



RICHLAND TOWNSHIP

Kalamazoo County

**Richland Township Planning Commission
Minutes of a Meeting Conducted January 25, 2023**

A regular meeting of the Planning Commission was conducted on January 25, 2023, commencing at 7:00 p.m. at the Richland Township Hall.

Present were:

Tim VanderMeulen, Chairperson

Gary Drouin

Ron Vorholt

Andy Woolf

Morgan Belt

John McCann, Vice Chair

Absent was:

Dave Wendzel

Also present were Richland Township Zoning Administrator Bear Priest; Richland Township Planning Consultant Brad Kotrba; Attorney Roxanne Seeber, and two additional members of the audience. VanderMeulen called the meeting to order at 7:00 p.m.

APPROVAL OF THE AGENDA

Drouin moved, supported by Woolf, to approve the agenda as submitted. The motion passed unanimously.

MINUTES

Drouin moved, supported by Belt, to approve the minutes of the December 21, 2022 Planning Commission meeting as submitted. The motion passed unanimously.

CORRESPONDENCE

None

PUBLIC COMMENT

None.

NEW BUSINESS

- Site Plan Amendment—Richland Self Storage/Steve Rogers 8578 N. 32nd Street

Richland Township
Planning Commission Minutes
January 25, 2023

1 The next item on the agenda was the request of Richland Self-Storage (Steve and Kyle Rogers) for site plan
2 amendment for the self-storage facility at 8578 N. 32nd Street within the Township. The self-storage
3 facility had previously received special exception use and site plan approval. The property is 5.34 acres in
4 area and is located in the CD-2 Highway Business District with approximately 370 feet of road frontage on
5 East CD Avenue. The ten-building project was initially approved without “phasing”. The project took
6 significantly longer to develop than was initially planned. At its meeting on February 26, 2020, the
7 Richland Township Planning Commission had approved the “phasing”, with conditions. Priest stated that
8 the minutes of the meeting were verbatim because it was conducted on a night when the gravel pit
9 applicant had a court reporter at the meeting. The Planning Commission had made two determinations
10 that night:

- 11
- 12 • *it approved the site plan amendment to permit the project to be developed in a series of phases.*
13 *The first phase was identified as the completed buildings, numbered A4 and A5; and*
- 14 • *Phase 2 of the project was the three buildings with frontage along East CD Avenue, designated A1,*
15 *A2, and A3.*
- 16

17 Priest indicated that he had been approached in January 2023 to approve buildings B4 and B5, for which
18 the applicants stated they had already poured concrete pads. Priest had declined to approve these
19 buildings, as they were not part of Phase 2 as he understood it to be. In short, Priest felt that buildings
20 A4 and A5 were the next to be built and the applicants disagreed, wanting to build B4 and B5 before it
21 constructed those along the road.

22

23 Steve Rogers did not understand why Priest would not approve construction of buildings B4 and B5. He
24 understood phase two to mean the buildings along the road; however, at the time, concrete was already
25 in place for buildings B4 and B5. According to Rogers, those two buildings were included in Phase 1, they
26 just hadn't been built. Steve Rogers was concerned that he was now behind because the building permit
27 had been denied for lack of zoning compliance. He also thought that the former zoning administrator was
28 going to approve the phases administratively. He didn't want to pay to have the Planning Commission
29 review his project again. He just wanted to build buildings B4 and B5 and then he would get to the
30 buildings in the front, along the road. Priest explained that the reason for the denial was that buildings
31 A4 and A5 nearest the road were the next phase to be completed. He explained that he had conferred
32 with the Township attorney and planning consultant, both of whom recommended returning to the
33 Planning Commission if the applicant did not wish to construct buildings A4 and A5 as previously
34 authorized.

