

Bengal Township Planning Commission (BTPC) Meeting October 27, 2021 Minutes

Meeting called to order by Chairperson Pung at 7:03 PM

Members present: Lori Pung, Kurt Koenigsknecht, Eric Boak, Tom Miller and Brenda Zlotek

Public present: Nick McDonald, Bengal Township Supervisor, Christopher Khorey, Bengal Township Zoning Administrator, Tom McComb, Bengal Township zoning inspector, Mr. and Mrs. Dan and Margherita Clark, Stephanie Schafer, Jason Bloomquist, Louis Martin, Tim Epkey, Ken Rehmann, Tyler Rademacher.

Motion by Eric Boak to approve BTPC minutes from August 25, 2021 second by Lori Pung, motion passed.

Public Comment on Non-Agenda Items - none

Township Inspector Officer Update from Tom McComb. Two warning letters and subsequent violation citations were issued. One for a solar array noncompliance and the other for failure to provide a survey on a home being built which was started before a stake inspection was requested. Additionally, the homeowner was cited for living in a Recreational vehicle on the building site in violation of township ordinance.

Public comment from property owner Margherita Clark 3637 S. Francis Rd St Johns MI 48879

Ms. Clark first wanted to state for the record her appreciation to Nick McDonald Township Supervisor for his "timely assistance and kindness" in helping her with the resolution of the Zoning ordinance Violation issue. Mrs. Clark addressed the Planning Commission, Inspector and Zoning Administrator for clarification of the processes leading up to the citation and fines incurred. She expressed concerns that the Township's communication was lacking. The Zoning Administrator and the Zoning Inspection Officer, along with the Planning Commission chair explained in detail the options Mr. and Mrs. Clark must complete to become compliant with the zoning ordinance and avoid litigation. 1. Pay the fined incurred at the county courthouse, 2. Provide the Zoning Administrator with a sealed survey of the property, 3. If the solar array is not within the property boundaries and meeting Zoning setback requirements the property owner will provide the Zoning Administrator with documentation indicating a Quick Claim deed is in progress from the adjacent property owners. Mr. and Mrs. Clark agreed they would do all the above on the next business day.

Mr. Jason Bloomquist of Douglas Construction and Mr. Ken Rehmann had additional questions that were addressed by the Zoning Administrator, Chris Khorey related to site plan and stake inspections related to this solar array installation.

Tom McComb requested a copy of a state Identification be provided with all zoning applications. He indicated the Clinton County Court needs that information in the case of a citation of civil infraction is issued. This will be added to the web site for the application requirements.

Chris Khorey states the letter approving a site plan will include the wording "contingent on stake inspection". Additionally, a checklist from the township web page will be added to the initial application packet to help the resident or builder through the township process.

Tyler Rademacher 6008 W. Parks Road St. Johns Mi 48879 was cited for two violations and he was instructed of his options to resolve without court litigation would be to pay the current fines incurred at the Clinton County Court and provide a sealed survey for the building project at 6008 W. Parks Road which progressed without the proper stake inspection. Additionally, Mr. Rademacher needs to provide proof of residency to indicate he is not living in the Recreational Vehicle on the building site (Bengal Township Zoning Ordinance 4.13 Temporary Dwellings). Mr. Rademacher stated he does not have electric power or running water in the RV and his Michigan Identification (driver's license) indicates he is a resident of his parents' home; therefore, he is choosing to follow up on this citation with Clinton County Courts.

Bengal Township Zoning Board of Appeals (ZBA) report given by Chris Khorey indicated two variance requests one for a solar array that was approved ,the second variance request was for an agricultural exemption on the expansion of an accessory structure, this was tabled by the ZBA pending the property owner investigating their current structure exemptions.

Old Business: Ordinance Changes

BTPC opened a public hearing at 8:32 PM for discussion on proposed ordinance changes:

Definition of "Inoperable Vehicle" means any motor vehicle or other conveyance which is wrecked, disabled, partially dismantled, junked or abandoned, OR any motor vehicle that is unable to move under its own power."

