November 3, 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.

October 27, 2026- The Planning Commission met and scheduled a public hearing on the proposed language. They also provided some technical changes and clarifications to the draft language. In particular, cross references were added to the definitions, clarification to the term lot (zoning lot) was added, and exceptions to the limitations on sanitary facilities within a detached structure were provided for caretaker living quarters and farm labor housing.

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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. See article 55 for the regulations for private on-site wastewater systems.

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. See article 55 for the regulations for private community wastewater systems.

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~~ zoning 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~~ private on-site wastewater system shall not be separated from the dwelling, lot or structure by a public or private road.
   3. Sanitary facilities installed within a detached accessory structure shall be limited exclusively to a toilet and/or a sink, provided that:
      ~~a.~~ ~~The structure shall not be used as an accessory dwelling or for any type of residential living space; and~~ When the structure is used as an accessory dwelling or residential living space, additional sanitary facilities may be permitted.
      ~~b.~~ The only type of accessory dwelling or residential living space which shall be permitted within a detached accessory structure shall be one of the following:

i. Caretaker living quarters in accordance with the requirements of this Ordinance, including Section 40.05 (Caretaker Living Quarters), or
ii. Farm labor housing in accordance with the requirements of this Ordinance, including Section 40.12 (Farm Labor Housing).

c. Such facilities may be connected to the same on-site septic system as the principal dwelling on the same lot, subject to approval from the County Environmental Health Division and Lodi Township. This provision does not preclude use of a separate septic system or connection to a municipal sanitary sewer system in accordance with applicable Township and outside agency standards and required permits.

4. (No changes proposed)
5. (No changes proposed)

Reference

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.

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.

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

Sincerely,
OHM Advisors

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Senior Planner

Julia Upfal
Client Representative

MC Moritz, PE
Client Representative

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