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Planning Commission Minutes 1/25/21

The Saugatuck Township Planning Commission met January 25, 2021 via video Zoom conferencing. Frey checked in members and guests via ZOOM.

1) Call to Order at 7:00 p.m. by Chairperson Israels.

Interim Manager Frey gave Zoom instructions for public participation. All votes should be taken via roll call. Please say your name before speaking. Mute yourself when you are not speaking. This meeting is being recorded. Please do not interrupt. If any public member is disruptive in a way that interferes with the board conducting their business, they will be blocked. Also highlighted that if there are any individuals that would like to participate, but need special accommodations, we will do our best to make those adjustments. Please do not click on any links on Zoom.

2) Roll Call

Present: D. Ihle, B. Rowe, R. Israels, J. Helmrich, D. DeFranco, D. Shipley, E. Welk
Also present: L. Wells, Planning and Zoning Administrator; J. Frey, Interim Township Manager

3) Meeting via Zoom

A **Motion** was made by Welk to conduct the meeting via video conference, ratify the procedures for public participation and meeting conduct as described in the Notice of Public Meeting. Seconded by Helmrich. The Motion passed by unanimous roll call vote.

4) Approval of Agenda

A **Motion** was made by Rowe to approve the agenda as written. Seconded by Welk. The Motion passed by unanimous roll call vote.

5) Approval of PC Minutes: December 14, 2020

Page 1: Add J. Brode, Hydrogeologist with KLSWA, to those present

Page 3: change "Swam" to "Swan"

Page 12: Change "Swam" to "Swan"

A **Motion** was made by Welk to approve the minutes of 12/14/20 as amended. Seconded by Rowe. The Motion passed by unanimous roll call vote.



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6) Public Comment:

1). David Swan, 345 Griffith St. City of Saugatuck, spoke on behalf of the Saugatuck Dunes Coastal Alliance (SDCA) and the neighbor group on Dug Out Rd. in Saugatuck TWP concerned with the Van Horn project. Mr. Swan thanked the PC for the inclusion of language pertaining to excavation in subsection D of the proposed Wellhead Protection Ordinance. Revisiting remarks made at the previous PC meeting, Mr. Swan emphasized his concerns and the concerns of the SDCA hydrogeologist, Dr. Anthony Kendall, with dewatering. Mr. Swan noted the proposed marina of the N. Shore development and highlighted that construction of the marina would require the excavation of approximately 240,000 tons of sand. Mr. Swan explained that a hydrogeological model developed by Dr. Kendall showed that with this excavation in conjunction with dewatering, 10's of millions of gallons of water will flow through the proposed boat basin. Mr. Swan asked Dr. Kendall whether dewatering in a wellhead protection area would impact a wellhead at approximately 200-300ft: Dr. Kendall said it would and that it could change the boundary of the wellhead protected area itself. Mr. Swan strongly encouraged the TWP to get the views of a few hydrogeologists as to what dewatering in a wellhead protected area would do to the well. Mr. Swan said he would be happy to ask Dr. Kendall if he would be willing to write up a few paragraphs on the matter for the TWP.

2). Wells noted that the PC received correspondence (on file with the TWP) pertaining to the proposed Wellhead Protection Ordinance from the following persons:

- a) Mr. Carl Gabrielse, attorney for North Shore
- b) Mr. Matthew D. Zimmerman, attorney for Mr. Chad Van Horn
- c) Mr. Nick Curcio, Township attorney

Public Comment Closed

7) Introduction of Interim Township Manager

Mr. Joe Frey, Interim Township Manager, introduced himself. Frey can be reached at Manager@SaugatuckTownship.org

8) New Business

A. 2020 Planning Commission Annual Report

Zoning Administrator Wells presented the 2020 PC Annual Report. Wells explained that the report is a tabulation of the PC's activities in 2020; each year new columns will be added for purposes of comparison.



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Helmrich thanked Wells and applauded her accomplishments relative to code enforcement. Helmrich recommended removing “Recommend denial” from the “Action” column for the month of November, given that the November meeting was canceled.

Israels recommended sending the annual report to the TWP Board for review.

