
COUNTY OF ALLEGAN

PLANNING COMMISSION



KELLE TOBOLIC, Chairperson
3255 – 122nd Avenue, Ste 103
County Services Building
Allegan, Michigan 49010-1350
email: kelle623@sbcglobal.net

Minutes

Meeting Date: December 8, 2008
Meeting Time: 1:30 P.M.
Location: County Services Complex at Dumont Lake
Human Services Building, Karl Zimmerman Room

1. Call to Order.

The regular monthly meeting of the Allegan County Planning Commission was called to order by Chairman, Kelle Tobolic at 1:27 P.M.

2. Roll Call.

Members present: John Bouterse, Dawn Buist, Judy Graff, Ken Pardee, Kelle Tobolic, Terry Burns, Marv Voss, Fritz Spreitzer, Rich Haugh and Tom Vogeler.

Absent: None.

Also present were: Ronda Foreman, Recording Secretary; Valdis Kalnins, LIS Director; and Bill Hinz, Environmental Health Director.

3. Approval of Agenda.

Tobolic requested Item 15. Ganges Township Rezoning Request, Parcel Number 0307-021-015-00; and Item 16. Ganges Township Rezoning Request, Parcel Number 0307-005-008-00; be moved up on the agenda under Public Participation 6.a. and 6.b., due to the number of public participants present. A motion was made by Haugh, seconded by Vogeler to approve the agenda as amended. The motion carried unanimously.

A second request by Martin Township to add a rezoning request to the agenda was not approved as it was not received in a timely manner. The Martin Township Rezoning Request will be added to the January 12, 2009 agenda.

4. Approval of Meeting Minutes from November 10, 2008.

a. Revision under Item 16., Saugatuck Township Rezoning Request – Burns
Corrected cited location “I-96” to “I-196/US31”.

b. Clarify attendance of Haugh and Voss to future M40/M89 meetings and the October meeting travel expense claim reimbursements.

A motion was made by Spreitzer, seconded by Graff to approve the per diem and mileage incurred by Haugh and Voss to attend the October, 2008 M40/M89 Meeting and have Voss attend those meetings in the future on behalf of the Allegan County Planning Commission including reimbursement of the per diem and mileage, and to approve the November 10, 2008 minutes as amended. The motion carried unanimously.

5. Approval of Expenditures as of December 3, 2008.

Voss stated the only variants on the expenditure report are the per diem which was a little over \$1000, \$121.18 for office supplies, and Foreman’s wages of \$1087.41 under contractual services. A motion was made by Voss, seconded by Haugh to approve the expenditures as presented. The motion carried unanimously.

6. Public Participation.

Barry Gooding, 2235 66th Street, Fennville; Jim Birkes, 2344 70th Street, Fennville; Don Karaus, 2025 Brookhill Drive, Fennville; Tom Harrington, 2362 Lakeshore Drive, Fennville; Bruce and Barb Black, 1643 68th Street, Fennville. Discussions are summarized under Items 15 and 16.

7. Discussion and Presentation Items:

None.

8. Commission Business:

Consider appointment of applicant Ron DeVries of Wayland Township, to the Allegan County Planning Commission to serve out the remainder of Maury Stahl's term which expires June 8, 2010. The Planning Commission may make recommendation to the County Board of Commissioners for appointment of Mr. DeVries, invite Mr. DeVries for an interview or solicit additional applicants.

Tobolic stated that she had given an application to an interested party that had not yet been received by Administration. No further action will be taken at this time pending receipt of the second application; both applicants will be reviewed and discussed during the January 12, 2009 meeting.

9. Continuing Education:

MSU Extension: Wind Energy Siting and Policy Issues, Workshops for Michigan's Renewable Energy: John Bouterse, Ken Pardee, and Rich Haugh have all been registered and confirmed to attend the December 10, 2008 workshop in Grand Rapids from 6:00-9:30 p.m. located at 775 Ball Avenue NE. For questions regarding the workshop, please call 517-432-7600.

Bouterse reported that he received an email message from MSU earlier today that changed the location of the workshop to The Prince Conference Center at Calvin College in Grand Rapids on December 10, 2008. Bouterse, Pardee, and Haugh received confirmations to attend the workshop via email.

10. Communications:

None.

11. Final Actions Received:

None.

12. Received for Notice:

Barry County – The City of Hastings, Rutland Charter Township and Barry County (on behalf of Hastings Charter Township and Carlton Township) are preparing to undertake a planning effort to update the Hastings Area Joint Future Land Use Plan. The purpose of the letter is to advise the Allegan County Planning Commission of this activity and to invite your cooperation, comments and participation in this process in accord with the Michigan Planning Enabling Act, Public Act 33 of 2008.

