

Allegan County Board of Commissioners



County Services Building
3283 – 122nd Avenue
Allegan, MI 49010
269-673-0203 Main Office
269-686-5331 Main Fax
<http://www.allegancounty.org>

Mark DeYoung, Chairman
Tom Jessup, Vice Chairman

DISTRICT 1
Terry Burns
616-403-0427
tburns@
allegancounty.org

DISTRICT 2
Steve McNeal
269-751-7271
smcneal@
allegancounty.org

DISTRICT 3
Paul VanEck
616-688-5619
pvaneck@
allegancounty.org

DISTRICT 4
Mark DeYoung
616-681-9413
mdeyoung@
allegancounty.org

DISTRICT 5
Dean Kapenga
269-751-8586
dkapenga@
allegancounty.org

DISTRICT 6
Max R. Thiele
269-673-4514
mthiele@
allegancounty.org

DISTRICT 7
Don Black
269-792-6446
dblack@
allegancounty.org

DISTRICT 8
Tom Jessup
269-637-3374
tjessup@
allegancounty.org

DISTRICT 9
Bill Sage
269-673-5435
bsage@
allegancounty.org

DISTRICT 10
Jon C. Campbell
269-694-4632
jcampbell@
allegancounty.org

DISTRICT 11
Larry "Casey" Jones
269-664-5362
lcjones@
allegancounty.org

COUNTY SERVICES COMMITTEE MEETING – Minutes (Approved 3/17/11) **Thursday, March 3, 2011 @ 1:00 P.M.** **Board Conference Room – County Services Building**

CALL TO ORDER:

Chairman Van Eck called the meeting to order and asked to go around the table for introductions.

ROLL CALL:

Commissioner Van Eck, Chairman
Commissioner Jessup, Vice Chair
Commissioner Campbell
Commissioner McNeal
Commissioner Sage

OTHERS PRESENT:

Commissioner Max Thiele
Robert Sarro, County Administrator
Kelle Tobolic, Planning Commission Chair
Jackie DeZwaan, Planning Commission Vice Chair
Fritz Spreitzer, Planning Commission Member
Kevin Ricco, County Development Director
Valdis Kalnins, LIS Director
Denise Stan, Executive Assistant - Administration

COUNTY PLANNING COMMISSION (PC):

Chairman Van Eck asked County Administrator Rob Sarro to proceed with the presentation (attached).

Comments during and following presentation were:

- PC can also serve as an Economic Development Commission (EDC); a County can have both a PC and EDC, either one, or neither one; however, EDC cannot perform PC duties in a statutory sense. These options have already been reviewed and decisions already made regarding economic development and a plan has already been developed by the BOC.
- Do we want citizen input - should be considered. There are several different models for an effective citizen advisory board or input board.
- Needs and goals of a PC need to be set.
- What is the cost issue of having both PC and EDC?

Mission Statement

"The Allegan County Board of Commissioners shall plan, develop, and evaluate the necessary policies and resources to ensure our county continues to progress and prosper"

- Knowing what costs/benefits are would be helpful in making a decision on whether to approve the ordinance to continue PC.
- Are there economic benefits to the County or local units? Do the locals want our recommendations? If they don't want it or need it, that would help with this decision.
- There was indication that mistakes have been found by PC in township reviews.
- There is a draft ordinance already out there received from Kelle although the PC hasn't approved that yet.
- There needs to be an understanding of what the Board of Commissioners wants.
- PC indicated that if the Board decides not to have a PC, the BOC would have to take on additional tasks in its place.
- Commissioner Campbell mentioned that he was perplexed that the Otsego Township Supervisor commented that the BOC wants to axe the PC. How are we going to handle duplication; if we're putting more responsibility on this group; are we being represented since some PC members don't even show for what – doesn't want to spend money on duplication of effort when our Board is having to lay off people.
- A response was an alternative would be having a resolution to create a PC aside from statute that could set up their own priorities and parameters – wouldn't be statutory.

NEXT STEPS:

Meeting set for April 28th @ 4PM, or earlier. There will be a draft of the ordinance to review. In addition there should be discussion on needs, shalls and mays. Also, the presentation should be reviewed.

