

Watson Township Planning Commission
July 25, 2012
Regular Meeting
Public Hearing

1. Call meeting to order

Chairperson David Carter called the meeting to order at 7:00 p.m.

2. Pledge of Allegiance:

All recited the pledge.

3. Roll call

Present: Bruce Bos, David Carter, Michelle Harris, Beverly McKinnon, Barbara Wroblewski. Absent: Troy Baker and Rod Zeinstra. Visitors: Kathy Rex, Scott Rex, Kevin Rex, John Hollar, Lindsey London, Shirley Reed, David Reed, Barbara Burr, Bill Burr and Chuck Andrysiak. No Mark Sisson.

4. Approval of Minutes

Motion made by Michelle to accept the June 20, 2012 minutes with minor corrections. Seconded by Bruce. All approved.

5. Public Comments and Communications

None.

6. Approval of Agenda

Motion made by Michelle to accept the agenda. Seconded by Beverly. All approved.

7. New Business

1. PUBLIC HEARING

Dave read the rules of a public hearing. The notice in the newspaper and who was sent letters were read by the secretary. Letters were sent to Lee & Jennifer Bellgraph 1423 115th Ave. Otsego, Mi 49078-9719, Connie Sue Beles 1477 115th Ave, Otsego, Mi 49078, Chris & Kevin & Tim Mohrland 1541 115th Ave. Otsego, Mi 49078, Richard C Mehl & Paula M. Allred 542 N Berkley, Kalamazoo, Mi 49006-3004, Consumers Energy Property accounting EP9-282, One Energy Plaza, Jackson, Mi 49201-9938, Steve & Harmony Post 5608 Pecos Court, Granbury, TX 76049, Villas Mohrland, Timothy & Kevin Mohrland 1552 116th Ave. Otsego, Mi 49078, Lindsay S London 1446

115th Ave. Otsego, Mi 49078, James Gradwell 1461 115th Ave. Otsego, Mi 49078, Nancy J Guthrey 1481 115th Ave. Otsego, Mi 49078, Chris Mohrland 1541 115th Ave. Otsego, Mi 49708, Kenneth J Morrell 1212 110th Ave. Martin, Mi 49070. These letters were sent July 11th, 2012. No letters were received back.

Kathy Rex explained where she wants to put new campsites on a map for all to see. Bill Burr likes what Kathy has done to the campgrounds since she has had it. He would like to see her get the permit and he also stated that the permit process was taking far too long. Dave answered that the state and the township has a process that the PC has to go by and that it did take time to go through it.

Chuck Andrysiak asked about if more sites would there be problems with the waste systems. Dave answered that the engineering firm and the Allegan County Department of Health will have to answer that problem. Kathy Rex added that they were adding a drain field.

Lindsey London & John Hollar explained that their property is next to the campgrounds where the new campsites will be. They have an electric fence along the property line to keep their horses in. She is worried that children would touch that fence. Maybe some pine trees or a berm should be built. Dave explained when he went to the campgrounds; he saw a problem with the fence also. John has concerns with the fence and with the property line in the back of campgrounds. There is a sort of fence there and people have been climbing over into John and Lindsey's property. They are worried about safety.

Kathy Rex stated that she was aware that she has a problem in that area.

Motion made by Beverly to close the public comment portion. Seconded by Michelle. All approved.

Dave explained the memorandum provided by Mark Sission dated July 17th 2012 with the PC.

Enclosed with these minutes is a copy of the memorandum.

Kathy Rex of Schnable Family Campground is requesting a Special Use Permit to expand the existing campground located at 1476 115th Avenue. The campground is located on 43 acres on the north end of Schnable Lake in the southeast corner of Section 26.

Existing Zoning: Those portions of the existing campgrounds that are within 400 feet of the water's edge are zoned LRD, Lake Residential. The remainder of the 43 acre parcel is zoned A-2 Rural Conservation.

Adjacent Zoning: All property within 400 feet of Schnable Lake are zoned LRD, Lake Residential. Except for the lake frontage, the 60 acre parcel located adjacent and to the south of the subject parcel is zoned R-2 Medium Density Residential. All other nearby property is zoned A-2.

Master Plan: The Master Plan identifies this area as Rural Preservation. Campgrounds are consistent with this designation.

