

<p style="text-align: center;"> YANKEE SPRINGS TOWNSHIP <u>PLANNING COMMISSION</u> Regular Meeting 7:00 p.m. <u>Thursday, January 18, 2018</u> Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333 MINUTES </p>	<p> MINUTES Page 1 of 6 APPROVED: <u>3/15/18</u> </p>
<p> Meeting called to order at 7:00 PM by Vice Chairman Richard Beukema <u>PLEDGE OF ALLEGIANCE</u> Roll Call: Present: Purcell (via remote participation), Fiala, Beukema, Strickland, T. Knowles, VandenBerg. Absent with Notice: Heystek Staff Present: Sandy Marcukaitis, Chuck Biggs-Constable, Ron Heilman. Also Present: Rebecca Harvey, Professional Planner Visitors: 2 (not including staff present). </p>	<p> CALL TO ORDER PLEDGE ROLL CALL </p>
<p> <u>APPROVAL OF AGENDA:</u> <i>Vice Chair R. Beukema asked for a vote to approve tonight's meeting agenda. All ayes.</i> MOTION CARRIED. </p>	<p> CHANGES TO AGENDA: (Approval of Agenda.) </p>
<p> REPORTS from REPRESENTATIVES: <u>Board of Trustees- Shane VandenBerg, Trustee,</u> commented that at the last regular Board meeting (held Jan. 11, 2018) Jim Dull, Barry County Drain Commissioner spoke very highly of Mark Englerth. M. Englerth was reinstated as spokesperson for the township as previous resolution was removed. The dam is scheduled to be installed in mid-February. Also, the Road Commission met with the Township Board on January 11, 2018 at 5:00 p.m. Frank Fiala noted <u>meeting dates</u> of the following: <u>Joint Meeting of the PC, ZBA and Township Board</u> will be held Monday, Feb. 12 at 6 p.m. <u>A (Twp.) Board work session</u> is set for Tuesday, Jan. 30 at 6 p.m. <u>ZBA-</u> Cathy Strickland – noted the ZBA had a meeting on Dec. 12th for the variance request of Mrs. Jean Stuckey. Mrs. Stuckey lives in Gun Colony. Previously, J. Stuckey had a nice, thick bunch of trees between her home and the road. Consumers Power came through and took a bunch of trees down. Stuckey now says she hears the traffic, sees headlights and has lost privacy. The ordinance has a maximum height of 4 ft. for a fence. Stuckey requested a variance to allow a 6 ft. fence. Request was approved with vote: 4 to 1. </p>	<p> BOARD REPORTS from REPRESENTATIVES </p>
<p> PUBLIC COMMENT: None at this time </p>	<p> NO PUBLIC COMMENT AT THIS TIME. </p>