9) Old Business

- A. **Zoning Ordinance Text and Map Amendment.** Consideration of an ordinance to add a new zoning section 40-595 to chapter 40 of the Code of Ordinances, Township of Saugatuck, Michigan and to amend section 40-586, to establish and provide regulations for a groundwater protection overlay zone; and consideration of an ordinance to amend the zoning map to rezone various properties in the Township to be a part of the newly created groundwater protection overlay zone.

Wells thanked the Board and everyone who had weighed in on this issue. Wells informed the PC that staff has shared all correspondences with the TWP attorney and Mr. Brode, hydrogeologist with KLSWA, and spent extensive time reviewing all the comments. Wells recalled that the PC held a public hearing on the matter in October, met again to discuss the proposed ordinance in December, and was again reviewing the issue at the present meeting. Wells said that staff had done precedence research looking at other communities that have similar ordinances in MI and nationally. Wells explained that what the PC had before it was a revision from the previous version, a version that included certain uses regulated within the proposed overlay district, which is a geographic area that consists of two main areas. Wells stated that within the proposed overlay district there would be heightened site plan review, and that the proposed ordinance outlined the additional requirements that would be included in a site plan review when there was development in the overlay district. Wells also said that the version of the ordinance presently being reviewed by the PC included certain land uses that would be prohibited, which had come under much scrutiny. Wells called the PC’s attention to item 4 in subsection d, which has drawn the most scrutiny. Wells noted that there was confusion concerning the language and that it was important to note for the record that when looking at item 4, the uses that are prohibited are excavation, extraction or mining of sand, gravel, bedrock or any other type of earth material for commercial purposes or for purposes of water body creation or expansion, that is, if any such activities were (1) to involve digging below the water table and (2) be located within 1,000ft of a municipal well as measured from the center line of the well to the nearest portion of the proposed excavation area. Wells noted that there were questions about excavation related to the construction of a commercial building. Wells stated that the intent of the language was to prohibit excavation related to mining sand, gravel, bedrock etc. The language does not prohibit excavation for a commercial building or a commercial use. Wells explained that these land use prohibitions would only be triggered if that excavation or extraction would be (1) below the



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water table and (2) within 1,000ft of a municipal well. Wells said staff had done some measurements and found that some of the N. Shore property is within 1,000ft of a municipal wellsite, however the N. Shore PUD is 3,000ft away from the well and thus would be unaffected by subsection D.4 of the proposed ordinance. Wells clarified that what is meant by “water body” is ponds, lakes or something that would require a permit from the TWP or EGLE; “water body” does not refer to a puddle, pool, hot tub or koi pond but rather the creation of a water body. Wells noted that all the prohibited uses in subsection D.4 are also special land uses, and that the overlay district put in additional standards for mining within the boundaries of the overlay district, regulations that would be layered on top of existing standards for mining regulated in Special Land Use. Wells explained that the “1,000ft” was best practice from an example that Mr. Brode researched from another community and that Mr. Brode was confident that 1,000ft is a justifiable distance for this standard.

Ihle personally felt that the language in subsection D.4 was being forced into the ordinance, and pointed out that the TWP attorney had to provide the PC with a memo explaining what the language meant just prior to the present PC meeting. Ihle felt that the memo indicated that the proposed language was a little loose, difficult to follow, and open for interpretation. Ihle reminded the PC that at the previous meeting there was a conversation about how enforcement needed to be considered when recommending new ordinance to avoid overburdening staff. Ihle said that when he read the language about the mining of sand, gravel, bedrock and earth material, it pretty much included everything; any kind of excavation or extraction. Ihle noted that the attorney included the qualifier “for commercial purposes,” but Ihle reflected back to concerns related to the hauling off of sand at the Van Horn project; the argument made by one side was that if the sand was being given away, then it’s not really a commercial operation. However, Ihle stated, the definition provided by EGLE states that any material that is sold, donated, traded or used for a purpose that has some value. Ihle said that if that was the case, any material moved in any way must have value to the person who is moving that material otherwise they wouldn’t have moved it. Ihle directed attention to the language concerned with “for purposes of water body creation,” and reflected back to a previous meeting with the housing committee in which members were discussing affordable housing options including the possibility of higher density, lower square footage options. These kinds of projects may require the construction of retention ponds, which would be the creation of a water body. Ihle said that that doesn’t seem to be the thing that the PC is trying to accomplish, but Ihle could foresee a disgruntled neighbor that doesn’t want the project using the wellhead ordinance as a tool for opposing the project. Ihle recognized that the prohibitions were only within 1,000ft of a municipal wellhead, but felt that still limited development. Ihle expressed that he wished he had seen a map that showed what was within 1,000ft of the wellheads, but added that it was unclear where future development is going to go. Ihle referenced discussions of ongoing projects, and said it was not the PC’s job to come up with ways to affect ongoing projects. Ihle stated that the job of the PC was to look at ways to recommend ordinances that protect future uses of the TWP. In reflecting on the proposed ordinances, Ihle considered that Brode, KLSWA hydrogeologist, discussed how