Definition of "Junk" revised to read " Junk means any refuse, machinery, appliances, products or merchandise with parts missing, or other scrap materials that are damaged, deteriorated, or are in a condition which prevents their use for the purpose for which the product was manufactured. Motor vehicles shall also be considered "junk" if they meet the definition of "inoperable vehicle" in this Ordinance and are not stored in one of the following locations

- Inside a structure

- In a location that is not visible from any adjacent lot or roadway

- On a paved or gravel surface free from unmaintained vegetation

Definition for "Nuisance" means an unreasonable, unexpected, and unacceptable (in a rural context) interference with a common right enjoyed by the general public through an offensive, annoying, unpleasant or obnoxious practice, activity, or land use, especially a continuing or repeated sensory invasion across a property line which can be perceived by or affects a human being. Nuisances may include, but are not limited to; noise (especially at night) ; dust; smoke; odor; glare; fumes; flashes; vibration; shockwaves; heat; electronic or atomic radiation; objectionable effluent; congregation of

people; excessive automobile traffic; and other specific situations described by this ordinance.

Section 4.36 Junk Prohibition revise to state " No person shall store, place, abandon or permit to be stored, placed, abandoned or allow to remain outdoors, in any district, items herein defined as "junk". Such action and/or activity shall be considered a violation of the Ordinance and therefore subject to enforcement procedures provided herein.

Section 6.02 (D) revise to read as "The plans of the solar equipment construction shall be certified by a registered Professional Engineer."

No public comment

Public Hearing closed at 8:37 PM

Motion by Eric Boak to recommend to the Bengal Township Board the proposed language amendments to the Bengal Township Zoning Ordinance that were reviewed during the public hearing. Second by Kurt Koenigsknecht

Roll call vote: Lori Pung- yes, Kurt Koenigsknecht-yes, Tom Miller- yes, Eric Boak- yes, Brenda Zlotek- yes

Motion passed unanimously.

Chairwomen Pung reported the Flowcharts and changes to the applications for the website are still in progress.

New Business

Solar Moratorium for Ordinance Language Review

Advisement from the Zoning Administrator to also contact the township attorney. The Planning Commission was instructed any Moratorium requires specific time frame and areas /actions the Commission intends to review and possibly revise. Additionally, we were advised the Zoning Ordinance needs to reflect the Master Plan. Discussion ensued regarding a moratorium on Large Freestanding Solar Panel Arrays and potential Master Plan addendums or changes.

The Zoning administrator advised a minimum one-year time frame to review and research the current Ordinance, obtain public input regarding possible changes to the Master Plan and the Zoning Ordinance (or both).

Motion by Eric Boak to request the Bengal Township board consider a moratorium for one year on Large Freestanding Solar Panel Arrays as defined in the Bengal Township Zoning Ordinance so further consideration can be made on the following: Masterplan land use considerations; Decommissioning and bonding; Participating and non-participating parcels; Aesthetics; Drainage; Application requirements; Eco system protection reports; and any other items that may arise during discussions. Second by Kurt Koenigsknecht.

Roll call vote: Brenda Zlotek- yes, Lori Pung - yes, Eric Boak- yes, Kurt Koenigsknecht- yes, Tom Miler-yes.

Motion Passed unanimously

Newsletter for Ordinance issues: A Newsletter will be drafted by Chairwomen Pung dedicated to Ordinance Awareness and will go out either with the winter tax bills if possible, or if that deadline is passed it will go to residents as a stand-alone letter before the end of 2021.

Discussed the importance of the county notifying the Township inspector when building permits are issued at the county. Mr. McComb will contact the county.

Public Comment on Agenda Items

Louis Martin - 10232 W. Walker Road, Fowler MI 48835, expressed concerns about his farmland tiles/drainage if a solar array is built on adjacent properties.

Stephanie Schafer 15456 Centerline Road Westphalia, MI 48896, expressed concerns about drainage being addressed in the ordinance during construction and decommissioning but not during the life of the solar array. Per Chris Khorey, language could be adopted in the ordinance to make sure drainage issues are not only addressed during construction and decommissioning but also at set periods throughout the life of the solar array.

Tom McComb (Township inspector) voiced that perhaps the county drain commission could be involved with any drainage issues and Mr. Khorey indicated the ordinance could also make a requirement that all drainage on a solar array discharge into county drains.

Tim Epkey 9511 West Walker Road St Johns MI 48879 expressed concerns related to slopes of land could make berms difficult properly shield from glare or aesthetics of the land for adjacent property and that berms could increase water on adjacent properties.

Planning Commission Comments:

The Bengal Township Planning Commission thanks all for their comments which will be taken under consideration.

The November and December 2021 BTPC meetings will be cancelled due to proximity to holidays.

The Meetings dates for 2022 will be posted on the Website and will be held at the Bengal Township hall on the last Wednesday of each month unless otherwise noted.

Meeting adjourned at 9:38 by Lori Pung

Respectfully Submitted by Brenda Zlotek

Bengal Township Planning Commission Secretary

Pending approval

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