
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: September 14, 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: Kelle Tobolic, Ken Pardee, Marv Voss, Tom Vogeler, Sam Dykstra, Dawn Buist, Terry Burns, and Jackie DeZwaan

Absent: John Bouterse and Fritz Spreitzer

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

3. Approval of Agenda.

A motion was made by Buist, seconded by Pardee to approve the agenda as presented. The motion carried by everyone present.

4. Approval of Meeting Minutes from August 10, 2009.

A motion was made by Vogeler, seconded by Voss to approve the meeting minutes from August 10, 2009 as presented and emailed. The motion carried by everyone present.

5. Approval of Expenditures as of September 9, 2009.

Voss stated there have been no new expenditures for the last two months, although next month's report will show the third quarter mileage and per diems. A motion was made by Voss, seconded by Vogeler to approve the treasury report as presented. The motion carried by everyone present.

6. Public Participation.

None.

7. Discussion and Presentation Items:

Continue review and discussion of the Allegan County Planning Commission Bylaws to ensure they comply with the Michigan Planning Enabling Act 33 of 2008.

Tobolic asked if everyone brought their copies of the bylaws; she is going to quickly go through them to get everyone's thoughts if amendments are necessary to ensure they comply with the new Michigan Planning Enabling Act 33 of 2008. She may need to call a special meeting at a later date to work on the verbiage for the bylaw amendments. After some discussion, the minimum topics that must be addressed are as follows:

- Conflict of Interest (sec 15 [9])
- Election of Officers (sec 17 [1])
- Meeting Minutes (sec 19 [1])
- Transaction of Business (sec 19 [1])
- Process of calling a special meeting (sec 21 [1])

In addition, there are many other topics that should be addressed in the Local Planning Commission Bylaws as follows:

- Annual organizational meeting and schedule of meetings for the year
- Committees
- Budget
- Annual Report
- Expenses
- Intergovernmental coordination
- Education of Members
- Additional details on membership of the planning commission
- List of individuals who may participate at the meeting outside of the "public comment" periods
- Attendance requirements
- Continuing education requirements
- Incompatibility of office
- Ex Parte contact
- Procedure for site inspections
- Accepting gifts
- Planning commission spokesperson
- Code of conduct
- Officer's duties
- Meeting procedures (agenda, quorum, etc.)
- Rules for public participation
- Specifying which parliamentary procedure is to be followed
- Procedure for hearings
- Review of other municipality plan procedures
- Review of township zoning procedures
- Review of capital improvement proposals
- Adoption of Capital Improvement Program
- Review of subdivisions
- Staff policies
- Amendments to bylaws

In regards to the Allegan County Planning Commission's future existence, Burns stated there is a resolution to have a Planning Commission and the Board of Commissioners will not dissolve them. Tobolic asked if we should have Rob Sarro attend the next meeting or hold a special meeting if he is unable to attend. She stated there is a Commissioner who is saying the County Planning Commission isn't doing what they are supposed to be doing. During the B.O.C. meeting she attended, they said the P.C. needs to get their bylaws updated and then the B.O.C. will make their decision. Foreman was asked to check with Administration to see where they are at with the last amended bylaws that the P.C. submitted last year and put it on next month's agenda.

8. Commission Business:

Vacant seat: City of Otsego and Otsego Township representative, Allegan County Planning Commission.
No applicants or interested parties at this time.

9. Continuing Education:

a. MSU - Zoning Administrator Certificate Program

A three day Zoning Administrator Certificate series that will include eight training modules, each planned at three hour classroom intervals.

- Early registration deadline: September 22, 2009 - \$800; \$850 after deadline
- October 6-8, 2009
- Nearest location: Ionia, Michigan

This certificate program was for information only for members to take back to their townships.