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excavation has minimal potential impact on wellheads, and questioned why excavation was coming into the conversation about wellheads. Ihle agreed that it was important to pay attention to future development, but believed that there was a better way to do that. At the next meeting, Ihle wanted to discuss future development through land use standards instead of putting it into a wellhead protection ordinance. Ihle believed that excavation prohibitions were not relevant to wellhead protection. Ihle referenced Shipley's remarks from the previous meeting, that we should choose the proper language for the proper reasons. Ihle expressed that his remarks were addressing putting the proper language in the ordinance that pertained to wellhead protection and addressing other land use concerns by reviewing land use standards. Ihle stated that the PC was trying to address large excavations. Ihle said that the larger excavations are already controlled by the state. Ihle explained that he tried to read subsection D.4 from an outside perspective, and he could not wrap his head around why it really belonged in the wellhead protection ordinance.

Rowe echoed Ihle's concerns. Rowe believed the wellhead ordinance to be a very important ordinance, and that the PC needed to get it right. Rowe recalled that the PC heard a lot of discussion from the last meeting, and he referenced Curcio's memo; Rowe felt that Curcio did an awful lot of explaining and said that he believed that to mean that the language of subsection D.4 was not clear. Rowe strongly wished that Curcio was present for the meeting so that the PC could ask him questions directly. Rowe did not feel good about voting on the ordinance until Curcio was present and could answer questions from the PC about their concerns and the concerns expressed in the correspondences. Rowe did not see much point in setting the TWP up for immediate legal action. Rowe wanted to see the proposal tabled until Curcio was available to attend the discussion.

Welk seconded the thoughts of both Ihle and Rowe to hold off on a decision for a period of time. Welk believed that there were other things going on at the meeting that needed to be addressed, and Welk did not think the present ordinance was the major issue requiring attention.

Shipley expressed concern with the language pertaining to excavation in subsection D.4, because that was the language that was included in the original ordinance proposed to the PC. Shipley believed that there must be a reason why that specific language was included, whether it was a template from the state or for some other reason. Shipley was unsure of the exact reason for the inclusion of the language pertaining to excavation, but emphasized that at some point someone wrote it for a reason and Shipley expressed discomfort at the idea of the complete deletion of D.4. Shipley did not disagree with Ihle's remarks, but was confused as to why language prohibiting excavation was present in the original version of the proposed ordinance if excavation did not pose a threat to wellheads. Wells explained that the reason for the language with its specific terms was because staff wanted the items in subsection D to be written the same way as in the TWP Zoning Ordinance uses table. Wells showed the PC the uses table. Shipley thanked wells for explaining that the language was a matter of continuity with the TWP zoning ordinance. Shipley reiterated discomfort at the complete deletion of subsection D.4, and said it



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was difficult to grasp why the subsection was originally included if it was not important. Shipley said the present version of the proposed ordinance that adds that language back in was a good idea, but thought that the PC may need some more time before voting. Ihle said that from reading the previous meeting's minutes, his understanding was that the reason why staff removed D.4 from the proposed ordinance was because staff felt that enforcement/spelling out the condition was overwhelming, and that staff was worried about its continued inclusion in the ordinance. Israels agreed with Ihle and recalled that staff said that such land use prohibitions were best served being in the land use ordinance versus in this ordinance; a duplication of this could be construed as confusing.