35

36 Priest explained that the completed buildings were considered Phase 1. Phase 2 was to be the buildings
37 near the road. VanderMeulen wished to clarify that the overall plan was for 10 buildings. Rogers and
38 Priest confirmed this. Presently, only two buildings are built. If slabs but no buildings were in place, Priest
39 reasoned, they weren't “done” and were not to be considered part of the “completed phase one”.
40 VanderMeulen indicated his recollection was that the buildings in the front were to be constructed next.
41 This was done in order to minimize the distraction from the buildings in the back. He recalled that the
42 problem came when the first ten buildings were not constructed all at once. This, then resulted in the
43 phasing.

44

45 Rogers stated that all ten buildings were approved the first time they came to the meeting. They had
46 cooperated with the request for phasing and couldn't understand why Priest was forcing him to build

Richland Township
Planning Commission Minutes
January 25, 2023

1 buildings at the road when there were no pads poured. Rogers said that you obviously don't count the
2 phase that is already done. That would make Phase 1 the next phase to do, which would be Buildings B4
3 and B5. Then he would go to Phase 2 which would be the buildings in the front. He stated that they
4 have two buildings built and they just want to build two more.

5
6 Kyle Rogers stated that Phase 2 is on the drawing that was approved the second time. Priest explained
7 that they had met with Kotrba via ZOOM. They had the blueprints with the slabs on them. Priest stated
8 that he could have approved the next phase administratively, if they had been buildings A4 and A5.

9 Drouin inquired as to how many phases there were. The Rogers' stated that they didn't know. Woolf
10 inquired as to whether the applicants have to come in every time they want to build a new building. Priest
11 stated that future phases could be approved administratively; however, they had failed to address the
12 next phase, which was the buildings on the road. Steve Rogers stated that they wanted to do the whole
13 front row of buildings at first. Kyle Rogers stated that the blueprint shows Phase 1 and Phase 2. He and
14 Steve Rogers explained the Zoom call that they had with Priest and Kotrba. They couldn't understand why
15 they had to build the buildings in the front now, rather than those that they considered were part of Phase
16 1, as yet incomplete.

17
18 Kyle Rogers stated that they wanted to build two new buildings on the existing slabs.

19
20 **Belt moved to approve the site plan as amended, designating buildings B4 and B5 as the rest to be built.**
21 **These must match the two current buildings; buildings A1, A2 and A3 were eliminated from Phase 2;**
22 **buildings B4 and B5 must be completed as presented; 10' x 20' required parking spaces are required, as**
23 **well as one ADA parking space. Woolf seconded the motion.**

24
25 VanderMeulen inquired as to whether the motion maker was amenable to additions. He wished to
26 ensure that the previously-required fencing along the road was in place. Steve and Kyle Rogers stated
27 that the fencing was already in place. They had started it. It was required, they said. It wasn't done yet,
28 they said. VanderMeulen inquired about the piles of dirt on the site. He wanted to know if the applicants
29 would be excavating the vacant land, and removing the dirt and completing the fence. Kyle Rogers said
30 there was no reason to complete the fence. Steve Rogers said that the paving is "green coated". The
31 asphalt that is there is final, Kyle Rogers said. They have as much asphalt done as they are willing to do
32 until the building is erected. Then they will asphalt. They would thereafter have it blacktopped and be
33 done with it. The Rogers' said that the asphalt in the front area is not done, but it is done as much as they
34 can. Steve Rogers said that they can't just put asphalt up at the same time as the buildings.

35
36 VanderMeulen inquired as to whether the front and back fencing, greenspace and asphalt were fully
37 completed, as had been previously required. Kyle Rogers stated that it was done as much as they could.
38 One tree died and they would have to replace it. Woolf inquired as to what VanderMeulen was requesting
39 as an amendment. VanderMeulen indicated that the fence is not complete. There are center supports,
40 but no fence. Kyle Rogers stated that there is black fencing in place. They still have to add a chain link
41 fence around the back. They have the fencing and would finish it in the spring. They wanted to leave the
42 west side in the back open for future construction. Belt stated that there seemed to be a
43 misunderstanding as to what the next phase was. Steve Rogers disagreed. He had the slabs poured and
44 was all ready to go. Drouin inquired about a lighting plan. Kyle Rogers stated that they have lights now.

