

**CITY OF WAYLAND  
PLANNING COMMISSION  
MINUTES**

**Tuesday, September 8, 2009  
City Council Chambers**

Chair J.D. Gonzales called the meeting to order at 7:05 PM.

**PLEDGE OF ALLEGIANCE**

Chair Gonzales led the Pledge of Allegiance to the American Flag.

**ROLL CALL**

Members Present: Chair Gonzales and Commissioners Sam Dykstra, Joel Frederickson, John Frigmanski, Ron Kobish, Jim Ramey, Arnie Rodriguez, Doug Shafer & Kelle Tobolic

Members Absent: Commissioner Ann Kilmartin

Others Present: Mark Bauer (Bauer Power), Mayor Tim Bala, City Planner Mark Sisson & City Manager Chris Yonker

**PUBLIC HEARING: Proposed Amendments to Zoning Ordinance:** Regulation of Installation of Wind & Solar Energy Systems

Chair Gonzales opened the Public Hearing on the Zoning Ordinance amendments at 7:06 PM. The amendments would provide for the regulation of the installation of wind & solar energy systems. Proper notice of the hearing had been placed in the Penasee Globe newspaper, as well as posted at City Hall.

Mr. Mark Bauer, President of Bauer Power, was present at the hearing and requested a short period in which to review the proposed ordinance amendments and offer his comments. Chair Gonzales adjourned the hearing at 7:08 PM to a point later in the agenda in order to accommodate Mr. Bauer's request. Chair Gonzales continued to address the remainder of the meeting agenda.

**APPROVAL OF MINUTES**

Commissioner Frederickson moved, seconded by Commissioner Ramey to approve the Minutes of the Regular Meeting held July 14, 2009 as distributed with the meeting packet. **All Yes; motion carried.**

**OTHER MINUTES FOR REVIEW**

Chair Gonzales acknowledged for the file the Minutes of the Regular Meetings of the City Council held July 6 & 20 and August 3 & 17, 2009.

**CITIZENS APPEARING BEFORE THE COMMISSION**

None

**COMMUNICATIONS**

Chair Gonzales acknowledged for the file the following items:

- West Superior Street Reconstruction News #3
- MI Main Street Program Webinar Orientation Presentation (via e-mail)
- City Manager 8/20/09 E-mail: Review of landscape plan for 1114 W. Superior St. (via e-mail)

**DISCUSSION: REGULATION OF ACCESSORY AND/OR TEMPORARY STORAGE SHELTERS/STRUCTURES**

City Manager Chris Yonker requested clarification from the Commission as to its “legislative intent” regarding the erection, siting & materials of several types of accessory structures, some of which are considered “permanent” and some “temporary.” Specifically, he sought the Commission’s intent with the wording in Section 20-89. Accessory Buildings & Structures; General, in which it states that “The architectural character of all accessory buildings shall be compatible and similar to the principal building.” Mr. Yonker noted that he had received inquiries into the use of the portable metal awnings and carports from several citizens. Several of these types of structures already exist in the community & are also being sold by an in-town business. His interpretation was that they are not permitted under the above provision of the code because they are not compatible with the principal structures. Following general discussion, the Commission consensus was to agree with the City Manager’s interpretation of the ordinance and proceed with its enforcement.

**RE-OPEN PUBLIC HEARING: ZONING ORDINANCE AMENDMENTS**

Chair Gonzales re-opened the public hearing on the zoning ordinance amendments at 7:40 PM. The Chair recognized Mr. Bauer, who offered the following observations re: the proposed ordinance amendments:

- First ordinance he has worked with that addressed panel size limitations
- His research showed that an average household used approximately 800 kWh (kilowatt hours) per month (9,600 / year). Based on current photovoltaic efficiency standards, that would require 100 200-watt panels each sized 12’ by 12’
- Questioned why ground-mounted units could not be located in front yards; this may be the only location that would work for a property
- Was concerned about the requirements for a Special Use Permit (SUP) for any wind energy system over 65 feet in height
- The wind siting standards used by his company recommend that a wind energy system be at least 30 feet above anything within 500-600 feet of the structure
- Trees are an issue if a wind energy system is below 65 feet
- He found no statement of “legislative intent” for the solar portion of the amendments
- Class 2 wind zone areas begin at 150 in height
- Should only deal with three safety issues: protecting neighboring property; protection of electrical power lines; and protection of occupied structures
- Suggested basing wind energy regulations on capacity of the generator; ex: 10-50 kW be considered a “small” generator that would generally be a permitted use and 1.5 MW (megawatt) or larger be considered a “large” generator that would require a SUP. He observed that sometimes small generators can require a height of up to 120 feet, but shouldn’t trigger standards under a SUP
- Suggested a fall zone ratio of 1:1 or 1:1.5 to allow more wind structures on smaller parcels.

Chair Gonzales closed the public hearing at 8:20 PM and opened the floor for any questions from the Commissioners. He noted that the Commission and staff reviewed numerous recommended & adopted wind/solar ordinances in drafting the current proposed ordinance. These included the “MI Siting Guidelines for Wind Energy Systems”; the U.S. Dept. of Energy “Small Wind Electric Systems- A Consumer’s Guide”; sample zoning ordinance amendments from the City of Holland, MI & Wayland Township; and an Ottawa Co. Planning Dept. publication “Ottawa Co. Model Wind Ordinance.”

Commissioners generally felt that the proposed ordinance amendments were drafted in order to balance the needs to protect property, ensure safety and preserve aesthetics in the community while still encouraging the development of alternative energy systems within the City’s urbanized area.

City Planner Mark Sisson summarized the issue of screening energy systems as proposed in the amendments. He also stated that the Zoning Board of Appeals would be the proper appeal & hearing

body at which a developer of an energy system could request variances from certain standards if a particular site or development could demonstrate a “practical difficulty” with an ordinance requirement.

Consensus of the Commissioners was to continue the discussion on the proposed ordinance amendments at the next regular Commission meeting.

**PUBLIC COMMUNICATIONS AND COMMENTS**

There were no additional public communications or comments.

Commissioner Dykstra **moved**, seconded by Commissioner Frigmanski to excuse Commissioner Kilmartin from the meeting as she had notified the Mayor that she could not attend. **All Yes; motion carried.**

**ADJOURNMENT**

Being no further business to come before the Commission, Chair Gonzales adjourned the meeting at 8:25 PM.

Respectfully Submitted,



Chris A. Yonker  
City Manager

J.D. Gonzales  
PC Chair