Helmrich wanted to underscore that the D.4 language is not an addition to anything; it was excluded from an original draft that Helmrich believed had been in the TWP's possession for well over a year, after the cities of Douglas and Saugatuck adopted their own wellhead protection ordinances and repeatedly inquired with the TWP as to when the TWP would pass one of their own. Helmrich stated that this ordinance has been tabled multiple times. In the previous meeting there was a deep discussion on subsection D.4 and the PC voted unanimously to have staff and council look at putting D.4 back in the ordinance, which is what staff has done in the present version. Helmrich acknowledged that staff has done an amazing amount of work in the last month, and he commended Curcio's memo addressing concerns raised previously, and where he closes the memo with stating that in his opinion the enclosed language is reasonable and drafted in good faith. Helmrich stated that that's what he thought the PC had directed staff to do, and staff had done it. Helmrich reemphasized that D.4 was a reinstatement and tweaking, not a brand new addition of a condition, and to Helmrich that was very pertinent. Helmrich reiterated Wells remarks that D.4 matches language in the TWP's zoning ordinance and that there's consistency here; there should be consistency between ordinances, Zoning Ordinance and Master Plan, as the PC and Board have previously spoken to. Helmrich stated that the Board, TWP as an entity, and the cities of Douglas and Saugatuck have repeatedly asked of the PC why the wellhead protection ordinance has not yet been passed. Helmrich believed that the subject has been addressed thoroughly, has been tabled a number of times, and is now in a good position per the PC's instructions to Curcio and Wells.

DeFranco noted that in the Master Plan, protecting water quality is a top priority, and, given this, the PC at some point has a responsibility to recommend approval of the proposed ordinance to the Board. DeFranco referenced Curcio's memo and explained that if it is read independently it appears that Curcio is doing a lot of explaining. DeFranco emphasized that the Curcio memo must be read in context; the Curcio memo is in direct response to the correspondence from Mr. Gabrielse, attorney for N. Shore, and disproves the outrageous statements made by Mr. Gabrielse. DeFranco stated that it was not the case that subsection D.4 was overly confusing, but that the PC was being confused by outside parties and that Mr. Curcio did a fantastic job addressing the concerns presented in the Gabrielse correspondence. DeFranco reiterated that the Curcio memo must be looked at in context: it was a direct response to the Gabrielse



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correspondence. DeFranco stated that D.4 could be read as outright prohibiting all the listed land uses, but in fact D.4 states that all the listed uses are permitted so long as those uses (1) are not located within 1,000ft of a municipal well and (2) do not involve digging below the water table. DeFranco stated that the proposed municipal well site on the N. Shore property sits on an aquifer hundreds of feet deep, and so even if the Van Horn project was within 1,000ft of the wellsite, DeFranco believed that D.4 would not prohibit the Van Horn pond because the pond is not so deep as to go below the water table. DeFranco recalled that Brode said that a broad ban on excavation within the delineated wellhead area would not make sense, however, if a lake were put on top of or in proximity to a municipal well, that use would change water levels and could alter water chemistry. Additionally, Brode said he would be worried if there were mining activity next to a municipal well.

Ihle stated that DeFranco brought up a good question; what is ground water? Ihle referenced the Van Horn pond and said that the only reason why the pond was holding water was because it was below ground water. Ihle emphasized that the Van Horn pond did not have a clay lining or anything to hold water other than its being below ground water. Ihle said that it stood to question, what was the ordinance defining as ground water. Ihle felt that the PC was discussing two distinct issues; the PC was talking about (1) potable water which is 80 to a few hundred feet deep and (2) ground water, which Ihle suspected was 5 or 6 feet deep. Ihle asked what D.4 defined as ground water. DeFranco said Ihle was posing a great question, but added the correction that the language of D.4 referred to the "water table," not "ground water." DeFranco asked what was the water table; does ground water count as the water table or does the water table refer to the aquifer? DeFranco wondered if there was a technical distinction between ground water and the water table. Ihle said that you could call the ground water filling the Van Horn pond more of an aquitard than an aquifer, and so there is a hydrogeological distinction between two, but it could easily be argued that the Van Horn pond was filled with ground water. Ihle expressed that these were important things that needed to be addressed as a Township, and that Ihle's concern was that the language of D.4 could be picked apart and, if so, the PC would be setting itself up for battles; the TWP would end up in court, lose, and it would cost money and staff time. Ihle stated that these were his concerns with keeping D.4 in the ordinance, and echoed Rowe and Welk's points that it would be better if the PC could consult the attorney and ask whether this was a valid concern.

