
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: May 11, 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 1:33 P.M.

2. Roll Call.

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

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

3. Approval of Agenda.

Tobolic requested an amendment to the agenda under item 8. Commission Business, adding 8b. Judy Graff, Letter of Resignation. A motion was made by Vogeler, seconded by Pardee to approve the agenda as amended. The motion carried unanimously.

4. Approval of Meeting Minutes from April 13, 2009.

A motion was made by Graff, seconded by Haugh to approve the minutes as presented from April 13, 2009. The motion carried unanimously.

5. Approval of Expenditures as of May 6, 2009.

Voss stated there were no real changes since last month's expenditure report. A motion was made by Voss, seconded by Vogeler to approve the expenditures as presented. The motion carried unanimously.

6. Public Participation.

None.

7. Discussion and Presentation Items:

Review and discussion of 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.

Discussion was held below in conjunction with item 9. Continuing Education, MTS-Allegan, Inc. workshop attendee report.

8. Commission Business:

a. Acceptance of Rich Haugh resignation letter - A letter of resignation from Rich Haugh, who represents the City of Otsego and Otsego Township on the Allegan County Planning Commission, was read by Tobolic during the April 13, 2009 meeting; Haugh's term is set to expire on June 8, 2009. A motion was made by Buist, seconded by Pardee to accept Haugh's letter of resignation. The motion carried unanimously.

b. Judy Graff, Letter of Resignation - Tobolic read an email she received from Judy Graff on May 7, 2009 that stated Graff would not be reapplying for another term as a member on the Allegan County Planning Commission; currently her term representing Casco, Lee, and Ganges Townships expires on June 8, 2009.

Tobolic thanked Graff for her service over the past two years. A motion was made by Buist, seconded by Haugh to accept Graff's letter of resignation. The motion carried unanimously.

9. Continuing Education:

MTS-Allegan, Inc.: A Planning Commission & Zoning Board of Appeals Follow-up Guide, Attendee Report
- Tobolic, Vogeler, Haugh, Voss, Pardee, Graff, Bouterse, Spreitzer, and Dykstra.

Tobolic asked for any comments regarding the MTS-Allegan, Inc. workshop attended last week. At the meeting, she received a packet of information regarding how the new laws affect the County Planning Commission's role and stated she would get copies to everyone. Spreitzer asked if everyone agreed that it is still proper for the townships to submit their zoning changes to the County PC. There is a misconception among some of the townships who believe they are only required to submit rezoning requests to the County Zoning Board; since the County has no such Board, it is correct for townships to continue to submit them to the County PC. Tobolic stated her sources have said cities and villages have never been required to submit their zoning changes to the County. Although they have never turned them into the County, Spreitzer stated it has always been a requirement according to the Planning Act. Tobolic noted rezoning requests should not be approved if they don't match the master plan; once the master plan has been amended, the request would then be allowed. She then reiterated the recommendation that PCs make a wish list to incorporate into a Capital Improvement Program (CIP) and then asked if this would go to the Board of Commissioners; unless exempt, the Planning Commission is required to adopt a CIP. In Spreitzer's opinion there should be more interaction between not only the PC and the BOC, but also with the County Administrator. The County PC should be involved in structuring their Capital Improvement Program. Tobolic quoted from her notes "after a County Master Plan has been adopted no work should be initiated on any project involving the expenditure of money by the County BOC until the Planning Commission has been given full notice and 15 days to review." Spreitzer commented the PC should be involved in anything that takes place on County property. Graff stated the new law clearly states that from a township level, the Township Board must have ordinances authorizing both the Planning Commission and the ZBA (Zoning Board of Appeals). The ordinance would explicitly state what the Planning Commission is responsible for and Graff asked if the County has such an ordinance; if not there should be so everyone understands what his or her responsibilities are. Burns stated that the County has about seven ordinances and only one or two apply to the PC and during the last couple of BOC meetings, it was mentioned there were changes that needed to be looked at regarding the PC. Graff finds it odd that after many decades of having a Planning Commission in existence, there is no document that states their responsibilities. Spreitzer added it would be interesting to find out how other Counties handle their PCs. Pardee had a question that was brought up during the workshop regarding the need for a Zoning Plan; he stated the County hasn't taken that step. Graff stated what is needed is a Master Plan that takes the current Zoning Ordinance and explains how to achieve the Zoning Plan; we don't have that in our Master Plan but it is something that is absolutely necessary. Tobolic stated we need some direction, otherwise we will continue to flounder. Graff shared what the Planning Commission in Casco Township did when they faced the same communication problem with the Board. The PC decided what is needed and put together a request and presented it to the Board and asked if they would approve; if not inform the PC of the direction the Board would like to go. The discussion will continue during the next meeting.

