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# COUNTY OF ALLEGAN

## PLANNING COMMISSION

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

## Minutes

**Meeting Date:** March 9, 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, Ken Pardee, Kelle Tobolic, Marv Voss, Terry Burns, Fritz Spreitzer, Tom Vogeler, and Rich Haugh.

Absent: Judy Graff, and Sam Dykstra.

Also present were: Ronda Foreman, Recording Secretary; Valdis Kalnins, LIS Director; and Bill Hinz, Environmental Health Director; Max Thiele, Board of Commissioners - District 6.

### 3. Approval of Agenda.

Spreitzer asked to have an item added to the agenda under 7. Discussion and Presentation Items; he would like to review some of the changes in the Michigan Planning Enabling Act 33 of 2008 that affect the responsibilities of the Allegan County Planning Commission. A motion was made by Buist, seconded by Haugh to accept the addition of 7a. Review of the Michigan Planning Enabling Act 33 of 2008 and approve the agenda as amended. The motion carried unanimously.

### 4. Approval of Meeting Minutes from February 9, 2009.

A motion was made by Vogeler, seconded by Haugh to approve the meeting minutes from February 9, 2009 as presented. The motion carried unanimously.

### 5. Approval of Expenditures as of March 4, 2009.

Voss had nothing to report on the expenditures thus far this year. A motion was made by Voss, seconded by Spreitzer to approve the expenditures from March 4, 2009 as presented. The motion carried by all present.

### 6. Public Participation.

Patrick Hudson was in attendance to inform the Commission of a short-course offered by MTS-Allegan, Inc., which offers planning and zoning officials the opportunity to work through the new Michigan Planning and Zoning Enabling Acts step-by-step. The course will be held at the Allegan Township Hall from 6:30 – 9:30 P.M. on Thursday, April 30, 2009, and costs \$35.00 per person. A copy of the registration form was included in the agenda hand-outs. Tobolic asked the Commission if anyone was interested in attending. The members who would like to attend are: John Bouterse, Ken Pardee, Kelle Tobolic, Marv Voss, Terry Burns, Fritz Spreitzer, Tom Vogeler, and Rich Haugh. Tobolic mentioned that Judy Graff, who is absent from the meeting today, will most likely be interested in attending also and will confirm with her later. Although interested, Dawn Buist has a prior engagement scheduled on that day and will not be able to attend.

A motion was made by Buist, seconded by Bouterse to approve John Bouterse, Ken Pardee, Kelle Tobolic, Marv Voss, Terry Burns, Fritz Spreitzer, Tom Vogeler, Rich Haugh, and Judy Graff to attend the workshop

offered by MTS-Allegan, Inc. on April 30, 2009. The motion carried by all present. Foreman will complete the registration requirements for those attending the workshop.

**7. Discussion and Presentation Items:**

**a. Review of the Michigan Planning Enabling Act 33 of 2008 – Spreitzer**

Spreitzer has been talking to Rob Sarro, the Allegan County Administrator, regarding the amendments to the Planning Commission Bylaws and the concerns that were raised during the last meeting. The new Michigan Planning Enabling Act 33 of 2008 has affected the PC Bylaws and is part of the revisions Administration had already completed. Upon review by Spreitzer, Burns, Sarro, and Commissioner Max Thiele, it was discovered there were still many issues that must be addressed and changed in the Bylaws to comply with the Planning and Zoning Enabling Acts that will affect the responsibilities of the Planning Commission. Some of those issues include:

- Master Plans
- Capital Projects on County land
- Communication requirements with Local Units of Government

Spreitzer recommends all those on the Planning Commission peruse the Michigan Planning Enabling Act 33 of 2008, the Michigan Zoning Enabling Act 110 of 2006, and the Review of the Michigan Planning Enabling Act 33 of 2008 prior to the meeting in April. Thiele handed out copies of the Acts to each member. As a discussion item on the April 13, 2009 agenda, Spreitzer would like the Planning Commission to brainstorm and prepare some good questions for the Planning and Zoning class at the end of April.

**8. Commission Business:**

**Amended Bylaws – Rob Sarro**

Per a letter to Spreitzer, Rob Sarro will not be in attendance today due to the additional concerns that have surfaced and must be addressed regarding the Bylaws. The issue that prompted the invitation to Sarro regarding the verbiage surrounding new member recommendations was answered by Spreitzer. First of all, the word ‘shall’ is defined as an absolute while ‘may’ is considered optional. Although the Bylaws currently state “The Allegan County Planning Commission *may* recommend (new citizen members) to the Allegan County Board of Commissioners...”, Spreitzer explained this statement should be of no concern to the Planning Commission; the B.O.C. has never overruled a recommendation made by the P.C. with another candidate of their choosing.

**9. Continuing Education:**

**a. MSU – Zoning Administrator Certification Program**

Roles and responsibilities of Zoning Administrators; and the laws, best practices and court cases associated with the practice of local zoning administration. Private consultants and county planners who consult with local zoning administrators would also benefit from this certification program.