COYOTE BOUNTY ORDINANCE:

Committee reviewed memo from Denise Stan explaining history of issue (attached). Chair indicated if there is an ordinance then we are looking at an enforcement arm. We can't consider County animal control because they can only control domestic animals. There would be a financial encumbrance that would need to be budgeted for. There was a question of whether we can legally pass an ordinance for this. There have been no legal expenses budgeted to looking at an ordinance. Commissioner McNeal said we could possibly provide an advertisement that suggests we could get a list of available hunters in this area; however, there was one provided in backup documents that were supplied by the DNR website. Chairman Van Eck also indicated that since the township has already expressed no desire to provide a bounty ordinance, it would not be advisable to go against them in providing a county ordinance to this affect. If they say no, we should not override their jurisdiction. *Motion by Van Eck, supported by McNeal to not make a recommendation for an ordinance to the Board since it is not within their jurisdiction. Motion carried unanimously.*

ADJOURNMENT:

Motion by McNeal, supported by Campbell to adjourn at 2:50 PM. Motion carried unanimously. Next Meeting set for Thursday, April 28, 2011 @ 4PM in the Nederveld Conference Room, County Services Building unless notified otherwise.

Minutes submitted by Denise Stan, Executive Assistant – Administration

Allegan County Planning Commission Review

County Services Committee

March 3, 2011

Focus for today - education

- Introduction
- History and recent timeline
- Michigan Planning Enabling Act – PA 33 2008
 - What is it?
 - Changes
- Ordinance
- Next Steps

Introduction

- County Planning Commission – tool for coordinating planning and zoning activities in and around a County
- Not mandatory, but has mandatory provisions if you have one
- Consistent challenges
 - Mandatory processes but not final decision authority
 - Defining responsibilities

Introduction

- Certainly not the only County reviewing this matter
- About half of the Counties in Michigan have a PC
- Many are reviewing their structures and needs as a result of PA 33
- Bottom line both legally and academically – the structure must fit the County's needs. That is why the act leaves much to interpretation.
- Ideally PCs should be the essence of objectivity, this review should be looked at in the same light.

History

- Established County Planning Commission by resolution under PA 282 of 1945 (January 1967)
- Intent: “...work in conjunction with the Allegan County Parks Commission, cities and municipalities to coordinate county-wide planning and assist in helping to obtain any federal funds that may be available”
- Ordinance 1007.01 June 2003, Ordinance Review Committee

Recent Timeline

- Michigan Planning Act – 2008
- Feb 2009, By-law changes began to be discussed
- Sept 9, 2009 – Board of Commissioners referred to County Services
- November 2009 – CS Chairman, Administrator, PC Chairperson met
- July 1, 2010 – Joint Meeting BOC/PC

Recent Timeline

- Issues:
 - Clear responsibilities (who is doing what?)
 - Communications
 - Define projects
 - Bylaws
 - Ordinance
- PC Chairperson, Administrator, MSU Educator, Executive Assistant have been working together.

Recent Timeline

- Now time to assess needs and goals
- Make decisions with regard to establishing PC under PA 33.
- County Services
 - 3/3/11 Education
 - April discussion of needs/goals etc
 - April/May consider ordinance
 - May CS Recommendation to Board
 - June final decisions

Communication

- Identified where responsibilities are currently being addressed
- Administrator updates to PC on items of relevance
- County development director updates to PC

Michigan Planning Enabling Act

PA 33 of 2008

- Consolidates and Repeals:
 - Municipal Planning Act, PA 285 of 1931
 - County Planning Act, PA 282 of 1945
 - Township Planning Act, PA 168 of 1959
- Must establish Planning Commission through ordinance
- Standardizes terminology i.e. “master plan” “planning commission”

Michigan Planning Enabling Act PA 33 of 2008

- Clarifies responsibilities on planning and zoning responsibilities
- Works along with Michigan Zoning Act

Article I – General Provisions

- Mostly contains definitions
- Main purpose of definitions were to simplify, clarify, and unify requirements of the statute
- Three (3) important definitions
 - Master plan
 - Planning commission
 - Municipality (cities, villages, townships – not County)
- Also identifies a “local unit of government”
 - Includes municipalities (above) and the “County”

Article II – Planning Commission Creation and Administration

- **Notice of PC Creation**

- Must be by an Ordinance (not a Resolution)
- Within fourteen (14) days of adoption, the Ordinance must be sent to the Regional Planning Commission (West Michigan Regional Planning Commission)

- **PC members**

- 5, 7, 9, or 11 members for County PC (qualified electors) 3 year terms
- Qualified elector is a person who resides in and is eligible to vote in the local unit of government in which they reside
- Can have no more than 1/3 PC members as Ex-Officio members who can be a PC member as long as their respective elected or appointed term exists

