
COMMITTEE OF THE WHOLE MEETING



April 17, 2018



KALAMAZOO COUNTY GOVERNMENT

In the Pursuit of Extraordinary Governance...

BOARD OF COMMISSIONERS

NOTICE AND AGENDA FOR
COMMITTEE OF THE WHOLE MEETING

April 17, 2018

PLEASE BE ADVISED that the Kalamazoo County Board of Commissioners has scheduled a Committee of the Whole meeting on **Tuesday, April 17, 2018 at 4:00 PM** in the Board of Commissioners Room, second floor, County Administration Building, 201 West Kalamazoo Avenue, Kalamazoo, Michigan, for the purpose of considering the following items:

	<i>Projected Time for Presentation & Discussion</i>
1. Review of Disbursements - <i>Ms. Amanda Morse</i>	4:00 - 4:05 p.m.
2. Non-Potable Water Well Permitting - <i>Mr. Jim Rutherford</i>	4:05 - 4:30 p.m.
3. Opioid Update - <i>Ms. Tracie Moored</i>	4:30 - 4:45 p.m.
4. Partnership with LISC - <i>Ms. Tracie Moored</i>	4:45 - 5:00 p.m.
5. Bronson Park Lease Extension - Discussion Only - <i>Ms. Beth White</i>	5:00 - 5:15 p.m.
6. 2019 Budget Discussion - <i>Ms. Tracie Moored</i>	5:15 - 5:30 p.m.
7. Any other items	
8. Closed Session	
9. Adjournment	

MEETINGS OF THE KALAMAZOO COUNTY BOARD OF COMMISSIONERS ARE OPEN TO ALL WITHOUT REGARD TO RACE, SEX, COLOR, AGE, NATIONAL ORIGIN, RELIGION, HEIGHT, WEIGHT, MARITAL STATUS, POLITICAL AFFILIATION, SEXUAL ORIENTATION, GENDER IDENTITY OR DISABILITY. KALAMAZOO COUNTY WILL PROVIDE NECESSARY REASONABLE AUXILIARY AIDS AND SERVICES, SUCH AS SIGNERS FOR THE HEARING IMPAIRED AND AUDIO TAPES OF PRINTED MATERIALS BEING CONSIDERED AT THE MEETING/HEARING, TO INDIVIDUALS WITH DISABILITIES AT THE MEETING/HEARING UPON FOUR (4) BUSINESS DAYS' NOTICE TO THE COUNTY. INDIVIDUALS WITH DISABILITIES REQUIRING AUXILIARY AIDS OR SERVICES SHOULD CONTACT THE COUNTY BY WRITING OR CALLING:

KALAMAZOO COUNTY GOVERNMENT | 201 West Kalamazoo Avenue | Kalamazoo, Michigan 49007 | (269)384-8111



KALAMAZOO COUNTY GOVERNMENT

In the Pursuit of Extraordinary Governance...

BOARD AGENDA REQUEST FORM

PROPOSED FOR BOARD MEETING OF: April 17, 2018
DEPARTMENT: Administrative Services
PREPARED BY: Amanda Morse, Deputy County Administrator -
Internal Services
SUBJECT: Review of Disbursements

SPECIFIC ACTION REQUESTED:

Review of Disbursements

DESCRIPTION OF ACTION (dollar amount, purpose):

Review of Disbursements totaling \$1,644,072.40.

TIME FRAME OF ACTION:

Checks will be released 4/18/2018

FUNDING SOURCE & BUDGET CHANGES:

Please see claims list attached with Committee of the Whole agenda.

PERSONNEL IF REQUIRED:

N/A

NEW OR RENEWAL:

N/A

ANY OTHER PERTINENT INFORMATION:

N/A

PROCUREMENT INFORMATION:

N/A

CONTACT PERSON:

Amanda Morse, Deputy County Administrator, 269-384-8148



KALAMAZOO COUNTY GOVERNMENT

In the Pursuit of Extraordinary Governance...