Existing Land Use: The subject parcel is used for a private campground that supports small recreational campers and RV's. The campground includes beach access on the lake, several docks for small water craft, playground area, camp store and bathhouse, a newly approved pavilion, and as many as 160 existing campsites. All campsites are served by electricity. Internal roadways are unpaved. The single park entrance is off 115th Avenue. The existing improved areas of the campground occupy less than 50% of the total 43 acre site. The balance is wooded (10-15 acres), wetlands (5-6 acres) or open field (6-8 acres).

Adjoining properties are sparsely developed, rural residential and are either wooded or open field. The nearest home site to the proposed campground expansion area is roughly 300 to 350 feet to the east.

Summary of Proposed Expansion: The applicant is requesting zoning approval for 29 additional campsites. The sites are to be located in the northeastern part of the parcel, east of the campground office, near the east boundary of the park. Nine of the sites will be constructed along an existing gravel drive and the other 20 sites will be strewn between the east boundary of the park and a new gravel roadway to be constructed. A new septic system and drain field is proposed to support the new campsites. This system will be located in the northeast corner of the park, just south and east of the main entrance. It is my understanding (Mark Sisson) that no additional docks or other improvements or expansions to lake front facilities are proposed at this time. The Planning Commission should confirm with the applicant that no additions or expansions to the campgrounds non-conforming lake access (beach, docks, fishing piers, etc.) are being proposed. Kathy Rex stated that there are no plans to change the beach, or docks. All of the sites will be provided with electrical and potable water and septic supply hookups. The maximum dimensions for each site is 30 feet by 50 feet, and each will be capable of supporting standard sized campers, camper trailer, and Rvs.

The applicant has submitted plans for the campground expansion to the Allegan County Health Department and MDEQ. It is my understanding that verbal/tentative approval has been given, but that the applicant is still awaiting official written notices of approval from the DEQ and Latitude Engineering.

Zoning Review and Approval Procedures: The existing campgrounds predate the Township's modern zoning ordinance and there is no apparent record of any previous land use authorizations by the Township for the use. Campgrounds may be authorized as Special Land Uses in A-2 District but as previously noted a portion of the existing campground nearest the lake (areas within 400 feet of the water's edge) are in LDR district. While new campgrounds are not allowed in the LDR in the current ordinance, the pre-existing campgrounds may continue as a "grandfathered" use and could be expanded by up to 50% if granted a special land use permit (ref. Sec. 23.02(b)). The proposed expansion will not occur within the portion that is in the LDR district so the special use permit request is not being exercised over that portions of the property and the 50% limitation does not restrict or otherwise affect the special use permit request for this expansion.

The Planning Commission should confirm with the applicant that no additions or expansions to the campgrounds non-conforming lake access (beach, docks, fishing piers etc.) are being proposed. Kathy Rex stated that there are no plans to change the beach or docks. If they are, a separate special use permit, also under the non-conforming use provisions of Sec. 23.02(b), is required and cannot be authorized without appropriate notice. While such activity is separately regulated under Sec. 22.17, Lake Riparian Access, since the beach is in the LRD District, new commercial/business relates lake access is permitted. The current lake access facilities at the campgrounds are grandfathered in, however, if approved at all, future expansion would be limited to 50%. Kathy Rex was asked by Dave if she was aware of this and understood what it meant. She stated that she understood the conditions.

It is recommended that in authorizing a permit to allow the proposed expansion, the Planning Commission should at this time consider using its discretion to Encompass the entire property and all current grandfather uses in the special permit. This will “officially recognize or legitimize” if you will, all the current and proposed campground facilities. The restriction that cannot be removed without rezoning, however, is the 50% expansion limitations that apply to the campground and lake access within the LDR portion. Those restrictions must remain but at least there will be a special use permit recognizing and covering the entire campground and beach front property from a specific date forward. The procedures for review and approval of a special use permit entail a public hearing with 15 days advance notice in the newspaper and a direct mailing to all persons within 300 feet of the property. A detailed Site Plan Review is also required.

Typical areas of concern that arise to the opening of a campground and which are in the Township’s authority to regulate and control the imposition of permit conditions include:

1. Noise and other nuisances that may affect neighboring properties: Measures that can be effective in mitigating or reducing impacts include increased setbacks or isolation, limitations on the scale of operation.
2. Traffic concerns. Dust control or too much traffic or que lines waiting to enter a campground backing up into the street and street maintenance are issues that may arise. Site design changes at the campground entrance or a requirement that the operator assist with dust control and street maintenance efforts are conditions sometimes imposed.
3. Riparian access/lake use conflicts. Campgrounds are often the cause of conflicts on small inland lakes. The Townships “Lake/Riparian/Access regulations apply and concerns about overuse and boat/swimmer conflict could be addressed by the imposition of limiting conditions or an outright denial if factual evidence supports that action.