Voss informed the Commission of a series of classes that are being offered by MSU Citizens Planner that will be held in Ottawa County beginning October 1 through November 12, 2009; registration deadline is September 24, 2009. Anyone who would like more information can go to Michigan Citizen Planner's website at: <http://www.citizenplanner.msu.edu/cart3a.php?pid=558133>

b. Allegan County Planning Commission workshop and course requirements – DeZwaan

DeZwaan asked if she attended a workshop through her township, if it would qualify towards the Allegan County Planning Commission course requirements; the Commission was in agreement this would be allowed and to just let Foreman know the details for the record.

10. Communications:

None.

11. Final Actions Received:

None.

12. Received for Notice:

Township of Yankee Springs – Joint Workshop Meeting

A joint workshop meeting has been rescheduled for Wednesday, October 7, 2009 at 7:00PM at the Yankee Springs hall in regards to inconsistent zoning around Gun Lake. The purpose of the meeting would be to examine and compare Zoning standards that apply to water frontage properties in order to develop unified or common ordinances that could be adopted by each community with frontage on Gun Lake.

Tobolic stated she is planning to attend this workshop meeting.

13. Received for Information:

State of Michigan – DEQ RFP

The Michigan Coastal Management Program (MCMP) within the Land and Water Management Division (LWMD), Department of Environmental Quality (DEQ), is pleased to announce the release of a Request for Proposals (RFP) for coastal land acquisition projects that further the objectives of Michigan's Draft Coastal and Estuarine Land Conservation Program; applications due no later than 4:00PM, September 25, 2009.

14. Received for Review:

None.

15. Hopkins Township Ordinance Amendment – Dykstra

The proposed text amendment addresses controlling locations, situations and specifications to allow for private roads within the township; better defines and creates a more appropriate application process for home occupations; defines and creates circumstances under which Wind Energy Systems are allowable either through application or Special Use; and an MET towers amendment which accompanies the WES amendment, allowing for towers to explore viability of WES within certain parameters. The text amendment was approved by the Local Planning Commission on July 28, 2009.

Reasons for action taken:

- Private Roads: allows for private roads under expanded situations yet potentially preserves farmland, which is a Master Plan goal.
- Home Occupations: allows expanded uses to qualify for lower application fees, a more appropriate application process, and better defines what constitutes home occupations vs. commercial.
- Wind Energy Systems: allows for green energy production within the township.
- MET towers: required to create viable situation for exploration of wind energy possibilities.

Ayes 5; Nays 0; Absent 2; Abstaining 0

Dykstra stated there is good information to know in this ordinance amendment. After reading through it, he has no objections or adverse comments to the amendment. A motion was made by Dykstra, seconded by Pardee to approve the text amendment as recommended by the Local Planning Commission. The motion carried by everyone present.

Ayes 8; Nays 0; Absent 2; Abstaining 0

16. Otsego Township Ordinance Amendment - Pardee

The proposed Zoning Ordinance Amendments to Section 18.09 Site Plan Review Procedures/Special Use Requirements Part II – Wind Energy Conversion System (jj) (2); 2 (5), (6), and (jj) Solar Energy System (1), (A) & (B) all include text changes to the Zoning Ordinance. The amendment was approved by the Local Planning Commission on August 5, 2009.

Reasons for action taken:

- To amend the Otsego Township Zoning Ordinance to include subsection Solar Energy System.

Ayes 6; Nays 0; Absent 3; Abstaining 0

Pardee stated after reviewing the amendment and talking to the clerk in the township office, he has no objections or adverse comments to make at this time. A motion was made by Pardee, seconded by Vogeler to approve the text amendment as recommended by the Local Planning Commission. The motion passed with a unanimous vote.

Ayes 8; Nays 0; Absent 2; Abstaining 0

17. Fillmore Township Ordinance Amendment – Buist

The proposed text amendment addresses Section 15.1 Article j: footnotes to schedule of regulations. Changes the effective date of the farmstead split-off provision from October 5, 2005 to August 8, 1991; and changes the allowable minimum frontage of the split-off from 330 feet to 200 feet. The amendment was approved by the Local Planning Commission on August 17, 2009.