BOARD AGENDA REQUEST FORM

PROPOSED FOR BOARD MEETING OF: April 17, 2018
DEPARTMENT: Health & Community Services
PREPARED BY: James A. Rutherford, MPA
SUBJECT: Non-Potable Water Well Permitting

SPECIFIC ACTION REQUESTED:

There is currently no application/review/permit requirements needed for a property owner to install a non-potable water well within Kalamazoo County. As a result, these wells are drilled without groundwater protection review, well construction assessment, and assurance that wells are not installed in areas of known environmental contamination. Environmental Health, under the authority of State of Michigan, Part 127 of PA 368 and with the approval from the Kalamazoo County Board of Commissioners will add non-potable water wells that produce less than 70 gallons/minute to our existing water well permitting program and Kalamazoo County Sanitary Code.

DESCRIPTION OF ACTION (dollar amount, purpose):

Non-Potable Water Well permit application and drilling permit will be subject to the same permit fee as Potable Water Well application fee of \$255.00.

TIME FRAME OF ACTION:

Changes to our Kalamazoo County Sanitary Code will become effective after approval from Board of Commissioners.

FUNDING SOURCE & BUDGET CHANGES:

No additional funding requested.

PERSONNEL IF REQUIRED:

N/A

NEW OR RENEWAL:

New

ANY OTHER PERTINENT INFORMATION:

N/A

PROCUREMENT INFORMATION:

N/A

CONTACT PERSON:

Lisa Henthorn, Deputy County Administrator, 269-383-8901



Kalamazoo County Proposed Non-potable Water Well Permitting Program

April 17, 2018

James A. Rutherford, R.S, M.P.A



Health & Community Services
Department

Non-potable Water Well Statement of Need

- Kalamazoo County requires a construction permit for all potable (**drinking water**) wells.
- Currently we do not require a drilling permit for the installation of non-potable (**non-drinking water**) wells and as a result:
 1. Non-potable wells are drilled without groundwater protection review/permitting
 2. Non-potable wells are not inspected by EH to assure proper construction and assure acceptable isolation to known environmental contamination including any Groundwater Use Restriction Zones



Current Potable Water Well Approval Process

Permit

- Application
- Office Review
- Field Review
- Permit

Approval

- Field Visit...Verify
- Water Sampling
- Well Log Review



Example of a Potable Water Well Permit

- Identify if within one half mile of known contamination
- Document any restrictions
- Provides permit requirements
- Provides area well depths & nitrate data

PERMIT TO CONSTRUCT A WATER SUPPLY SYSTEM

Site Address: 466 NORTH SPRUCE STREET Permit I.D. #: 15-10-100-013
 Brady Township, Section Number: 18 Permit Number: M-17-123

Applicant Name: Dapp Pump Company - Gary Hanson This permit is for the installation of a New - Type III water supply.
 Mailing Address: 6814 King Highway COMSTOCK, MI 49021

This permit authorizes the location or alteration of a water supply well in accordance with information contained in the application submitted on September 26, 2017, and under rules promulgated by the Kalamazoo County Zoning Code and Part 127 of the Michigan Public Health Code (Act 398 of 1978), as amended and/or the Safe Drinking Water Act (Act 399 of 1976), as amended. Upon issuance, this permit is valid for one year and is subject to all conditions contained herein. This permit cannot be transferred without a written request. Note: Many interrelated factors contribute to the satisfactory performance of a water supply. This permit cannot be considered as a guarantee by this department that satisfactory operation or water quality is assured.

Prior to Drilling of Water Well:
 Call NREIS 800 or 1-800-862-7171 or 811 three (3) days prior to drilling. Provide a copy of this permit to the registered well drilling company prior to drilling. The well driller shall verify the location of any contamination sources (i.e. storage treatment systems, fuel oil tanks) on this property and neighboring properties prior to drilling to ensure proper isolation. Contact our office to determine locations (if available) of onsite sewage treatment systems for this property and neighboring properties.

Is the proposed New water supply within one half mile of known environmental contamination?
 The proposed water well is within one half mile of a known site of environmental contamination; this site is known as the Ashmun OH, Six Highway, YPO. Please see additional restrictions below and the Supplemental Private Drinking Water Supply Information attached.

Restrictions:
 No restrictions noted.

Permit Requirements:

The proposed well location is approved based on the well being located on the East side of the Building per the Water Supply Permit Application site diagram.
 A pre-drilling site evaluation drawing is attached for reference.

