.9* below

(4) *Replacement Ratio.* Replacement trees are required when protected trees and landmark trees are removed unless the removed tree is exempt from replacement in accordance with Section 54.08.O.3 above. The replacement schedule below is based on the impacts of the tree removal and the offsetting mitigation to replace the benefits provided by trees. ~~Removed trees shall be relocated or replaced in accordance with the following schedule.~~ Where more than one replacement ratio may apply to an individual tree, the higher ratio shall apply:

Size of Removed Tree	Replacement Ratio (Number of replacement trees per removed tree)
Coniferous (Height)	
Six (6) to ten (10) feet	1:1
Ten (10) to fourteen (14) feet	1.5:1
More than 14 feet	2:1
Landmark coniferous tree	One (1) tree per four (4) inches of removed tree DBH
Deciduous (DBH)	
Six (6) to ten (10) inches	1:1

Ten (10) to 14 (14) inches	1.5:1
More than 14 inches	2:1
Landmark deciduous tree	One (1) tree per four (4) inches of removed tree DBH

(5) *Credit for Preserved Trees.* Existing landmark trees that are not exempt in accordance with 54.08.O.3 above shall be provided credit towards the total replacement calculation for a development when the landmark tree is preserved. The overall required replacement calculation shall be reduced by one (1) tree per four (4) inches of preserved landmark tree DBH.

(6) When new trees are proposed on a landscape plan in accordance with Section 55.09 of this ordinance (e.g., screening trees, parking lot trees, general site landscaping trees), the total number of trees required by section 54.08.O.4 shall be reduced by one hundred (100) percent of the number of trees proposed on a landscape plan in accordance with Section 55.09. For example purposes only, if a site development proposal requires one hundred (100) replacement trees and sixty (60) new trees are proposed on the landscape plan in accordance with Article 5, then the number of required replacement trees will be reduced to forty (40) (i.e., one hundred (100) replacement trees required minus sixty (60) trees proposed in accordance with Section 55.09, equals forty (40) net replacement trees required).

(7) **(RE-ORDERED).** *Location.* The location of any replacement tree shall be on the same parcel as the removed tree wherever feasible, as determined by the Township. If the tree replacement on the same parcel is not feasible, the Township may designate another planting location for the replacement tree within the Township.

(8) **(RE-ORDERED).** Minimum Requirements. **(NO CHANGES PROPOSED)**

(9) *Species excluded from the landscaping or replacement requirements.* ~~prohibited as replacement trees~~. The following trees are not considered desirable plant materials ~~for replacement trees~~ and shall not be counted towards the landscaping requirements of Section 55.09 or the replacement requirements of this Section, except where noted:

(remove current tree chart and replace with the list below).

Species	Common Name
Fraxinus spp.	Ash
Alnus glutinosa	Alder, Black
Ulmus Americana	American Elm
Rhamnus utilis	Buckthorn
Rhamnus cathartica	Buckthorn, Common European
Rhamnus frangula	Buckthorn, Glossy and Tallhedge
Prunus mahaleb	Cherry, Perfumed
Prunus avium	Cherry, Sweet
Populus deltoides	Cottonwood, Eastern
Ulmus pumila	Elm, Siberian
Ginkgo Biloba	Ginkgo (Female only)
Linicera maackii, morrowii, tatarica, x bella and xylosetum	Honeysuckle
Aesculus hippocastanum	Horse Chestnut/ Wild Chestnut[1]
Robinia pseudoacacia	Locust, Black
Robinia hispida	Locust, Bristly
Robinia viscose	Locust, Clammy
Acer ginnala	Maple, Amur
Acer negundo	Maple, Boxelder
Acer platanoides	Maple, Norway
Acer saccharinum	Maple, Soft and Silver

Morus alba	Mulberry, Russian and White
Rosa multiflora	Multiflora rose
Catalpa speciosa	Northern Catalpa[1]
Elaeagnus umbellata	Olive, Autumn
Elaeagnus angustifolia	Olive, Russian
Maclura pomifera	Osage-Orange
Pyrus calleryana	Pear, Callery
Populus nigra var. italica.	Poplar, Lombardy
Populus alba	Poplar, Silver and White
Populus Tremuloides	Quaking Aspen
Euonymus europaea	Spindle Tree
Caragana arborescens	Siberian Peashrub
Ailanthus altissima	Tree of Heaven
Salix purpurea	Willow, Basket
Salix fragilis	Willow, Crack
Salix cinerea	Willow, Gray
Salix Babylonica	Willow, Weeping
Salix alba	Willow, White

[1] may be located in greenbelts and transition zones between developed and undeveloped portions of a site

(10)Maintenance. **(NO CHANGES PROPOSED)**

(11)Identification of trees to be removed or transplanted. **(NO CHANGES PROPOSED)**

(12)Relief from tree replacement requirements.