13. Received for Information:

State of Michigan – Farmland Development Rights Agreements located in Martin Township described as follows:

- W ½ of E ½ of NW ¼, Section 35, T2N, R11W, Martin Township, Allegan County, Michigan. (40)
- W ½ of the SE ¼ of Section 26, T2N R11W, Martin Township, Allegan County, Michigan. (80)

14. Received for Review:

Wayland Township Master Plan Draft – Tobolic

Letter of receipt of the Master Plan Draft mailed to Wayland Township on November 12, 2008.

Tobolic reviewed the Wayland Township Master Plan Draft and reports she has no objections; everything seems to be in accordance to the plan.

15. Ganges Township Rezoning Request – Graff

Change zoning from Commercial & Residential/Agricultural to Commercial for Parcel Number 0307-021-015-00. Approved by the Township Planning Commission on November 25, 2008.

Reasons for action taken:

- The proposed zoning does not comply with the Local Unit Master Plan.
- Rezoning corrects previous oversights.

Ayes 4; Nays 3; Absent 0; Abstaining 0

Graff reported the Township voted four to three in support of the request to change the zoning from Commercial & Residential/Agricultural to entirely Commercial; reasons cited for the Township’s approval was to correct rezoning from previous oversights even though the proposed zoning is not in compliance with the Local Unit Master Plan. Graff is baffled by the Township’s approval of this request, especially in light of the property owners admission there was no immediate need for rezoning at this time. Jim Birkes, Ganges Township Planning Commission Chairperson, stated that when the Township rezones, a condition they consider is the current use of the property. The property owners, Mr. And Mrs. Bruce Black, have an existing business on the property that has been there for years. The property was overlooked during the zoning that took place after it had already been used commercially. Graff pointed out that the property currently is nonconforming use and has been grandfathered in which will allow it to be used as commercial for decades to come and does not understand why the rezoning must take place at this time. Ganges Township Planning Commission Vice-Chairperson, Barry Gooding, stated that Bruce Black has operated this very well kept excavating business for years and no one would ever guess that it was even going on. The business was built before the property was zoned and for that reason, the Township Planning Commission voted to approve the rezoning request. Gooding continued by saying Mr. Black is concerned if something were to happen to him, his wife would be in a mess and he wants to take care of the zoning issue now. He also added that there is a cloud that hangs over nonconforming use property...if 50% or more of the business is destroyed, the owner cannot rebuild. A motion was made by Haugh, seconded by Burns to support the Townships action to rezone the property to Commercial. The motion passed with an eight to two vote.

Ayes 8; Nays 2; Absent 0; Abstaining 0

16. Ganges Township Rezoning Request – Graff

Request to change zoning from Residential/Agricultural to Commercial for Parcel Number 0307-005-008-00. The Rezoning Request was denied by the Township Planning Commission on November 26, 2008.

Reasons for action taken:

- The proposed zoning does not comply with the Local Unit Master Plan.
- No expressed or obvious need for rezoning at this time.
- The Planning Commission has a rezoning study underway that will address this area.

Ayes 1; Nays 6; Absent 0; Abstaining 0

Graff reported Ganges Township denied the request with a six to one vote to rezone this Residential/Agricultural property to Commercial for reasons that it does not comply with the Local Master Plan. She discussed the request with Jim Birkes, the Township Planning Commission Chairperson, and requested the Township meeting minutes from which Graff was able to gain a better understanding of the

issues raised concerning the request. Birkes stated that a Master Plan is a policy statement and considered a 20 year review. As far as the property in question, he said there is a concern of what type of business would be started if allowed to rezone at this time since the owners have not expressed their intentions for use. Don Karas, a spokesman for the property owner Tom Harrington, handed out copies of the application Mr. Harrington had submitted to the Township Planning Commission along with a map of the property and other supporting documents. As Kalnins displayed the map on the overhead projector, Karas pointed out the property is adjacent to a parcel that is already zoned Commercial; it's just common sense to make this parcel Commercial as well since the Township already has plans to rezone. Graff explained that the Township has been actively working on a Commercial Overlay Zone and the Master Plan is still 20 years out. Everything that is on the Master Plan does not take place immediately and on that basis, Graff stands with the recommendation made by the Township to deny the Rezoning Request. Birkes reported a Master Plan Zoning Plan Study is being conducted to determine which direction the Township should go and once the study is done, everyone will be able to see the whole picture of why things are zoned the way they are. Right now we don't specify the uses, although it shows Commercial in the future does not mean it should be changed now. Graff stated she was concerned with the study and how the property could not be used for 10 years; she does not want to impair the property owner from using their land. Spreitzer commented that, upon review of the supporting documents, his opinion is the Township is delaying the rezoning due to the utilities not being in place and everything on the map is going to sit there until the water and sewer are installed in the future. Pardee stated that when a Rezoning Request comes in, we are to look at the zoning issue only and not consider what will go in there. Several Planning Commission members directed questions towards Birkes regarding the conflicts between the Local Master Plan and Zoning Map, and why the maps are inconsistent with the text. They also questioned why the Township has not taken steps to address and correct this issue. Birkes stated the Township is in the process of rewriting text for all of the zoning in the area and although the Township made errors in approving prior commercial properties, they are now trying to make decisions based on facts. A motion was made by Graff, seconded by Burns to support the Township's request for denial. The motion failed with a two to eight vote.