Area Nitrate Data*	Address	Depth (feet)	Date Sampled	Result (mg /L)
*Nitrate concentrations over 10.0 mg/L are above the EPA safe drinking water standard.	5760 East V AVENUE	63	7/21/2013	0
	5806 East V AVENUE	58	5/18/2015	0
	5813 East V AVENUE	48	8/5/2015	0
	400 North SPRUCE	80	8/31/2017	0

Other Drilling of Water Well:
 Prior to water supply use, a well construction inspection and water sample collection are necessary for well approval. Please contact this office (249-372-6337) to schedule an appointment.

Environmental Health Specialist: *[Signature]* Date: October 2, 2017
 Mark Thomas

Environmental Health 2090 Oak Road - P.O. Box 42 Nazareth, Michigan 49074-0042
 Last Printed: October 03, 2017 8:34 AM Page 1 of 1 Phone: 269-372-6337 Fax: 269-372-6333 Web: www.halcounty.com
 Health & Community Services Department
 Washtenaw County, MI



Stakeholder Committee Spring – Fall 2016

Representatives

- Kalamazoo County BOC
- KCHCS EH
- MSU Extension
- Agriculture
- Greenhouse
- MDEQ
- MDARD
- Townships
- Well Driller (2)

Objective

- Review Part 127 of Act 368
- Review how other Local Public Health Departments deal with non-potable water wells.
- Edit and update water well approvals contained in the Kalamazoo County Sanitary Code



Draft Kalamazoo County Sanitary Code: Fall 2016 – March 2017

- Revised language to require permitting of non-potable water supplies that produce less than 70 GPM
- Revised Housing Regulations (Water Supply Definition only)



Thank You – Any Questions?

- Which one is irrigation? Which one is potable?



**Kalamazoo County Sanitary Code
Housing Regulations Proposed Changes for 2018
Track Changes Accepted**

ARTICLE IV: HOUSING REGULATIONS

CHAPTER 16: PURPOSE AND APPLICABILITY

ARTICLE IV of the Code establishes the minimum standards governing the condition and maintenance of dwellings; establishes the minimum standards governing supplied utilities and facilities and other physical things and conditions essential to making such dwellings safe, sanitary and fit for human habitation; establishes the minimum standards governing the condition of dwellings offered for rent; fixes certain responsibilities and duties upon owners and occupants of dwellings; authorizes the Department to inspect dwellings; and authorizes the Department to condemn any dwelling which are found unfit for human habitation.

Any person who fails or refuses to comply with the provisions of ARTICLE IV will be subject to the penalties described in ARTICLE VIII of this Code.

CHAPTER 17: INSPECTION OF DWELLINGS, DWELLING UNITS AND PREMISES

SECTION 17.01: INSPECTION

The Department shall have the authority to inspect and determine the condition of dwellings, dwelling units, and premises located within the County of Kalamazoo, in order to safeguard the health and safety of the occupants of dwellings, and of the general public. The Department may enter, examine, and survey, at all reasonable times, all dwellings, dwelling units and premises. The owner or occupant of every dwelling, dwelling unit, or the person in charge thereof, shall give the Department free access to such dwelling, dwelling unit and its premises, at all reasonable times, for the purpose of such inspection, examination, and survey. Every occupant of a dwelling or a dwelling unit shall give the owner thereof, or his agent or employee, access to any such dwelling, dwelling unit, or premises, at all reasonable times for the purpose of making repairs or alterations which are necessary to effect compliance with the provisions of this ordinance or with any lawful order issued pursuant to the provisions of this ordinance.

CHAPTER 18: MINIMUM STANDARDS

SECTION 18.01: BASIC EQUIPMENT AND FACILITIES

No person shall occupy, or allow the occupancy of, any dwelling or dwelling unit, for the purpose of living, sleeping, cooking, or eating therein, unless the dwelling or dwelling unit complies with the following requirements:

- a. Every dwelling unit shall have an adequate onsite water supply well and an adequate onsite sewage treatment system which complies with the design, construction and operation provisions contained in this Code, or be connected to municipal water and/or sewer.

