

SAUGATUCK TOWNSHIP PLANNING COMMISSION

January 25, 2010

The Saugatuck Township Planning Commission met on January 25, 2010, at the township hall on Blue Star Highway, Saugatuck, MI 49453.

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

Absent: Rausch

Also present: Planner Sisson, Jack Helder, Josh Young, Cal Becksvoort, Dennis Reckley and members of the general public.

Chairperson Edris called the meeting to order at 7:03 P.M. To the agenda Hanson added consideration of the Saugatuck Harbor Natural Area Master Plan and appeals on PUD's. December 7 minutes were approved as amended as follows: Page 1, 2nd paragraph, Sisson's statement, delete the portion in parentheses (Conklin/Rowe).

Public Comment: Dayle Harrison, 3108 62nd St., displayed an aerial map of the Saugatuck harbor entrance from Lake Michigan and reported that the Kalamazoo River Protection Association and the Saugatuck Dunes Coastal Alliance have petitioned to the DEQ to declare it an Environmental Area in order to protect the natural features and wildlife there. He asked that the Township create more restrictive zoning in that area.

Marcia Perry, 6248 Blue Star Highway, added that the State is mandated to protect the shorelines of Lake Michigan, and she thought it would be good if the local entity created more specific and restrictive zoning. Hanson said he thought the Township Board would not be apt to add another layer of zoning on top of R-4 at this time.

Edris opened the tabled discussion on Pine Trail Camp's request for expansion of a non-conforming use for the erection of a new home for the camp director. Rowe, ZBA member, reported that the ZBA approved the request as not substantially extending the duration of the non-conforming use and as not enlarging the non-conforming use so as to interfere with surrounding properties. Dennis Reckley explained that the house has been relocated on the plan to eliminate the need for a variance in setbacks. Standards in Section 40-816 of the Zoning Ordinance were reviewed .

Hanson made a motion, supported by Rowe, to approve the residence addition to Pine Trail Camp based on the December 10 site plan revision and the ZBA approval of December 10. The motion carried.

Edris referred to Z.A. Ellingsen's letter of 1/22/10 to open the question of whether the DEQ's requirement of a retention pond on Jack Helder's property where he intends to do sand mining is enough of a change to the original plan to require a resubmission and payment of fees. This is in connection with the construction of the entrance road off 62nd Street, near M-89, where there are wetlands. Edris expressed the opinion that this was

simply part of the conditions put on the original approval of the site plan, that approvals come from other agencies, including the DEQ.

Vicki Lepior, 2495 62nd St., Fennville, a neighbor to the proposed sand mining operation, said she thought the process should be opened again because she had discovered Helder had legal access to this property through another parcel and he had not provided all the proper information on his original application to the Township. Whereupon a heated debate ensued with all parties engaged. Darpel said he thought the decision to reopen the original discussion of the sand mining operation would have to come from some other source than the Planning Commission. Edris asked Josh Young, the sand mining operator, to provide the Township with the application he submitted to the DEQ.

Rowe made a motion, supported by Hanson, to answer Ellingsen's question "would this minor change warrant the invocation of Section 40-820?" by saying it does not require resubmission and payment of fees. The motion carried.

Edris will report on the attorney's findings after he presents him with Lepior's copy of a document showing the possibility of a different ingress site and Young's application to the DEQ. Edris will ask the attorney whether the process can be reopened if the Planning Commission did not have all the pertinent information and how it can be reopened.

Cal Becksvoort asked for information on the request from the Fire District to change the fire suppression agreement for Whispering Waters development so that the Township would be the co-signer rather than the Fire Department. Hanson said the document may not have been acted on as yet, but the attorney agreed to the changes necessary in the approval of the development. Becksvoort said he would make the changes to the PDF.

Edris opened discussion on Wind Energy Systems by reporting on Grand Haven Township's experience with a request by Grand Rapids to erect two 650-foot tall towers on its property near the Lake. On advice of the attorney, he said it would be well to find a place where such large systems could be allowed. Sisson's memo of 1-21-10 was amended to add a 300-foot height limit for large commercial wind turbines producing more than 30 KW unless the applicant can demonstrate a need for more height. Small scale tower-mounted turbines of up to 65 feet allowed by right in any zoning district would need a 210-foot setback, and other basic performance standards will be taken from the matrix supplied by Hanson. Taller turbines allowed by SAU are limited to 120 feet and must be set back from the property line by 1.5 times the height of the tower. It was agreed that the provisions for decommissioning wind turbines and for enforcing the ordinance should be taken from the Ottawa County model ordinance for wind energy systems. Sisson was charged with producing an ordinance draft for future review.

After a five minute break, the meeting reconvened to discuss Sisson's revision of the Rules of Procedure of 1/21/10. Hanson asked to add "if necessary" to Section 3.2, page 6, regarding the necessity of an annual report from the Planning Commission, to move 4.1 (e) to 4.2 "Optional Duties," regarding the preparation of a capital improvements program, and to add "as a member of the Planning Commission or at committee

meetings” to 5.2 (b). There was a lengthy discussion on adding “appearance of a conflict of interest” to Chapter V, and Sisson advised against that wording, but said he had omitted a statement to the effect that the Planning Commission will determine whether an individual member has a conflict of interest. He will provide a revised copy.

On the applications to the DEQ by Ken Denison and OxBow for docks in R-4, the Zoning Ordinance does not allow docks in that zone, but it was pointed out that there was an interpretation that the Ordinance meant commercial marinas. In reference to Ellingsen’s letter of 12/14/09, it was thought unlikely that the ZBA would do use variances, and Sisson said if the ZBA has not done a use variance since 2005, it does not have the authority to do so. He offered the option of contract zoning, but he also suggested asking the ZBA to make a ruling on whether the language in the R-4 zoning means private docks are not allowed. Rowe asked if P.C. members could be asked to offer their reasons for putting that language in the Ordinance, and was told “Yes, swear them in.” It was thought that the Ordinance would need to be changed if the ZBA decides private docks should be allowed.

Hanson asked the P.C. to study the Saugatuck Harbor Natural Area Master Plan of 12/12/09 from the City and suggest by February 8 any revisions they think necessary to Chris Roerig, who has volunteered to be on the Commission dealing with it.

Hanson brought up an e-mail he received concerning the appeal process for PUD’s. Some jurisdictions use the township board, others Circuit Court. The State legislature has left ZBA’s out unless such use is stated in the local ordinance. Milauckas said he didn’t like the only option being to go to the Circuit Court, but would prefer to remain local. Sisson maintained the predominant thought is that this not a function of the ZBA because the ZBA bases decisions on facts, not discretionary situations.

Meeting adjourned at 10:45 P.M. The next regular meeting is February 22 at 7:00 P.M.

Betty A. White, Recording Secretary

Sandra Rausch, Secretary

MOTIONS

1. Motion by Conklin/Rowe to approve minutes of December 7, 2009, as amended.
2. Motion by Hanson/Rowe to approve Pine Trail Campis expansion of non-conforming use.
3. Motion by Rowe/Hanson to not require resubmission of application by Jack Helder for sand mining operation.