Richland Township
Planning Commission Minutes
January 25, 2023

1 Steve Rogers reiterated that the slabs were all ready to go. He needed to put the two buildings up and
2 then they would go to the front. That is what they agreed on at the last meeting, according to the Rogers.
3 McCann stated that they should provide a photometric plan. Woolf stated that lighting has to be
4 contained onsite. Trying to determine whether certain numbers were met for photometrics was
5 impossible. In response to an inquiry from VanderMeulen, Kotrba stated that the Fire Chief had
6 previously approved the 10-building layout. The Rogers stated that Priest should just have approved this
7 administratively. Rogers stated that the only difference was they thought it was going to be three
8 buildings and now it is only two. None of the locations have changed. The front fence is up, he said.
9 Drouin inquired about fire truck access. Steve Rogers stated that the chief was on site that day. The
10 buildings were numbered correctly. Kyle Rogers stated that signs on the building fence line are there.
11 Kotrba suggested the phasing in terms of building numbers be clearly marked on the site plan. The Rogers
12 stated that they just wanted to build B4 and B5 and keep everything else the same.

13
14 **There was no additional discussion on the motion. It passed 4-2 with Drouin and VanderMeulen voting
15 in the negative.**

16
17 Priest indicated that the Rogers should apply for both building permits at the same time. He inquired as
18 to what his responsibility would be for administrative approval of the next phases. The plan, he said, did
19 not have phases on it. Woolf suggested that another motion was in order.

20
21 **Woolf moved that for this applicant building B4 and B5 can be approved as the next phase; after
22 buildings B4 and B5 are completed, the applicants would have to do buildings A1, 2 and 3 in the next
23 phase. These could be administratively approved if they were in order (after B4 and B5); all phases had
24 to be in complete compliance and constructed in accordance with existing site plan. The owners could
25 apply for buildings A1, 2 and 3 as one application but the front buildings and the site plan for the front
26 of the site had to be completely done and fit the exact layout as shown on the site plan before any other
27 buildings could be constructed. After the front portion of the site was completely finished, the other
28 buildings could be administratively approved in any order so long as they met the existing site plan and
29 matched the buildings that were already there. McCann inquired as to what would happen if the
30 applicants wanted to do something differently or in another order. Woolf stated that they would need
31 to come back to the Planning Commission for site plan amendment. Belt seconded the motion and it
32 passed unanimously 5-1 with VanderMeulen voting in the negative.**

33
34 **SOLAR AMENDMENTS**

35
36 The members of the Planning Commission next commenced a discussion regarding the recent moratorium
37 on large scale/utility grade solar facilities and the need to consider amendments to the zoning ordinance.
38 Priest indicated that he had received some questions from a couple of the Commissioners, however, they
39 were really focused on financial aspects, as opposed to planning aspects. Derek Nofs and Joe Lawson
40 from Consumers Energy were in the audience. Drouin inquired about decommissioning costs and
41 whether there were locations within the Township where implementation of large-scale solar was
42 impossible due to the locations on the grid. He inquired about a couple of maps he had found. Lawson
43 and Nofs looked at the maps and were able to have Priest call some of them up on the shared screen.
44 The colors of the lines on these maps tend to denote the Kw; however, that does not necessarily mean
45 that they are Consumers Energy lines. They had also recently sold some of their lines to ITC. That meant

Richland Township
Planning Commission Minutes
January 25, 2023

1 that the colors of the grid lines may have some meaning, but they did not know necessarily how accessible
2 they would be, depending on the ownership.

