

**ROSS TOWNSHIP
PLANNING COMMISSION
SPECIAL MEETING MINUTES
SEPTEMBER 16, 2024**

CALL TO ORDER/PLEDGE

Chairperson Sager called the special meeting of the Ross Township Planning Commission to order at 6:03 PM at the Ross Township Hall. All rose to recite the Pledge of Allegiance.

ROLL CALL

Present: Chairperson Pamela Sager
 Michael Bekes
 Mark Markillie
 Michael Moore
 Steve Maslin

Absent: Sherri Snyder
 Jeff Price

Also Present: Bert Gale, AGS – Township Zoning Administrator
 Nick Keck, AGS - Township Zoning Administrator
 Robert Thall – Township Attorney – attending via ZOOM

APPROVAL OF AGENDA

Bekes motioned to approve the agenda as written and Moore supported it. The motion was unanimously approved.

APPROVAL OF PRIOR MEETING MINUTES

The Commission proceeded with consideration of the August 26, 2024, Planning Commission meeting minutes. Markillie presented his member time comments from the August 26th Planning Commission meeting in writing and asked the Commissioners for approval to substitute his verbiage into the official meeting minutes as it more accurately reflected the message he intended. With the approval in hand, Markillie motioned to approve the minutes as written including the agreed upon change and Maslin supported it. The motion carried four Ayes, no Nays and with Chair Sager abstaining as she was not present at the August 26th PC meeting.

NEW BUSINESS

The next matter to come before the Planning Commission was consideration of the request by Peter and Clare Grady for an addition to the house that is an existing non-conforming structure at 181 Gull Lake Island, Richland, MI 49083, Property #3904-18-280-200. The property is located in the Low-Density Residential District (R-1).

Chairperson Sager opened the public hearing.

Bert Gale began his overview of the application by stating the submitted request for special land use falls under section 22.3 (B) Nonconforming Building/Structure. A nonconforming building/structure shall not be altered by expansion, extension, or enlargement unless a special land use permit is granted pursuant to Article 19. Any such alteration shall not result in an increase in any nonconformity. Gale stated the Planning Commission needs to consider either an approval or a denial of the application for the expansion of the nonconforming building.

Peter and Clare Grady (applicants) were present to represent the application. Builder Scott Cleveland of First Choice Services was also present.

The applicants described the project as an expansion to the rear of the property. They bought the property in 2021. A prior owner built a deck in the front yard in 2012 which was located 38 feet from the high-water mark of the lake. This 38-foot front yard setback against the minimum front yard setback of 50 feet per ordinance made the building nonconforming. This project will not change the deck so the 38-foot setback would remain with the completion of the addition. The applicants would like the addition in order to add one bathroom, add one bedroom, and reconfigure the existing internal layout to better accommodate their growing family. The plan includes the demolition of a current old cottage on the property currently used for storage. Cleveland submitted a four-page set of drawings of the project for the Commission's consideration.

Public Comment included twelve pieces of written correspondence by neighbors unanimous in full support of the project. Written correspondence was received from Jason Walther, Steve East & Katie Johnson, David Treadwell & Loren Wadington, Nick & Barbara Owings, Mark & Mary Manifould, Karl & Pamela Beysiegel, David Oosterbaan, Amy Crabtree, James & Mila Beck, William Reichard, Ron Reisman and Dutch Ashton.

Karl Beysiegel was present and voiced his support of the project.

There being no more public comment offered, Chairperson Sager closed public comment.

The Commission reviewed the attributes of Section 21.4 - Site Plan Review information submitted by the applicant where all requirements had been met except for the following conditions:

C – The location and height of all existing and proposed structures on and within 100 feet of the subject properties were not submitted. The Commission found this not to be an issue as Gale confirmed the proposed project height would be all within the maximum ordinance standard and the applicants shared

the one-story home would remain a one-story home with the existing roof height being maintained with the addition.

