



ACME TOWNSHIP PLANNING COMMISSION MEETING
Acme Township Hall
6042 Acme Road, Williamsburg, Michigan
7:00 p.m. Monday, September 24, 2012

Meeting called to Order with the Pledge of Allegiance at 7:00 p.m.

Members present: V. Tegel (Chair), B. Carstens (Vice Chair), S. Feringa, T. Forgette, R. Hardin, M. Timmins, K. Wentzloff, D. White, J. Zollinger

Members excused: None

Staff Present: S. Vreeland, Township Manager/Recording Secretary
N. Lennox, Zoning Administrator
J. Jocks, Township Legal Counsel

INQUIRY AS TO CONFLICTS OF INTEREST: None noted.

APPROVAL OF AGENDA: Motion by Wentzloff, support by White to approve the agenda as presented. Motion carried unanimously.

1. **Continuing Education/Special Presentations:** None
2. **Consent Calendar:** Motion by Timmins, support by Forgette to approve the Consent Calendar as amended to remove the Parks & Recreation Advisory minutes for 09/13/12 discussion, including:
 - a) **Receive and File:**
 1. **Draft Unapproved Minutes of:**
 - a. Board 09/04/12
 - b. Parks & Recreation Advisory 08/23/12 and 9/13/12
 - c. Planning, Zoning & Administrative Activity Report
 - b) **Approval:**
 - a. Planning Commission 08/27/12

Motion carried unanimously.

3. **Limited Public Comment:** None

4. **Correspondence:** None

5. **Public Hearings:** None

6. **New Business:**

- a) 6-Month Evaluation of Contract Planning Services: In April the township contracted with Beckett & Raeder to provide general planning services for the township for a minimum 6-month trial period. This period comes to an end in October, and as the township considers what do to moving forward we are seeking input on how the program has been working. We want to consider both the program in general and the service provided by Beckett & Raeder specifically.

Several individuals worked together to prepare an evaluation tool that everyone providing input could use in common. Carstens suggested that some of the categories on the rubric, particularly for the first criterion, could be divided into multiple

criteria. Zollinger suggested that staff and administrative input will be useful to the Board as well as input from Planning Commissioners, and that there should be some mechanism for weighting the questions and the responses. Carstens added a suggestion that an evaluation document be provided to the consultant at the outset of a relationship. He is concerned that they might be somewhat “blindsided.” Timmins stated that she has no awareness of Beckett & Raeder’s contributions to the township beyond the placemaking project. Tegel wondered if there should be questions specific to the placemaking project. Vreeland suggested that the general questions could be answered by each individual for a variety of projects, providing a comprehensive perspective. It would help the Board weight the responses appropriately if people would note briefly their perspective and whether it’s limited or broad. Wenzloff is uncertain about the established job description and role of Beckett & Raeder as the contract planner, and since she doesn’t know what they are supposed to be doing she isn’t sure how to evaluate them. Feringa suggested that people not over-complicate the issue; each should answer the questions according to their expectations and experience.

Tegel feels that this document, as-is or modified, may be helpful in the future for evaluating planners, and for giving everyone a common basis for providing their feedback. The contract with Beckett & Raeder mentions that the Planning Commission Chair would be part of the township’s leadership directing them.

Motion by Zollinger, support by White to ask all Planning Commissioners to provide written comments to staff regarding their perception of Beckett & Raeder’s service as planning consultant, and using consulting planning services in general, using the supplied form as background.

Motion carried by a vote of 6 in favor (Feringa, Hardin, Timmins, Wentzloff, White, Zollinger) and 3 opposed (Carstens, Forgette, Tegel).

Motion by Zollinger, ~~support by~~ to ask Planning Commissioners to provide feedback to the staff and Board regarding using contracted planning services. Motion died for lack of support.

Wentzloff asked about the relative costs of having the in-house or contract staff. Vreeland stated that at the present time contracting is less costly for the township. There is a monthly retainer for general planning services. SUP work is billed to applicants. Larger projects such as the Master Plan and Parks & Recreation Plan update would have required some additional outside support whether or not we had an in-house planner, and under the current arrangement are scoped and contracted for separately with Beckett & Raeder.