Article II – Continued

- **Conflicts of Interest and Removal of PC members**
 - PC members can be removed for misfeasance, malfeasance or nonfeasance and charges must be in writing with a public hearing and then a vote to remove the member
 - Can now be removed for “conflict of interest” as defined in their bylaws
- **Officers of the PC**
 - Must elect a Chairperson (cannot be ex-officio member) and Secretary; may elect other officers as well – all terms one (1) year
- **PC Procedures**
 - New requirement for PC to provide an annual report to the legislative body detailing operations and activity status and any recommendations for planning and development

Article III – Preparation and Adoption of Master Plan

- **Planning for Neighboring Jurisdictions**
 - Must consider all neighbors using information on their current conditions and future growth, and are required to cooperate with all federal/state departments, public agencies, and adjacent jurisdictional reps
- **Relationship to Zoning**
 - Site plans conforming to Land Use Plan under Township Planning Act now covered in new Michigan Zoning Enabling Act
 - County and Townships must now include zoning plans into master plans in jurisdictions that have an adopted zoning ordinance, and include how the land use categories on future land use relates to districts on the zoning map
- **Implementation of a Master Street Plan**
 - If included, it must be coordinated with the County Road Commission and MDOT
- **Subplans**
 - Are new to PC's; can utilize for more intensive planning and must be adopted by a majority vote of the PC

Article III – Continued

- **Electronic Submission of Proposed Master Plans**
 - If used for review purposes, must now state so in the “notice to prepare” the master plan, however, if jurisdictions prefer hard copy, they can do so
- **Notice of Time and Place of Public Hearing for Proposed Master Plan**
 - Change to current; County PC’s must notice in a newspaper of general circulation no less than 15 days before the hearing
- **Resolution Approving Proposed Master Plan**
 - Must now include within the plan a County PC resolution that provides details and signed by their Chairman and Secretary
- **Application of County Plans to Incorporated Areas**
 - New for County PC; cannot include incorporated areas unless adopted by the municipality; if it is subject to county zoning and if there is a contract under the Urban Cooperation Act.

Article IV – Special Provisions, Including Capital Improvements and Subdivision Review

- **Planning Commissions Failure to Act**
 - Deadline to respond to projects was 60 days, now projects can be considered approved if no response 35 days from submission; County funded projects deadline to respond was 30, now 35.
- **Capital Improvement Programs**
 - County PC must prepare annually for the legislative body unless exempted (Our County chooses to provide during its annual budget process)
- **Zoning Ordinances Submitted to Counties**
 - New provision for allowing townships to electronically submit zoning ordinances and amendments within the allotted timeframes
- **PC's May Recommend Subdivision Ordinance**
 - New provision if municipality is subject to county zoning and contract under Urban Cooperative Act, the County PC may recommend a subdivision ordinance or rules to the County instead of independently adopting themselves usurping County power

Article IV – Continued

- **Proposed Subdivision Ordinances**
 - County PC's can now recommend subdivision ordinances and address plat designs for a myriad of issues (i.e. streets, open spaces, utilities, water/sewer)
- **PC Hearings on Proposed Subdivision Ordinances and Rules**
 - Unlike previously, counties must hold public hearings for this no less than 15 days prior to the hearing
- **PC Review of Plans before Legislative Action**
 - New to some or all local units, PC's must review against existing master plans or street plans and make recommendations on plats before they are acted on under §112 of the Land Division Act, and municipalities subject to County zoning the County PC must review/recommend those plats
- **Plats**
 - Like proposed subdivision ordinances, counties must now hold public hearings before plats are acted on (approved, disapproved, or approved with changes) and must be noticed no less than 15 days prior to the hearing. The County PC has 63 days to provide their recommendation, which can be extended another 63 days; however,

Article V – Transitional Provisions and Repealer

- Most of Article V is new with five (5) notable provisions not being included in the original planning enabling acts:
 - Already adopted plans do not need to be readopted and continues as a master plan under MPEA (Michigan Planning Enabling Act)
 - Ordinance in place creating a PC under the original P/E Act continues under MPEA
 - There must be a new ordinance creating a PC under the MPEA by July 1, 2011
 - Ordinances/rules on land subdivisions under Land Division Act need not be readopted; however if amended must be amended under MPEA procedures
 - PC's with powers and duties of a zoning board/commission as of the MPEA effective date, may continue to do so without amendment to the ordinance creating it