- b. Every dwelling unit shall contain a kitchen sink in working condition and properly connected to an adequate onsite water supply well and an adequate onsite sewage treatment system, or be connected to municipal water and/or sewer.
- c. Every dwelling or dwelling unit shall contain at least one properly functioning flush toilet, a sink, a bathtub or shower, which are properly connected to an adequate onsite water supply well and an adequate onsite sewage treatment system or be connected to municipal water and/or sewer.
- d. Every dwelling unit shall have adequate garbage receptacles and disposal capabilities. Garbage storage containers must be water proof and vermin resistant.

SECTION 18.02: VENTILATION AND HEATING

No person shall occupy, or allow the occupancy of, any dwelling or dwelling unit unless the dwelling or dwelling unit complies with the following requirements:

- a. Every habitable room shall have at least one easily opened window, skylight or similar device, which adequately ventilates the room.
- b. Every window or door used, or intended to be used, for ventilation; and any other opening capable of allowing the entry of rodents and insects; shall be properly screened or modified to prevent the entry of rodents and insects.
- c. All habitable rooms shall have properly installed and maintained heating facilities capable of providing temperatures of at least 68 Degrees Fahrenheit.

CHAPTER 19: GENERAL REQUIRMENTS RELATING TO THE SAFE AND SANITARY MAINTENANCE OF PARTS OF DWELLINGS AND DWELLING UNITS

SECTION 19.01: REQUIREMENTS

- a. No person shall occupy, or allow the occupancy of, a dwelling or dwelling unit unless the dwelling or dwelling unit meets the following requirements:
 - i. Every foundation, floor, wall, ceiling, roof, window, exterior door and basement hatchway is reasonably weather tight, vermin and insect resistant and is kept in proper working condition.
 - ii. Every plumbing fixture, waste pipe, and water pipe is properly installed and maintained in a good sanitary working condition.
 - iii. The floor surface of every bathroom is reasonably impervious to water and shall be constructed to permit the easy cleaning and maintenance of the floor surface.
- b. No owner, operator or occupant of a dwelling or dwelling unit shall shut off, or discontinue any utility necessary for the occupancy of the dwelling or dwelling unit except:

- i. To permit the completion of necessary repairs or alterations; or,
- ii. When the Department orders the discontinuance during temporary emergencies.

CHAPTER 20: RESPONSIBILITY OF OWNERS AND OCCUPANTS

SECTION 20.01: RESPONSIBILITY

- a. Owner(s) of dwellings or dwelling units shall be responsible to maintain the shared or public areas of the dwelling and premises in a clean condition.
- b. Occupant(s) shall keep that part of the dwelling where they reside in a clean condition.
- c. Owner/occupant(s) shall not allow filth, garbage or other rubbish which could be determined a danger to public health, to accumulate in the dwelling unit or on the premises.
- d. Owners(s) of dwelling or dwelling units shall provide adequate garbage storage facilities.
- e. Owner(s) of dwellings or dwelling units shall assure removal of garbage and rubbish is required at regular intervals to avoid excessive accumulation and/or a public health nuisance.
- f. Owner(s) of dwellings or dwelling units shall be responsible to exterminate insects, rodents, or other pest infestations that are known to be capable of carrying disease.
- g. Owner(s) of dwellings or dwelling units shall maintain all water and sewer lines in sanitary manner.
- h. Owner(s) of vacant and/or condemned dwellings or dwelling units shall maintain the dwelling or dwellings units to prevent casual entry and the accumulation of garbage or rubbish on the premise. Financial institutions holding titles of foreclosed properties are considered to be the "Owner".

CHAPTER 21: DESIGNATION OF UNFIT DWELLINGS AND CONDEMNATION PROCEDURE

SECTION 21.01: UNFIT DWELLINGS

The Department shall designate owner occupied or rental dwellings or dwelling units as unfit for human habitation and proceed to condemn such units if the Department finds any of the following:

- a. Dwelling or dwelling unit fails to provide the basic amenities essential to healthful living because it is so damaged, decayed, dilapidated, insanitary, unsafe, vermin infested; is likely to cause sickness or disease and/or likely to negatively impact the health or safety of the occupants or the public and/or,
- b. The owner or occupant of the dwelling fails to comply with ARTICLE IV of this

Code or the Department issued orders under the provisions of this Code or rules pursuant thereto.

