
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: January 12, 2009
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 1:30 P.M.

2. Roll Call.

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

Absent: Terry Burns.

Also present were: Ronda Foreman, Recording Secretary; Valdis Kalnins, LIS Director; Bill Hinz, Environmental Health Director; Ron DeVries of Wayland Township; Sam Dykstra of the City of Wayland; Jim Birkes of Fennville; and Brian McConnaughy of Shelbyville.

3. Approval of Agenda.

A motion was made by Haugh, seconded by Buist to approve the agenda as presented. The motion carried unanimously.

4. Approval of Meeting Minutes from December 8, 2008.

A motion was made by Haugh, seconded by Vogeler to approve the meeting minutes from December 8, 2008 as presented. The motion carried unanimously.

5. Approval of Expenditures as of January 7, 2009.

Upon review of the expenditure reports, Voss noted \$1060 was spent last month for per diem costs, \$1200 for contract services for Foreman, \$427 toward travel expenses, and \$165 for the Wind Energy Workshop attended in December by Haugh, Pardee, and Bouterse. A motion was made by Bouterse, seconded by Haugh to approve the expenditures from January 7, 2009 as presented. The motion carried by all present.

6. Public Participation.

None.

7. Discussion and Presentation Items:

None.

8. Commission Business:

Applicants Ron DeVries of Wayland Township and Sam Dykstra from the city of Wayland will be in attendance for consideration for appointment to the Allegan County Planning Commission to serve out the remainder of Maury Stahl's term which expires June 8, 2010. The Planning Commission must make recommendation to the County Board of Commissioners prior to their next meeting on January 15, 2009.

The Commission interviewed the two applicants by asking questions regarding their past experience in public service within their own communities, and why they would be the best candidate to serve on the Allegan

County Planning Commission. The Commission also answered questions and informed the applicants of procedures and bylaws that govern the County Planning Commission. Once the interview process was completed, the two applicants were excused and ballots were passed out to the members. Foreman then collected and counted the ballots with a vote tally of seven for Sam Dykstra and two for Ron DeVries. A motion was made by Vogeler, seconded by Voss to approve the vote and send recommendation to the Board of Commissioners to appoint Sam Dykstra to the Allegan County Planning Commission to serve out the remainder of Maury Stahl's term which expires June 8, 2010. The motion passed unanimously.

9. Continuing Education:

MSU Extension: Wind Energy Siting and Policy Issues, Workshops for Michigan's Renewable Energy, Attendee Report - Bouterse, Pardee, Haugh

Reporting on the Wind Energy Siting and Policy Workshop attended in December, Bouterse informed the Commission the first half of the presentation was devoted to the history of wind energy while the second half informed them of the technical aspects. What surprised Bouterse was they never really delved into the laws that come into play for the State or Planning Commissions for the zoning of wind turbines. Spreitzer reported that a law was recently passed where the State has a say over the Townships on locations, but only on this one issue regarding wind energy. This new law could take the power away from the Townships if they try to regulate the zoning for wind energy within the Township. Haugh went on to report that during the class, they did mention there are certain recommendations for the Planning Commissions as to the placement of the generators, set-backs, and height regulations but if the Township becomes too strict, the State can take away their authority to regulate. For land owners, the guidelines are not very restrictive at all as long as the set-backs and height requirements are met. Pardee stated that every home owner has the right to own one and the power companies must buy the excess energy back, although homeowners in general will not produce enough to sell back. According to Pardee, within a year Michigan must identify an area where the turbines will go. Other states have already said they are going to place hundreds, if not thousands, while Michigan only has about twelve they want to place. Haugh added in 1999, Michigan had zero and as of last year they were up to 80. The actual wind energy areas in Michigan are along the shorelines or on Lake Michigan, and the ideal wind speed is between eight and twelve miles per hour.

10. Communications:

Graff - Email dated December 15, 2008 regarding the decision on the Ganges/Harrington Rezoning Request presented during the December 8, 2008 Planning Commission meeting.

Tobolic asked if everyone had a chance to read Graff's email dated December 15, 2008 which was subsequently forwarded to the members on January 9, 2009 and also included in the agenda packets handed out today. After confirming the email had been read by all, Tobolic asked if anyone else felt we should revisit our decision from last month regarding the Ganges/Harrington Rezoning Request. Vogeler inquired if the Ganges Township Board had taken action on the matter and was informed by Jim Birkes, Ganges Township Planning Commission Chairperson, the Township Board had not yet met since our December meeting; their next meeting is scheduled for tomorrow night, January 13, 2009.

