

GANGES TOWNSHIP PLANNING COMMISSION
Monthly Meeting Minutes FINAL for December 20, 2006
Ganges Township Hall
119th Avenue and 64th Street
Fennville, MI, Allegan County

Chairman **Gooding** called the meeting to order at 7:00 PM.

Roll Call: Chairman Barry **Gooding** – present
Secretary Jim **Birkes** – present
Commissioner Jackie **DeZwaan** – present
Commissioner Sally **Howard** – present
Commissioner Ed **Reimink** – present*
Commissioner Dawn **Soltysiak** – present
Board Trustee Terry **Looman** – present

*Reimink left the meeting at 8:51 PM.

PUBLIC HEARING

Communication Towers Amendment

Chairman **Gooding** explained the public hearing process, then opened the public hearing for the communication towers amendment at 7:00 PM. Tasha Smalley, Zoning Administrator (ZA), read the introduction to the Article VIIB amendment and summarized that it is to enlarge equipment/cabinet area for telecommunications towers from 120 sq. ft. to 240 sq. ft.

There were no public comments in favor of or opposed to this amendment. Chairman **Gooding** closed the public hearing at 7:02 PM.

Migratory Housing Amendment

Chairman **Gooding** opened the public hearing for the migratory housing amendment at 7:02 PM. Smalley, ZA, read the introduction to the amendment: to define the terms *migratory laborer*, *agricultural labor camp*, and *migrant housing*; and allow the camps and housing as a special land use in agricultural and agricultural/residential zones. **DeZwaan** pointed out that the addition of the ag/res zone brings the Ganges Township zoning ordinance (ZO) into compliance with state code.

Gooding also acknowledged two (2) other modifications: the required 400-ft. distance between migrant housing and single family dwelling was modified to not include a principal dwelling that is on the same property as the migrant housing; and the procedure for removing camps and housing if not occupied within a specified time limit. He then opened the floor to comments in favor of the amendment.

Robert Soltysiak, 6322 113th Ave., questioned the purpose of the phrase "...or who is employed in the growing of mushrooms" in Section II, Section 1.4.U., which defines the term *migratory laborer*. He stated that it did not make sense and was not necessary.

Robert DeZwaan, 2259 68th St., asked what **Gooding** was referring to when he commented earlier this evening that a specific modification was missing from the amendment. **Gooding** replied that it will be addressed later tonight.

There were no further public comments in favor of or opposed to this amendment, and Chairman **Gooding** closed the public hearing at 7:10 PM.

Amendment to Address the Zoning Enabling Act (ZEA)

Chairman **Gooding** opened the public hearing for the ZEA amendment at 7:10 PM. Smalley, ZA, summarized the following modifications:

- Replacement of the phrase *act 184 of the Public Acts of 1943*, and other references to the township rural zoning language with *Zoning Enabling Act, P.A. 110 of 2006*.
- The addition of definitions for *family day care center*, *group day care home*, and *state-licensed residential facility*.
- The authorization of single family dwellings, state-licensed residential facilities, and family day care centers to be in residentially zoned areas.

- The authorization of the P.C. to issue special use permits in compliance with the ZO and ZEA requirements.
- The requirement that an appeal to any Zoning Board of Appeals (ZBA) decisions must be filed within 30 days after the ZBA certifies its decision in writing or approve the minutes of its decision.

There were no public comments in favor of or opposed to this amendment, and Chairman **Gooding** closed the public hearing at 7:12 PM.

PUBLIC COMMENTS

None.

CORRESPONDENCE

Letter dated November 30, 2006, from Neil Van Leeuwen to the Planning Commission (PC) supporting Ganges Township in not granting use variances. He contends that the two (2) use variances issued in the past were not required and, therefore, not granted. He describes his perception of the circumstances and also gives explanations why the use variances were not necessary.

ADMINISTRATIVE UPDATE

Ganges Township Board

Trustee **Looman**, liaison, had nothing to report from the township board, but commended the PC secretary (**Birkes**) on the letter to Dortha Earl, which expressed gratitude and appreciation for her service to the township.

