

**ADA TOWNSHIP PLANNING COMMISSION
MINUTES OF THE OCTOBER 15, 2009 MEETING**

A meeting of the Ada Township Planning Commission was held on Thursday, October 15, 2009, at 7:30 p.m. at the Ada Township Offices, 7330 Thornapple River Dr., Ada, Michigan.

I. CALL TO ORDER

Meeting was called to order by Chairperson Korth at 7:30 p.m. Korth introduced new Planning Commission member Corky Paul.

II. ROLL CALL

Vice Chairperson Gutierrez called the roll. Present: Chairperson Korth, Commissioners Butterfield, Easter, Gutierrez, Lowry, Paul and Trustee Rhoades. Also present: Planning Director Ferro.

Korth suggested the Commissioners reflect on the role of Secretary for one month and then they can elect a Secretary at the November meeting.

III. APPROVAL OF AGENDA

Motion by Gutierrez, second by Rhoades to approve the agenda as presented. Motion passed unanimously.

IV. APPROVAL OF MINUTES OF THE SEPTEMBER 17, 2009 MEETING

Motion by Lowry, second by Gutierrez, to approve the September 17, 2009 meeting minutes, with one spelling correction. Motion passed unanimously.

V. PUBLIC HEARINGS

1. Proposed Zoning Ordinance Amendments – Revisions to Agricultural District, Creation of New Rural Preservation-1 and Rural Preservation-2 Zoning Districts, and Re-Zoning of Land to the New Districts.

Ferro summarized the proposed changes in the zoning regulations and rezoning to new districts. What is being proposed is a recommendation contained in the Master Plan adopted in 2007 by the Township – a policy direction set forth in the Master Plan. What is proposed is basically taking all of the land currently in the township agricultural zoning district and dividing it into three new districts that would replace the existing agricultural district. The primary changes proposed involve minimum lot size requirements and maximum residential density. What is being proposed is a decrease in the maximum allowed density to 1 lot per 10 acres in the new Agricultural Preservation district, to 1 lot per 5 acres in a new Rural Preservation-1 district, and in the proposed Rural Preservation-2 district there is no change in density proposed – it would remain at 1 dwelling unit per 3 acres. The rationale for these changes includes 3 or 4 major goals and policies: recognition of limited infrastructure in that part of the township, maintaining as much as possible large blocks of land suitable for agricultural use, introducing lot size flexibility in the Agricultural Preservation district so that small lots can be split off, thereby preserving larger blocks of land, and preserving the natural characteristics of that part of the township.

Ferro then passed out the minutes from the Master Plan public hearing held in 2007. He noted that the public hearing was held over two meetings -- September and October 2007.

The public hearing was opened, with the following comments being made:

Karen Jason Gill, 8151 Vergennes, stated she is a resident and a realtor representing the VanderWarf family, and she spoke about options on splitting the property they are trying to sell with respect to the

moratorium. The VanderWarfs are virtually unable to sell the property at this point because of this. She noted she objects to the amendments and also objects to the moratorium.

Gayle Eaton, 6930 Knapp St., spoke about lot size restrictions when he purchased his property and the changes since then. He stated he objects to the 5-acre minimum because this really limits his options.

Mary Oele, 5951 Two Mile Road, stated that she is in the minority and understands the lot size changes being proposed. She realizes that the township has to plan ahead, especially for sewer and water – there has to be a balance. This is not an issue of taking away people's rights; it's an issue of preserving what rural property there is.

Katie VanderWarf, 7667 Two Mile Road, stated that this is affecting residents, not just developers. She also spoke about the taxes being raised. She said the timing of this is rather suspicious.

Shannon Boggs, 7667 Two Mile Road, noted it breaks her heart to see her family struggle though this. This is a wealthy township and there should be a more reasonable solution than this.

Sam Yeo, 931 McCabe Ave., asked if the plan takes into consideration people who own property with a farm – will there be allowances for grandfathering. Otherwise this will cause financial hardship to a lot of people because they won't be able to sell.

Skip Sietsema, 8540 Two Mile Road, asked if tonight is either a yes or no vote. He noted that he is not in favor of this.

Sandie Eaton, 6930 Knapp St., stated her property is surrounded by 2 and 3 acre parcels. She talked about the northern part of the township not having water or sewer and that regulation of on site waste disposal systems is up to the county.

Rich Bevak, Bailey Drive, stated he would like to know more about the moratorium and the exceptions that have been made. He believes this is about preserving our township, not an issue of money.

The public hearing was then closed and Board discussion commenced.

Ferro mentioned that the citizen survey done as part of the master planning process was mailed to every registered voter in the Township. Out of 7,000 surveys sent out, approximately 2,000 were returned. Korth next responded to some of the questions raised in the public comments. He stated that this will not address grandfathering in any parcel that was not a lot of record as of the date the moratorium went into place. Regarding the issue of well and septic, there are many issues to take into account. A goal is that the community does not have to bear costs unnecessarily.

