

**SAUGATUCK TOWNSHIP BOARD
SAUGATUCK TOWNSHIP PLANNING COMMISSION
SPECIAL JOINT MEETING**

**WEDNESDAY, OCTOBER 28, 2009
SAUGATUCK TOWNSHIP HALL
3461 BLUE STAR HWY., SAUGATUCK, MI 49453**

MINUTES

Planning Commission Chair Larry Edris called the meeting to order at 5:00 P.M.

Members present: Supervisor Bill Wester and Trustees Chris Roerig and Jim Hanson. Planning Commissioners Margaret Conklin, Steve Darpel, Larry Edris, Jim Hanson, Joe Milauckas, Sandra Rausch and Bill Rowe.

Members absent: Clerk Jane Wright and Treasurer Pat Knikelbine.

The agenda was adopted. Edris explained to the large audience that this meeting did not include a public hearing on the Residential/Recreational Planned Unit Development draft ordinance proposed by Saugatuck Dunes LLC for the area now zoned R-4 Residential, but rather it was intended to consider the processes to be followed in the Planning Commission's consideration of the R-4 Zoning District and the RRPUD draft. He said the Board and Commission would go into closed session to consider an issue governed by attorney-client privilege, but he allowed thirty minutes for public comment.

David Swan, 345 Griffith, Saugatuck, said he had 1300 signatures on a petition to retain the existing zoning and 400 letters to that effect as well. Attorney John Bauckham, representing Saugatuck Dunes Coastal Alliance and the Michigan Township Association, reviewed the provisions of the Tri-Community Comprehensive Plan, complimenting the Township on its Zoning Ordinance, and emphasizing that zoning in the Township should not impinge on the commercial and marina aspects of the cities. Referring to the Cooperation Agreement, he stated that the Township could not contract away its legislative authority or the need to consider its land use plan, and that change could be subject to a referendum of the voters. Jim Schmiechen, 325 Water, Douglas, spoke about the historic significance of the site of Singapore where the marina is proposed by the RRPUD and wondered how it would be protected. Roy McIlwaine, 3466 River Rd., asked why go through the process, since the RRPUD is so opposed to the Master Plan and current zoning, and Edris answered that the Township must act in good faith or be subject to litigation. Larry Dickie, 6108 Old Allegan Rd., asked about information on the property and was told that information furnished by McClendon's group was available in the Township office. Edris said there is some information which is not public because of attorney-client privilege. Steve McKown said he didn't believe the Township had to consider the RRPUD under the Cooperation Agreement and he questioned extending that agreement. He added that the Tri-Community Plan would have to be changed before the Township could enact the RRPUD, if it so desired.

Roerig made a motion to close the public comment portion and Hanson seconded. The motion carried.

Roerig distributed a letter from the DEQ, dated September 17, 2009, which suggests that the Township may request an extension of the Critical Dunes boundary in portions of Section 3 and 4 of Saugatuck Township along the Kalamazoo River.

Roerig made a motion, supported by Wester, for the Township Board to go into closed session to protect attorney-client privilege. By roll call vote, the motion carried unanimously. Hanson made a motion, supported by Rowe, for the Planning Commission to go into closed session to protect attorney-client privilege. By roll call vote, the motion carried unanimously. At this time the audience exited.

After forty minutes of closed session, Conklin made a motion, supported by Rowe, for the Planning Commission to return to the open meeting. By roll call vote, the motion carried unanimously. Roerig made a motion, supported by Wester, for the Township Board to return to the open meeting. By roll call vote, the motion carried unanimously.

At 6:20 P.M. the audience returned, and the meeting was reopened to public comment (Roerig/Rausch). Roerig, citing the DEQ letter, recommended that the Planning Commission consider extending the Critical Dune area in Sections 3 and 4 of the Township. Upon Suzanne Dixon's question about what was in that letter, Roerig distributed copies to the public.

Swan asked if the Cooperation Agreement has been extended and was told there has been no decision on that now. He also asked if a process has been decided to consider the proposed ordinance, and Hanson answered that the Township must follow the law and schedule a public hearing, but none has been scheduled as yet. He expressed a desire to proceed with consideration of the zoning of that area in an orderly fashion, taking each segment of the issue at a time. Marcia Perry, 6248 Blue Star Hwy. asked about the plan, and was told there has been no application. Tracey Shafroth, 1015 Park St., Saugatuck, asked if the Township has special legal counsel on land use and was told the Township Attorney is experienced in that area, the Township has a planner, and other attorneys are available, but the Township has to consider the costs. Harold Glasser, Grand St., Kalamazoo, asked about the position the boards have taken on the issue of changing the Tri-Community Plan, and was told that plan was adopted by the three communities separately, but the Township could recommend amending it or adding a sub-area plan. Glasser maintained that that process must proceed in a linear fashion, beginning with amending the Tri-Community Plan, according to the Michigan Planning Enabling Act. When Shafroth asked if there had ever been a change of this magnitude proposed by a property owner, she was told No. Leta Sandy, Fillmore Township, asked if the Township has any "environmental fire power" or if the state has shown any interest in this issue. Other than the state's efforts in securing the south portion of the property as a conservation district, Edris said the state leaves these issues to the townships. Swan asked if there has been an "application" and was told No. In answer to the final

questions, Edris made it clear that when a land owner/tax payer comes to the Township with a plan for his property, the Township must consider it.

Meeting adjourned at 6:50 P.M.

Betty A. White, Recording Secretary

Sandra Rausch, Secretary P. C.
Jane Wright, CMC Township Clerk