I – The sewer and electrical utilities were not indicated on the initial documentation submitted with the application. However, the sewer and electrical utilities were part of the documentation in front of the Planning Commission at the meeting so Gale opined the condition should now be considered as met. The commission agreed this condition was met.

N – The existing topographic elevations at two-foot contour intervals and direction of surface drainage and drainage way flows were not submitted with the application. The Commission found this not to be an issue as Gale provided a topographical map from the Kalamazoo County GFS Mapping site.

U – Soil characteristics of the site at least to the detail provided by the U.S. Soil Conservation Service was not provided. The Commission found this not to be an issue as the home was built in the 1950's (best estimate from Peter Grady) and the property has not experienced erosion.

The Commission then proceeded to review the Site Plan Review Criteria set forth in Section 21.6 B – Criteria for Site Plan Review with the following findings:

1. The proposed use will not have a harmful effect on the surrounding neighborhood development.
2. The relationship between the road and service drives, driveways and parking areas ensuring the safety and convenience of pedestrian and vehicular traffic was deemed adequate.
3. Adverse effects resulting from the location of the building will be minimized to the occupants of adjacent buildings.
4. The roads, easements and utilities have been established to protect the general health, safety and welfare of the citizens of the Township.
5. The features of the landscape will be adequately retained with only one tree expected removed to accommodate the addition.
6. The features of the landscape will preserve the general appearance of the neighborhood and will retain the current status of erosion mitigation and discharge of storm water.
7. The plan will not result in any additional runoff of surface waters onto adjoining property.

The Commission agreed the site plan presented was acceptable per review criteria set forth in Section 21.6 B.

In consideration of the Special Land Use Criteria set forth in Section 19.3 - Criteria for Decision, the Commission concluded the following:

- 1 The proposed project meets all the requirements specified in the Ordinance for the Special Land Use requested, as well as all other Township, County, State and Federal requirements and legal agreements.
- 2 The proposed project will be compatible with the natural environment.
- 3 The proposed project can be served adequately by essential on-site and public utilities, facilities, and services.
- 4 The proposed project will be compatible with the adjacent uses of land.

- 5 The proposed project was deemed consistent with the public health, safety, and general welfare of the community.
- 6 The proposed project was deemed consistent with and promotes the intent and purpose of the Zoning Ordinance.

With no further questions, Bekes moved to approve the site plan and special land use permit for the expansion of the nonconforming building project at 181 Gull Lake Island, Richland MI per the request of Peter and Clare Grady with the condition the building remain in compliance with all State, Federal, County, and local ordinances. The approval is based upon the review findings of Section 21.4 - Site Plan Review of submitted information with waivers for C, N and U, review findings of 21.6 (B) - Criterial for Site Plan Review, review findings of Section 19.3 - Criteria for Decision and based on material supplied by the applicant to the Planning Commission at the September 16th, 2024, Special Planning Commission meeting. Markillie supported it and the motion was unanimously approved.

The next matter to come before the Planning Commission was the public hearing on Battery Energy Storage System Ordinance and the ordinance to amend the Ross Township Zoning Ordinance to provide zoning regulations for principle use solar energy systems within the Township.

Chair Sager opened the public hearing at 6:34 PM.

No participants were observed in the room. Bekes motioned to close the public hearing and Maslin supported it. The motion was unanimously approved.

Chair Sager closed the public hearing at 6:35 PM.

Bekes discussed a concern raised by Trustee Stage after her review of the draft ordinances in regard to environmental condition of the soil at commencement of a project, ongoing testing of the soil during the operational period and remediation of any issues. The commission agreed conditions would be put on at the site plan review and Thall opined he would review the Emergency Response Plan and Decommissioning language in the ordinance documents prior to publication to address this concern.

Thall discussed a concern raised by Trustee Sulka after his review of the draft ordinances in regard to setbacks. Sulka requested the setbacks be set at 500 feet. After discussion, the commission agreed to keep the setbacks at the current level as written in the draft ordinances for submission to the Ross Township board. Thall further opined that we should be careful with our restrictions as to not push developers to the state for project approval as it would be better for the Township to have developers work directly with Ross Township.