<p>APPROVAL OF MEETING MINUTES: of December 21, 2017</p> <p>Under Board Reports from Representatives: S. VandenBerg requested that it say “absent with notice – excused” after his name.</p> <p><i>Motion by Fiala with support from VandenBerg to approve minutes of Dec. 21, 2017 (Regular PC Meeting) as amended with change noted above. All ayes.</i> MOTION CARRIED.</p>	<p>MINUTES January 18, 2018 Page 2 of 6 APPROVED: <u>3/15/18</u></p> <p>APPROVAL OF MEETING MINUTES (as amended).</p>
<p>NEW BUSINESS: NONE</p>	
<p>OLD BUSINESS:</p> <ul style="list-style-type: none"> • <u>Follow up on Boat Washing Stations/Facilities</u> G. Purcell commented on work with the Tribe on the Boat washing stations. Forward progress is being made. • <u>Discussion of Tentative Dates for Joint Meeting with Boards</u> It was noted earlier in the meeting that the <u>Joint Meeting of the Boards will be held on Monday, February 12th at 6 p.m.</u> • <u>Discussion on reviewing a Rental Ordinance</u> G. Purcell spoke regarding putting this topic on the agenda for the Joint Meeting. G. Purcell would like feedback on that from the governing authority (Township Board) as to prioritizing it and having the PC look at it. G. Purcell also mentioned having Lake Associations involved in the dialog on this topic as well. Ron Heilman, of the ZBA, spoke to this issue at the last PC meeting. Purcell recommended R. Heilman speak at the joint meeting regarding this issue. R. Heilman commented that Senate Bill 329 and the house bill -neither one of those bills are going anywhere right now. They are kind of “dead in the water” right now according to R. Heilman’s conversation with Julie Calley. Heilman noted the township’s attorney is involved with the rental situation in South Haven. “The state wants to override what townships can do,” commented Heilman. “The state wants to dictate saying you can’t do anything. We’ll (state) handle it and we’re going to say what could be done. The township attorney is saying ‘No, let’s leave the ordinances to the townships and let them do what they want to do,’” added Heilman. Heilman continued “The more townships that put ordinances in place, it lets the legislators that we’ve got in Lansing know that we don’t want them involved in our municipal governments; that we want to take care of our own ordinances for things like that. You don’t want to wait until they make laws and then try to get them changed.” Discussion took place. • <u>Discussion of the CIP and Annual Report</u> Changes to the PC Annual Report were noted at the December PC meeting. Frank Fiala noted the CIP (Capital Improvement Plan) had been reviewed and changes were made at the last PC meeting as well. CIP Committee is: Cathy Strickland, Greg Purcell, Larry Knowles, Alice Jansma, and Frank Fiala. The Township Board has a copy of the CIP. • <u>Master Plan Verbiage & Map Discussion</u> During this evening’s meeting the revised FLU map was reviewed. The draft was reviewed as well and changes were noted. 	<p>NEW BUSINESS</p> <p>OLD BUSINESS</p>

After the PC has approved the Master Plan, the following procedure was given by Rebecca Harvey:

After Master Plan is approved, and R. Harvey has made the final changes, the Master Plan is sent to the Township Board with a request to distribute – The PC is saying to the Township Board, “This is a draft, but we are comfortable sending it to you.”

The Township Board then authorizes it to go out to adjacent communities (entities). They (entities) have 63 days to review it.

At such time as the 63 days is over, the PC holds the public hearing and makes the recommendation to the Township Board. The PC can have the public hearing immediately following the 63 days because its noticing for the public hearing can occur within the 63 days. The PC just can’t have the public hearing within those 63 days. If the township board has something it wants done differently, they have to return it to the PC and then it goes back and forth until there is agreement.

Public Comment:

Bill Medendorp, of Vista Point commented “One of the things I see here tonight is you just took the rights away from all landowners. We have to come to you and say ‘Mother may I? Can I do this? And can I do that?’ Because what you said was about the trees and we don’t have no right to cut trees and that because to me, I believe that was ...natural resources. I see Frank (Fiala) over these years pushing this agenda. Frank I like you. Don’t get me wrong, but what I’m saying is when you have the right to do business and we have to come to you before we can do any business. Anybody. Because you’ve got to give your opinion. Now I’m a believer that two things will come back to you. I’m a firm believer if God gave us things and you take the power away, you take away everything from us, I want to tell you right now, in my opinion, I pray that God deals with you. I can’t believe all this planning. ‘You can’t do this. You can’t do that.’ So we need your permission to do everything. You take our tax dollars and use it for whatever you want. I’m just saying to you tonight. I pray that you guys think of what you are doing because when you take the rights of property that God gave to us and you take that right away and you move landmarks and you take the power over public roads, private roads, you take power away. When you make that kind of decision, I don’t know how God can give us anything because you guys have control. My heart goes out to you guys because I am a firm believer because what you guys are doing is taking away our rights to do business and you take away our rights to be able to make decisions on our own. We can’t even go to the bathroom now with what I just heard tonight until we come and ask you. That’s the way my feelings are about this meeting tonight. It is a joke.”

Regarding the Master Plan- sending to the township board:

Shane VandenBerg noted that the Township Board is going to be very busy and has a lot of work ahead of them. Brief discussion occurred.

