

BOWNE TOWNSHIP PLANNING COMMISSION

ADOPTED MINUTES

REGULAR MONTHLY MEETING

TUESDAY, MARCH 05, 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

NOT PRESENT: ROGER GRAHAM

OTHERS PRESENT: BRADLEY KOTRBA – TOWNSHIP PLANNER, WILLIAMS & WORKS
FIVE MEMBERS OF THE PUBLIC

3. AGENDA: MOTION

Chairman Oosting inquired from the Commission if any changes to tonight's agenda were required, and after hearing none, Commissioner Larson motioned to accept the agenda submitted for the September 5, 2023, regular Planning Commission meeting, seconded by Commissioner Wenger. Motion carried.

4. MINUTES: MOTION

Chairman Oosting asked if there were any changes, additions, or corrections to the November 14, 2023, regular Planning Commission Draft Meeting Minutes. Commissioner Larson motioned to accept November 14, 2023, meeting minutes, and Commissioner Fuss supported it. Motion carried.

5. ACKNOWLEDGEMENT OF THE PUBLIC

Chairman Oosting acknowledged and welcomed the five 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 comments.

7. COMMISSIONER COMMENTS

No comments.

8. PUBLIC HEARINGS

Chair Oosting acknowledged that there is no public hearing for this meeting.

9. GENERAL BUSINESS: ANNUAL REPORT

Chair Oosting asked Planner Kotrba to provide highlights from the annual report.

Planner Kotrba outlined that the annual report is approved by the planning commission and subsequently acknowledged by the Township Board each year. He highlighted that significant zoning work has been completed in the past year, such as the new biodigester ordinance, solar ordinance, and wind ordinance. Additionally, he noted that the conditional rezoning application will be addressed in an upcoming report, as ongoing discussions necessitate revisions.

Motion by Commissioner Larson to recommend approval to the Township Board, support by Commissioner Barnhart. Motion carried.

10. GENERAL BUSINESS: ANIMAL CONTROL ORDINANCE AMENDMENT DISCUSSION

Planner Kotrba informed the Planning Commission about the absence of a comprehensive domestic animal ordinance in the Township and highlighted the recommendation from the Kent County sheriff's department to minimize regulatory ordinances so they can have more authority over regulations when they are called especially in township where they have patrol services. He presented Lowell Township's ordinance as an example that is fairly recent. Planner Kotrba talked to the Township Attorney Cliff Bloom and he suggested no immediate action due to existing minimal regulations, however the Township should add more to the zoning ordinance regulation regarding

61 exotic animal or licensing or anything that they Township may want to handle themselves. Planner
62 Kotrba advised the Planning Commission to decide whether to pursue further action and mentioned
63 that he can double-check to if there are any other existing regulations outside the zoning ordinance
64 regarding township to prevent duplicating efforts.

65 There were no further comments, Chair Oosting asked to put this item on hold until there is further
66 information from Planner Kotrba regarding any other regulatory ordinances.

67 **11. NEW BUSINESS: 11062 64TH STREET SE CONDITIONAL REZONING PRELIMINARY REVIEW**

68 Chair Oosting thanked the applicant for being so easy to work with. The applicant gave a brief
69 description about the changes to the application. The applicant demonstrates interest in utilizing the
70 parcel to develop a single-family site condominium project, using the 60 REUs for public sewer
71 access and access to the private water utility available in Alto Meadows. The applicant gave me
72 more details about the proposed development that were included in the application narrative in the
73 agenda packet.

74 Chair Oosting asked to clarify where they will put 60 mailboxes. The applicant noted that the USPS
75 wants community mailboxes which will be divided into three mailboxes that will be spread through
76 the property as putting all mailboxes at the front of the property will create access and traffic
77 hazards, however they are in conversation with the post master to find a good fit for the mailboxes.

78 The applicant also noted that the property will be managed by a third-party management company
79 and all issues will be managed through that company including water well issues.

80 The applicant added that there will be a bark path through the open area in the southern portion of
81 the property. Chair Oosting asked why they chose bark as the material for the path. The applicant
82 answered that bark was cheaper and low maintenance compared to other alternatives. He also
83 noted that the path will get touch ups annually to replace bark in sparsely covered areas. Chair
84 Oosting asked if the path is suitable for bikes and the applicant clarified that the bark path is not
85 suitable for bike use but they can be used on the provided sidewalks through the development.

