

1                                   **RICHLAND TOWNSHIP PLANNING COMMISSION**

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3                                   **MINUTES OF MEETING HELD ON JULY 30, 2008**

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6                   A meeting was held by the Richland Township Planning Commission on  
7 Wednesday, July 30, 2008, at the Richland Township Hall beginning at 7:00 p.m.

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9                   Members present: Nick Westra, Chairman  
10                                   Wanda Hinklin, Secretary  
11                                   Walter Calhoun  
12                                   Greg Jensen  
13                                   Norman Lovan  
14                                   Trudy Luedecking  
15                                   David Wendzel

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17                   Members Absent:   None

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20                   Also present were Township Planning Consultant Russell Wicklund, Township  
21 Attorney Kenneth Sparks and three other interested persons.

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23                   **CALL TO ORDER AND REVIEW OF MINUTES**

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25                   The Chairman called the meeting to order and indicated that the first matter to come  
26 before the Planning Commission would be a review of the proposed minutes of the June  
27 11, 2008, Planning Commission meeting. Upon motion of Commissioner Hinklin, seconded  
28 by Commissioner Luedecking, the Planning Commission voted unanimously to approve the  
29 minutes as prepared.

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31                   **PUBLIC HEARING-GLAS ASSOCIATES/BOWERS SPECIAL EXCEPTION USE PERMIT**  
32 **APPLICATION**

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34                   The next matter to come before the Planning Commission was consideration of the  
35 application of Glas Associates, Inc. on behalf of Jon and Susan Bowers for a special  
36 exception use permit to allow the construction of a 60 foot by 44 foot residential accessory  
37 building upon the property at 10956 North Interlaken in Richland Township.

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39                   The Chairman reviewed the procedure that would be followed in conducting the  
40 public hearing.

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42                   Commissioner Jensen indicated that he would be abstaining from participation in this  
43 matter since Mr. Bowers is a regular client and he has also worked for Glas Associates in  
44 the past. Commissioner Jensen then assumed a seat in the audience.

1 The Chairman then opened the public hearing on this matter.  
2

3 Mr. Glas then addressed the Commission on behalf of the applicant. He noted that  
4 the applicant had previously received special exception use permit approval for a  
5 residential accessory building upon the subject property. He indicated that subsequent to  
6 receiving such approval, further design work had been performed and it resulted in a  
7 proposed accessory building that had a somewhat larger footprint than what the Planning  
8 Commission had approved. He indicated that this larger footprint was largely as a result of  
9 placing a front porch upon the building.  
10

11 Mr. Jon Bowers then reviewed the diagram that had been submitted with the  
12 application before the Planning Commission.  
13

14 Commissioner Luedeking indicated that she had viewed the subject site.  
15

16 In response to a question from Commissioner Hinklin, Mr. Bowers indicated that a  
17 portion of the proposed building might be used as a small workshop or painting area. He  
18 indicated that the proposed building would not have any living quarters and there would be  
19 no upstairs. Mr. Bowers indicated that the proposed storage building would replace the  
20 existing storage building on the subject property.  
21

22 No public comment was offered. In response to a question from the Chairman,  
23 Commissioner Hinklin indicated that the Township had not received any written  
24 communications with respect to this matter. The Chairman then closed the public hearing  
25 on this matter.  
26

27 After brief discussion, Commissioner Hinklin moved that the Planning Commission  
28 approve the special exception use permit application before it. By way of reasons in  
29 support of her motion, she noted that the Planning Commission had previously granted  
30 approval for a residential accessory building and that this new proposal was substantially  
31 similar to the previous one approved by the Planning Commission. She indicated that the  
32 additional footprint of the proposed building served to enhance the building. She noted that  
33 the proposed building would not be visible from the road. Commissioner Luedeking  
34 seconded the motion and the motion passed unanimously except for abstention by  
35 Commissioner Jensen.  
36

37 Commissioner Jensen then resumed his seat at the Planning Commission table.  
38

39 **DISCUSSION OF PLANNING COMMISSION BYLAWS/CONFLICT OF INTEREST**  
40 **POLICY**  
41

42 The next matter to come before the Planning Commission was consideration of draft  
43 Bylaws/Conflict of Interest Policy.  
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1           The Township Attorney noted that, as had been discussed previously, the new  
2 Planning Enabling Act that will take effect September 1, 2008, requires that a Planning  
3 Commission either define what constitutes a conflict of interest in its bylaws, or that the  
4 Township Board adopt an ordinance defining what constitutes a conflict of interest. The  
5 Township Attorney indicated that at the request of Commissioner Hinklin, he had prepared  
6 a draft set of bylaws to serve as a “first stab” in this regard. He noted that the draft  
7 prepared by him was largely an abbreviated version of a sample set of Planning  
8 Commission bylaws included in an MTA zoning handbook. He indicated that he had  
9 modified the sample to reflect certain aspects of how the Richland Township Planning  
10 Commission normally conducts its business and to eliminate those portions that did not  
11 appear to him to be necessary. The Township Attorney then reviewed the draft bylaws. He  
12 noted that Section 2.G of the draft bylaws contains two policies that had previously been  
13 adopted by the Planning Commission, one policy requiring that no member of public shall  
14 address the Planning Commission without first being recognized by the chairperson and the  
15 other policy imposing a five minute time limit per speaker during the “Citizens Comments”  
16 portion of the Planning Commission agenda. The Township Attorney indicated that he had  
17 also included in this section a draft provision pertaining to setting time limits for speaker  
18 comments during public hearings. He indicated that this draft provision had been  
19 discussed by the Planning Commission previously, but that the Planning Commission had  
20 decided that it did not at that time wish to adopt such a provision. The Township Attorney  
21 indicated that he had incorporated this draft provision simply to provide the Planning  
22 Commission with an opportunity to discuss whether it wished to adopt such a provision at  
23 this time.