10. Communications:

None.

11. Final Actions Received:

None.

12. Received for Notice:

City of Holland

The City of Holland Planning Commission will be holding a public hearing on proposed amendments to the City's Master Plan dealing with the deletion of two parks (Lincoln Park and Columbia Park), and a portion of a third park (Smallenburg Park), on Tuesday, April 28, 2009 at 5:00 P.M. at the City Council Chamber, Holland City Hall, 270 South River Avenue, Holland.

13. Received for Information:

None.

14. Received for Review:

Barry County

The Barry County Planning Commission has scheduled a public hearing for Monday, June 8, 2009, for the purpose of accepting public input for a proposed amendment of the Barry County Master Plan. Comments on the proposed Master Plan Amendment should be submitted to the Barry County Planning Department by Friday, June 5, 2009.

15. Overisel Township PA116 – Buist, Haugh

Acreage in cultivation is 18 for parcel number 18-010-016-00.

After being reviewed by Buist and Haugh, they both stated there is nothing out of the ordinary in this request. A motion was made by Haugh, seconded by Buist to approve the Overisel Township PA116 for parcel number 18-010-016-00 as presented. The motion carried unanimously.

Vogeler asked who will take care of future PA116s now that Haugh is resigning. Spreitzer stated the County mainly needs to know where they are located and does not believe much is involved. Tobolic asked the Commission if anyone is well-versed in PA116s. Although he is not real familiar with them, Pardee stated he could be the temporary replacement for the PC and Haugh added that if any come up, he could take a look at them also.

16. Trowbridge Township Zoning Ordinance Amendment - Pardee

The text amendment involves changes proposed to update text to bring the ordinance into compliance with Public Act 110 of 2006 as amended. Approved by the Local Planning Commission on April 9, 2009.

Reasons for action taken:

- The text was out of date and not in compliance with Public Act 110 of 2006.
- Several definitions were needed.
- The Master Plan had pointed out the need for another residential district.
- There were no procedures listed for Site Plan Review, Special Uses, Planned Unit Developments or private roads.
- The Zoning Board of Appeals had been given inappropriate duties.

Ayes 4; Nays 0; Absent 1; Abstaining 0

Pardee stated this amendment has been a work in progress for quite some time; Trowbridge Township has gone through the entire ordinance, making a lot of changes and additions, bringing it into compliance with Public Act 110 of 2006 as amended. A motion was made by Pardee, seconded by Vogeler to approve the Townships recommendation. The motion carried by all present.

17. Wayland Township Zoning Ordinance Amendment – Tobolic

The ordinance amendment involves the addition of Section 3.53 Outdoor Furnaces to the Wayland Township Zoning Ordinance. Approved by the Local Planning Commission on April 8, 2009.

Ayes 6; Nays 0; Absent 1; Abstaining 0

Tobolic stated the amendment dealt with the usage and placement requirements of outdoor furnaces in Wayland Township. A motion was made by Tobolic, seconded by Haugh to approve the Townships recommendation. The motion passed unanimously.

Standing Committee Reports:

18. L.I.S. – Valdis Kalnins, Director

In Kalnins absence, Burns reported receiving an email from Kalnins stating the aerial photos taken during the flyover turned out very good.