ShIPLEY recalled Ihle saying that the ordinance's language should be chosen for the right reasons, and ShIPLEY did not believe that "fear of litigation" was a right reason. ShIPLEY said the issue concerned her own drinking water and the TWP's wellhead, and given that ShIPLEY would not be moved by fear of litigation. ShIPLEY asked whether Ihle would help improve and clarify the language at D.4. ShIPLEY reiterated that "fear of litigation" would not be a good reason for excluding subsection D.4. Ihle stated that he felt the right answer was to strike the excavation condition altogether. Helmrich asked Ihle what changed his mind from the previous meeting. Ihle stated that he did not change his mind, and that he had voted that staff should get back and



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look at the issue more closely. Ihle was hoping staff would learn something new, but that he didn't feel that the PC learned anything new with the updated language.

Rowe stated that it was his understanding from last month's meeting that the PC would continue to have the conversation about subsection D.4 with the TWP Attorney present. Rowe stated that he was uncomfortable with making a decision until another conversation was had with the TWP attorney present to address some of these issues.

Welk stated that we should have another conversation with the TWP attorney and the hydrogeologist present. Welk stated that the PC could go out and get 50 hydrogeologists from the other side of the issue and that they would say whatever they were being paid to say, or we could just consult our own attorney and hydrogeologist. Welk said that if the other side does not like the PC's thinking, they could go out and get 50 attorneys at great fees to say whatever the PC doesn't want to hear. Welk said that the issue was that the TWP had an attorney and a hydrogeologist, and that the PC could keep going down this road, spend a lot of money, and hear what we heard at the previous meeting. At the Joint Board/PC meeting, Welk suggested that the TWP improve pay for staff to avoid employee loss, such as the resignation of Township Manager Graham. Welk stated that Helmrich was going to follow up with improving pay for staff, but now wanted to spend money on litigation. Welk said that he does not understand this thinking; the PC should make a decision or motion and move forward. Welk emphasized that the debate over D.4 could go on for years, and that Welk and Rowe had been on the PC for years and know that issues like the one under discussion is not worth spending the time or money. Welk encouraged the PC to make a motion, vote, and move forward.

Shiplely said that she had expressed similar sentiments at the meeting at which the proposed ordinance was first introduced to the PC, and at that time Shiplely was happy to accept the recommendations of the attorney and hydrogeologist. Shiplely explicitly recalled saying that she did not want the discussion of the ordinance to drag on for an extended period of time, that she had received "eye rolls" for this view, but now the PC was at least three months into debating the issue. Shiplely wanted to make clear that she agreed with the version of the ordinance originally presented for review by the PC; she accepted the recommendations of the attorney and hydrogeologist and that Shiplely along with DeFranco were the only two commissioners who were ready to vote on the ordinance months ago. Shiplely felt that now the issue had been muddled and that the PC was several months into the discussion. Shiplely agreed that the PC should move forward and that maybe someone would want to make a motion.

Ihle proposed making a two-part motion, because he did feel that there were important issues left to be discussed. The first part would be to strike D.4 from the proposed wellhead protection ordinance and approve the remaining ordinance as written, and the second part would involve the PC's discussion of the TWP's land use standards so that large-scale excavation projects could be addressed. Israels clarified that there were two parts to the motion being made; Part A was to



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strike D.4 and approve the Wellhead Protection Ordinance as written, and Part B was to discuss the TWP land use standards with respect to large-scale excavation projects at the next PC meeting. Ihle confirmed that there were two parts to his motion, which was seconded by Welk.