Zoning Board of Appeals (ZBA)

Gooding, liaison, reported that no meetings had taken place.

Zoning Administrator Report

Smalley, ZA, reported that there will be a PUD application for the PC to review at next month's meeting.

BUSINESS SESSION

Agenda Approval

Looman moved to approve the December 20, 2006, regular meeting agenda as presented; Howard supported; motion carried. **Birkes** moved to add *Conditional Rezoning* as E.1. under *NEW BUSINESS*; **Soltysiak** supported; motion carried.

Approval of Prior Minutes

Mike was changed to *Michael* on page three (3), under *PUBLIC COMMENT*. **DeZwaan** moved to approve the December 5, 2006, special meeting minutes with one (1) modification; **Looman** supported; motion carried. **Soltysiak** abstained from voting because she was absent at this meeting.

Disposition of Amendments

Communication Towers Amendment

Howard pointed out that this amendment has been discussed thoroughly in the recent past and moved to approve the amended Article VIIB of the ZO regarding telecommunications towers; **Soltysiak** supported; motion carried.

Migratory Housing Amendment

The PC discussed three (3) issues. The first to be addressed was land size. **Gooding** explained that the township attorney recommended requiring minimum acreage for migratory housing to avoid a situation occurring such as the one in Saugatuck Township—extensive housing with minimum agricultural activity on a small tract of land. **Gooding** supported the recommended 15 acres, and Howard and **Looman** concurred.

The PC then discussed at length the merit of the language in Section II, Section 1.4.U. "...or who is employed in the growing of mushrooms." (As questioned earlier by Robert Soltysiak during the public hearings.) They determined that mushroom growing is already covered under agriculture and that it is not necessary to specify any type of farming. The PC agreed to remove the above language from the amendment.

Last, the PC agreed that language addressing the requirement of removal or demolition of migrant housing units after the loss of a special use permit was appropriate and necessary. **Soltysiak** moved to: approve the amendment of Article VII, Section 7.10 of the Ganges Township ZO for migratory housing with the corrections of Section I; add language under number 9 concerning removal (or demolition) within one (1) year as recommended by the attorney; add number 10, that agricultural labor camps and migratory housing shall be located on no less than fifteen (15) acres or however advised by the attorney to address it; and under U. of Section II, Article I of the ZO, strike out "...or who is employed in the growing of mushrooms." **Howard** supported and the motion carried.

ZEA Amendment

Smalley, ZA, reminded the PC of the error (typographical) in the preamble of Section II of the amendment: P.A. 100 of 2006 should be P.A. 110 of 2006. **Howard** then pointed out that all else was straight forward, and **DeZwaan** moved to adopt the amendment to the township ZO regarding the ZEA as presented, with the (above noted) change in Section II. **Howard** supported and motion carried.

Reimink questioned Section VIII, Article XI, Section 11.1.H regarding the 30-day filing time limit for an appeal of a ZBA decision, stating that the ZBA's decisions are not certified until the minutes of that meeting are approved at the next meeting. ZBA meetings often do not occur every month, hence certification may not occur until a significant passage of time, which concerns **Reimink**. Smalley responded that this amendment text is directly from P.A. 110 (state statute), which Ganges Township has no jurisdiction over.

OLD BUSINESS

PUD Amendment Draft

Soltysiak, chairperson of the PUD amendment committee, turned the floor over to Greg Milliken, professional planner with McKenna Associates, to give an overview of the PUD amendment draft. Milliken prefaced the overview by stating that the committee wanted to start fresh, because the current ordinance used for PUDs is not appropriate. He explained that a PUD offers creativity and flexibility not required of the typical plat. While needing different set backs and lot dimensions, a PUD still needs parameters and boundaries, which the current ZO does not have. Milliken also pointed out that the (amount of) details in this draft will make the PC's job easier during the process, as well as help avoid litigation. He stated that the PUD is becoming a popular form of development along the lake shore, especially in dealing with natural resources. However, he warned that if a PUD amendment is adopted, it will have a domino effect on the ZO, specifically concerning subdivisions and site condominiums, and other ZO changes will need to occur.