19. County Master Plan Committee – Vogeler

Vogeler stated Chapters 4 and 5 were reviewed at today’s County Master Plan Committee meeting and stated they are still working on Chapters 3, 6 and 7; they are still moving along and will get it completed. He then welcomed any comments on the chapters that have been completed and said he would bring Chapters 4 and 5 to next months meeting. Tobolic asked if anyone would be interested in replacing Haugh on the County Master Plan Committee, which meets monthly at 10:00 A.M. the morning of the Planning Commission meetings. Dykstra stated, although he was unsure of the Committee’s duties, he would be willing to participate at their meetings. Tobolic then appointed Dykstra to take Haugh’s place on the County Master Plan Committee.

20. Work Program Committee – Pardee

None.

21. Dept. of Public Works – Rininger

None.

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

Tobolic reported the sturgeon fishery project that has been under consideration for New Richmond Park may not happen after all. DNR Fisheries has found some drawbacks to the New Richmond location; the water temperature and sedimentation in that part of the river is an issue and would require cooling and filtration. Fritz added that sturgeon require a rocky riverbed in which to spawn. Tobolic stated the DNR’s top priority is what’s best for the sturgeon and the streamside rearing facility and, although New Richmond may not be deemed as the perfect site, there is still a possibility they will get a tank for an education facility to house a juvenile sturgeon for park visitors to observe. As far as the other construction projects at New Richmond Park, due to the high water levels everything is still on hold. The markers for the newly leased equestrian trails are in and ready to be placed; eventually Pine Point and Ely Lake Campgrounds will be connected by the trails. The County Parks will soon have a skilled-labor crew that can be put to work on projects within the parks and will be funded by the stimulus package, though any materials would still have to come out of the Parks budget.

23. Region 8 – Burns

None.

24. Resource Recovery – Hinz

Hinz had two items to report; he has been informed the Recycling Coordinator has accepted a position at Sara Lee and her position with the recycling program will be filled internally. Hinz also gave a presentation at the Ganges Township Planning Commission meeting similar to the one he gave at the PC's workshop in March. Hinz was asked how the electronics recycling in March went and he stated they filled ¾ of a semi-trailer with the items collected; they had a great turnout.

25. Board of Commissioners – Burns, Spreitzer

Burns remarked the jail is in bad shape and the BOC was told it was unsafe in 2001. Since then, nothing has been done and now the sheriff is contemplating cutting back on road patrols and moving around 45 prisoners into another jail. For the safety of the County, Burns and Spreitzer are against those suggestions and voted against them but the sheriff feels he has to make a point before the Board. Now they are faced with hashing it out to come up with new ideas to handle the problem. They have a committee meeting in Kalamazoo, who has already gone through this process, to see how they dealt with it in order to build their jail.

26. Education – Buist

Buist stated all schools are scrambling to put together their budgets which are due the first part of June. Any funds the schools receive through the stimulus must be spent on youth programs.

27. Discussion and Presentation Items:

After attending the M40/M89 meeting, Voss reports there are four projects going on in the area; the Rabbit River project will start after school lets out, M222 project is way ahead of schedule and is 2/3 done, M89 project is in progress and on schedule, then in Otsego a project to widen the road heading out of town is set to begin around the 4th of July. There is also a big project headed by the State that will begin soon in Portage.

28. Public Participation:

None.

29. Round Table:

Haugh stated he will be out of town for the June meeting, so this meeting will be his last; he will miss everyone after being a member on the Planning Commission for nine years and he has really enjoyed it. Everyone wished him well and thanked him for his service.

Foreman gave a revenue/expenditure update on the March 2009 Workshop; \$180 was collected with 46 people attending, and a total of \$218 was spent on refreshments and McKown for his presentation. In 2008, \$260 was collected with 44 people attending. Voss added the workshop is accounted for in the PC's budget and the purpose of the workshop is not to make money but to keep the local units informed.

30. Adjournment:

A motion was made by Bouterse, seconded by Buist to adjourn the meeting at 2:54 P.M. The motion carried with a unanimous vote.

The next regular meeting of the Allegan County Planning Commission will be held on Monday, June 8, 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.