

**ADA TOWNSHIP PLANNING COMMISSION
MINUTES OF THE FEBRUARY 18, 2010 MEETING**

A meeting of the Ada Township Planning Commission was held on Thursday, February 18, 2010, at 7:30 p.m. at the Ada Township Offices, 7330 Thornapple River Dr., Ada, Michigan.

I. CALL TO ORDER

The meeting was called to order by Chairperson Korth at 7:30 p.m.

II. ROLL CALL

Present: Chairperson Korth, Commissioners Butterfield, Lowry, Paul and Treasurer Rhoades. Absent: Commissioners Easter and Gutierrez. Also present: Planning Director Ferro.

III. APPROVAL OF AGENDA

Motion by Butterfield, second by Lowry, to approve the agenda as presented. Motion passed unanimously.

IV. APPROVAL OF MINUTES OF THE JANUARY 21, 2010 AND JANUARY 28, 2010 MEETINGS

Motion by Rhoades, second by Paul, to approve the January 21, 2010 and January 28, 2010 meeting minutes. Motion passed unanimously.

V. PUBLIC HEARINGS

None.

VI. UNFINISHED BUSINESS

None.

VII. NEW BUSINESS

None.

VIII. REPORTS FROM COMMISSION MEMBERS/STAFF

Ferro spoke about the three items which were on the list of priorities set by the Planning Commission in February 2009, and indicated that at last month's meeting it was decided that these three areas could be worked on simultaneously.

1. Riparian Protection Regulations

Ferro provided an overview of a draft of possible revisions to the Riparian Protection Regulations. He noted that the regulations adopted in 2005 have an exemption for all lots of record in existence as of the enactment date – so, currently these regulations only apply to newly-created lots. He noted that over the years the Planning Commission has debated whether or not to scale back on the exemptions. He stated the draft language scales back the exemptions in several respects.

Ferro also pointed out that he is suggesting that the provisions which restrict location of on-site waste disposal systems be removed from the regulations, since Kent County Health Department rules already contain location standards for these systems. Ferro stated the proposed changes apply two different sets of rules to pre-existing lots, depending upon whether they are classified as "improved" or "unimproved"

for assessment purposes. Vacant lots become subject to the full application of the rules as adopted in 2005. There are less stringent rules that apply to lots that are already developed. Ferro noted that this approach is somewhat complicated, and he would like to simplify the rules.

Lowry asked for clarification on some aspects regarding the natural vegetation zone. Lowry suggested we may want to prohibit chemical storage in buildings that are subject to flooding. He asked whether there are any limits on how far into the natural vegetation zone lawns may be expanded on existing improved lots. Ferro stated there are no limits- the language just states that existing vegetation may be altered and managed in a manner customary for the uses permitted in the zoning district.

Ferro stated that he believes one key provision to address is whether the rules should allow removal of natural vegetation on improved lots in the natural vegetation zone – how it is worded now, it does permit that. One other area of concern is whether the differential treatment of land based on its assessment classification as improved or unimproved is a legally supportable distinction. He spoke about the “uniformity provision” in the State zoning enabling law and stated he would like to get some legal input regarding this.

Ferro next noted that there are 500+ lots in the township that are classified as unimproved. Paul asked how many of these lots have riparian rights on them. Ferro said he would look into that. Korth stated that the unimproved lots when developed pose a greater risk to the environment, so he is not sure why these lots would have been exempted originally.

Charles Leedom, 3000 Grand River Dr., stated he believes that the exemption was for existing property owners dating back to 2005. The exemptions were provided because of the fact that the rules tie the property owners’ hands on what they are permitted to do, and he would oppose any removal of the exemptions.

Korth stated he would like them to identify the number of parcels that have riparian issues, and also to have information regarding whether there have been cases of existing undeveloped lots of record having riparian features altered that would not have been permitted if the exemptions were removed.

Rhoades mentioned the complaints from Paradise Lake residents regarding siltation impacts from the Villas of Ada. Ferro noted that this was a County erosion and sediment control permit issue, and that the Villas of Ada site itself does not have any riparian features on it.

2. Wind Energy Regulations

Ferro stated that the subcommittee has not met yet and thus, he is not ready to discuss this in detail at this time. Ferro printed out some sample ordinances for the Commission’s use. He noted that the samples range from relatively simple and short in length, to very complicated and lengthy, and that he would hope that we can come up with a set of rules that is relatively simple.

Ferro noted that some of the ordinances allow small wind power systems to both provide power for on-site needs as well as feedback power into the grid when you are producing more energy than you need on your site, and others prohibit sale of power back to the utility company. He stated that he sees no reason why this should be prohibited, and that the only reason why other community’s have prohibited selling power is to discourage use of these systems, by making them less economically-feasible.

Butterfield asked whether commercial-scale wind farms would be permitted in the Township. Ferro stated it is not something we currently regulate. He noted that the likelihood of large-scale wind farms in Ada Township is fairly low, since the Township is not in an area with high wind energy potential. He pointed out however, that the Township does have rural land that is close to the major electrical grid, which is one of the location factors that influence where wind farms seek to locate.

Ferro added that there is currently one wind turbine in the Township which is located at Goodwillie Environmental School. Butterfield asked if the process to obtain approval would include obtaining a building permit. Ferro said yes it would. Korth stated the subcommittee can work on going through all the details and controls on this. Ferro stated the committee will report back after they meet.

3. Village Form-Based Zoning Regulations

Ferro noted that he does not have anything yet on the form based code and confirmed that this will exclusively be dealing with the Village.

4. Bridge Closing

The Commission next discussed the M-21 bridge closing issues with MDOT. Ferro stated that George Haga has pulled together a group of key stakeholders – representatives from the business district, school district, Amway, Sheriff's Department, etc. -- to have a meeting to formulate a strategy for how we are going to get the proposed bridge closure in 2011 turned around to some alternative to maintain traffic flow while the construction is taking place.

Korth stated that our goal should be to present an alternative that has viability. Korth stated an idea that occurred to him is to create a replacement bridge on the path of the old bridge near the intersection of Honey Creek and Pettis (north of Fulton Street). Korth noted that finding a viable alternative is really important because MDOT is disinclined to make a solution for us. He added that Ferro has found information on a number of relatively simple and inexpensive prefabricated bridge systems for temporary or permanent use. Korth stated that the Planning Commission should be aware and as this develops, the Commission may have an opinion on which is the best alternative to pursue from a planning perspective.

Rhoades spoke regarding the concerns MDOT has that construction of a new bridge next to the current one may affect the stability of the piers on the existing bridge, and force it to be closed after construction starts. He also noted that MDOT states that the project needs to be started this fall to avoid the risk of federal funding being lost.

Paul observed that MDOT also has strict flooding impact standards to comply with as well, and that this may have an influence on whether the bridge needs to be closed.

There was then discussion on completely removing the old bridge or doing the bridge in sections. Korth said we need to go forward in some direction and try to resolve the issues with experienced people to help as much as possible. The Kent County Road Commission and Township engineers will be useful in assisting the Township with this. A township cannot own roads and the question is whether a bridge used temporarily for traffic and then converted to pedestrian use would be considered a road.

VII. PUBLIC COMMENT None.

VIII. ADJOURNMENT

Motion by Lowry, second by Paul, to adjourn the meeting at 8:40 p.m. Motion passed unanimously.

Respectfully Submitted,

Susan Burton, Township Clerk