86 The applicant stated that they would source public water from the current Alto Meadows water
87 system and contribute one-third of the upgrade costs for the lift station. They plan to purchase the
88 water system from Lettinga's and oversee its management. Additionally, they will establish an
89 umbrella HOA to manage both this development and Alto Meadows' water systems. Chair Oosting
90 asked to clarify who will pay for the repairs to wells. The applicant answered that the owners (the
91 applicant) will be responsible to pay for any future repairs.

92 Commissioner Hoekstra asked if there will be any change to the water rates for existing residents at
93 Alto Meadows after the takeover of the water supply by the applicant. The applicant mentioned
94 that once they receive details from Lettinga's, they will have a better understanding of the costs.
95 They've already discussed with a member of the existing HOA, who indicated they currently pay

96 around \$5.75 per thousand gallons and intend to maintain this rate without proposing any
97 increases.

98 Chair Oosting expressed admiration for the width of the lot frontage, considering it a positive
99 decision. The applicant also noted that the development will feature ample trees at the rear of the
100 lots and along the parcels, enhancing the aesthetic appeal for future residents.

101 Chair Oosting asked if Planner Kotrba and the applicant have talked about what needs to be done
102 going forward. Planner Kotrba explained that the applicant had previously approached for a
103 preliminary review a couple of months ago regarding a conditional rezone. Today, instead of opting
104 for R4, they're proposing R3 zoning to align better with the village's density. The process will involve
105 working with Attorney Bloom to finalize the conditional rezone contract, ensuring it encompasses
106 the development goals. The application will then proceed to the township board for approval,
107 followed by a public hearing by the planning commission. Kotrba suggested setting a tentative public
108 hearing date initially, with a permanent date to be determined after finalizing the contract. Planner
109 Kotrba and Chair Oosting discussed a rough time frame that will be needed to settle the contract
110 and schedule a public hearing and they settled that it would probably take a month or two for the
111 contract to be settled and ready for review at the public hearing.

112 PC Member Larson asked Planner Kotrba if the corner lots on the private road have two front yards
113 or does that not take effect on a private road. Applicant noted that they are going to ask for the
114 front setback on the corner lots as a component of the Conditional Rezone for corner lots.

115 Planner Kotrba clarified the distinction between conditional rezoning and traditional rezoning,
116 highlighting that with conditional rezoning, the property reverts to its original zoning if the
117 development falls through, whereas traditional rezoning permanently changes the parcel's zoning.
118 He reviewed his memo outlining the conditional rezoning standards and his remarks. Kotrba
119 recommended that the Planning Commission make motion to set a tentative public hearing to
120 proceed with the meeting.

121 There were no comments from the members of the public.

122 Motion by Larson, to schedule a tentative public hearing, support by Wenger. Motion carried.

123 **12. NEW BUSINESS: 13130 76TH STREET SE BIODIGESTER SLU PRELIMINARY REVIEW**

124 Planner Kotrba highlighted that the applicant has submitted an application for a biodigester at Swiss
125 Lane Farms, aligning with the township's zoning ordinance, which they have been meticulously
126 drafting for several months. The applicant's property spans 117 acres, satisfying the minimum
127 requirement of 80 acres. They intend to lease a 5-acre parcel near 76th and Wingier. The applicant is
128 present to address any inquiries. He recommended that the Planning Commission can review
129 preliminary site plan questions outlined in the zoning ordinance and deliberate on the application.

130 The applicant presented the project, proposing the construction of a single-tank system featuring a
131 1–3-million-gallon digester tank, similar to previous projects they have undertaken. Gas conditioning
132 will be onsite, while injection into the Consumers Energy line will occur at the corner of 84th Street.
133 They mentioned their company's nationwide operations, with a current operating plant near Ithaca
134 and two ongoing projects in Michigan. The applicant welcomed any questions from the audience.

135 Commissioner Wingeier inquired about the tank's size, to which the applicant specified a diameter
136 of approximately 105 feet and a height of 49 feet. They described it as a steel tank with external
137 insulation, with the color yet to be determined, emphasizing that it does not generate condensation.
138 Chair Oosting then questioned the internal pressure maintenance, and the applicant explained that
139 relief valves on the tank's roof open at 12 inches of water column, with minimal pressure to avoid
140 disrupting the biological processes within. They reassured that safety measures are in place, with
141 relief at 9 inches and full opening at 12.5 inches, along with a 2-inch vacuum pull. Addressing
142 concerns about noise, the applicant highlighted that the loudest components are the blower and
143 compressor, contained within steel enclosures to mitigate noise. These run continuously but do not
144 carry sound beyond the property lines. Gas storage on-site is minimal, primarily limited to the
145 digester's roof, providing 4-6 hours of storage, as gas is processed promptly upon production. He
146 reiterated his willingness to arrange site tours for interested parties.