Israels asked whether there was any discussion regarding the above motions. Rowe asked to clarify if Ihle's motion was to strike D.4 and to recommend adoption of the remainder of the Wellhead Protection Ordinance to the Board. Ihle confirmed this to be the case. DeFranco expressed frustration at having spent money on an attorney and hydrogeologist and at having staff adjust the language of D.4 twice. DeFranco felt that there was always a reason given to identify the language of D.4 as unclear or complicated. DeFranco believed the present language of D.4 to employ a clear term with the use of "water table," and that that deserved further consideration. DeFranco stated that the PC was guessing at whether "water table" was intended to have a colloquial or technical meaning. DeFranco suspected that "water table" was a technical term, and read a definition of "water table." DeFranco said that the definition suggested that the water table related to the uppermost regions of the aquifer. DeFranco stated that if the PC was considering land use activities that would breach the uppermost boundary of the municipal aquifer within 1,000ft of the municipal wellhead, that prohibiting such activity was perfectly pertinent to protecting groundwater. DeFranco said that if the PC was never going to be satisfied with whatever terminology was employed related to excavation, so be it. DeFranco believed that if "water table" had a technical meaning, the PC should know about it. Additionally, if the language of D.4 was intended to prohibit activities that would breach the aquifer within 1,000ft of a municipal wellhead, that prohibition would prevent contamination of municipal groundwater. DeFranco emphasized that when the PC discussed the protection of municipal water, that topic concerned the water supply of not only Saugatuck Township, but also the water supply of the cities of Saugatuck and Douglas and Laketown Township.

Israels found the December PC meeting to be a challenge, that two and half hours was exhausting and possibly confusing for some commissioners. Israels considered whether the PC wasted time and resources, because no conclusion was reached. Israels explained that the meeting was all a result of one line item in a proposed ordinance that took the PC on a long journey considering residential development, commercial use, personal passions, ponds, a proposed marina, aquifers, groundwater, deep water, all kinds of mining and soil testing. Discussion even infiltrated into Laketown Township and other areas. Israels wanted to back track and thank the two guests who participated in the meeting, Curcio, TWP attorney, and Brode, KLSWA hydrogeologist, for taking the PC's questions on a topic with which the PC was not well-versed. Since then, Israels had twice reviewed the meeting's recording, prior to receiving correspondences from Mr. Gabrielse and Mr. Zimmerman, and concluded that the meeting was very educational and not frustrating. Israels did believe that the PC may have missed some important context; the proposal under consideration is designed to protect our municipal water sources and 99% of it the PC agreed upon, that is, to protect TWP residents against chemicals, hazardous waste, radiological materials, oils and things that pollute the water



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system. The ordinance also guided testing on property transfers, testing of old wells, and secondary effects related to chemical leaks, spills, storm water, and things of that nature. Israels pointed out that subsection D further reiterated all the above items in a prohibited use. In reviewing subsection 4.D, Israels would use the word “sticky” to describe it. Israels said that the TWP’s experts told the PC that the language in D.4 was not necessary. Israels said that at the time the PC did not really listen to the TWP’s experts, and, being good protectors of a document, the PC sought to refit the language because simply eliminating D.4 was uncomfortable. Israels stated that D.4 could easily be eliminated because it’s already in the zoning ordinance and excavation and extraction are under the jurisdiction of the state. Israels noted that the delineated wellhead area was defined by the state and approved by EGLE, all in accordance and under the advice of hydrology experts. Israels noted that the PC was asking the experts to spend time and energy on trying to describe what the TWP means in its own ordinance, and Israels wondered where TWP staff would be when the time came to support those “sticky” measures. Israels reminded commissioners that they were told that eliminating D.4 would be a good action both by Brode and Curcio; the PC was told that eliminating D.4 would be a good action at the local level because permitting would have to occur at the state level anyway. Curcio and Brode agreed that moving the contents of excavation and extraction to land use ordinance actually seemed more appropriate and would provide an additional layer of oversight that would be more specific to those uses. Israels said that the PC was informed that the ordinance would not inhibit home-site excavation in any manner, but what was not considered was whether the ordinance could affect other projects, such as a high-density residential project, that could come to the TWP and would be better addressed in land use ordinances specific to the types of land in question. Israels thought that the PC’s challenge was to accept the role of the TWP’s leadership and make decisions that support the TWP; the PC must lead with information and the advice received from field-educated persons, resources which the TWP staff provides. Israels stated that the PC also hears from community members and often from members who may not agree with a pending action, but good leaders make really tough decisions for really good reasons. Israels supported the removal of D.4 in its entirety, not because of one letter from a community member’s attorney, but because it makes the future application of the ordinance “sticky.” Israels said that the PC knew subsection D.4 is sticky, because the PC received a memo from the TWP attorney trying to explain it. Israels supported adding it to future agenda items, and the regulatory aspect of it could further support land use agreements, regulations by neighborhoods and community districts, site plan review, and development site overview. Israels concluded that it seemed unrealistic to prohibit excavation and extraction, and, as the PC was told by the TWP’s experts, excavation and extraction posed low threats to ground water in general. Israels stated that the TWP was different from the City of the Village of Douglas and the City of Saugatuck, in structure, government, resources and potential growth, and that the TWP was different from Laketown Township in that the TWP’s wells are deep and Laketown’s wells are shallow. Israels highlighted that the PC learned that no trillium was detected in TWP municipal water, which suggested that there has been no connection to surface water in 50 years or more. Israels recalled that the TWP has aging wells and that the TWP has the potential for a new well in 2022, which