Reasons for action taken:

- The August 8, 1991 effective date is consistent with the intent of Article j of Section 15.1.
- The reduction in frontage required provides for more flexibility in the creation of the farmstead split-off.

Ayes 5; Nays 0; Absent 0; Abstaining 0

After reviewing the proposed text amendment, Buist has no objections or adverse comments. A motion was made by Buist, seconded by Dykstra to approve the text amendment as recommended by the Local Planning Commission. The motion passed with a unanimous vote.

Ayes 8; Nays 0; Absent 2; Abstaining 0

18. Fillmore Township Ordinance Amendment – Buist

The proposed text amendment addresses Section 16.34 On-site and Utility Grid Energy Systems, wherein a special use permit will be required for all on-site wind energy systems in all zoning districts with special discretionary dispensation for private systems in the A-1 and A-2 Districts. The amendment was approved by the Local Planning Commission on August 17, 2009.

Reasons for action taken:

- To provide the opportunity to utilize wind energy in all zoning districts.

Ayes 5; Nays 0; Absent 0; Abstaining 0

Buist stated this is another amendment that addresses wind energy systems and has no adverse comments or objections. A motion was made by Buist, seconded by Dykstra to approve the text amendment as recommended by the Local Planning Commission. The motion passed with a unanimous vote.

Ayes 8; Nays 0; Absent 2; Abstaining 0

19. Trowbridge Township Draft Master Plan Amendment – Pardee

On July 9, 2009, the Trowbridge Township Planning Commission, after due study and consideration, voted to recommend amendments to the Township's Master Plan for Future Land Use. On August 4, 2009, the Trowbridge Township Board voted to authorize distribution to the Allegan County Planning Commission and the surrounding adjacent townships for the state mandated 43-day review and comment period, and hereby requests formal review and comment by the Allegan County Planning Commission.

Pardee stated he had been expecting to receive the Trowbridge Township draft master plan for some time and after reading it, he has no adverse comments or further recommendations. He asked Foreman to send a response letter to Trowbridge Township.

20. Gun Plain Township Draft Master Plan Update – Vogeler

Gun Plain Township is in the process of updating their Master Plan in accordance with the Michigan Planning Enabling Act and invites the Allegan County Planning Commission's participation. Any comments regarding the proposal must be submitted to Gun Plain Township by October 15, 2009.

Vogeler stated he believes this is a good master plan, although since the Commission has until October 15, 2009 to respond to the Township, he would like to give everyone an opportunity to look through the plan for further review and comment. He asked Foreman to put the Gun Plain Township draft master plan on the October 5, 2009 agenda for further discussion.

Standing Committee Reports:

21. L.I.S. – Valdis Kalnins, Director

Kalnins had two items to mention; first, the aerial project is still on schedule and the final delivery of the imagery should be received by early to mid October. Once L.I.S. looks it over and gives their final approval, we should be able to distribute the imagery to the townships by early to mid November. Secondly, the flood plain mapping is still ongoing and nearly half done; studies are being wrapped up and once done, L.I.S. can start the actual process of mapping. The final step is the adoption element and will not be until sometime next year.

22. County Master Plan Committee – Vogeler

Vogeler stated the committee met earlier today and the master plan is moving right along; completion is expected in about three months. Vogeler asked if anyone had any comments or questions on the copies that were handed out in July's meeting; there were none at this time. Vogeler continued by stating L.S.L. has finished their part and Kalnins is currently in the process of putting everything together. DeZwaan asked if she could obtain a copy; she has been having trouble receiving large files via email.

23. Work Program Committee – Pardee

Future rezoning request consideration questions discussion.

Pardee asked if everyone received a copy of questions in their agenda packets the Works Program Committee compiled for the local townships when they submit rezoning requests and ordinance amendments to the County. He would like everyone to look them over and if anyone has any comments or suggestions for additional questions, they can be discussed during the October meeting; hopefully, he would like the questions to be adopted at that time.