(a) Impact Assessment.

i. An applicant seeking relief from the tree replacement requirements of this section shall submit an assessment prepared by a qualified arborist addressing the proposed tree removal and the anticipated impacts of such removal. The assessment shall include, as applicable, an evaluation of the number, size, species, condition, location, and canopy of the trees proposed for removal; the environmental, aesthetic, screening, buffering, stormwater, and other functions or benefits provided by the trees; the anticipated impacts of the proposed removal; and the extent to which proposed replacement trees or other mitigation measures address such impacts.

ii. Upon review of the arborist assessment and other information submitted with the application, the Township Board may reduce, modify, or waive the required number of replacement trees when it determines, based upon the specific characteristics and circumstances of the site, that the otherwise required tree replacement is disproportionate to the impacts of proposed tree removal. Any reduction, modification, or waiver granted in accordance with this subsection shall be based upon the specific facts and circumstances of the application.

(b) Site Constraints. The Township Board may reduce, modify, or waive the replacement requirements of this section upon a determination that the physical configuration, existing development, parcel dimensions, or other unusual characteristics of the subject property create exceptional site constraints such that strict compliance would prevent reasonable development of the property and no alternative locations are available.

55.09 Landscaping, Screening, and Land Use Buffers.

A-G: NO CHANGES PROPOSED

H. **(NEW SUBSECTION)** General Site Landscaping.

(1) In addition to any landscape screening and/or parking lot landscaping required by this section, ten percent of the site area, excluding existing public rights-of-way, shall be landscaped. Such site area landscaping may include a combination of the preservation of existing native vegetation and tree cover, planting of new trees and plant material, landscape plazas and gardens and building foundation planting beds. Landscaping that is used to screen potentially objectionable site features such as, but not limited to, retention/detention ponds, transformer pads, air conditioning units, and loading areas may be counted towards this site area landscaping requirement.

(2) Wetlands and/or areas used for storm drainage purposes, such as drain courses and retention areas shall not be counted towards this requirement.

I. **(RENUMBER)** ~~Prohibited Excluded~~ Plant Materials. The trees listed in Section 54.08.O.~~4~~9 *Species excluded from the landscaping or replacement requirements* have been determined by the Township to be undesirable for the landscaping, screening, and buffering purposes of this Section and Ordinance, and except under the limited circumstances noted in Section 54.08.O.~~4~~9. shall not be used to satisfy the requirements of this Section. Existing undesirable trees may be left in place.

J. **(RENUMBER)** Installation and Maintenance. **(No Changes proposed)**

K. **(RENUMBER)** Modifications. The Township Board shall have the authority to approve alternative designs or plant materials as part of final site plan approval, after recommendation by the Planning Commission. The Planning Commission shall have the authority to make recommendations to the Township Board regarding how the standards of this Section apply to existing conditions and redevelopment sites. Such actions shall be subject to the following:

(1) Alternative designs or materials. The Township Board may approve alternative landscape designs or plant materials upon determination that the alternative would meet the purpose and objectives of this Section.

(2) Existing conditions. The Township Board shall have the authority to determine that requirements of this Section have been satisfied by existing topography, vegetation or other means recommended for acceptance by the Planning Commission.

(3) Redevelopment sites. Where an existing building is undergoing renovation, expansion, or change in use, required landscaping and screening improvements shall be in reasonable proportion to the size and configuration of the site and the scale of proposed improvements, as recommended for acceptance by the Planning Commission in accordance with the purpose and objectives of this Section.

(4) General Site Landscaping. The Township Board may modify the general site landscaping requirements of Section 55.09.H where compliance is not reasonably feasible due to the parcel's size or configuration, or the extent of wetlands or areas used for storm drainage purposes located on the parcel.

44.08 Required Site Plan Information.

The following minimum information shall be included with any application for site plan approval, except where the Planning Commission determines that an item of information is not applicable or necessary for review of the site plan:

Minimum Site Plan Information	Minor Site Plan	Preliminary Site Plan	Final Site Plan
NATURAL FEATURES AND OPEN SPACE AREAS			
A Natural Features Impact Statement, with details of all existing natural features on the site; indications of features to be preserved, removed, or altered; and proposed mitigation measures per Section 54.08 (Natural Features Protection and Preservation).		•	•
SCREENING AND LANDSCAPING			
A detailed landscape plan, including location, size, quantity and type of proposed plant materials and any existing plant materials to be preserved.		•	•