- \$650/per person; \$700/per person (registering 14 days or less of program)
- Includes 8 training modules
- Four Days, One Week Apart Program; April 13, 20, May 4, 11
- Early Registration Deadline: March 30, 2009
- Kalamazoo, MI

No one was interested in attending this program.

**b. MSU – Wind Energy Siting and Policy Issues, Workshops for Michigan’s Renewable Energy**

- \$55 Registration Fee; \$45 MCP
- Registration deadline: East Lansing, March 25, 2009

- East Lansing, April 1, 2009

No one was interested in attending this workshop.

**c. MSU – New Planning Commissioner Course**

- Online Course
- Work at your own pace, anytime/anywhere
- \$69.99

No one was interested in taking this online course.

**10. Communications:**

None.

**11. Final Actions Received:**

None.

**12. Received for Notice:**

None.

**13. Received for Information:**

None.

**14. Received for Review:**

None.

**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

The Allegan County Planning Commission reviewed the request at their meeting on January 12, 2009 and, having considered all of the information provided, was unable to make a recommendation at that time. A motion was made by Vogeler, seconded by Spreitzer to return the request to Martin Township and ask that the application be resubmitted with clarification. The motion carried unanimously.

Reasons for decision:

- The current Official Martin Twp Zoning Map dated 10/10/2008 maintained by Allegan County Land Information Services indicates that parcel 03-15-500-026-00 is already zoned R-3.
- Please verify that the current zoning of parcel 03-15-500-026-00 should in fact be C-2.
- If so, please provide a signed statement with an explanation and/or supporting evidence that this is a map error and that the current zoning of this parcel should be C-2, not R-3.

- Please clarify claim of “spot zoning”. Unless there are additional errors in the map, the adjacent parcel to the south (03-15-500-025-50) appears to be zoned R-3.

Martin Township resubmitted the rezoning request to the Allegan County Planning Commission on February 27, 2009 with clarification and documents to support that the current zoning of parcel number 03-15-500-026-00 is C-2 and that the parcel to the south of the property (03-15-500-025-50) is also zoned C-2. The Township respectfully asks the Planning Commission to incorporate the corrections on the map and act upon the rezoning request.

Upon review of the supporting documents received from Martin Township that clarified previous concerns, a motion was made by Vogeler, seconded by Haugh to support the Township’s request for denial of the rezoning request. The motion carried unanimously. The property owner, Brian McConnaughy of Shelbyville, was in attendance for follow-up.  
Ayes 9; Nays 0; Absent 2; Abstaining 0

**16. Otsego Township Rezoning Request – Haugh**

Change current zoning of R-2 to R-3 for Parcel Number 03-17-025-037-00 North 1.6 acres. The request was approved by the Local Planning Commission on March 2, 2009.

Reasons for action:

- The rezoning request from R-2 to R-3 is consistent with the future land use plan of the Otsego Township Planning Commission.
- It is contiguous to the current R-3.
- It is supported by water and sewer.

Ayes 9; Nays 0; Absent 0; Abstaining 0

Haugh stated the parcel affected by the rezoning request is located behind the Wal-Mart and is attached to the Emerald Park Sr. Complex property. Excel Realty Development LLC, the developers of Emerald Park Sr. Complex, is the purchaser of the property in question which is currently landlocked to the west of the complex. The request meets with the local ordinance and is served by water and sewer. A motion was made by Haugh, seconded by Pardee to support the Local Planning Commission’s request for approval. The motion carried by all present.

Ayes 9; Nays 0; Absent 2; Abstaining 0

**17. Allegan Township Zoning Ordinance Amendment - Spreitzer**

The zoning ordinance amendment involves changes to setbacks in R-2. Changed front yard setback from 50’ to 40’ off the road right-of-way and the rear yard setback from 10’ to 15’. Approved by the Local Planning Commission on January 12, 2009.

Ayes 6; Nays 0; Absent 0; Abstaining 0

The Allegan County Planning Commission reviewed the amendment at their meeting on February 9, 2009 and determined they were unable to make a recommendation at that time due to the lack of information provided and the amendment was submitted on the incorrect form. A motion was made by Buist, seconded by Dykstra to return the zoning ordinance amendment to Allegan Township and request it be resubmitted to the County Planning Commission using the correct form and provide information pertinent to the amendment. The motion passed with a tally of six ayes, one nay, none abstaining, four absent.

Allegan Township resubmitted the amendment on February 18, 2009 to the Allegan County Planning Commission on the corrected form and clarified the motive for the amendment is to offer a little more flexibility in placing homes, pole barns, wells, and septic tanks on what are typically smaller parcels in R-2.

