

BOWNE TOWNSHIP PLANNING COMMISSION

ADOPTED MINUTES

REGULAR MONTHLY MEETING

TUESDAY, July 9, 2024 7:00 pm

The regular monthly meeting of the Bowne Township Planning Commission was held at the Historic Bowne Township Hall located at 8240 Alden Nash Avenue SE, Alto, Michigan, Kent County.

1. CALL TO ORDER:

The meeting was called to order by Member Oosting at 7:00 pm.

2. ROLL CALL:

MEMBERS PRESENT: JAMES OOSTING – CHAIR
LARRY WINGEIER – VICE-CHAIR
SARAH LARSON – SECRETARY
JAY BARNHART
SHAWN WENGER
DAVID FUSS – TOWNSHIP BOARD REPRESENTATIVE
FRED OESCH
DAVID HOEKSTRA
ROGER GRAHAM

NOT PRESENT:

OTHERS PRESENT: BRADLEY KOTRBA – TOWNSHIP PLANNER, WILLIAMS & WORKS
CLIFFORD BLOOM – TOWNSHIP ATTORNEY’S OFFICE, BLOOM SLUGGETT
12 MEMBERS OF THE PUBLIC

3. AGENDA: MOTION

Chairman Oosting inquired from the Commission if any changes to tonight's agenda were required. After hearing none, Commissioner Larson motioned to accept the agenda submitted for the July 9, 2024, regular Planning Commission meeting, seconded by Commissioner Fuss. Motion carried.

4. MINUTES: MOTION

Chairman Oosting asked if there were any changes, additions, or corrections to the May 14, 2024, regular Planning Commission Draft Meeting Minutes. Commissioner Larson motioned to accept May 14, 2024, meeting minutes, and Commissioner Barnhart supported it. Motion carried.

5. ACKNOWLEDGEMENT OF THE PUBLIC

Chairman Oosting acknowledged and welcomed the members of the public.

6. PUBLIC COMMENT AND CORRESPONDENCE CONCERNING ITEMS NOT ON THE AGENDA

Chairman Oosting asked the public members if they would like to comment on any item, not on tonight's agenda. There were no public comments

7. COMMISSIONER COMMENTS

No comments.

8. PUBLIC HEARINGS

Chair Oosting proposed to pause the regular meeting, and Commissioner Larson motioned to open the public hearing, supported by Commissioner Wenger. Motion carried. Chair Oosting then opened the public hearing and asked Planner Kotrba to address the essential comments.

Planner Kotrba noted that the night's public hearing was just to address the conditional rezoning, and that the site plan review and discussion would be occurring in the future. Kotrba noted that the property in question is currently zoned as R-5, manufactured housing community, and that the applicant requests to rezone the parcel to R-3, urban residential (which would be single-family neighborhood units), for the purpose of building 60 single family units on the 37-acre parcel with parks. Kotrba noted that the applicant has been working with Attorney Bloom and the Township on various aspects of the development like water and utilities. Kotrba then described the process of approving the conditional rezone.

Chair Oosting asked the applicant if he had any additional comments and the applicant re-iterated Kotrba's summary. The applicant then showed a drawing of the plans with lots, green space, walking paths, etc. He noted the guidelines they would set for building outbuildings. Commissioner Barnhart asked how big the outbuildings could be, and the applicant responded that that would be one of the restrictions. Commissioner Oosting asked if there was any discussion with the post office about how they would be handling delivery. The applicant responded that the post office had developed new guidelines, and that it looked like there would be two to three sets of community mailboxes, with each of the three 20-unit phases having a community mailbox positioned to reduce congestion. The applicant noted that there would be cement sidewalks on both sides of the street.

64 Chair Oosting asked if there were any public comments. One member of the public was worried that
65 he would not be able to get sewer at his property because the new development would take up the
66 entire capacity. He questioned whether the community would be better with commercial buildings
67 or houses at his property, as he would like to be able to develop. He is concerned that the new
68 proposed development will eliminate his capacity to develop and use the sewer system. Attorney
69 Bloom noted that Planner Kotrba could address the master planning issues (i.e., land use), and
70 stated that the Planning Commission does not have jurisdiction over the number of sewage
71 connections that are set. He noted that the REUs were originally contracted under the Alto
72 Meadows development and that the Township had a contractual obligation to honor those REUs,
73 but that anything beyond that had to act on its own. He then noted that the Township would have
74 legal challenges if it turned down the project due to long-term sewer capacity, and discussed with
75 the member of the public where various projects fit in. Planner Kotrba provided additional
76 information on the history of the sewer connections, which clarified some of the concerns for the
77 resident.

78 Chair Oosting asked if there were any further comments; seeing none, Commissioner Larson made a
79 motion to close the public hearing, seconded by Commissioner Fuss. Motion carried and the public
80 hearing was closed.