SECTION 21.02: PLACARDING OF UNFIT DWELLINGS OR DWELLING UNITS;
VACATING PREMISES (DEALING WITH A DANGEROUS
BUILDING)

- a. If the Department determines that a dwelling or dwelling unit is unfit for human habitation, the Department shall condemn the dwelling or dwelling unit; post a placard(s) (at least 7.5 inches by 9.5 inches in size) at a conspicuous place(s) on the dwelling or dwelling unit which notifies the public that the Department has condemned the dwelling or dwelling unit as unfit for human habitation. Occupants of the dwelling or dwelling unit will be ordered to vacate the premise within a reasonable time as determined by the Department based upon risk to occupants and/or public.
- b. No person shall reoccupy any dwelling or dwelling unit which the Department has condemned and placarded until the dwelling or dwelling unit is in compliance with all applicable provisions of this Code; and the Department authorizes the removal of the placard(s).
- c. No person shall deface or remove a placard from any dwelling or dwelling unit that the Department has condemned and placarded unless the Department or a court of competent jurisdiction authorizes the removal of the placard(s).

SECTION 21.03: EMERGENCY ACTION

- a. Whenever the Department finds that an emergency exists which requires immediate action to protect public health, the Department may, without notice or hearing, issue an Emergency Order which recites the existence of the emergency and directs the actions which a dwelling or dwelling unit's owner or occupant must take to address the emergency. Notwithstanding any other provision of this Code, an Emergency Order shall take effect immediately.
- b. Any person who fails or refuses to comply with the provisions of an Emergency Order is in violation of this Code and subject to the penalties described in ARTICLE VIII of this Code.

**Kalamazoo County Sanitary Code
Water Supply Regulations Proposed Changes for 2018
Track Changes Accepted**

CHAPTER 3: DEFINITIONS

SECTION 3.39: HEAT EXCHANGE WELL

“Heat exchange well” means a well for the purpose of utilizing the geothermal properties of earth formations for heating or cooling.

SECTION 3.43: INDUSTRIAL WELL

“Industrial well” means a well that is used to supply water for industrial processes, fire protection, or similar nonpotable uses.

SECTION 3.45: IRRIGATION WELL

“Irrigation well” means a well that is used to provide water for plants, livestock, or other agricultural processes.

SECTION 3.66 RECHARGE WELL

“Recharge well” means a well used to discharge groundwater into an aquifer.

SECTION 3.82: TEST WELL

“Test Well” means a well that is used to obtain information on groundwater quantity, quality, or aquifer characteristics for the purpose of designing or operating a water supply well.

SECTION 3.90: WATER SUPPLY SYSTEM

“Water Supply System” means a well, pump, and pumping equipment.

SECTION 3.91: WATER SUPPLY WELL

“Water Supply Well” means a well used to provide potable water for drinking or domestic purposes.

SECTION 3.92: WELL

“Well” means an opening in the surface of the earth for the purpose of removing fresh water for a water supply well, test well, irrigation well, recharge well, industrial well, and heat exchange well.

ARTICLE III: WATER SUPPLY REGULATIONS

CHAPTER 13: PURPOSE

ARTICLE III of the Code seeks to assure that all wells as defined in this Code are in compliance with Part 127 of Public Act 368 and the provisions of this Code via the review and issuance of a water well drilling permit including final inspection of the water supply system.

CHAPTER 14: GENERAL PROVISIONS

SECTION 14.01: FACILITIES REQUIRED

Every building used for human habitation must have an approved water supply well or be connected to a community water supply. The Department shall have the duty and responsibility of approving or denying, upon receiving an Application for a Private/Type III Water Supply Permit, all water supply systems.

SECTION 14.02: WELL CONSTRUCTION

The construction of water supply systems shall comply with the requirements set forth in the Groundwater Quality Control Rules, Part 127 of Act 368 of the Public Acts of 1978, as amended, being MCL 333.12701-333.12771; Act 399 of the Public Acts of 1976, as amended, being MCL 325.101 et. seq; and/or Part 201 of Act 451 of the public Acts of 1994, as amended, being MCL 324.20101-324.20142.

SECTION 14.03: PERMIT FOR WATER SUPPLY SYSTEMS

From and after the effective date of this Code, no person shall construct any new water supply well within the County of Kalamazoo unless the owner of the water supply system, or his/her/its representative, obtains a water supply system construction permit from the Department. Additionally, no person shall construct a heat exchange well, industrial well, irrigation well, recharge well, or test well where the installed pumping equipment produces less than 70 gallons per minute without obtaining a water supply system construction permit from the Department.