Graff referred to the research she provided in her email that supports her opinion that the text in the master plan cannot be ignored and only look at the Master Plan Future Land Use map when making a recommendation. In fact, the text is important when trying to understand the context of the master plan. As far as Ganges Township's action on the Harrington Rezoning Request, they based their decision on the context of the master plan, not just the map. Although she is not asking the County Planning Commission to amend their recommendation to Ganges Township, Graff suggests inviting a planner to attend a meeting to give guidance on how decisions are made for rezoning requests in the future. She would also like the Planning Commission to define and document it's guidelines for approving or denying rezoning requests stating, "We owe this to ourselves and we owe this to our townships who are coming to us for decision making." Currently, the Allegan County Planning Commission's Procedures under Rezoning Requests states the guidelines for review are TBD ('to be determined').

Pardee stated that our standards are the same as everyone else. In his opinion, when a township has a 20-year master plan and they don't want something zoned commercial, they should not include that zoning as part of their master plan. Vogeler stated that our guidelines should first be based on whether a request meets the

master plan when making a decision. He explained the County Planning Commission's job is to make recommendation to the township and the Township Board will make the final decision. Bouterse added the Planning Commission is there to make sure everything is in place and the townships are responsible for providing the necessary information on which we base our recommendation. What was presented to us from Ganges Township contained errors from years ago that were still in the documents from which we based our decision. Haugh stated there cannot be any hard and fast guidelines when evaluating rezoning requests because of variances; in 90% of the cases we receive, the only thing we're told is the zoning meets the master plan. We should look at each request on a case to case basis and the first question we should ask is "Does it meet the master plan?" Vogeler suggested the TBD in the Procedures be referred to the Works Committee for their review and input and received consensus from the Commission.

11. Final Actions Received:

None.

12. Received for Notice:

Wayland Township will hold a public hearing on Wednesday, January 14, 2009 at 6:30 P.M., to consider comments on amendments to the 2002 Master Plan for Wayland Township.

13. Received for Information:

Saugatuck Township, Resolution 2008-05 – A resolution approving adoption of the Central Lakeshore Sub-Area Master Plan as an amendment to the Tri-Community Comprehensive Plan. Approved by the Saugatuck Township Board on December 3, 2008.

Ayes 5; Nays 0; Absent 0; Abstaining 0

14. Received for Review:

Wayland Township Master Plan Draft - Tobolic

Tobolic reviewed the Wayland Township Master Plan Draft and reports she has no objections; everything seems to be in accordance to the plan. A motion was made by Tobolic, seconded by Buist to approve the Wayland Township Master Plan Draft with no objections or comments at this time. The motion carried by all present. Foreman will mail a letter of acceptance to Wayland Township and request the Allegan County Planning Commission be informed of future meetings and discussions.

15. Martin Township Rezoning Request – Vogeler

Change zoning from C-2 to R-3 for Parcel Number 03-15-500-026-00. The request was denied by the Martin Township Planning Commission on October 14, 2008.

Reasons for denial:

- Not consistent with the Martin Master Plan.
- The rezoning would create a "spot zoning" situation.
- The square footage of 9,375 for this parcel is too small for R-3 zoning; when there is sewer and water the parcel must be 15,000 square feet.

Ayes 0; Nays 6; Absent 1; Abstaining 0

Vogeler reports Martin Township denied the request to change the zoning from C-2 to R-3 due to the rezoning being inconsistent with the Martin Master Plan and it would create a 'spot zoning' situation. Kalnins displayed the township zoning map on the overhead projector and stated the map already shows R-3 for the parcel. He explained the zoning map was created in coordination with the Township and should be equivalent with the official Township Zoning Map. However, it is possible that an error occurred therefore, he will have to consult with the Township on which map they are using and which map represents the correct zoning for the parcel. A motion was made by Vogeler, seconded by Spreitzer to send the request back to Martin Township for clarification before the County Planning Commission makes its decision. The motion carried unanimously.

16. Saugatuck Township Zoning Ordinance Amendment - Burns

The text amendment to Section 1. Definitions. Section 40-7 of the Code of Ordinances, Township of Saugatuck, proposes to revise the definition of "Corner Lot" and establish an effective date. The Township

wants to amend the ordinance to permit consistent interpretation of the setback rules on properties abutting private roads. Approved by the Local Planning Commission on December 15, 2008.
Ayes 6; Nays 0; Absent 1; Abstaining 0

In the absence of Burns, Tobolic reported the amendment addresses the definition of "Corner Lot" to allow consistent interpretation of the setback rules on properties abutting private roads. A motion was made by Haugh, seconded by Voss to approve the Townships recommendation. The motion passed unanimously.

Standing Committee Reports:

17. L.I.S. – Valdis Kalnins, Director

Kalnins updated the Commission on projects L.I.S. has been working on. First, the Aerial Imagery proposals for 2009 are due this Wednesday. Once the proposals are received, he will be evaluating them and probably selecting a vendor on Friday. Moving forward with the project, assuming that the budget works out and the county can get some partnership from local units of government, imagery will be acquired towards the end of April once the snow has melted, any spring flooding has receded, and before the leaves come out on the trees to ensure maximum ground visibility.