MDEQ has authority over the regulation of campground in the state of Michigan and is charged with enforcing the state’s environmental and health laws regulating the

campgrounds operation. The Allegan Health Department assists the DEQ in that process and is responsible for issuing a soil erosion and sedimentation permit during the construction phase. A condition of special land use permit should be compliance with "all other applicable Township, county, state and federal regulations".

The standards to be utilized in the review include:

1. The general standards of Section 15.02

Section 15.02 GENERAL STANDARDS. Special Land Use are not permitted to be engaged in within the particular zone in which they are listed unless and until the Township Planning Commission, in its discretion, is satisfied that the use under the conditions, controls, limitations, circumstances and safeguards proposed and imposed by the Commission, will :

(a) Be compatible with the other uses expressly permitted within the district, with the natural environment and

(b) Be consistent with the capacities of public services and facilities affected by-the land use;

© Not be detrimental or injurious to the use or development of adjacent properties or to occupants there of or to the general neighborhood;

(d) Promote the public health, safety, morals and general welfare of the community

(e) Encourage the use of lands in accordance with their character and adaptability;

(f) the standards required by the Commission for the allowance of this Special Land Use can and will in its judgment, be met at all times by the applicant or its assigns. The burden of proof of facts which might establish a right to a Special Land Use Permit under the general standards and any specific standards contained herein shall be upon the applicant.

2. The specific standards applicable to campgrounds RV and Travel Trailer Parks found in Section 15.04(a).

Section 15.04 ADDITIONAL STANDARDS FOR SPECIFIC SPECIAL LAND USES. The specific requirements set forth in this section are requirement which must be met by certain uses when permitted as special uses. These requirements are in addition to the general standards outlined or referenced in the above Section 15.02.

(a) Campground, R.V., Travel Trailer Parks

(1) The minimum lot size shall twenty (20) acres.

(2) No commercial enterprises shall be permitted to operate within the park that except that a convince goods shopping building not to exceed one thousand six hundred and eighty square feet (1680 square feet) of floor area may be provided in a park containing more than fifty (50) campsites.

(3) No building or campsite shall be located within fifty (50) feet of any property line. A house used only for proposes of residence by a park manager or owner shall conform to the requirements of the zoning district. Setback requirements on the side or rear property line may be waived or modified when said line is constituted by the edge of a river or lake, and the Planning Commission shall find that no useful purpose would be served by the stipulated setback.

(4) All parks shall afford direct vehicular access of a public road with no opening closer than one hundred (100) feet to a side property boundary line.

(5) One identification sign, not exceeded Thirty-two (32) square feet area, is permitted.

(6) All campgrounds shall be approved by the Michigan Department of Public Health. Note: As a result of administrative changes at the state level the Michigan Department of Environmental Quality now has been final permitting authority for private campgrounds in the State of Michigan. It relies on the local health departments (Allegan County Health Department) to conduct the initial on- site evaluations only

Comments and Proposed Findings of Fact:

I have reviewed the application in light of the "general" standards of Sections 15.02 and make the following finding:

1. The existing campground has been in operation for many years and there is no evidence that it operates in conflict with adjacent use or that is as caused for causes recognizable environmental damages. If operated in compliance with state and county regulations, current operations and the 29 site expansion is not expected to decrease the general compatibility of the campground to its surroundings.

2. The existing campground and the proposed expansion will be served by private, on-site utilities and will not rely on public services.

3. Sixteen Street and 115th Avenue, east to the park is the primary access route. This route is paved. Based on application of typical traffic generation rates for campgrounds and and RV parks (as developed by the institute of traffic engineers) and assuming a total of 160 sites currently, the existing a.m. traffic generated 100% occupancy is estimated at 35 vehicles per hour and of p.m. peak is 65 vehicles per hour. As a result of the 29 unit expansion 115th Avenue and 16th Street may see an additional 7 vehicles in the morning peak hour (20 % increase) and 12 vehicles in the evening peak hour (18% increase). This assumes that the park is at 100% occupancy.

Given the improved surfaces of the primary access routes, the overall traffic demand created by the campground with the expansion is not considered excessive.