Sincerely,
OHM Advisors

Julia Upfal
Client Representative

Hannah (Smith) Firlit
Senior Planner

cc: Jacob Schiable, Township Supervisor
Christina Smith, Township Clerk
Marcus McNamara, OHM Advisors
MC Moritz; OHM Advisors

October 23, 2026

Planning Commission
Lodi Township
3755 Pleasant Lake Road
Ann Arbor, Michigan 48103

Attention: Cindy Strader, Planning Commission Chair

Subject: Private Community Wastewater Systems

Dear Chairperson. Strader,

The Zoning Ordinance includes provisions that prohibit Private Community Wastewater Systems. However, the definition and description of Private Community Wastewater Systems in the Lodi Township Zoning Ordinance are different from the statutory definitions included in the Natural Resources and Environmental Protection Act (PA 451 of 1994) and may be determined to be overly restrictive. The language described in this memorandum seeks to update the local definition to provide greater flexibility for on-site systems that are maintained by a single owner, but service more than one building on the site.

Although this discussion was triggered by a recent application, we do not recommend consideration of zoning ordinance amendments to address the needs of an individual application. However, because this issue is likely to arise for future development proposals, the Planning Commission may wish to review these provisions to determine whether an amendment may be appropriate to address future development while maintaining the intent of the ordinance.

Previous Discussion

September 2, 2026- The Township Board reviewed a request by OHM for the Planning Commission to review an amendment to the regulation of Private Community Wastewater Systems in the Zoning Ordinance. The request was made to mitigate confusion stemming from a recent application by Scott Kovanda of Frontier Club, LLC due to differences between the local and county requirements for private wastewater systems.

September 22, 2026- The Planning Commission reviewed draft language and provided several suggestions. This included adding a definition for an on-site wastewater system, clarifying that the "system" includes the drainfield, exploring the ordinance's regulation of wells, and researching how other communities treat wastewater systems serving more than one building.

October 21, 2026- The Planning Commission and Township Board convened a joint meeting to review the draft language and consult with the County Health Department to ensure the proposed draft would be consistent with County and State regulatory requirements. Following the discussion, additional changes were requested to the draft definitions to ensure that "Soil Dispersal Systems" would be listed as components of the two types of private wastewater systems defined.

Overview

The Zoning Ordinance includes provisions that prohibit Private Community Wastewater Systems. However, the definition and description of Private Community Wastewater Systems in the Lodi Township Zoning Ordinance

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are different from the statutory definitions included in the Natural Resources and Environmental Protection Act (PA 451 of 1994) and may be determined to be overly restrictive.

In Lodi's Zoning Ordinance, Private Community Wastewater Systems are defined as "A facility for the transportation, collection, processing or treatment of sanitary sewage which is owned by a non-governmental entity and which is proposed to service more than one structure…." To avoid the installation of a prohibited Private Community Wastewater System, under the current Zoning Ordinance, a site with multiple structures would be required to install a separate sanitary treatment system for each structure, even when the site is operated and maintained by a single entity.

In contrast, PA 451 of 1994, Sec. 3109 defines an "on-site wastewater treatment system" as "a system of components, other than a sewerage system as defined in section 4101, used to collect and treat sanitary sewage or domestic equivalent wastewater from 1 or more dwellings, buildings, or structures and discharge the resulting effluent to a soil dispersal system on property owned by or under the control of the same individual or entity that owns or controls the dwellings, buildings, or structures."

While community wastewater systems fall under Part 41 of the Natural Resources and Environmental Protection Act, requiring approval by EGLE, on-site wastewater systems servicing more than one building under single ownership may be permitted by the Washtenaw County Environmental Health Department when the proposed system has the capacity to handle the combined wastewater flow from all buildings.

Washtenaw County's community sewage regulations also identify systems that are operated by more than one dwelling or establishment under separate ownership as "Privately Owned Community Sewage Systems" (POCCS), recognizing that separate ownership is a component of a community system. In contrast, Lodi's regulations consider anything serving multiple structures (regardless of ownership) to be part of a community system.

Based upon the statutory distinction between on-site and community wastewater treatment systems, the Planning Commission may wish to consider whether the local definition and regulation, which does not consider ownership, may unnecessarily restrict developments in which multiple buildings are served by a common on-site wastewater treatment system under single ownership.

Examples from Surrounding Communities

As part of this proposed amendment, OHM researched surrounding communities' wastewater regulations to understand whether permitted systems were limited to a single structure, or if individual systems serving multiple nonresidential structures on a single lot with single-ownership would also be permitted.