Motion by G. Purcell with support from T. Knowles **to move it (Master Plan) to the township board and ask for their permission to distribute it.** ROLL CALL VOTE:
Fiala: Yes, Beukema: Yes, T. Knowles: Yes, Purcell: Yes, Strickland: Yes, VandenBerg: No, Heystek: Absent. Yes: 5, No: 1, Absent: 1. MOTION CARRIED.

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Public Comment

Bill Medendorp, of Vista Point

OTHER BUSINESS

MOTION TO SEND MASTER PLAN DRAFT TO TOWNSHIP BOARD.

Motion by Fiala with support from VandenBerg **to have the regularly scheduled PC meeting for February only if needed (otherwise meeting is cancelled)**. ALL AYES.
MOTION CARRIED.

R. Harvey commented the PC can go forward and post a cancellation notice noting the meeting is cancelled **unless** an application comes before the PC. **PCI** (currently handling the Zoning Administrator's job) will notify the township office if there is an application.

Frank Fiala asked Rebecca Harvey, if appropriate, if there was anything that could be commented on in reference to Bill Medendorp's public comment in the meeting.

Referring to the Master Plan, **R. Harvey** commented that it was a guide to the community and did not establish any regulations. Harvey commented to B. Medendorp, "and of a couple things you referred to they were conversations with the board that are not being reflected in any Master Plan language. So when Shane brought up this idea of trees, I was explaining what their authority is. Yankee Springs is not exercising that authority. That's an example. But, he made the comment so I was explaining, well they have the authority to do it, but they are not doing it. So there is nothing in this document that for one thing is a regulation because this is not a document of regulation. It's a plan, a vision. But secondly, of a handful of topics they talked about tonight, they were topics that were not incorporated into the plan. They were brought up as a discussion point. With that said, I grant you, anytime a community adopts zoning, which Yankee Springs does, they are establishing regulations for the use of private property. That's the way it is. Some zoning is very high level and very particular and some zoning is not. This is a rural township and their zoning ordinance is very,... it doesn't have a lot of standards as compared to some ordinances. But it does establish regulations for the development of property and if you live in a zoned community then you are accepting that. But their discussion tonight had nothing to do with any-
(**B. Medendorp** interjected "...making decisions without talking to land people...to participate what you're writing down in your documents for future planning. They don't really ask the people that own the land that they should at least have a say so.")

R. Harvey continued, "and there is a process. First of all, the Master Plan itself, they (PC) did extensive public outreach when they first came up with the draft. Now they are just proofing the draft. Now it's going to go out for 63 days. They will review for more public comment and then they're going to have a public hearing which will be the third wave of people being able to say 'Here's what I like, don't like, here's what I think,' and then they will be in position of then making a recommendation. They are still not the decision making body. Everything with Planning and everything with Zoning in Michigan is done through State law and the state law requires that the PC have that process for receiving public input and then they make the recommendation and the elected body makes the decision and that's that democratic process for doing it. So your input is through the public hearing process and your input is through the election process, right, by who you elect to adopt your thoughts. And so far they are half way through that, right, so they are just now embarking on the 63 day review. So they've done their public outreach. Now it's going out for review and then they're going to have the public hearing. So there's two more things for this board (PC) to go through. So when you say, 'Why aren't they talking to the public?' I mean they are following their mandated process. Actually they did more than that because you don't actually have to do the surveys and stuff and you guys said you wanted to do that so...

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**MOTION TO CANCEL
FEB. PC MEETING
UNLESS NEEDED.**

Bill Medendorp commented "So if a person wanted a five part or eight part or whatever, they don't have no say so. Just you guys. What I'm saying is you're talking about condos or..."