“Shalls” and “Mays”

| Planning Commission Activity | Relevant Planning Act Section | Activity Type |
|-------------------------------------|--------------------------------------|-----------------------|
| Support | Sec 25 (1) & (2) | Discretionary |
| Operations (Bylaws) | Sec 19 (1) | Mandated |
| Reporting | Sec 19 (2) | Mandated |
| County Master Plan | Various | Mandated once Adopted |
| New Construction Projects | Sec 61 (2) | Mandated |
| Capital Improvement | Sec 65 (1) & Sec 67 | Discretionary |
| Other Master Plan Review | Sec 41 (3) & (4) | Discretionary |
| Local Zoning Ordinance Review | Sec 301 (3) Zoning Enabling Act | Discretionary |
| Local Zoning Ordinances | Sec 69 | Discretionary |
| Continuing Education | None | Discretionary |
| Planning Workshop | None | Discretionary |

“Shalls”

- Only a Planning Commission can do:
 - Preliminary subdivision (plat) review
 - Review of Infrastructure/projects
 - Adopt formal (legal) plans (Zoning shall be based on a plan)
 - Formal legal review land use issues from DNR, federal government
 - Coordination of plans
 - Review farmland preservation agreements
 - Hire/fire a planning director (debated)

“Shalls”

- Make surveys and studies of the community, consult with adjacent local units of government, cooperate with all departments of the county, state, and federal governments, prepare/adopt a master plan and other plans, promote interest in understanding of the master plan, conduct public infrastructure reviews, prepare a Capital Improvement Plan (unless waived)

“Mays”

- A Planning Commission may do:
 - Economic Development
 - County Development, Board adopted plan
 - Address administration and E9-1-1 MSAG
 - Health Dept assigns addresses
 - Central Dispatch administers the MSAG (coordinating with phone co. to ensure address consistency and reliability)
 - Several agencies involved (LIS, Road Commission, Health Dept)

“Mays”

- A Planning Commission may do (cont'd):
 - Grant writing for the county
 - Performed by each dept, administered by Finance
 - G.I.S.
 - Land Information Services
 - Prepare environmental assessments for county agencies
 - Brownfield Redevelopment Authority/County Development
 - Census bureau liaison
 - Land Information Services
 - Emergency Management Coordinator
 - Emergency Management Coordinator under the oversight of the Sheriff

“Mays”

- The Planning Commission may do (cont'd):
 - Office of Zoning (and sometimes Building)
 - This done at the township level (23 out of 24 townships do their own zoning - Lee Township does not)
 - Soil Erosion
 - Health Department/Drain Commission
 - DPW/Drain Commission
 - Drain Commissioner

“Mays”

- The Planning Commission may do (Cont'd):
 - Parks and recreation
 - County Development
 - Remonumentation
 - Road Commission (through grant)
 - If a county: Solid waste planning agency
 - Solid Waste Planning and Recycling Coordinator,
 - Solid Waste Planning Committee
 - Southwest Michigan Solid Waste Consortium

Ordinance

- Establishes a county-level planning commission
- Makes the “shalls” mandatory/statutory
- Outlines the authority the Board is granting to the planning commission
- Should clearly establish what the Board wants the planning commission to do and not do

Ordinance

- Creation
- Membership*
 - Removal from office
 - Vacancies
 - Transition
 - Compensation
 - Training
 - Appointments/Terms
- Liaisons
- Meetings
 - Records
- Powers and duties*
- Staff
- Approval, ratification, reconfirmation

Project Definition

A capital improvement project for purposes of complying with MCL 125.3801 et seq. that includes one or more of the following:

1. Any acquisition of land (transfer of land out of public ownership);
2. Any construction of a new facility (e.g., a public building, or water lines, playfield, or the like) or an addition to, or extension of, such a facility that modifies the external appearance
3. New or expanded public roads and other transit systems, including private roads or new roads
4. Utilities (public)
5. Any other improvement that is normally subject to a zoning permit, but because it is county-owned is not subject to zoning and the project should be reviewed by the County Planning Commission for planning and zoning compatibility;
6. The Standards and Definition for the CIP provide the working base from which the proposed projects were selected, as well as what information needed to be included in the CIP.

Next Steps

- What are the goals we are trying to meet through a County-level Planning Commission?
- Is it the best vehicle or tool to meet those goals?
- What resources will be needed to accomplish those goals?
- What should the funding model be?