Milliken stated that the four (4) primary points to be addressed by this draft are:

1. A PUD will be a rezoning.
2. Minimum lot size will be increased (recommendation of 15 acres).
3. A mix and variety of uses will be accommodated.
4. The terms of a density bonus will be clearly stipulated (if bonuses are to be offered).

Milliken then summarized each subsection of the draft. He pointed out key and unique factors related to a PUD:

- Specific goals and objectives of a PUD ordinance
- Eligibility/general conditions required for PUD status—it is a privilege, not a right, to have a PUD, and the desire to create a sense of community
- Different types of PUDs, depending on the former underlying zoning district, with terms and conditions
- The possibility of and provisions for density bonuses, developed from Ganges Township's Master Plan
- Development standards, with the provision that the PC could modify zoning requirements (with the exception of land along Blue Star Highway and the lake shore)
- A parallel plan, determining density (number of units)
- Open space requirements—how it is defined, set up, and administered
- Application, review, and approval procedures:
 - addition of an informative preapplication conference
 - steps listed and detailed to provide guidance for both the PC and the applicant
 - consideration of a phased or single process PUD
 - a PUD agreement is a binding document and sets up the zoning standards for that particular PUD
- Standards for approval of the final PUD plan
- Effect(s) of final PUD approval
- Changes to an approved PUD
- Commencement of PUD construction—timelines and deadlines

After Milliken's overview, the PC responded with questions and comments (responses in bold print):

- Is the 15% density bonus standard and would it be enough to encourage a developer? **That amount would provide a significant bonus, but not huge.**
- Rezoning should be contingent upon the final plan approval, not the preliminary plan approval.
- How are wetland areas calculated at the parallel plan level? **Further analysis and research need to be done, but recommend that wetlands not be counted in the open space.**
- A final PUD plan extension should be *up to* one (1) year, not *for* one (1) year.
- Under residential PUD housing types, the allowance for up to four (4) dwelling units in a single structure was questioned.
- Where would a mixed PUD go, and how does it come about?

- Have shared septic/sewer and water for a PUD been considered? **The utilities issue has not been addressed yet, but would advise having at least a public septic/sewer system.**
- Is there fire protection to cover the latitudes allowed with the dimensional standards?
- If a PUD is built in phases within the 6-year time limit, rules and people can change in that same period. How does it affect the original application and the PC's responsibilities? **The developer would be subject to the rules when the next-phase plans are submitted. All phases must still be substantially similar to the preliminary plan, and if there are any gray areas, similarity or "meshing" of the final phase with the preliminary plan takes precedence.**
- With a phased PUD plan, if the last phase cannot be completed, what is to be done with the rezoned area?

Milliken will be researching many of the above questions (not answered) and comments.

The PC recognized the benefits of such a detailed PUD ordinance: the details give more direction, decreasing the amount of "gray area," and are more cost and time efficient. They also acknowledged that site condominiums and subdivisions will need to be addressed in the near future, but they can be governed by state standards until that time. The PC determined to hold a special meeting to address the draft PUD ordinance only. **Soltysiak** suggested that any question from PC members prior to the meeting be sent to her, and she will forward them to Milliken.

Master Plan Development

No further changes were made, and **Howard** moved that the PC accept the Master Plan draft with the changes that were discussed at the last meeting (December 5, 2006) and documented in the draft in the December 20, 2006, meeting packet; **Looman** supported; motion carried.

Birkes will send the above draft with changes to McKenna Associates for reprinting, then two (2) notices will be posted in time to hold a public hearing in February 2007. Milliken will also decrease the map size to the standard 8" x 11 inches. The PC acknowledged that copies of the draft Master Plan must be made for the public to review.

Use Variances

Birkes acknowledged the (e-mail) communication between him, John Hebert (township supervisor), and Roxanne Seeber (township attorney) regarding the PC's desire and attorney's recommendation to deny the ZBA authority to grant use variances.