Rebecca Harvey commented "I know. So I'm trying to explain. You are talking about a zoning standard. They did nothing about zoning tonight. So their conversation was about how this plan reads and what is meant by high density and that kind of thing. The zoning ordinance itself, which has already been adopted, you're right, establishes the rules for everyone. It is regulating private property and currently it says acts. And any property owner has the right to come in and ask for the Planning Commission and Township Board to consider modifying that, and if you ask them to do that, there is a process by state law that this is the body that holds the Public Hearing so there would be more public comment where you're telling them 'Here's what I would like to see' and there might be people out there saying 'We don't want to see that' so this is the body that 'yeas' and 'nays' for something they make the recommendation, the Township Board deals with it so before they can adopt, you know the legislative process, before you can adopt a law, you put it out for public comment ... Now once it's adopted it might be something that a person didn't like, it might be something that someone else did like and it's true that there might be rules in there that one person doesn't like or many people don't like and then you go through that process for changing that or at least asking that it be considered for change.

B. Medendorp commented "I understand everything what you are saying. And I look at people that want to do something in this community and it costs people money for legal representation and everything else at your meetings and everything else. How far does it cost a person before he can get his way and they have to do it by court legal things and stuff like that where shouldn't it be easier if the land owner can say this is what I'd like to do and you get permission?"

R. Harvey commented "When you live in a community with zoning, it's not just about getting to do exactly what you want to do. The theory is that zoning standards are there for the public health, safety and welfare which means actions on one piece of land have impacts on other people. So someone under the process, someone is put in the position of considering those impacts so that when your neighbor wants to do something, it might be what he wants to do but not what you want him to do, there's some process for that, and that's what zoning is. And when I say that, that's any community that is zoned. And Yankee Springs is no different than every single township in this county that has, I think they all have, zoning.

R. Beukema commented, "I can't put a well down in my property because of the action of a neighboring landowner. He destroyed my water so now I pay \$90 every three months and more to have water because of an action of somebody else who thought they could do whatever they wanted to do with their property. That was before zoning. Going up to Grand Rapids, hundreds of homes had their water supply contaminated by the actions of one company that did what it wanted to do before zoning. Take your pick.

B. Medendorp commented, "We have that here. We have a dome that is on the north end of Curley Cone there that was permitted by the township and everything else. But it's polluted and it's going in the direction of Irwin (meaning Edwin?) and Archwood right now."

R. Beukema commented, "That's exactly what I'm talking about."

B. Medendorp commented, "I understand that. But where were you when it came to that?"

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R. Beukema replied, "We weren't here. There wasn't zoning."

B. Medendorp commented, "There wasn't no zoning?"

R. Beukema replied, "No. That's the whole point. That's why communities want zoning because they don't want that kind of stuff to happen."

Medendorp commented, "I understand that. But why do you make your decisions you can't use it where the community can say this is what we want."

S. VandenBerg asked Frank Fiala when zoning started in Yankee Springs.

Fiala commented that county zoning started in the late 60s, and the township in 1972 started to develop their own zoning. "...And in 1974 was when it was first called official zoning in Yankee Springs and all of those things happened prior to that. And of course everything is grandfathered and nothing in zoning can go retroactive..."

PUBLIC COMMENT:

David Neeson commented the Planning Commission is quite an important job and "Hats off to everyone of you guys here tonight. The thing that I don't like to see is it is disrespectful to have a telephone conversation with someone that is not even here. If it's a person on the commission and it's important for everybody to be here, in order for me to know what's going on here, I gotta come here, it should be important for that person on the other end of the telephone to show as much respect as I do to come here and listen to everybody in quorum. We just went through that with the township board and it's the same thing. It almost seems like Mickey Mouse lives here by the telephone thing. ... If it's important to be on the board, they should be at the meeting, unless there's some extenuating circumstance, but we should have all the board members here at a meeting. It shows respect for the office."

ADJOURNMENT:

Motion by Beukema with support from Strickland to adjourn at 9:12 p.m. All ayes. MOTION CARRIED.

Approved by: Tressa Knowles Mar 15, 2018
Tressa Knowles, Planning Commission Secretary Date

ADJOURNMENT

Deb Mousseau
Recording Secretary
January 18, 2018