3
4 Drouin voiced concern about the panels and pollution, indicating that they contain lead, and cadmium
5 inside and that if they were to leak, it would damage the environment. Lawson stated that it really
6 depended on the type of panel that was being used. They are presently using a thin set panel made of
7 aluminum and glass and sealed with silicone. These, he said, do not have as much of a potential to get
8 damaged enough to leak. Drouin inquired about a tornado. Nofs stated that everything that is placed
9 onto the ground is in compliance with the building code, including being rated for wind resistance. Kotrba
10 suggested that the types of panels would be part of the site plan review process and that it was likely too
11 early to discuss particular types of panels. Drouin inquired about by-products and hazardous waste
12 produced as part of the decommissioning process. He was not sure that the panels could be recycled.
13 Lawson stated that the company they are using is called "First Solar" and that they are the only ones in
14 the nation presently doing recycling. First Solar removes and hauls the panels. Woolf inquired about a
15 project that may last 20 or 30 years. Lawson stated that the applicant (Consumers) would be responsible
16 for the tear-down and decommissioning. Drouin stated that it would be very expensive to place them in
17 a landfill, at two or three bucks per panel. That was in addition to them being dangerous.

18
19 Woolf inquired as to how to evaluate decommissioning costs for something that would not take place for
20 years in the future. Additionally, the types of panels may change in the interim. What if different panels
21 were placed? Woolf was concerned that there was really no way to determine what valid
22 decommissioning costs would be because you cannot see into the future. Nofs indicated that they do
23 monitoring of integrity of the panels and that they can tell if there is a problem due to a dip in the resultant
24 energy. Seeber indicated that many ordinances require a decommissioning review annually or
25 bi-annually. That could give the Planning Commission a measure of control over the amount of the
26 bond/surety if it was concerned about decommissioning costs. Woolf stated that there was still no way
27 to know how accurate a guess was. Seeber stated that it was typical to ask the Township's engineer for
28 an up-to-date decommissioning cost and compare it to that provided by the applicant. She and Priest had
29 a good handle on the bonds/surety such that it was not likely to expire without someone knowing about
30 it. Woolf indicated that it was difficult to quantify a value if the initial investment was tens of millions of
31 dollars. Nofs indicated that the company would be totally responsibility for the decommissioning costs.
32 Woolf was not sure that a decommissioning review would be helpful when determining the multiplier
33 would be difficult.

34
35 Drouin inquired about the installation and whether there was concrete placed underground. He also
36 asked about substations and whether they could be installed without concrete foundations. He voiced
37 concern about substations on otherwise permeable surfaces and gave an example of an older substation
38 in the area with oil dripping onto the ground. He had also seen fires caused by substations. He wasn't
39 sure that returning a used utility grade solar field to agricultural use was viable. In response to an inquiry
40 from VanderMeulen, Woolf indicated that he wasn't happy with some of the responses from Consumers.
41 He didn't think they should be allowing just posts-in-the-ground as supports, for example. He didn't know
42 what the building code said about post-mounted carriage-framed structures. Seeber and Kotrba stated
43 that many of the issues being discussed were ones that would be the focus of a special use application,
44 and not necessarily an issue to be discussed in such detail when trying to formulate an ordinance.

Richland Township
Planning Commission Minutes
January 25, 2023

1 VanderMeulen suggested working through the sample ordinances point by point. The group discussed
2 the samples that had been provided and decided to narrow its focus on the Hamilton Township and the
3 Constantine Township samples. Seeber stated that the Hamilton ordinances started off as one provided
4 by a developer. It did not have as many restrictions or requirements as the Constantine Township sample.
5 In Hamilton Township, she said, the solar area was concentrated on two large farm parcels with the field
6 being up near an existing railroad track and basically out of the way. The Constantine ordinance had an
7 overlay district, meaning that certain portions of the township were deemed acceptable for utility grade
8 solar, while others were not. The overlay district functioned to establish the area in the township in which
9 the solar fields would be permitted, for example, within a certain radius of a major highway. Seeber
10 continued, indicating that the Constantine Township ordinance was more comprehensive and followed
11 many of the suggestions made by MSU Extension in preparing a guidebook and sample ordinances for
12 municipalities.