Spreitzer stated Allegan Township's response clarifying the reasons for the zoning ordinance amendment is reasonable. A motion was made by Spreitzer, seconded by Voss to approve the Township's request to approve the ordinance amendment. The motion carried unanimously.  
Ayes 9; Nays 0; Absent 2; Abstaining 0

### **Standing Committee Reports:**

#### **18. L.I.S. – Valdis Kalnins, Director**

Kalnins had a couple of updates from Land Information Services to report. He informed the Commission that two weeks ago the first hydrologic study was sent to DEQ for review and has been approved. Having determined that they are on the right track, they will keep submitting additional hydrologic and begin work on to the hydraulic studies. Kalnins explained the hydrology measures the volume of water that is flowing through a given point on stream and the hydraulics determine how that volume of water move down the stream. This project is finally moving forward and LIS is trying to maintain the momentum.

The next big project Kalnins reported on is the Aerial Imagery Acquisition. LIS is trying to establish imagery acquisition partnerships with Local Units of Government. Currently, 14 have committed to the project and another 3 are likely to join, several are interested, and more are voting on it this week; no one has flat out said no. We are still short about \$4000 in funds to make the project happen which is equivalent to about 2 townships. Kalnins is fairly confident the budget will be in place for the acquisition shortly; it's more a question of getting in touch with the supervisor and putting the issue on their agenda. We also received a 15% partnership contribution from the State of Michigan which amounts to \$11,000 towards the flight in exchange for giving them access to the imagery, which is great news. Essentially, if we can get most of the Local Units on board, we may be able to further reduce everyone's cost.

#### **19. County Master Plan Committee – Vogeler**

Vogeler reported on this morning's meeting where he, along with Haugh, Voss and Kalnins met with Eric from LSL for a project kick-off meeting. They review the proposed chapter content and graphic style of the plan. Meanwhile, the Committee continues working on their revisions and are about a third of the way through that process. When they meet again next month with LSL, chapters one and four will be completed. At next month's Planning Commission meeting, the Committee can give a demo on what has been completed so far.

#### **20. Work Program Committee – Pardee**

None.

#### **21. Dept. of Public Works – Rininger**

None.

#### **22. Parks Commission / Recreation & Tourism – Spreitzer, Tobolic**

Reporting on the Parks Commission meeting held March 3, 2009, Tobolic reported progress on the New Richmond Bridge Park project; the new boardwalk has been staked out and ready to be put in, and the boat launch is closed for construction during the month of March. The Equestrian Trails Lease is still in limbo; the Board of Commissioners requested more information before approving the lease and the issue will be up for discussion again during their March 12th meeting.

Spreitzer reported that during the last Board of Commissioners meeting, a representative from the DNR was in to provide information regarding a new system used up in the UP they intend to implement throughout the state, and to discuss their plans for harvesting 80% of the trees in the state forests. Spreitzer explained the 80% will not be a clear-cut and will be done over time. Once harvested, the lumber is going out of state to a couple of mills in Indiana. There will be another meeting held for the DNR to present their plan and hear the public's input at 6:30 P.M. on March 23rd at the Comfort Inn in Plainwell.

**23. Region 8 – Burns**

Reporting on the Region 8 meeting, Burns stated a speaker, Judy Barnes, was in attendance to give an update on the looming economy. As previously reported, Region 8 has limited the membership fees to \$5000 per entity; total fees collected from all the entities including Grand Rapids are \$23,000.

**24. Resource Recovery – Hinz**

Hinz reminded the Commission that on March 28, 2009 from 9 A.M. – 1 P.M., there will be an electronics recycling event at the Allegan County Fairgrounds. Most electronic items can be recycled at no charge although there will be a fee of \$12.00 for televisions and \$3.00 for computer monitors.

**25. Board of Commissioners – Burns, Spreitzer**

Burns reported that the Board of Commissioners received Allegan County Transportation surveys, which were also sent out to all the townships and cities in the County. Sometime this month, the Finance Committee is looking at the downtown development, tax increments, financing, and proposals from Laketown Township; a report will come back to the BOC for consideration. Spreitzer added that the Road Commission submitted recommendations for stimulus funded projects and found out the stimulus money will only be allocated towards federally funded roads, which does include the primary roads in the County.

**26. Education – Buist**

Buist stated due to the stimulus grant, Hopkins School District will get their Student Foundation grant. Every district is facing major cuts and in Buist's opinion, things look bleak for education in the next few years if something doesn't change.

**27. Discussion and Presentation Items:**

None.

**28. Public Participation:**

None.

**29. Round Table:**

Buist informed the Planning Commission she will be absent from next month's meeting.

**30. Adjournment:**

A motion was made by Vogeler, seconded by Haugh to adjourn the meeting at 3:17 P.M. The motion carried with a unanimous vote.

The next regular meeting of the Allegan County Planning Commission will be held on Monday, April 13, 2009 at 1:30 P.M., in the Human Services Building, County Services Complex, 3255 – 122<sup>nd</sup> Avenue, Allegan, Michigan.

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