4. Existing campground facilities and campsites appear to be well separated from neighboring uses and there is no known land use, lake access or riparian conflicts. The campground expansion will comply with Township setback standards and existing to dwellings on neighboring property will be well separated from campsites and support facilities such as internal roads and waste water facilities. Screening vegetation along the east property line will also remain. A four (4) foot wire fence and pine trees will be planted. The effects of the proposed expansion in adjacent properties are therefore not expected to be detrimental.

5. The existing and proposed campground caters to families and there is no evidence to suggest that there is any form or a preponderance of illegal or illicit activities occurring at the park. All operations appear to be in compliance will applicable state and county health environmental regulations. There is no evidence to suggest that the campground will have negative influence on the public health, safety morals and general welfare.

6. Based on a review of the Watson Township Master Plan, adjacent land uses, zoning, natural features and roadway capacity, the proposed use appears compatible with the lands character and adaptability.

7. There are no extraordinary standards or conditions that need to be applied by the Planning Commission in order for the campground to be appropriately operated. The applicant and future operator should therefore be able to meet all requirements of the SPECIAL USE PERMIT.

I have reviewed the application in light of general standards of Section 15.04(a) and make the following findings:

1. The parcel contains 43 acres and exceeds the minimum standard of 20 acres
2. And existing "camp store" is located in the park. It is not proposed to be expanded at this time. For the record, the building square footage is 1640 sq.ft. No expansion to the store would be allowed in the future if its current size exceeds 2,500 square feet.
3. All proposed campsites are at least 50 feet from the nearest property line. No modifications from the standards appear necessary.
4. The existing driveway opening to 115th Avenue is approximately 175 feet from the east property line. The driveway offset distance is 75 feet greater than the 100 feet minimum.

RECOMMENDATIONS.

Unless information exists or is submitted at the public hearing that justifies a different set of findings that those outlined above it is suggested that the following motion be considered.

Moved by Michelle Harris, supported by Bruce Bos that a Special Use Permit Application submitted by Schnable Lake Family Campground (Kathy Rex) for the addition of 29 campsites as outlined on the site plan dated 7-9-12 and prepared by Latitude Engineering be approved subject to the following conditions:

1. That prior to construction, Watson Township must be provided with a copy of the written notification and approval from the MDEQ that the 29 site campground expansion has been authorized.
2. That prior to construction, Watson Township must be provided a copy of the approved soil erosion and sedimentation permit.
3. And that this special uses permit shall recognize and comply to all other existing campground facilities and lake access facilities located on and within the parcel identified on the tax roll as of July 1, 2012 as PPN-03-23-026-031-20 and will hereafter serve as special land use permit authorizing such use. Any proposed beach or lake access improvements or expansion or any campgrounds improvements or expansions in the LDR zone district shall thereafter be limited and shall be required to undergo special land use permit review and approval under Chapter 15 as required by Sec. 23.02(b). Any additions or expansions proposed in the A-2 zone districts shall be governed solely by the provisions of Chapter 15.
4. The applicant must plant pine trees at 8-10 feet apart, either in a line or staggered along prospered lots 183 to 187. This encompasses approximately 150 feet of the area. This is for the purpose of a visual barrier to the home of the adjacent property to

the east.

5. The applicant must construct a barrier fence line of a minimum of 4 feet high along the east property line; the length of and parallel to the electric fence for purpose of blocking access to the electric fence.

Finding of Facts:

Moved by Dave Carter with the support of all Planning Commission members that the findings outlined in Mark Sisson's memo dated July 17th, 2012, as appropriately modified by the consensus of the Planning Commission be accepted as the appropriate finding of fact and support the motion to approve the 29 campsites expansion of the Schnable Lake Family Campground.

Roll Call Vote: Bruce Yes, Michelle yes, Beverly yes, Dave yes, Barb yes.

Dave closed the public hearing. Motion by Beverly to close public hearing. Seconded by Michelle.

8. OLD BUSINESS

Review of draft #3 Wind Energy and Solar Energy Systems

Discussion. The Planning Commission went through Chapter 21B Wind Energy and Solar Energy System to made changes. The PC will discuss these with Mark at the next meeting.

9. Any other business/ongoing business

General Law ordinance to regulate the installation and use of outdoor furnaces was sent to Mark with changes.

10. Adjourn Meeting

Motion made by Bruce to adjourn meeting at 9:10pm. Seconded by Michelle. All approved.