81 **9. OLD BUSINESS: SGS CONDITIONAL REZONING FROM R-5 to R-3**

82 Planner Kotrba explained that five standards needed to be met to approve a conditional rezone: the
83 first is that the rezoning should be consistent with the policies of the Township Master Plan. Kotrba
84 noted that the Master Plan's future land use actually proposes the property fall in the R-3 district,
85 and that the applicant meets all of the guidelines for development in that future land use district.

86 The second standard asks whether all the uses proposed under the rezoning would be compatible
87 with other uses in the area. Kotrba noted that the proposal would only permit specific uses, and that
88 the development could only be used for what is approved by the rezoning. He also notes that the
89 proposed development has a lower density than Alto Meadows and that properties further down
90 the road are even lower density, so the proposal creates a logical transition to lower density.
91 Commissioner Barnhart asked if Alto Meadows is full, and Kotrba noted that it was, indeed, built
92 out.

93 The third standard asks whether public services and facilities would be significantly impacted by the
94 development. Kotrba described the sewer utilities and noted that efforts are being undergone to
95 ensure that there are no adverse impacts.

96 The fourth standard asks if the proposed uses would be equally or better suited to the area than the
97 current zoning. The current zoning only allows for a mobile home park. The proposed rezoning is still
98 residential, and due to sewage limitations, the density difference would not be significantly
99 different.

100 The fifth standard asks whether the rezoning would be reasonable. Kotrba stated that because of
101 the above discussion, the position of the property, and the applicant's willingness to work with the
102 Township, he did find it reasonable.

103 Attorney Bloom discussed the next steps, noting that the Planning Commission could make their
104 decision tonight and would make a recommendation to the Township Board, who would ultimately
105 decide whether or not to approve the rezoning.

106 Commissioner Wingeier noted that in the past, the State required the Township to include a mobile
107 home park and asked whether that was no longer the case. Bloom noted that that was based on
108 exclusionary zoning claims, as no mobile homes existed in the township. However, only two mobile
109 homes were actually sold, so the Township allowed for stick-built homes which caused various
110 problems. The market for mobile home parks has declined, so Bloom does not believe that this is a
111 concern anymore unless the demand for mobile homes rises significantly in the future.

112 Commissioner Larson made a motion that the standards for a conditional rezoning had been met
113 and that the proposal should be sent to the Township Board for review. Commissioner Graham
114 seconded. Motion passed.

115 Chair Oosting thanked the applicant for their patience and for working with the Township.

116 **OLD BUSINESS: REZONING**

117 Chair Oosting and Planner Kotrba noted that a public hearing had been tabled in May because no
118 representative of the applicant was present at the meeting. The applicant was again not present, so
119 Oosting and Kotrba agreed to leave the item tabled.

120 **OLD BUSINESS: SKS DEVELOPMENT BIODIGESTER PRELIMINARY REVIEW**

121 Chair Oosting asked Planner Kotrba to bring the Planning Commission up to date on the application
122 for a biodigester. Kotrba noted that some more information had been provided by the applicant,
123 who was present, and that the information and preliminary review had been provided to the
124 Planning Commission in a memo which he would briefly discuss. Kotrba then outlined the next steps
125 in the review process for this proposal. Kotrba noted that SKS Development was working with
126 Consumers Energy on the development and had previously offered introductory information. Kotrba
127 noted that the proposal was on a 117-acre parcel at Swisslane farms in the Agricultural District.
128 Because the proposal is for a special land use, there were certain standards that needed to be met
129 in addition to the site plan review standards.

130 Standard 1: The special land use is carried out in a harmonious manner to adjacent properties. The
131 digester relies on the dairy farm on its property, and there are a few homes at least 800 feet away.
132 The digester is a commercial natural gas operation on agricultural land that can only be permitted in
133 the Agricultural District.

Standard 2: Will the special land use impair the character of the surrounding area. The property is in a primarily agricultural area, so land is mostly used for farming operations (excluding the residences and a church). However, the proposal is not expected to harm the general character.

Standard 3: Will it be hazardous to the adjacent property. The applicant outlines mitigation plans for odors and the safety of anaerobic digester facilities. The natural gas will be feeding into an already-existing pipeline nearby.

Standard 4: The special land use does not place excess demand on public services or facilities. There is no indication that the proposed use will place significant demand on services. Some electricity and natural gas will be needed.

Standard 5: The special land use agrees with the proposed use in the Master Plan. Because the proposal is tied with the agricultural use of the farm, it is an appropriate use and in an appropriate area of the Township.