Reasons for denial:

- The Rezoning Request is consistent with the Future Land Use Map and the map is currently in effect.
- Feel the water/sewer is more of a development/site plan issue and should not play a significant role in evaluating a rezoning request.

Ayes 2; Nays 8; Absent 0; Abstaining 0

17. Clyde Township Zoning Ordinance Amendment - Voss

The text amendment involves changes to the Clyde Township Zoning Ordinance Site Plan Review; Special Land Uses; Definitions; and R-4 Lake Residential District. Approved by the Local Planning Commission on August 19, 2008.

Ayes 7; Nays 0; Absent 0; Abstaining 0

Voss reported the Township is updating and clarifying the verbiage in their Zoning Ordinances. A motion was made by Voss, seconded by Haugh to approve the Townships recommendation. The motion passed unanimously.

18. Clyde Township Zoning Ordinance Amendment - Voss

Text amendments to the Clyde Township Zoning Ordinance Agricultural Labor Camps and Migrant Housing; Non-Conforming Article; and the Minimum Dwelling Requirements. Approved by the Local Planning Commission on November 18, 2008.

Ayes 5; Nays 0; Absent 1; Abstaining 0

Voss reported the Township is updating their Zoning Ordinances. A motion was made by Voss, seconded by Haugh to approve the Townships recommendation. The motion passed unanimously.

19. Heath Township Zoning Ordinance Amendment – Buist

Text amendments to Section 11.12 Signs, and Section 19.02 Scope; additional verbiage was required to fairly administer temporary and portable signs and the Township felt the zoning administrator, not the Board of Appeals, should handle these issues. Approved by the Local Planning Commission on September 25, 2008. Ayes 5; Nays 0; Absent 0; Abstaining 0

Buist reported Heath Township is adding verbiage to Sections 11.12 Signs, and Section 19.02 Scope, in an effort to clean up the language and define standards upheld by the ordinance. A motion was made by Buist, seconded by Haugh to approve the Townships recommendation. The motion passed unanimously.

20. Dorr Township Zoning Ordinance Amendment – Bouterse

Text amendments to the Dorr Township Zoning Ordinance to bring the ordinance into compliance with PA 110 of 2006 and PA 12 of 2008. Approved by the Township Planning Commission on November 18, 2008. Ayes 7; Nays 0; Absent 0; Abstaining 0

A motion was made by Bouterse, seconded by Spreitzer to approve the text amendments to bring the ordinance into compliance recommended by Dorr Township. The motion passed unanimously.

Standing Committee Reports:

21. L.I.S. – Valdis Kalnins, Director

Kalnins had two new updates to report; the Aerial Imagery Acquisition RFP is done and should be sent out this week with proposals due in the middle of January. Kalnins also reported that an engineering firm is coming in tomorrow to give the L.I.S. Department their first FEMA Floodplain Mapping Training Session to show them how to conduct approximate hydrologic and hydraulic studies that will result in more accurate floodplain delineations on the flood maps to be developed in spring 2009. Hopefully, it will all wrap up sometime this summer.

22. County Master Plan Committee – Vogeler

Consider recommendation of Master Plan Committee regarding contractual services.

Vogeler reiterated November's discussion regarding the County Master Plan Committee's request for proposals to obtain bids to work on the Master Plan. As reported last month, four consultants responded with quotes and based on ratings each contractor received that evaluated them on various factors, the number was narrowed down to two; Williams & Works with a bid of \$9590, and LSL Planning with a bid of \$9758. Kalnins displayed the ratings on the overhead screen for the Planning Commission to review. Vogeler went on to report that all three references that were provided by the finalists were contacted, and their input accounted for 6% of the value on the ratings datasheet. The Master Plan Committee interviewed the two finalists this morning and after deliberation, they voted unanimously to accept LSL Planning's proposal. Kalnins commented the Committee was very comfortable with their decision and if approved by the Board of Commissioners by January, they will be on schedule to have the Master Plan completed by June or July of 2009. A motion was made by Vogeler, seconded by Spreitzer to recommend to the Board of Commissioners that LSL Planning should be awarded the contract for their proposal of \$9758 for work to be completed on the County Master Plan. The motion passed with a unanimous vote.