SECTION 14.04: PRIORITY OVER BUILDING PERMITS

No municipality, township or other agency shall issue a building permit or otherwise allow commencement of construction on any land which requires the installation of a water supply well unless the Department has issued a Permit to Construct a Water Supply System for that land.

SECTION 14.05: APPLICATION, PERMIT AND FEES

The Department shall prepare and provide, to all applicants, a standard water supply system construction permit application. Any person who wants to construct a water supply system must submit a signed and completed application (Application for a Private/Type III Water Supply Permit), with the fee contained in the Schedule of Fees, to the Department.

SECTION 14.06: DENIAL OF PERMITS

After reviewing an Application for a Private/Type III Water Supply Permit, the Department may deny the application or issue a restricted construction permit if the Department determines that one or more of the following conditions exist:

- a. The applicant provided incomplete, inaccurate or false information; or,
- b. The proposed water supply system will not comply with Part 127 of Act 368 of the Public Acts of 1978, as amended, or Act 399 of the Public Acts of 1976, as amended; or,
- c. Where the proposed location of the proposed water supply system is in an area where the MDEQ has issued an advisory against the use of water supply systems; or,
- d. Where the proposed location of the proposed water supply system is within a service area defined by the MDEQ pursuant to R299.5409 as amended unless special well construction techniques or screening of a well at a depth not affected by contamination would allow the well to be isolated from the contamination which resulted in the issuance of an advisory to the establishment of a service area by the MDEQ; or,
- e. Where a water supply system is proposed to be served by groundwater which the Department has knowledge is contaminated or likely to be contaminated by hazardous substance in excess of the residential drinking water criteria unless special well construction techniques or screening of a well at a depth not affected by contamination would allow the well to be isolated from the contamination. Hazardous substance and residential drinking water criteria have the same meaning as when those terms are used in Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, as amended, being MCL 324.20101 et seq. When the Department has made such a determination, the Department shall make available to the public, upon request, a map of the area affected by this determination.

SECTION 14.07: VOID PERMITS

The Department may declare a previously issued Permit to Construct a Water Supply System to be null and void for any of the following reasons:

- a. False, inaccurate, or incomplete information was supplied by the permit applicant, permit holder, or their representative; or,
- b. A change in the plans of the permit holder affects the water supply system design, location or use; or,
- c. Current facts, data, or conditions which affect the previously issued permit in a manner that now prevents compliance with this Code or may endanger public

health, or degrade groundwater quality; or,

- d. Isolation distances required by this Code cannot be satisfied.

SECTION 14.08: TERMINATION OF PERMITS; RENEWAL

A permit issued pursuant to the requirements of the preceding sections shall be valid for one year from the date of issuance. No construction shall continue after the permit expires. Upon written request, the Department may extend the permit, at no additional charge, for an additional six months.

SECTION 14.09: TRANSFER OF PERMITS

If a property owner transfers title of the property to another person prior to the expiration of a Permit to Construct a Water Supply System, the Department may transfer the permit to the new owner of the property if the new owner submits a written request to the Department for the transfer. The new owner must also agree, in writing, not to change the scope of the project without the Department's approval. Both the original permit holder and the new owner of the land must sign the request to transfer the permit. If the Department authorizes the transfer of a permit, the act of transferring the permit does not change the permit's expiration date.

SECTION 14.10: INSPECTION AND APPROVAL

The Department shall inspect all new water supply system installations to determine if the construction complies with the provisions of this Code.

SECTION 14.11: NOTICE TO THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

The Department shall provide MDEQ with written notice of any modification to, or revocation of, the provisions of ARTICLE III of this Code. No modification or revocation shall take effect until 30 days after the MDEQ receives the notice of the modification or revocation.