Howard pointed out, however, that the ZBA exists as a "relief valve," and stressed that conditional rezoning not only be adopted to replace use variances to offer relief, but that it be in place before or when use variances are prohibited. **DeZwaan** concurred that the flexibility that conditional rezoning will offer the ZBA is necessary. **Howard** moved that the PC accept the ordinance that denies the ZBA authorization to grant use variances, and move it to a public hearing; **DeZwaan** supported; motion carried. The PC will request that Seeber draft a conditional rezoning ordinance.

Liaison with ZBA, Township Board

Discussion ensued regarding the roles of the PC chairman and the township board liaison as they relate to the township board. The PC agreed that the PC chairman reports the facts of the previous PC meeting to the board, while the liaison is the intermediary between the two (2) councils on an ongoing basis, representing the PC to the board, and vice versa. **Looman** stressed that communication is important between the PC chairman and board liaison, referring in particular to board meeting attendance. All agreed that both positions are necessary.

Zoning Map Issues

DeZwaan clarified that Doug Darling, township assessor, agrees with the manner in which the PC is updating the zoning map. Per **DeZwaan**, Darling assured her that the (perceived) point of contention was the inadequate data base he has to work with. He intends to share any new information related to the zoning map (and how he obtained it) with the PC, and the PC will do the same in an effort to accurately represent and update the zoning in Ganges Township.

Upcoming Training Course

The Michigan State University Extension will be offering a citizen planner program in Allegan February 1 through April 19, 2007. **DeZwaan** and **Gooding** plan on attending.

NEW BUSINESS

Conditional Rezoning

Birkes will contact Seeber, attorney, to draft a conditional rezoning ordinance—refer to *OLD BUSINESS/Use Variances* for discussion earlier this evening.

Land Divisions

None.

Future Meetings Schedule

A PC special meeting is scheduled for Tuesday, January 16, 2007, and the regular meeting for Tuesday, January 23, 2007.

PUBLIC COMMENTS

Susan Pierson, 6944 Lakeshore Ct., expressed support for the PC adopting a PUD ordinance, but stated that there are special considerations the PC needs to address, including the ecosystem (watershed, flood plains, wetlands), high-density development along the lake shore, and tourism, and how they are interrelated.

Robert DeZwaan, 2259 68th St., emphasized the need to have wetlands designated by the Department of Environmental Quality (DEQ) color-coded in the township book. Smalley stated that the wetlands are designated in the book.

Soltysiak informed the PC and public that there is a Black River watershed committee being formed, stating that part of this river's watershed is in the southeast section of Ganges Township.

DeZwaan then related that approximately two (2) years ago the township board had said that they would purchase and place for the constituents a wetlands map in the township hall. Stating that it was overdue, she challenged this PC to procure a wetlands map now. **DeZwaan** also clarified that a wetlands map donated earlier to the PC (by a constituency group) had been lost.

Birkes posed that the DEQ's restrictions regarding wetlands is not effective for anything less than five (5) acres, and asked who determines what is classified as wetlands. After further discussion, **DeZwaan** declared that by having a wetlands map as reference, repetitive questions and discussion could be avoided in the future. **Howard** requested that a wetlands map be purchased (\$60 from Land Information Service); the township clerk or supervisor will be contacted.

Moving onto another issue, **Looman** posed to the PC if one of the slate blackboards should be placed on the wall or a flip chart be purchased for people to use during presentations. Consensus was that the blackboard should be used.

Linda Wilcox, 6274 122nd Ave., asked if anyone was familiar with the grant program for small farmers who want to be involved in farming tourism. She stated that it is an attraction to this township for people from urban areas. She advised that the PC consider this when addressing minimum lot size for ag and ag/res districts.

Looman offered that Tom Jessup from Casco Township would be a good contact for this grant program, and **Soltysiak** reported that Julie Cowie, Casco Township clerk, is director of the program.

ADJOURNMENT

Looman moved to adjourn; **Howard** supported; motion carried unanimously. Meeting adjourned at 9:45 PM.

Respectfully submitted,
Elaine I. Troehler
Ganges Township Recording Secretary