Kotrba also noted that the proposal met relevant aspects of the biodigester ordinance that the Township had developed. Kotrba then moved on to the site plan review. He noted first that there was no significant need for parking at the site, and that the applicant would need to comply with requirements from the Township Engineer and the Kent County Road Commission for the entrance to the site. Regarding external noxious impacts, Kotrba reiterated that there was an odor control plan and that no significant other impacts were expected. He clarified that the proposal and its use would not negatively impact neighboring properties and that it was located at the best spot for its needs. Regarding public services and utilities, Kotrba outlined the utilities needed: natural gas and electric lines were not noted on the site plan and should be discussed with the applicant, and storm drainage facilities are planned for the site in compliance with Township standards. Kotrba also found that the proposal meets all dimensional requirements, and that the buildings are arranged in a harmonious manner that allow for the best connection to the dairy facility. Kotrba noted that drainage and surface waters will not impact neighboring properties or public areas, as the applicants have outlined an on-site drainage plan. Commissioner Oosting asked if there are any wetlands in the area, to which Kotrba responded that there were not. Kotrba noted that no exterior lighting was indicated on the plan for the property but that any lighting would have to comply with Township standards. The application did not propose any signage beyond those required for safety purposes, so signage would not be an issue. Kotrba noted that there would be some screening along the road frontage by landscaping, but that landscaping would generally be minimal and meet the requirements of the Township while being safe given best practices on biodigester sites (but specific positions of landscaping needed to be marked on the final site plan)

Planner Kotrba also summarized Engineer Oezer's comments, stating that the proposed access to Wingeier Avenue appears to work well but that County permits would be required. He noted that the layout plans were conceptual and that detailed plans would be needed prior to construction, but that the proposal generally seemed to meet the needs of the facility. Kotrba requested that the applicant speak with the Engineer directly regarding final plan needs. No public sanitary sewer or

172 water facilities were proposed for the site, but a potable water well was proposed as was a septic
173 system. County permits would be needed for this. Further review would also be needed on
174 stormwater plans, as more detail was needed. Soil erosion and sedimentation permits would be
175 needed from the County Drain Commission, but that plans seemed generally acceptable (subject to
176 more detailed plans being submitted before final approval).

177 Attorney Bloom outlined the next steps and clarified that the Planning Commission would be making
178 the final decision regarding the special land use. He stated that, if the Commission was ready to
179 schedule a public hearing, it should be motioned tonight. Attorney Bloom also mentioned that a
180 motion to recuse Commissioner Oesch due to his relationship with the application would be needed.
181 Commissioner Larson made a motion for recusal, seconded by Wingeier. Motion carried.

182 Commissioner Wingeier asked the applicant about the sand bedding and where it would be stored.
183 The applicant noted that fiber bedding would be used and that it would be stored in a building, not
184 piled up outside.

185 Planner Kotrba clarified that he wanted certain comments addressed by the applicant before a
186 public hearing occurred. Attorney Bloom further explained the next steps in the process of
187 approving or denying the application.

188 The applicant noted that they did have a photometric plan developed to add to their application, as
189 some lighting would be needed for safety purposes.

190 The applicant offered to answer questions and noted that their proposal has not changed at this
191 point. They hosted members of the Township at the facility in April. The applicant then went into
192 additional detail on the plans for the facility and the process of the biodigester and its operation.
193 Planner Kotrba asked how many people would be working at the facility on-site, and the applicant
194 responded that there would be three dedicated operators and the plant manager rotating through
195 the facility. Commissioner Oosting asked about the training of these operators. The applicant
196 explained the various types of training and the length of training that operators would receive, both
197 before they began working and ongoing to reinforce principles. Attorney Bloom asked how long the
198 construction process would take, and the applicant estimated that it would be 14-18 months.

199 Chair Oosting asked if there were comments from the public. One individual asked if the drying
200 facility for the bedding would be on the five-acre site, and the applicant responded that it would not
201 be, and it was separate from SKS and Consumers. The individual then asked the Planning
202 Commission what the biodigester ordinance said about the instance at hand where the biodigester
203 property was operated under a lease agreement rather than direct ownership by the property
204 owners. Planner Kotrba responded that he would look into it but did not recall what the final
205 decision in the ordinance was. Kotrba later clarified that the ordinance (3.47(B)(13)) said that the
206 property could be owned or leased.

207 Another member of the public, who stated that they lived near a biodigester, described their
208 experience living near one and noted that they have never been able to smell anything as a result of
209 the biodigester, and that they see more benefits to the project than potential drawbacks.

210 Commissioner Larson made a motion to schedule a public hearing for the special land use,
211 supported by Commissioner Wenger. Motion passed.

212 The applicant added that people could contact the Township to access various items in the
213 application.

214 **10. Public Comments**

215 No public comments.

216 **11. Adjourn**

217 Commissioner Graham made a motion to adjourn the meeting. Commissioner Barnhart supported it.
218 Motion carried. The meeting was adjourned at 7:59 PM.

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Bradley Kotrba
Recording Secretary