

SAUGATUCK TOWNSHIP PLANNING COMMISSION

November 23, 2009

The Saugatuck Township Planning Commission met on November 23, 2009, in the media center at Saugatuck High School on Elizabeth Street, Saugatuck, Michigan 49453.

Present: Conklin, Darpel, Edris, Hanson, Milauckas, Rausch and Rowe

Absent: None

Also present: Atty Ron Bultje, Planner Mark Sisson and members of the general public.

Chair Edris called the meeting to order at 7:00 P.M. Milauckas asked to put discussion of the By-laws on the agenda. Planning Commission minutes of October 26 were approved (Hanson/Rowe). Minutes of the Joint Planning Commission/Township Board of October 28 were approved as corrected: Page 2, long paragraph, Mr. Harold Glasser's address should be Kalamazoo (Rowe/Conklin).

Edris read a letter from Patsy G. Allen, 4381 Millpond Dr. NE, Rockford, MI, dated 11/17/09, urging protection of the dunes in the former Denison property

There being no general public comment, Edris opened discussion on the Township Board's request for Planning Commission recommendation on when to call a public hearing on the R-4 zoning and related issues. Edris stated that Atty Steve Neumer had asked that this be postponed until after McClendon's closing on the sale of the south portion of his property to the City of Saugatuck. Atty James Bruinsma, representing McClendon, said he thought the Natural Resources Fund awarded funds the first week or so in December and then the closing would take place later in December, 2009. Edris explained that the Township Board was concerned about the word "immediately" used in the Cooperation Agreement of 2006 to describe when the Township should consider repealing its R-4 zoning, after the expiration of that Agreement, which has occurred. Atty Bultje added that the Township could consider repealing the R-4 text or rezoning the property in question out of the R-4 and back to its original zoning or something else. He had wanted to make sure that the Township lived up to its promises in the Agreement, but in the meantime, the property owners came up with a new zoning amendment, not covered in the Cooperation Agreement, and then asked the Township to hold off addressing any of these issues until the sale of the south portion of the property. Bultje said he believes the Township is in compliance as long as there is this request and after communications with Bruinsma. Extension of the Cooperation Agreement could be considered later also. Bruinsma concurred with Bultje's assessment of the situation.

Edris opened the floor to public questions and the following concerns were expressed: What relevance does the sale of the south portion have to considering the zoning of the north portion? Has the Cooperation Agreement been finalized or has there been a request to extend it? Did the property owner give 30 days to comply? Can't this public hearing be put off till spring when property owners return? Does the PUD (zoning amendment)

proposal constitute a zoning map change? Should a site plan for development of the property come before consideration of the zoning amendment? Shouldn't the Commission consider the proposed amendment? Don't some terms survive from the Cooperation Agreement even after its expiration? Does "immediately" mean what the dictionary says? What form will the public hearing take, to discuss repeal of R-4 and return to former zoning? In answer, Atty Bultje reiterated that there has been no formal written request to extend the Cooperation Agreement, no formal written application to consider the zoning amendment proposed by the property owner, which would amount to a zoning text change, and he explained that in the deliberate style in which government operates "immediately" does not mean the same as the dictionary definition. Bultje suggested the P.C. could consider keeping the R-4 text and divorcing it from just this property then consider a map change, but the Township Board has the final decision.

Edris closed the public comment on this subject. Hanson made a motion, supported by Rausch, that the Planning Commission chooses not to take up the matter of the R-4 public hearing at this time, based on the land owner's communication and that of our lawyer. Motion carried

Edris opened discussion of the DEQ letter of September 17 concerning the extension of the Critical Dune Boundary in portions of Sections 3 and 4 of Saugatuck Township by referring to his memo of November 16 regarding the discovery that the landward edge of the sand dune was not consistent with the boundary described in the Atlas of Critical Dunes. The DEQ would like to redraw the boundary to include 25.22 acres to correct it, but can only extend the Critical Dune 250 feet or 14.11 acres without authority from the local unit of government. Atty Bultje said this is a new issue for the Planning Commission and there is no form to follow; therefore, it would have to examine the impact on other issues in that area. Edris suggested inviting Ernie Sarkipato, Kalamazoo District Office of the DEQ, to the public hearing which will be held before a decision is made. A member of the audience urged the Planning Commission to clear up this issue since the R-4 text relies on the state to define Critical Dunes, and it is clear the state is in noncompliance.

Atty Bultje said he thought the issue of redrawing the Critical Dune should be considered soon regardless of the sale of the south Denison, its effect on the Cooperation Agreement, the R-4 zoning and the zoning map, but he said those questions are related when looking at this property and would have to be taken into consideration before a decision is made. He suggested holding off for about a month, and Sisson suggested doing the necessary fact-finding and holding a public hearing, whether a decision is made right away. Bultje agreed with Edris' idea of inviting Sarkipato to what Bultje called an "advisory public hearing," saying he wanted the land owners to be present as well as the public. He explained that because there is no process laid out and no public hearing required in the Critical Dunes legislation, he thought the hearing should be "advisory" and proper public notice given. Edris agreed to contact Sarkipato. Bruinsma did not think his client would be ready by January.

After a brief recess, the meeting reconvened at 8:30 P.M. for a discussion of Wind Energy Turbines. Hanson presented the spread sheet he had made from the numerical information of heights and setbacks in the Ottawa County Wind Energy Ordinance, and Sisson distributed his suggested questions to determine basic differences in providing for Large, Medium and Small Scale WET's. From Sisson's outline, the P. C. decided the LWET and MWET would be SAU in the northern I-1 zone and all of A-1 zones. In the other zones consensus seemed to be that height should be restricted more than kilowatt output. Sisson recommended allowing structure mounted WET's with setback and lot size requirements, but requiring SAU for towers. After some discussion, temporary decision was to allow by-right structure-mounted WET's on commercial or industrial buildings, or auxiliary buildings 50 feet from the property line, with a height restriction of 15 feet above the roof peak. For several neighboring landowners to erect a common tower of no more than 65 feet by right, they would have to have a minimum of a 3-acre core area with a 200-foot setback. An SAU would be required for a maximum tower height of 120 feet. Further discussion at next meeting.

By-laws and Rules of Procedure will be discussed at the next meeting.

Meeting adjourned at 10:10 P.M. The next regular meeting is December 7 at 7:00 P.M.

Betty A. White, Recording Secretary

Sandra Rausch, Secretary

MOTIONS

1. Motion by Hanson/Rowe to approve October 26 minutes.
2. Motion by Rowe/Conklin to approve corrected minutes of Joint Meeting with Township Board of October 28.
3. Motion by Hanson/Rausch to inform Township Board that P.C. will not consider R-4 zoning at this time.