24  
25           The Planning Commission then reviewed Section 3 of the draft bylaws pertaining to  
26 conflict of interest. In the discussion that followed, Commissioner Wendzel expressed  
27 concern about draft conflict of interest language that would require a Commissioner owning  
28 property within the area required to receive mailed public hearing notice to abstain from  
29 Planning Commission participation on that matter. Commissioner Wendzel expressed  
30 concern that there are some large tracts of undeveloped land in the Township that, if made  
31 the subject of a Planning Commission request, could eliminate a significant number of  
32 Planning Commission members under the proposed language, including possibly making it  
33 impossible to obtain a quorum. Other Planning Commission members expressed  
34 agreement with this concern. After general discussion, it was the consensus of the  
35 Planning Commission that this provision should be modified so as to only refer to a  
36 Planning Commissioner owning property adjoining the property that is the subject of the  
37 request before the Planning Commission. In response to a suggestion by Commissioner  
38 Lovan, the Commission requested that the Township Attorney further modify the language  
39 so as to make clear that property across the road from a parcel that is the subject of the  
40 request before the Planning Commission would be considered “adjoining property” for  
41 purposes of this provision.

42  
43           The Planning Commission then engaged in a general discussion regarding the draft  
44 language that would authorize the Chairman to impose a time limit on individual speakers

1 addressing the Planning Commission during a public hearing. At the conclusion of that  
2 discussion, it was the consensus of the Planning Commission that it did not wish to include  
3 such a provision in its bylaws.  
4

5 The Township Attorney was requested to prepare revised draft bylaws incorporating  
6 the changes discussed at this meeting.  
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8 **DISCUSSION – REGULATIONS REGARDING WIND ENERGY CONVERSION SYSTEMS**  
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10 The next matter to come before the Planning Commission was further discussion of  
11 possible zoning text amendments regulating wind energy conversion systems.  
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13 Township Planning Commission Consultant Russell Wicklund then addressed the  
14 Commission. He noted that he had previously provided the Commission members with  
15 draft text that had been prepared by him for Texas Township. He briefly reviewed that text.  
16 He indicated that he was still somewhat concerned regarding the definition of “large  
17 turbine/utility grid system” versus “small turbine/on-site system”. He indicated that his  
18 general preference would be to treat wind energy conversion systems as a special  
19 exception use.  
20

21 In response to a comment by Mr. Wicklund, the Township Attorney briefly reviewed  
22 the status of proposed Senate Bill No. 213, which contained a limited preemption provision  
23 with respect to local regulation of wind energy conversion systems. The Township Attorney  
24 indicated that the scope of the proposed preemption provision was very limited and that the  
25 bill had been referred back to Committee in part due to opposition to the preemption  
26 provision. The Township Attorney indicated that he did not believe the existence of this  
27 proposed legislation should cause the Planning Commission to defer consideration of  
28 possible zoning text amendments regulating wind energy conversion systems.  
29

30 Commissioner Hinklin expressed concern that the site reclamation provisions in Mr.  
31 Wicklund’s draft are not sufficiently stringent. She noted that the provisions only require a  
32 plan for site reclamation, but contain no bonding or other language that would serve to  
33 provide a guaranty that the reclamation actually occur.  
34

35 Commissioner Jensen noted that this is a new technology and that he believed it  
36 would be desirable for the Township to get something generic on the books. It was noted  
37 that the regulations might have to be further modified in the future as the technology  
38 develops.  
39

40 Commissioner Hinklin indicated that she believed there should be a minimum lot size  
41 requirement. Commissioner Jensen noted that a 150% tower height setback requirement  
42 would as a practical matter serve to eliminate the establishment of such wind turbines on  
43 smaller platted lots.  
44

1 Commissioner Jensen indicated that it was possible at some point that a residential  
2 developer might seek to put in a large wind turbine to serve a proposed residential  
3 development.

4  
5 Commissioner Luedecking indicated that she agreed that there was a need to better  
6 address removal and abandonment of a wind turbine.

7  
8 After further general discussion, Mr. Wicklund indicated that he would work on  
9 revised draft text incorporating the concerns expressed by the Planning Commission  
10 members.

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12 **CITIZEN COMMENTS**

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14 There were no citizen comments.

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16 **OTHER BUSINESS TO COME BEFORE THE PLANNING COMMISSION**

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18 Commissioner Hinklin reported that the Planning Commission had received notice of  
19 a proposed Comstock Township Land Use Plan Amendment pertaining to property along  
20 Cork Street. It was noted that this property was sufficiently distant from Richland Township  
21 that there would be no impact on Richland Township.

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23 There being no further matters to come before the Planning Commission,  
24 Commissioner Calhoun moved that the meeting be adjourned. Commissioner Jensen  
25 seconded the motion and the motion passed unanimously.

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31 Wanda Hinklin, Secretary  
Richland Township Planning Commission