147 Commissioner Barnhart queried the timeline for gas production initiation. The applicant responded,
148 stating that it takes approximately three weeks to fill the tank. Once halfway filled, mixing and
149 heating begin, initiating gas production. By the time the tank is full, they anticipate reaching 25-40%
150 of the design gas production, with an expected 80% production rate within six weeks.

151 Chair Oosting inquired about the temperature required for gas production to commence. The
152 applicant explained that the process begins at 100 degrees Fahrenheit, maintained by a boiler
153 powered by natural gas brought to the site. Heating is a continual process, with varying demands
154 based on seasonal temperatures.

155 Commissioner Barnhart asked if the project could utilize its own gas for power. The applicant
156 clarified that the current arrangement typically involves a buy/sell agreement. Renewable energy is
157 sold, while market-priced gas is purchased. This process ensures the accurate accounting of
158 environmental credits associated with the project through documentation.

159 Commissioner Hoekstra asked if there are any buildings on the 84th St site. The Applicant added that
160 the 84th site would be a small injection site which would include small structures to house sensors
161 and sets of equipment provided by consumers, no construction is planned. He clarified that the
162 structures wouldn't be any bigger than the size of Conex box. He noted that Consumers Energy will
163 design the structures and they will be separate than the work applicant will do, and it will depend on
164 how the existing line is laid out.

165 Planner Kotrba reviewed his memo outlining the preliminary review standards, confirming that the
166 applicant satisfies them. He emphasized the need for the township fire chief's approval regarding

167 emergency vehicle access and suggested the township engineer review the stormwater and grading
168 plan for clearance. Additionally, the applicant fulfills all screen, buffering, and setback requirements.
169 Notably, no signage beyond necessary safety signage on-site has been proposed.

170 Chair asked if the engineering reports can be written in a language that is understood by a lay
171 person that will make it easier for the PC to understand the site operations.

172 Planner Kotrba recommended the Planning Commission to schedule a tentative public hearing. He
173 noted some outstanding items from the applicant that included a photometric plan, a
174 decommissioning plan, a narrative describing the process of gas production, liability insurance
175 coverage is for \$4 million but the required amount by the township is \$5 million which the applicant
176 can discuss with the township. The Township attorney and engineer will also provide their
177 comments on the application before the public hearing.

178 PC Chair Oosting asked for any other comments. Supervisor Wilcox asked a question asked what the
179 theoretical timeline would be if all the items required for submittal were completed on time and the
180 permits receive approval, how long before construction commences. The applicant answered that
181 the earliest they would start construction would in Q4 which would be at the end of this year.
182 Supervisor Wilcox asked if they are proposing two digestors, one in the future based on the site
183 plan. The applicant answered that the digester shown in the dashed line is for future and right now
184 it is just for layout purposes only. The applicant commented that whenever they layout these
185 digester sites all around the county, they lay them out in pods, which contain two digesters, this is in
186 case of future expansion, which may never happen at this particular site, but it is their standard to
187 draw a site with a possibility of a second digester to be transparent and up front when going
188 through the site plan process so if they request to expand their special land use permit, they wanted
189 to make sure that the PC had knowledge of this potentiality at the original approval.

190 Chair Oosting asked if there has been any cases of damage and explosions due to vandalism or other
191 reasons. The applicant added there is always a threat of vandalism but the sites are always locked so
192 there is no access to the buildings or any equipment. The injection site and high compression
193 equipment will be all fenced off. Measures to minimize safety threats have been taken proactively.
194 He added that majority of the pipeline will be underground apart from small section that are over
195 ground.

196 Public member Kris asked how soon the next meeting will be to discuss this application. Planner
197 Kotrba added that whenever they get all the information needed from the applicant so it's up to the
198 applicant on how soon they can deliverable the requirement information. He added there will be a
199 two-week public notice before the public hearing.

200 The applicant added that there will be regular clean outs of the tank every few years. He added that
201 it doesn't completely eliminate any of the farm lagoons.

202 Motion by Larson to schedule a tentative public hearing, support by Wenger. Motion carried.

203 **13. Public Comments**

204 No public comments.

205 **14. Adjourn**

206 Commissioner Hoekstra made a motion to adjourn the meeting. Commissioner Oesch supported it.
207 Motion carried. Meeting was adjourned at 7:21pm.

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Bradley Kotrba
Recording Secretary