13
14 Drouin indicated that the Township may not want utility-grade solar fields. He was concerned that
15 presently there is no opportunity for solar installations, even small ones. Priest and VanderMeulen
16 indicated that the moratorium was for utility-grade solar only. Individual solar panels and mountings
17 were still permitted under the zoning ordinance.

18
19 Belt suggested that the group consider overall issues first. For example, would there be an overlay
20 district? Should utility-grade solar be a special land use? Would the special use require things such as
21 fencing, fire suppression, minimum parcel size and substations? Kotrba stated a willingness to create a
22 bullet-point list off of the two samples that the Planning Commission liked and then bring that list to the
23 Planning Commission to work through. Seeber answered questions regarding parcel size, location and
24 overlay districts. The group did not feel an overlay district was appropriate in Richland Township.

25
26 The group next turned to the zoning map. Priest determined that there were large tracts of land in three
27 different zoning districts. Seeber indicated that this was one of the questions the Planning Commission
28 would need to struggle with. What zoning district(s) would utility-grad solar be allowed in? What would
29 the minimum parcel size be? Would the ordinance allow the elimination of setbacks between adjoining
30 parcels not under the same ownership? Belt redirected the group off of a list she had prepared. There
31 was general agreement that there would be no overlay district; that utility-grade solar would be a special
32 use; that the ordinance would make provision for decommissioning (with or without occasional review by
33 the planning commission); all utility-grade solar would require a site plan; that the Planning Commission
34 would consider minimum parcel size; and that the ordinance should address fencing, poles, substations
35 and ongoing fire suppression training issues. Kotrba indicated that he would prepare an outline with
36 bullet points. Seeber stated that she would forward the MSU Extension community guide and the
37 completed application from the Hamilton Township applicant to Priest for distribution to Commissioners
38 that wanted to see it.

39
40 VanderMeulen agreed with these ideas, indicating that the planning commission should work slowly
41 through the issues and determine whether one or the other of the sample ordinances could form the base
42 for a Richland Township ordinance amendment.

43
44 Woolf indicated that he wished to have experts on solar attend the meetings. He wanted MSU Extension
45 or some other expert to attend a meeting of the Planning Commission so that it would have an overall

Richland Township
Planning Commission Minutes
January 25, 2023

1 understanding of this emerging energy source. Nofs suggested that touring the installation at WMU
2 would be a good start on getting a smaller-scale idea of how solar fields were constructed and operated.

3
4
5
6 **COMMENTS AND OTHER MATTERS**

7
8 In response to an inquiry from VanderMeulen, Priest indicated that the Alongside application and site plan
9 had been approved.

10
11 The group voiced concern over the conditions at the Local. Priest stated that he would send the
12 ordinance enforcement officer over to ticket it.

13
14 Woolf expressed dismay that, although there appeared to be internet providers entering the area, he was
15 still unable to get high speed internet to his street.

16
17 Woolf inquired about a joint meeting with the Planning Commission and the Zoning Board of Appeals.
18 McCann inquired as to what the agenda for such a meeting would be. VanderMeulen explained a recent
19 situation with a pool giving rise to the request.

20
21 **ADJOURNMENT**

22
23 **Vorholt moved, supported by McCann to adjourn the meeting at 8:45 p.m. The motion passed**
24 **unanimously.**

25
26
27 Respectfully submitted,

28
29 *Roxanne C Seeber*

30
31 _____
32 Roxanne C. Seeber
33 Recording Secretary
34
35
36
37
38
39
40
41
42
43
44
45
46

Richland Township
Planning Commission Minutes
January 25, 2023

Synopsis of Actions
Richland Township Planning Commission

1
2
3
4
5
6
7
8
9
10
11
12
13
14

The Richland Township Planning Commission undertook the following actions at its meeting of January 25, 2023:

- Granted amended site plan approval to Richland Self-Storage at 8578 N. 32nd Street; and
- Undertook discussion and received samples of utility-grade solar energy ordinance amendments.

Minutes available: February 6, 2023

Minutes approved: March 22, 2023

Approved