Markillie asked Thall to opine on the potential of our workable ordinances attracting developers to Ross Township when other community areas may be better suited for their respective operations. Thall shared his thought that developers will go where they want to be and where benefits may exist. Thall stated he believed having workable ordinances would be considered an invitation to developers to come to our area at higher costs. Sager added many municipalities are going to workable ordinances and Thall agreed. Developers will still need to piece together land as a start and may go where it is potentially cheaper. The commission reached consensus overall costs would be the key in decisions by developers to locate in Ross Township.

Markillie asked about the advantages of having a workable ordinance versus not having them. After discussion on differences between State requirements and the requirements of our draft workable ordinances, the committee identified the following as advantages:

1. Setback increases (100 feet versus 50 feet from road rights-of-way and shared property lines).
2. Decommissioning plans would be more robust (no provision for netting out scrap values at decommissioning and always having a bond to handle the cost of full decommissioning during the life of the project).
3. Maintaining local control.
4. Noise levels would be measured at the property lines versus the respective building.
5. Decreased height levels of solar panels (16 feet versus 25 feet)
6. More beneficial Host Agreement to Ross Township (\$3000/megawatt versus \$2000 per megawatt).

Commissioner Markillie stated he feels Ross Township is not an ideal location for Commercial Solar Farm development due to the percentage of township land covered by lakes, wetlands, forests, and rolling landscapes. He also feels the location of power distribution lines do not correlate with areas conducive to solar farm development. He stated concern that a workable ordinance could attract otherwise not interested developers by providing a simpler process than offered by the state. He fears once the supporting infrastructure for commercial solar farms is established, there will be an incentive for solar farm sprawl in that area and developers will be able to by-pass the workable ordinance 5% maximum by applying to the state for permits.

With no further questions raised, Moore moved to approve sending the Battery Energy Storage System Ordinance and the Ordinance to amend the Ross Township Zoning Ordinance to provide zoning regulations for principal-use solar energy systems within the Township to the Ross Township Board for review, consideration and approval. Maslin supported the motion. Sager, Moore, Maslin and Bekes voted Aye. Markillie voted Nay. The motion passed 4-1 in favor.

OLD BUSINESS

Chairperson Sager stated there was no old business to conduct at this meeting.

REPORT FROM TOWNSHIP BOARD

Bekes reported there was no board meeting since the last board report given at the August 26th Planning Commission meeting. Bekes did state the two workable ordinances (amendment to the solar ordinance and the battery storage ordinance) are on the agenda for Ross Township board review and possible motion at their next board meeting the next day on September 17th.

REPORT FROM ZONING BOARD OF APPEALS

Bekes reported the ZBA met on September 4th and approved a front yard setback variance request for an agricultural barn on EF avenue just north of 42nd Street and a front yard setback variance request for a new home construction on Gull Lake.

PUBLIC COMMENT

No public comment was offered.

MEMBERS, CONSULTANTS, ADVISORS

No additional input was offered.

ADJOURNMENT

There being no further business to come before the Commission, Moore motioned to adjourn the meeting and Bekes supported it. The motion was unanimously approved and the meeting adjourned.

Respectfully Submitted,
Michael Bekes
Board Liaison to the Planning Commission
Acting Recording Secretary

Mary Carol Wilkins

From: Michael Bekes
Sent: Tuesday, September 24, 2024 11:39 AM
To: Mary Stage; Mary Carol Wilkins
Cc: Michael Bekes
Subject: Approved PC Meeting Minutes
Attachments: PC Special Meeting Minutes - September 16, 2024 Special Meeting.docx

Hello Mary and Mary Carol,

Attached are the approved meeting minutes from the September 16th Special PC Meeting. These were approved at last night's meeting without changes.

Enjoy the day!

Mike