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would be good for the TWP. Israels clarified that the decisions of the meeting had nothing to do with getting the new well site in 2022. Israels noted that the ordinance and the relationship with KLSWA was a good step for protecting TWP water for future generations, and so Israels supported 99% of the ordinance. Israels looked to the PC for a motion.

A **Motion** was made by Ihle to (1) strike D.4, in its entirety, from the proposed ordinance and recommend adoption by the Board of the remainder of the Wellhead Protection Ordinance as written, and (2) address future development with respect to land use standards at the next PC meeting. Seconded by Welk. **Approved by roll call vote: DeFranco, yes. Ihle, yes. Shipley, no. Welk, yes. Helmrich, no. Israels, yes. Rowe, yes.**

B. Master Plan Review, Sub Committee Updates

Israels would like to see “sub-committee update” as an agenda item every month.

Rowe said that the Housing Committee has had a brief meeting and will be meeting again on 1/28. The committee was composed of Rowe, Ihle, Welk, and Harry Adams, a community member.

DeFranco thanked Israels for recommending Waste Removal and Recycling as a committee. DeFranco explained that the Rural Character committee has not yet met, and that DeFranco was in the process of recruiting committee members.

Ihle has begun identifying potential categories of interest on the Blue Star Highway committee to be filled by PC, Board, and community members. Ihle was interested in finding someone who could represent the economic interests of the Blue Star Corridor.

Shipley noted that when the PC was considering possible sub committees, multiple commissioners identified “open spaces” as an area of interest. Shipley recommended that each committee incorporate “open spaces” into their committee work.

Israels explained that when she was developing the sub committees, she spoke with each commissioner on the phone to get a better sense of their interests. Israels felt that she had to narrow potential topics down to attainable goals. Israels recognized that each commissioner was a volunteer and expressed appreciation for work done by commissioners. Israels thought that the Rural Character committee could address “open spaces.” Israels noted that the Blue Star Corridor had been an area of interest for at least three years. Israels informed the PC that she had committed to quarterly meetings with the Planning Commissions of the cities of Douglas and Saugatuck. Israels had also scheduled time at the Parks Commission meeting to discuss the four committees the PC had put in place and to see if anyone had an interest in participating. Israels



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wanted the PC to read “Strong Towns,” discussing the first three chapters at the next PC meeting. Helmrich said that all commissioners could commit to acquiring and reading the book.

Helmrich mentioned that it was time to start discussing the formation of the Tri-Community Master Plan Review Committee. Helmrich alerted the cities of Douglas and Saugatuck, and encouraged commissioners to consider joining this new committee. Israels asked Helmrich if interested commissioners should communicate directly with Helmrich or wait for guidance from the Board. Helmrich noted that at the moment the TWP has an Interim Manager, and that to start it would be better to directly contact Helmrich. Israels recommended Helmrich also seek Board input.

Israels recommended that the PC’s sub committees be referred to as “special committees.”

10) Public Comment

1). David Swan, 345 Griffin St, City of Saugatuck, was speaking from Newportville, MI. Swan stated that as a “policy wonk,” he thought the PC meeting was fabulous and Swan thought all commissioners should be commended for being open and honest. Swan thought Chairperson Israels’ closing comments and analysis were fantastic. Swan appreciated all commissioners digging into the issue and asking good questions such as, “what’s a water table,” and “what is ground water?” Swan commended Ihle for asking, “what does impact the wellhead?” Swan encouraged all commissioners to follow the science; dewatering to a magnitude of 10s of millions of gallons will impact the wellhead. Swan said that strong towns are often made stronger by local, independent book sellers. Swan implored commissioners to buy the book, “Small Towns,” from a local, independent book seller.