Next Steps

- If a county-level planning commission is the right vehicle, what is the appropriate structure?
 - Planning Commission with zoning review responsibilities, master plan, discretionary functions, planning dept, etc.
 - Planning Commission with only zoning reviews and planning (master plan and county project reviews), no discretionary functions
 - Planning Commission with zoning review requirements waived, just planning (master plan and county project reviews), no discretionary functions
 - No planning commission, zoning at local level, coordination and planning through other vehicles

Current Resources

- Clerical Assistance
- LIS assistance
- Master Plan consulting
- Atleast \$30-50k annually currently allocate both direct and indirect

Talking Points

- Having a County Planning Commission ordinance is establishing LAW. It should not be approached lightly.
- If an ordinance is renewed, it should be clear as to what authorities and scope of responsibility exists.
- Necessary resources should be considered in the picture moving forward.
- Further recommendations will be forthcoming based on more input from County Services.

Allegan County Administrative Offices



County Services Building
3283 – 122nd Avenue
Allegan, MI 49010
269.673.0203

DATE: March 3, 2011
TO: County Services Committee
RE: County Coyote Ordinance

HISTORY:

In January this year, Commissioner Burns directed a constituent (Ms. Dana Magida) to County Administration. She has been requesting her township (Saugatuck) to consider adopting a township ordinance, without success, to help eliminate what she believes to be an influx of coyote's in this area and would like to see more organized control of them. She raises a variety of exotic fowl. She and other neighbors have experienced animal loss.

REQUEST:

She would like the County to consider an ordinance similar to that of Grundy County, Illinois (see attached). She also suggested spearheading a funding campaign should we want to pursue this matter.

RESEARCH:

Although, we obtained information from DNR and MDEQ websites, as well as discussions with MSUE, statistical information was not obtained. Most of the information does indicate that there have been coyote sightings for years and they have been put on "nuisance alert." See attached documentation:

- Grand Rapids Article of January 7, 2011
- Grundy County Ordinance
- Coyotes – Jeffrey Green, et al 1994.pdf
- DNR Info on Coyotes - Release Date: January 29, 2003; Last Update: June 28, 2007
- Permitted Nuisance Animal Control Operators as of December 22, 2009

RECOMMENDATION:

We recommend that the County Services Committee review the material provided to be able to discuss at the next scheduled meeting. At that time, we may want to invite Ms. Magida to the meeting to offer any additional information, concerns or suggestions for the Committee to make a formal recommendation on this matter. In the meantime, this would allow for further research should the members wish to have something else provided to them for this meeting.

Respectfully,

Denise Stan, Executive Assistant

ADMINISTRATION

Robert J. Sarro
County Administrator
Fax 269.686.5331
administration@allegancounty.org

BUDGET and FINANCE

David B. Van de Roovaart
Director
Fax 269.673.0367
finance@allegancounty.org

HUMAN RESOURCES

Vickie Herzberg
Director
Fax 269.673.0367
HR@allegancounty.org

Allegan County Board of Commissioners



County Services Building
3283 – 122nd Avenue
Allegan, MI 49010
269-673-0203 Main Office
269-686-5331 Main Fax
<http://www.allegancounty.org>

Mark DeYoung, Chairman
Tom Jessup, Vice Chairman

DISTRICT 1
Terry Burns
616-403-0427
tburns@
allegancounty.org

DISTRICT 2
Steve McNeal
269-751-7271
smcneal@
allegancounty.org

DISTRICT 3
Paul VanEck
616-688-5619
pvaneck@
allegancounty.org

DISTRICT 4
Mark DeYoung
616-681-9413
mdeyoung@
allegancounty.org

DISTRICT 5
Dean Kapenga
269-751-8586
dkapenga@
allegancounty.org

DISTRICT 6
Max R. Thiele
269-673-4514
mthiele@
allegancounty.org

DISTRICT 7
Don Black
269-792-6446
dblack@
allegancounty.org

DISTRICT 8
Tom Jessup
269-637-3374
tjessup@
allegancounty.org

DISTRICT 9
Bill Sage
269-673-5435
bsage@
allegancounty.org

DISTRICT 10
Jon C. Campbell
269-694-4632
jcampbell@
allegancounty.org

DISTRICT 11
Larry "Casey" Jones
269-664-5362
lcjones@
allegancounty.org

COUNTY SERVICES COMMITTEE MEETING – Agenda Thursday, March 3, 2011 @ 1:00 P.M. Nederveld Room – County Services Building

CALL TO ORDER:

ROLL CALL:

APPROVAL OF AGENDA:

APPROVAL OF MINUTES: None

PUBLIC PARTICIPATION:

ITEMS:

1. County Planning Commission
2. Coyote Bounty Ordinance

MISCELLANEOUS:

ADJOURNMENT:

Next Meeting - TBD

Mission Statement

“The Allegan County Board of Commissioners shall plan, develop, and evaluate the necessary policies and resources to ensure our county continues to progress and prosper”