Feringa offered that the planning workload may become lighter in the near future, so continuing with contracted services on an as-needed basis may make good sense. Tegel noted that Beckett & Raeder has long-standing familiarity with the township, having worked with us for about a decade, and this aids them in addressing new projects for the township. She and Carstens both noted that the experience and depth of resources provided by an outside firm are also beneficial.

7. Old Business:

- a) **PC Annual Report:** The proposed annual report from the Planning Commission to the Board of Trustees was drafted by John Iacoangeli. Hardin asked if the proposed future work plan in this document can be merged with the pre-existing “PC Action Plan,” as there appears to be significant overlap between the two. Since the ~~Action~~

~~Plan~~ **annual report** is a static annual report and the Action Plan is a working document that changes from time to time, perhaps maintaining both documents but correlating them makes sense. There was consensus about adding an item “d” to Planning Initiatives in the proposed annual report that would be a goal to continue working through the Action Plan. The Action Plan itself need not be added to the report.

Motion by Zollinger, support by Wentzloff to transmit the proposed PC Annual Report 2011-12 to the Board of Trustees as amended to add an item “d” under Planning Initiatives stating that the Commission will continue to work on projects listed in the Planning Commission Action Plan. Motion carried unanimously.

- b) **Master Plan Update Proposal**: Beckett & Raeder has provided a proposed scope of service for assisting the township with a Master Plan update. Timmins asked for a definition of the 2-3 “other major stakeholders. Iacoangeli was thinking of the GT Regional Land Conservancy or other groups we might identify later. Tegel was thinking of groups such as TART, NMC, the Michigan Land Use Institute, VASA, the County. The stakeholders need not be from groups specific to Acme Township, but from any relevant group in the region. Zollinger suggested that the members of the advisory group coming from the Planning Commission and other township bodies could propose the additional stakeholder advisory group members. Hardin projected that perhaps the stakeholders to be interviewed will be a larger group of people than the stakeholders named to the advisory.

Motion by Carstens, support by Timmins to recommend that the Board of Trustees accept and contract for the Master Plan scope of services from Beckett & Raeder.

Wentzloff asked if any additional proposals were to be solicited. Vreeland replied that normally we would solicit multiple proposals, but Beckett & Raeder was selected as our overall consultant with the idea in mind that they would make good candidates for performing this work for us because of their extensive experience with us. Any other firm would have a substantial learning curve about the community to help us prepare a community-sensitive plan. Tegel compared the proposal to the recommendations from the master planning training offered by Kurt Schindler in January and found it sufficiently well-rounded and complete. Zollinger noted that the work already done on the Placemaking effort will feed into the master planning process.

The proposed fee for services is \$40,000 including the Parks & Recreation Plan 5-year update and the services of NMC to administer a new community survey. The cost of the survey will be approximately \$12,500, with the remaining approximate \$27,500 going to Beckett & Raeder.

Motion carried unanimously.

- c) **Parks and Recreation 5-Year Plan Update Proposal**: Feringa and Timmins are on the Parks & Recreation advisory and are glad of having the assistance in updating the plan. Tegel referred to Section 5.0 of the proposal, which discusses methods to finance, and asked if the proposed GT Regional Community Foundation endowment proposed to be set up for the parks system will be listed as one of those opportunities. Vreeland stated that it will be one of the several potential funding sources that would be listed in the capital improvements plan portion of the document. She expects there

will be a capital improvements plan for the Shoreline District which will contain parks and general infrastructure items. There will be a capital improvements plan for the Parks & Recreation Plan that will include all parks, including but not limited to the shoreline park areas. There will be an overall township capital improvements plan that will contain all capital improvement items township-wide. So, park-related portions of the Placemaking capital improvements plan will be incorporated into the Parks & Recreation Plan update.

Motion by Wentzloff, support by Timmins, to recommend that the Board of Trustees accept and contract for the Parks & Recreation Plan update scope of services from Beckett & Raeder. Motion carried unanimously.

- d) **Deep Injection Well Regulations:** Jocks provided an extensive packet of information regarding the regulation of various deep wells in Michigan. He has previously advised that townships are limited to the possibility of local zoning decision-making over deep injection wells for liquid industrial waste. It remains possible that if challenged in court it could be found that the state “occupies the field” regarding liquid industrial waste as well, but this has not happened yet.