Public Comments Closed

11) Board Discussion:

Wells thanked the PC for participating in the Joint Board/PC meeting. Wells informed the PC to expect an updated site plan for the miniature golf course and a Special Land Use request for a home-based business at the February meeting. Israels asked if the PC would be discussing land use. Wells said yes.

Township Board Update Submitted by PC Member and Township Treasurer, Jon Helmrich

The Township Board met via Zoom on Wednesday, January 13, 2021

- Township Auditor presented an overview of the recently completed audit for FY2020 which continues to show the Township in a much stronger than average fiscal position.



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- Manager Graham presented an Annual Report on the progress of the 2020 board goals.
- Appointments were made to the Board of Review and the ZBA. Newcomers include Denise Webster, Mark Saint Amour, Patrick Stewart, and Harry Adams.
- Consultant Larry Nielsen shared a draft Strategic Action Plan and the board voted to hold a special meeting on Saturday, February 20 to consider the plan and vote on a final one to set the 2021 board goals and strategy.
- Board voted to hold the election for the cemetery maintenance millage in August.
- Board voted to accept an ordinance enforcement settlement with a property owner on Old Allegan Road.
- Board voted to adopt a resolution to join the Kalamazoo Lake Harbor Authority which will now go back to the two cities for a final vote.
- Manager Graham's letter of resignation was accepted as was an employment agreement with Joe Frey to begin as our Interim Township manager for a period of 60 days.
- Voted to continue as a participant in the Ad Hoc Intergovernmental Recycling Committee with the two cities and retain our three current representatives.
- Public comment was heard from the various appointees to the BOR and ZBA and on a proposed ORV ordinance and creation of a Historic District near the Kalamazoo River mouth.

Israels asked Helmrich if the TWP was actively looking for a new TWP Manager. Helmrich said the focus now was to train the new Interim Manager. Israels noted that the auditor from the Board's Strategic Goals meeting was very complimentary to the TWP's processes and data, and Israels thanked Helmrich for his work on this front. Helmrich explained that the average municipality in MI has 60% of their annual necessary expenditure budget expenses in the bank at any given time, and many municipalities have far less. For two years in a row, the TWP has had 120% of their annual necessary expenditure budget expenses in the bank. Helmrich explained the TWP is working on making additional investments; when the current Board came on, the TWP had one investment of \$760,000, and now the TWP has investments of over \$1,000,000.

Welk recalled his comments at the Joint Board/PC meeting regarding improving staff pay. Welk emphasized that the TWP must pay staff a reasonable salary for purposes of employee retention. Helmrich agreed with Welk and said it should be a priority. Helmrich invited Welk to attend TWP Budget Planning Meetings, which Welk agreed to do. Israels thought it was an excellent idea for Helmrich and Welk to meet to discuss the matter further.

12) Adjourn

A **Motion** was made to adjourn the meeting at 8:45 pm by Welk. Seconded by Rowe. Motion passed by unanimous roll call vote. Next P.C. meeting: Monday, February 22, 2021 at 7:00 p.m.

Motions:



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1. A **Motion** was made by Welk to conduct the meeting via video conference, ratify the procedures for public participation and meeting conduct as described in the Notice of Public Meeting. Seconded by Helmrich. The Motion passed by unanimous roll call vote.
2. A **Motion** was made by Rowe to approve the agenda as written. Seconded by Welk. The Motion passed by unanimous roll call vote.
3. A **Motion** was made by Welk to approve the minutes of 12/14/20 as amended. Seconded by Rowe. The Motion passed by unanimous roll call vote.
4. A **Motion** was made by Ihle to (1) strike D.4, in its entirety, from the proposed ordinance and recommend adoption by the Board of the remainder of the Wellhead Protection Ordinance as written, and (2) address future development with respect to land use standards at the next PC meeting. Seconded by Welk. **Approved by roll call vote: DeFranco, yes. Ihle, yes. Shipley, no. Welk, yes. Helmrich, no. Israels, yes. Rowe, yes.**
5. A **Motion** was made to adjourn the meeting at 8:45 pm by Welk. Seconded by Rowe. Motion passed by unanimous roll call vote. Next P.C. meeting: Monday, February 22, 2021 at 7:00 p.m.

Respectfully,

D. DeFranco, P.C. Sec.