Ferro addressed the issue of the moratorium, noting it was passed on September 28th. Shortly after, two property owners came to the township (whom own about 10 acre parcels each) noting they had entered into Buy-Sell Agreements which were premised on the ability to divide the property and the township exempted these two property owners. Korth asked Rhoades to elaborate on the Board's handling of this situation. Rhoades stated they came before the Board with their Purchase Agreements which were dated prior to September 28th. The Board decided to let these two owners go forward since the agreements were already signed. There was discussion over when these property owners requested a split, whether this was prior or after the moratorium was imposed.

Ferro stated he included in the Commissioner's packets literature on different views regarding the effectiveness of large lot size requirements in preserving rural character, clustering of lots, preserving land, etc. He encouraged the Commissioners to read through these materials prior to next month's meeting and prior to taking any action. Ferro stated the legal concept of grandfathering is that when a

new rule takes effect, an existing circumstance that doesn't comply with the rule is allowed to continue and is legal. But that concept only applies to existing situations. As far as how to apply this regarding listed property, or wanting to split property in the future, etc., there is no way to do this.

Commission member Paul spoke about how there are special circumstances, such as family land and inherited farms. In reflecting, he would like some time to think about how these larger parcels are to be handled.

Easter stated she was not part of the Master Plan process and she struggles with this. She also lives in the area where the amended zoning is being proposed.

Butterfield stated she has seen good examples of PUDs where land is preserved. She also struggles with this and is not convinced one way or the other. She would like to see what Leelanau County did, as an example.

Lowry stated he is affected by these proposed changes, being that he owns 18 acres in this area. He stated some of the reasons why the Commission looked at this are because on Knapp and Pettis, between 7:30 and 8:30, they are at a maximum level of traffic. He questions if there are some better ways to control this so that the Township has some options that can be used which could satisfy both ends of the program.

Gutierrez stated he agrees with Lowry and believes that possibly there is a better way to control development. He stated they are not trying to prohibit development, although it may be more difficult. They are trying to preserve the rural character of the township. He emphasized that public comments will be heard and know that they are going to preserve the rural character of the Township.

Rhoades stated it is difficult to decide which is the best way to go with this. If left the way it is, the Planning Commission will have to deal with the developers as they come in on a case-by-case basis. As far as the moratorium, they do not want to have a situation because an ordinance is not in effect – this is not meant to stop anybody that had a legitimate plan to complete – it is merely a delay.

Korth stated that he has been on the Commission at least 10 years and it never ceases to amaze him the diversity of issues. There is a lot of farmland in the Township that has not been farmed in a long time. He spoke about the problem on the northeast side because of only having two bridges. He noted there is little control of what happens outside of Ada. The area getting the most public reaction is the Rural Preservation 1 District, not the AG preservation zone, and maybe this should be handled differently. He does not believe this is a density issue, but rather an overall population issue. Korth spoke about researching farmland preservation. He next spoke about how he is uncomfortable hearing what happened with the purchase agreements as brought up earlier in the meeting. He suggested they hold a special meeting to discuss all of the issues brought up tonight.

A special meeting was scheduled for Wednesday, October 28, 2009 at 5:00 p.m.

VI. UNFINISHED BUSINESS

None.

VII. NEW BUSINESS

None.

VIII. REPORTS FROM COMMISSION MEMBERS/STAFF

1. Proposal from Gartner & Associates, LLC for Focus Group Research Related to Capital Improvements Plan.

Commissioners discussed a proposal from Gartner & Associates to conduct several focus group discussions with Township residents as a means of obtaining public input into the development of the Capital Improvements Plan.

Easter stated that the purpose of the capital improvements is to set priorities for major expenditures.

Rhoades spoke on behalf of the Township Board, referring to the Board's desire to maintain a financial cushion in its fund balance.

Korth stated that the proposal is not quite on target with what the Capital Improvement Plan Committee desires to get input on. We need to know whether or not the Planning Commission would like to act on this formally at this point or not. He noted this will be Ada Township's first Capital Improvements Plan. The Plan is a guide for the Township Board to use in making budgetary expenditure decisions on capital items. It is a useful tool and by statute the Planning Commission and the Board both have a role in this.

The consensus of the Commission was to let the CIP Committee make the decision as to whether or not they want focus group input.

2. Correspondence Regarding Outdoor Wood Furnace Regulations.

Ferro stated that last month the Commission received correspondence from a resident on Three Mile Road asking the Township to enact reasonable regulations regarding the use of outdoor wood furnaces. Ferro noted there are currently no regulations in place for Ada Township, but there really have been no complaints in the past. He noted that there are a few outdoor wood furnaces in the rural parts of the community. Ferro said this could be looked at further after the Commission addresses priority items that have already been established, such as wind energy regulations. Korth asked if there is a MTA model ordinance and Ferro stated he would check.

IX. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

None.

X. ADJOURNMENT

Motion by Lowry, second by Easter, to adjourn the meeting at 9:23 p.m. Motion passed unanimously.

Respectfully Submitted,


Susan Burton, Township Clerk

Rs:lm