

Otsego County Planning Commission

Minutes from 2-23-09

Call to Order at 7:01pm by Vice Chairman Randy Stults

Mr. Stults asked for everyone to take a moment of silence in remembrance of our Commission member Chairman Donald Tober whom passed last week.

Pledge of Allegiance

Roll Call:

Commission members present: Randy Stults, Erma Backenstose, Ken Arndt, Mike Colosimo, Chuck Klee, John Ernst, Ken Borton, and Mike Mang

John Burt (Otsego County Administrator), Haider Kazim (Otsego County Attorney), Joe Ferrigan (Land Use Director), Sharon Bolinger (Recording Secretary)

Commission members excused: Jim Hilgendorf, Francis Nowak, Chairman Donald Tober (Deceased)

Public Present: Tom Wagar, Eric Nelson, Joe Jarecki, Patricia Osburn, Judi Jarecki, Larry Bowman, Lori Sparling, Rollie Harnes, Erin Parker, David Delaney

Approval of minutes from January 19, 2009 with corrections: Motion by Mr. Klee, seconded by Mr. Borton.

Motion approved unanimously.

Mr. Stults added to the agenda. Item #4 the appointment of Planning Commission member to a committee for the County. Item #5 is the election of a new Chairman to the Planning Commission.

Mr. John Burt addressed the Commission. He gave an update on the recommendations of the Jail Committee. They recommended that the County build a new 68 bed jail at approximately the \$7.8 million mark as apposed to a 120 bed jail originally proposed. They recommended that they use the County property located at 540 S. Illinois Ave. This is on a 5 year outlook.

Mr. Stults recognized Mr. Eric Nelson to give the Commission a presentation on The Huron Pines Habitat.

Mr. Nelson introduced Mr. Joe Jarecki to speak first. Mr. Jarecki gave some background what he now does for Huron Pines and what they do for the natural habitat in the Northern Michigan area.

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Mr. Nelson addressed the Commission and gave a slide show presentation of Huron Pines a non-profit organization and the habitat initiative.

Mr. Ernst suggested getting some assistance from the Huron Pines group to provide more information on the Master Plan concerning the "buffer" areas in and around the Pigeon River Country.

Mr. Ernst suggested forming a sub committee. Mr. Ernst volunteered to head this, Mr. Mang & Mr. Stults will also be on the committee. They also requested Mr. Nelson provide them with a copy of the map and a copy of the presentation seen here.

Mr. Stults asked Joe Ferrigan to introduce the Bradford Scott bridge site plan review case #SPR 09-01.

Mr. Ferrigan explained the history of this Site Plan Review case and his reasons behind bringing it to the Planning Commission. He explained that it was his choice to bring this case to the Planning Commission so a group can make the decision and not just one individual.

Mr. David Delaney addressed the commission. He gave the history of this case as it went through the ZBA. The ZBA did determine that this is not a "special use variance" and that it is a "use by right" so it can be approved by the Land Use Director whom in turn brought it to the Planning Commission. They are requesting Site Plan approval under Otsego County Ordinance under Article 17 and 20 not to include 15 or 16.

There were discussions between Commission members and Mr. Delaney.

Patricia Osburn addressed the Commission. She stated that the Bradford Scott Co. does have a current Soil Erosion permit. However they have to keep the road and any other construction out of the green belt unless they have approval of a shore land committee.

Mr. Arndt had questions. He referred to Joe Ferrigan.

Mr. Ferrigan stated that the court has already determined that a variance is not required however it does not exempt them from obtaining a shoreline permit.

There were multiple discussions among Commission Members and Mr. Delaney.

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Mr. Stults questioned Mr. Delaney concerning Article 20 Section 20.10 Performance Guarantee. Mr. Delaney stated that he did not think that a bond would be necessary for this project since it is a privately owned and maintained bridge for the subdivision use only.

There were multiple discussions among the Commission and Mr. Delaney.

Mr. Rollie Harmes addressed the Commission. He stated that the maintenance was taken into consideration and that it will be in the buyer's agreement at the time of sale of the properties.

Mr. Erin Parker addressed the Commission. He addressed the concerns of Mr. Ernst about the structural questions he had. Mr. Bob Elliott owner of Bradford Scott concluded in 2005 to not go through with the final design of the bridge just in case the project was not going to get full approval. At this time a final drawing is not complete. The bridge geometry will be the same however there will be changes in the abutments.