MCL 324.12101(n) defines “liquid industrial waste.” It does not include hazardous, septage or medical wastes or household liquid wastes. This would be the limit of what Jocks could recommend the township attempt to zone for. The township could decide where industrial waste wells could be located in the township, and could establish some regulations focused on evaluating potential changes in contamination levels resulting from the establishment of a deep injection well.

Without adoption of a local ordinance, a deep injection well could be placed anywhere in the township that the state would allow.

Zollinger raised the question of the impact of having a deep injection well on a property that might be in or might apply to the township’s farmland purchase of development rights (PDR) program. Vreeland and Jocks reported that it would not necessarily be impossible to have a deep injection well on a preserved or to-be preserved property, but would be very limited. The limitations could be related to the use of federal grant funds, or to IRS regulations for preservation values for bargain sales. It would be possible to exclude the portion of farmland around a well site from the PDR easement.

Zollinger asked Feringa if the Tribe would permit a deep injection well on their lands. Feringa replied that there was almost no possibility that the Tribal DNR or the Tribal Council would approve one.

Hardin has worked for well companies before. Geology dictates the successful placement and operation of the wells. The best geological place is not necessarily the best zoning place, and the township is ill-qualified to decide where it is “safe” to put them. The waste is injected under pressure underground, to a place where something else already is and has to be displaced. Hardin also observed that if we limited deep injection wells to the agricultural district we would be encouraging placement of waste where food is grown. If we limit to the industrial district, ours is near the headwaters of Yuba Creek.

Tegel asked if the township could adopt an ordinance but not designate one or more zones where deep injection wells are permitted. Jocks replied that by not designating one or more places for it, the effect would be allowing it everywhere. He

recommends avoiding any regulation of the technical aspects of the wells as being highly likely to be challenged.

Zollinger suggested that the most effective course of action would be to have Jocks draft an ordinance specific to Acme Township and set and hold a public hearing to receive public feedback. This feedback would guide the Planning Commission in making a recommendation to the Board. If there is sufficient opposition the proposed ordinance could die at the Commission level and not be forwarded to the Board. White suspects that the answer will be “not in my back yard.” He suspects that subdivision-dwellers will want to suggest the use be in the agricultural district. He is concerned about the potential impacts on farmland. Once waste is injected there is no way to know where it will go. The well blowout on Broomhead Road had wide-spread groundwater effects.

Jocks will prepare a draft ordinance without zoning districts where the use would be allowed specified. The Commission can insert proposed districts and then set the public hearing, because he feels that it is important that the zoning districts in which this might occur would be specified in the public hearing notice. The only legally-required notice will be publication in the paper; there might be a desire to go beyond this in some way.

8. Items Removed from Consent Calendar:

- a) Parks & Recreation Advisory [9/13/12](#): Timmins noted that the minutes say that the Parks official close for the season on September 30. She questioned whether the parks are entirely closed for the season, or just the restrooms. Vreeland reported that the part-time parks-staff will be done for the season as of September 30. The bathrooms will be closed, and it is likely that the gates at Sayler Park will be closed to vehicular traffic. Whether or not the parking lot at Bayside Park will be closed or left open for the winter as it was last year is unclear at this time.

Motion by Wentzloff, support by Zollinger to receive and file the Parks & Recreation Advisory minutes from 09/13/12. Motion carried unanimously.

9. Reports:

- a) **Placemaking Open House Update – John Iacoangeli/Virginia Tegel**
To the public interested in the Placemaking process, please be sure to visit www.acmeshores.org or follow us on Twitter: @AcmeShores: The September 5 open house was well attended, and good feedback was received. Final versions of the concept plans will be presented to the Board of Trustees at their October 2 meeting. Lennox has provided some preliminary ideas for zoning ordinance updates for the district to the Commission.

10. Planning Commission Items for Discussion (*items must be submitted one week prior to the scheduled PC meeting. Discussion limited to 5 minutes for each item listed.*)

- a) <http://bettercities.net/news-opinion/blogs/howard-blackson/18813/five-cs-neighborhood-planning>
- b) **Education form submittals from PC members:** please submit to Vreeland if you haven't already done so.

11. Public Comment/Any other business that may come before the Commission: None.

Meeting adjourned at 9:04 p.m.