24. Dept. of Public Works

None.

25. Parks Commission / Recreation & Tourism – Tobolic

Reporting on the September 1, 2009 Parks Commission meeting, Tobolic stated the steel piling at the New Richmond boat launch is complete and the rest of the launch should be finished by November 4. The entire New Richmond Bridge Park project is about 95% done, which had been due to be completed by the end of September; due to all the flooding and bad weather over the summer, Apex Contractors asked for an extension on the deadline. With the help of some good volunteers approximately 30 miles of the 51+ miles of the equestrian trail system is now marked, although there is still quite a bit of flooding in the Silver Creek area. The action plan for the 2010 Parks 5-Year Comprehensive Master Plan was approved, which includes repairs to the Gun Lake boat launch ramp, addition of equestrian sites at Pine Point and Ely Lake campgrounds, replacement of the antiquated pavilions at West Side and Dumont Lake parks, and Phase I improvements at Littlejohn Lake Park. Burns asked why the Planning Commission isn't consulted by the Parks Commission regarding their plans since the improvements are considered capital improvements; Tobolic stated she is unsure, although the current projects have been going on since before the new 2008 Enabling Act.

26. Region 8 – Burns

Burns stated the next Region 8 meeting will be this Friday, September 18, 2009.

27. Resource Recovery – Hinz

Hinz had nothing new to report at this time. Burns commented that Ben Williams from the Health Department is doing a great job with the recycling program working with townships throughout the County.

28. Board of Commissioners – Burns

Burns stated the Board of Commissioners has a renewal coming up in November for 9-1-1 services. Currently Allegan County Central Dispatch (ACCD) collects a surcharge of \$1.63 on any telephone or device that can contact 9-1-1. i.e. cell phones, Voice Over Internet Protocol (VOIP), On-star etc.

On December 31, 2009 ACCD's funding is due to expire. ACCD is asking the citizens of Allegan County to vote to renew their funding through 2014 with a surcharge cap that will not exceed \$2.80. ACCD is completely funded by this surcharge and does not receive any funding from the counties general fund.

Regarding the County budget, Burns stated the B.O.C. may have to unfortunately cut a couple road patrols. The sheriff wants to move some prisoners to another location due to the current condition of the jail which may cost around \$450,000; a lot of the Commissioners are against this, including Burns. The B.O.C. will continue to go over the budget through next week.

29. Education – Buist

Buist stated the student numbers are in and the schools are holding their own. Going into the new school year, they had been afraid they were going to lose students but are happy to find they are about even. Schools throughout Allegan County are going to hold a workshop and will be trying something new; attendees will be divided into groups and there will be seven tables, each with a different topic that groups can rotate to and provide input.

30. Discussion and Presentation Items:

Vogeler asked for the Commissions advice on a situation in Gun Plain Township; a resident's house burned over 50% and according to an ordinance, he will not be allowed to rebuild his house because the property is in a nonconforming use area where there are numerous houses among commercial properties. The subject will be discussed again at the next township meeting and Vogeler wanted to know if anyone had any suggestions. DeZwaan stated her township had a similar situation and they took the approach to raise the cap to 60% destruction, and if the house burned 100% the owners are allowed to rebuild as long as the construction is to the exact footprint as it had been previously.

31. Public Participation:

None.

32. Round Table:

DeZwaan asked Burns about the nearly \$3 million approved EDA grants discussed in the Comprehensive Economic Development Strategy article printed in the Region 8 Notes newsletter; she wondered if townships can apply for the money and Burns stated yes, all communities within the region are eligible.

33. Adjournment:

A motion was made by Dykstra, seconded by Buist to adjourn the meeting at 3:19P.M. The motion passed with a unanimous vote.

The next regular meeting of the Allegan County Planning Commission will be held on Monday, October 5, 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.