We found that many communities permit community systems that serve more than one building following a special approval process. However, these ordinances are generally more permissive than the proposed regulations by allowing multiple dwellings or lots to be a part of the system, as long as there is an established entity that is responsible for maintenance. The regulations we have drafted below maintain a prohibition on community systems, but exclude multiple nonresidential structures on a single-lots from the definition of community systems.

Municipality	Multiple buildings on one system permitted?	Key Provisions
Pittsfield Township	Yes	**§ 36-99Multiple unit system permits.** A private sewage disposal system serving more than one

		dwelling or business may be permitted with approval by the Township Board of Trustees
Superior Township	Yes	**Ordinance 166- Private Community Wastewater Systems** PCWS have the same definition as Lodi Township, but may be permitted when part of a PUD (PC District)
Scio Township	Yes	**Division 34-III-3 Community Wastewater Utility Systems** Only permitted after a conditional use permit and development agreement with the Township. Includes multiple dwellings and condominium developments, as well as multiple structures.

Community Wells

The Zoning Ordinance does not have a specific section regulating water systems that serve more than one property. Although the definition of "Water Supply System" refers to water systems serving more than one principal dwelling, principal use, or principal building, and the term "Community Well" refers to a water supply system that serves more than one dwelling unit and is owned by a non-governmental entity, the terms do not appear in the zoning ordinance, except for in reference to a "Municipal Water Supply System," or a water supply system that is operated by more than one governmental entity.

The intent of the Single-Family Residential (R-1) described in Section 10.205 states that lots shall be of sufficient size to accommodate private water wells, an indication that it is the intent of the ordinance for each lot to have its own private well. Similarly, the Low Density Multiple-Family Residential District (R-3) described in Section 10.206 explains that areas not yet served by a municipal water supply system should be limited to single-family detached dwellings served by private well, thus, all multi-family uses should be a part of a municipal water supply system.

The Ordinance does not provide clear direction as to whether multiple non-residential buildings on a single lot may be served by a private well or if multiple private wells are needed in these circumstances. However, approval of a single private or multiple private wells are subject to the County Health Department regulations. The County health department does not have a rule that each nonresidential structure must have its own private well; however, a Type 2 water supply (or water supply serving more than 25 persons or with 15 or more service connections) is common for churches, restaurants, schools, etc. Depending on flowrates and several other factors, Type 2 water supplies may require state construction permits in addition to county approval.

Proposed Language

The language below seeks to modify current regulations to permit wastewater systems under single ownership when shared between multiple structures.

Text written in blue indicates text that was proposed to be added to the ordinance and text written in ~~red~~ is text that was proposed to be deleted.

Section 2.03 Definitions

Private On-Site Wastewater System. A wastewater system owned or operated by a private property owner that is designed to collect, treat, and dispose of sanitary sewage generated by a single zoning lot and the buildings located thereon. The system may include a septic tank, pump, distribution lines, drainfield, treatment system, soil dispersal system, and other appurtenances necessary for the collection, treatment, and on-site disposal of sanitary sewage.

Private Community Wastewater System (PCWS). A ~~facility~~ wastewater system owned by a non-governmental entity that provides for the transportation, collection, processing or treatment of sanitary sewage ~~which is owned by a non-governmental entity and which is proposed to service~~ generated by more than one ~~structure~~ zoning lot. The PCWS shall be deemed to include any individual septic tanks, pumps, collection lines, treatment facilities, drainfields, soil dispersal systems, and other appurtenances serving ~~each~~ individual buildings or lots, ~~residence, in addition to the community drainfield and treatment system~~ together with shared treatment and disposal facilities.

Section 55.10 Sanitary Sewage Facilities

A. General Standards.
   1. No device for the collection, treatment and/or disposal of sewer wastes shall be installed or used without the approval of the County Environmental Health Division.
   2. Each dwelling, lot or structure required by state or county law, ordinance or regulation to have a sanitary sewage facility to be suitable for occupancy by any use ~~permitted~~ allowed under this Zoning Ordinance shall be subject to the following:
      a. If no municipal sewer is available, each ~~building on the~~ lot shall be served by an ~~independent on-site septic system~~ private on-site wastewater system meeting the requirements of the County Environmental Health Division. No more than one (1) single- or two-family dwelling shall be served by a~~n independent on-site septic system~~ private on-site wastewater system.
      b. The on-site septic system shall not be separated from the dwelling, lot or structure by a public or private road.
   3. (No changes proposed)
   4. (No changes proposed)
   5. (No changes proposed)

We would be happy to answer any questions regarding the proposed language.

Sincerely,
OHM Advisors

Hannah Firlit
Senior Planner

Julia Upfal
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cc: Jacob Schiable, Township Supervisor
Christina Smith, Township Clerk
Marcus McNamara, OHM Advisors