Mr. Ernst had multiple questions about water drainage runoff. Mr. Parker addressed his concerns as best he could with the information here tonight.

Mr. Haider Kazim attorney for Otsego County addressed the Commission. Mr. Kazim stated that the bridge was classified as a structure by the court therefore it does meet zoning criteria as it pertains to needing a permit. It will be required to have a permit following this Commissions decision as to the site plan review.

Mr. Kazim gave his recommendations and stated that the Commission would be in the right to require more information for the site plan review of this bridge because we are in the final stages of this process not in the preliminary stage. In regards to the performance guarantee, he feels that the Commission cannot impose this as Article 20 Section 20.10 states, however under Article 17 Section 17.5.1.3 can require the provision of maintenance to be recorded in the property owner's deed. Failure of the bridge would be under the jurisdiction of the MDEQ & MDNR.

There were multiple discussions among Commission members and Mr. Kazim.

Mr. Tom Wagar addressed the Commission. He suggested to the developers that they have the owners put away a set amount of monies per year to maintain the structure. He also questioned who would be the one to insure the bridge against natural disasters.

Mr. Parker answered Mr. Wagar's concerns. He stated that it is a 50 year design made with Core 10 steel and there should be bi-annual inspections.

There were multiple discussions between Mr. Parker and the Commission.

Mr. Ferrigan submitted a correspondence to be part of the official record (attached).

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Motion made by Mr. Ernst, drafted by Mr. Ferrigan to table the Planning Commission Case#SPR09-01 until such time that a current site plan can be provided.

The site plan shall contain the following.

- 1.) Vehicular guard rail detail.
- 2.) Pedestrian guard rail detail.
- 3.) Updated drainage plan and calculations to show existing flows and how they will be routed through the proposed drainage structures and prevent head cutting at the outlets.
- 4.) A load rating shall be posted on the bridge.
- 5.) Operational plan for salt or sand and the minimization of either getting into the water.
- 6.) Copy of the proposed maintenance agreement.

The motion was seconded by Mr. Mang.

Motion approved. 7 yes with 1 abstain.

Mr. Stults has been asked to be on the future planning committee by the Board of Commissioners in regards to issues dealing with the construction of facilities on Otsego County property. He will accept the position.

Mr. Stults called for a vote on filling the vacant Chairman seat on the Planning Commission.

Motion made by Mr. Ernst to elect Randy Stults into the Chairman position. Seconded by Mr. Arndt.

Motion approved unanimously.

Mr. Stults resigned the position of Vice Chairman and called for a vote to fill the newly vacant Vice Chairman position.

Mr. Arndt nominated Mr. Mang in which Mr. Mang respectfully declined the nomination.

Motion made by Mr. Ernst to elect Mr. Arndt into the vacant Vice Chairman position. Seconded by Mr. Klee.

Motion approved unanimously.

Mr. Ferrigan gave an update on the Land Use Service Department.

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Mr. Mang questioned as to when the proposed By-Laws will be completed.

Mr. Stults suggested that a subcommittee be formed to take up this issue. The subcommittee will be Chaired by Mr. Borton and include Mr. Stults, Mr. Klee and Mr. Ferrigan.

Mr. Mang also questioned the follow up on the questions and comments from the Master Plan Public Hearing on 2/9/09.

Mr. Ferrigan stated that the minutes had just been made available to him that day and he follow up on getting those out as soon as possible.

Mr. Ernst questioned if it would be appropriate to amend the Zoning Ordinance to include bridges as a special use permit as apposed to a use by right.

Mr. Kazim stated that would be feasible but it cannot be retro active.

Mr. Arndt suggested that they set an agenda within a time frame for new issues.

Mr. Stults suggested that the Commission members email the issues that need to be addressed to him.

There were multiple discussions among Commission members.

Mr. Arndt told the Commission members that he and others sent in a proposal to get part of the stimulus package for the installation of a sewer treatment plant.

The Chairman of the Board of Commissioners has requested a set of criteria as to when the fees should be waived. Mr. Arndt, Mr. Stults and Mr. Ferrigan shall be on that sub committee.

Meeting adjourned at 9:42pm.