Next, Kalnins reported on another project that is moving forward; L.I.S. received training from an engineering firm on doing some of the flood map modernization work and doing approximate studies on various streams. They are trying to schedule some additional training on re-mapping existing detailed flood plain boundaries using more accurate topography. That training will most likely be done in early February.

Finally, Kalnins reported that the Economic Development Project Team is going to interview four vendors this Friday to see what they have to offer with the intent of selecting one to come up with an economic development plan that the County can then use to move forward. At this time, the County does not have an economic developer and the goal is to figure out whether the County should develop such a position or department internally or support the development of a non-profit or an economic development corporation. The county would like to see several different organizational models of how economic development capacity could be achieved, along with funding strategies for each model. The County is planning to hire a contractor to put the plan together.

18. County Master Plan Committee – Vogeler

Vogeler stated the County Master Plan Committee has been meeting regularly on the same day as the Planning Commission meetings. Kalnins, Spreitzer, Haugh, Voss and Vogeler continue to revise certain portions of the old plan to make the goals and objectives more realistic. The contract with LSL Planning is still moving through administration but should be signed shortly. The committee should be meeting with LSL next month to start putting the rest of the plan together. Vogeler commented that the Committee was making progress and Kalnins was doing a great job of orchestrating the whole project and getting us to where we can get our thoughts together.

19. Work Program Committee – Pardee

Updating the Commission on the seminar that will be held March 31, 2009, Pardee stated there will be two speakers; a local attorney Steve McKown will present information on P.U.D.s (Planned Unit Developments), and Bill Hinz, the Allegan County Environmental Health Director, will speak about the needs and concerns within the County. Pardee also informed Foreman about the invitations and other preparations she will be responsible to complete prior to the seminar on March 31, 2009.

20. Dept. of Public Works – Rininger

None.

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

Reporting on the Parks Commission meeting held on January 6, 2009, Tobolic informed the group that the Silver Creek Master Plan was approved for numerous proposed improvements that include electricity, modern restrooms and additional camp sites; it will be many years before the project is completed. When asked how the New Richmond project is coming along, Tobolic stated that not much has been done because of the poor weather conditions experienced during the month of December. Tobolic finished her update by reporting

Kevin Ricco attended a meeting in Lansing to obtain an equestrian trail lease. The County will not receive any additional funds but the 25 year lease was approved and when complete, there will be approximately 54-55 miles of marked trails for hikers, cross-country skiers, and equestrians.

22. Region 8 – Burns

None.

23. Resource Recovery – Hinz

None.

24. Board of Commissioners – Burns, Spreitzer

Spreitzer reports the Board of Commissioners has two new officers; Casey Jones will serve as the Board Chairperson and Mark DeYoung is the new Vice Chairperson of the Board. In Spreitzer's opinion, the coming year may not have as much controversy and acrimony amongst the members and the B.O.C. will be able to perform their duties in a much more professional manner. During the last meeting, the ethics plan and rules were reviewed along with other issues that deal with the Board. When asked about the Bylaws getting approved, Spreitzer said he would go by Administration and ensure they are put on the next meeting agenda.

25. Education – Buist

Buist reports the schools in the area are coming together to share services such as maintenance, data processing, professional development, and technology, in order to save and keep money in the schools.

26. Discussion and Presentation Items:

None.

27. Public Participation:

Jim Birkes, the Ganges Township Planning Commission Chairperson commented he was glad Graff brought to attention the importance of letting the townships know how the County Planning Commission makes their decisions when considering rezoning requests. He stated if the County is going to go through the same finding of facts as the townships, the townships need to make sure they get enough information for the County to base their recommendation. The townships want the County to be consistent and therefore, the townships should be too.

Brian McConnaughy of Shelbyville stated he was the property owner of the Martin Township Rezoning Request and wanted to clarify that the request was neither approved nor denied at this time. He initially submitted his request to the township in September and was anxious to have it resolved.

28. Round Table:

Bouterse questioned Bill Hinz, the Environmental Health Director, if he was aware of any problems with Township recycling. Bouterse informed Hinz that his recycling was initially missed and was then picked up by the garbage truck. Hinz replied that due to the holidays and inclement weather in December, the recycling pick-up was briefly interrupted but should all be straightened out now.

Valdis informed the Planning Commission that Sandra Lauer would not be returning from maternity leave after giving birth to triplets in November; Foreman will continue acting as the Recording Secretary for the Allegan County Planning Commission.

29. Adjournment:

A motion was made by Vogeler, seconded by Buist to adjourn the meeting at 3:14 P.M. The motion carried with a unanimous vote.

The next regular meeting of the Allegan County Planning Commission will be held on Monday, February 9, 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.