23. Work Program Committee – Pardee

Pardee informed the Commission that due to scheduling conflicts with the Zimmerman Conference Room, the County Planning Seminar originally scheduled for Monday, March 30, 2009 has been moved to Tuesday, March 31, 2009.

24. Dept. of Public Works – Rininger

None.

25. Parks Commission / Recreation & Tourism – Spreitzer, Tobolic

Spreitzer reported the Master Plan presentations for Littlejohn Lake and Silver Creek Park were heard last week during the Parks and Recreation Meeting. Most of the input received from the concerned parties in attendance was in regard to Silver Creek; although some folks are for more changes at the park, most are for minimal improvements only. Tobolic stated she is surprised by the number of people who have objections to the proposed plan of a sanitation station, which would provide campers a place to dump their waste. Tobolic reported they are afraid it is going to cost them more in user fees to have a dumping station, although in reality it will cost them nothing to use. For sanitation and environmental reasons, the Parks Commission feels strongly about keeping the sanitation station in the plan, although the motion to approve the Silver Creek Master Plan has been tabled pending further discussion of the overall plan.

Burns reported he has received two emails regarding Littlejohn Lake Park and it being rustic and wondered what that is all about. Spreitzer stated there is a big plan for Littlejohn Lake that involves the addition of equestrian and non-equestrian campsites, some with electric....some without. The Master Plan is also proposing a fishing dock, play area by the beach, and a dog park among other suggested improvements. Spreitzer explained there is not as much controversy surrounding the Littlejohn Lake plan like there is for the one at Silver Creek. The Parks Commission approved the Littlejohn Lake Master Plan with a unanimous vote by all present during the December 2 meeting.

26. Region 8 – Burns

Burns reports the next scheduled Region 8 meeting is on Friday, December 12. He has reviewed information that will be discussed at the meeting regarding farmland reimbursement through FEMA but other than that, he has nothing more to report until next month.

27. Resource Recovery – Hinz

Hinz reports there is a plan in the works to implement the recycling of unwanted electronics, and also to obtain funds needed to support a disposal program for expired prescription drugs. Their main objective is to come up with a system that would be readily available to folks where they can properly dispose of these items instead of filling up the land-fills with electronics or posing hazardous waste health risks by flushing their unwanted prescriptions.

28. Board of Commissioners – Burns, Spreitzer

Spreitzer briefly reported on the last Board of Commissioners meeting where they discussed two scenarios to obtain funding for the new jail. Under both circumstances, the County will not be able to do the building project on their own and will have to request a millage from the people; the County would then have to explain its appeal for the public's support. There is a real need for the new facility so if the Board can make a decision, Spreitzer is sure it will happen.

29. Education – Buist

None.

30. Discussion and Presentation Items:

Graff stated she is concerned about the whole Master Plan issue and using today's Ganges Township Rezoning Requests as examples, she wonders why we would base our decision on a Future Master Plan Map if the map is still ten years out. Graff would like to obtain a legal opinion to determine whether we have the right to make decisions based exclusively on a map instead of the text of the document in its entirety. Spreitzer explained that the request is for today and that is what you should gauge your decision by and, although the map is a ten year plan, it does call for rezoning in the future. Vogeler added that the Township had the opportunity to correct it and have the zoning in place but failed to act. Haugh's opinion is if the Township put it on the Future Master Plan Map then that says they are ready to rezone...if they didn't want it to be that way for ten years then it should not have been put on the map. As far as the text within the document, the only text presented for discussion during the earlier Ganges requests were they wanted to wait for water and sewer before rezoning. Vogeler went on to say that in all his years on the Planning Commission, Ganges Township seems to be the only township where this issue has occurred.

31. Public Participation:

None.

32. Round Table:

Spreitzer reported the County Facilities Master Plan has been up for discussion and asked if the County Planning Commission should be involved in any decisions regarding the plan. Under consideration is whether to move Facilities back downtown or leave them at the Dumont Complex. Voss recommended that Spreitzer look into it further and acquire more details regarding the situation.

Haugh would like to wish everyone Happy Holidays and New Year!

33. Adjournment:

A motion was made by Vogeler, seconded by Buist to adjourn the meeting at 3:23 P.M. The motion carried with a unanimous vote.

The next regular meeting of the Allegan County Planning Commission will be held on Monday, January 12, 2009 at 1:30 P.M., in the Human Services Building, County Services Complex, 3255 – 122nd Avenue, Allegan, Michigan.

Minutes respectfully submitted by Ronda Foreman, Recording Secretary for the Allegan County Planning Commission.