CHAPTER 15: VARIATIONS AND APPEALS

SECTION 15.01: VARIATIONS

- a. The Department may grant a variation in the tests, standards, or general requirements contained in ARTICLE III of this Code if the Department receives a written application for a variation and the Department determines:
 - i. The strict application of these rules/regulations will result in unnecessary or unreasonable hardship; and,
 - ii. The Department can place conditions upon the variation which will adequately protect the public's health, safety and welfare; and,
 - iii. That the action/inaction of the applicant, or any of the applicant's predecessors in interest, did not cause the need for the variation (e.g. that condition necessitating the variation is not a self-created hardship).
- b. If the Department issues a variance, the Department shall record the variation in writing and include a description of the actual variation; the section of the Code from which the variation was granted; the reasons for granting the variation; and any time limit imposed upon the variation.
- c. Under no circumstances may the Department grant a variation which may jeopardize the public health, safety, or welfare, or which violates any local, state or federal law.

SECTION 15.02: APPEALS

A person may appeal the Department's denial/suspension of a permit or the denial of an application for a variation under this ARTICLE of the Code pursuant to the provisions contained in ARTICLE VII of this Code. A person may also appeal from the decision contained in a Declaratory Ruling from the Department. Appeals from Declaratory Rulings shall also be conducted in accordance with the provisions of ARTICLE VII of this Code.

Kalamazoo Affordable Housing Fund Initiative



THE NEED: 3,000 affordable healthy housing units

TIME FRAME: 10 years

THE MISSION: Ensure that all residents have access to healthy, quality, affordable housing in vibrant neighborhoods.

THE STRATEGY: Build a \$5,000,000 housing fund that can meet the demand in the community by building new single-family owner-occupied, single family owner-occupied rehab, new multi-family and the preservation of multi-family units.

PARTNERS: City of Kalamazoo, Habitat for Humanity, Housing Resources, Inc, Kalamazoo County, Kalamazoo Community Mental Health & Substance Abuse Services, Kalamazoo County Land Bank Authority, Kalamazoo Neighborhood Housing Services, LIFT Foundation, Local Initiatives Support Corporation, Open Doors Kalamazoo, Philanthropy, Private Donors, The Public Housing Commission, United Way of the Battle Creek and Kalamazoo Region



KALAMAZOO AFFORDABLE HOUSING INITIATIVE

Investment in the construction of owner occupied housing

Initial goal: To build 10 new homes annually



There is a lack of new, energy efficient homes with modern amenities available for moderate and low income families who would like to buy a house in the City of Kalamazoo.

There is a financing and appraisal “gap” between the cost of construction and the value or sales price of housing that limits a moderate or low income family from purchasing or building a new home in many Kalamazoo neighborhoods.

Home ownership has a positive effect on neighborhoods, promotes family stability and provides an opportunity for long term wealth creation to moderate and low income families.

- **Who will this help?**
Families, neighborhoods and the City of Kalamazoo by increasing the tax base. Increased diversity of high quality housing improves the real estate market for all residents.
- **Where will it work?**
Neighborhoods in the City of Kalamazoo that have been marginalized by the lack of investment, the demolition of sub-standard homes, and historic practices such as “red-lining”.
- **What will it do?**
Provide gap financing and purchase subsidies in partnership with public and private lenders to facilitate the production of new, energy efficient homes by moderate and low income families.
- **When will it start?**
In 2018 and continuing with the creation of a Kalamazoo Affordable Housing Fund.
- **Why construct new homes?**
In the last five years, more than 300 single family homes were demolished in the City. New construction will “in-fill” vacant lots in neighborhoods and increase the housing values and the City’s tax base.
- **How will it work?**
Through partnerships between local non-profit developers, government and community development organizations and financing institution.

Here are some specific details:

1. The referral process for identifying and qualifying families will be primarily through the existing, local non-profit infrastructure of home ownership developers.
2. Families to be served will have an income that falls between 50% and 120% of area median income (AMI).
3. Families will be expected to invest an affordable percentage of their own income to the cost of purchase and to fully cover ongoing mortgage costs.
4. Each family will have the opportunity to participate with a support specialist to create a housing self-sufficiency plan that will be monitored and adaptable.

KALAMAZOO AFFORDABLE HOUSING INITIATIVE

Investment in preserving residential units for homeowners

Initial goal: 50 homes foreclosure prevention and renovation annually



Unfortunately, many of the City's homeowners are low-income and struggle to pay their tax bill due to various issues of poverty such as single parenthood, elderly with little income and mental health issues. Tax foreclosure prevention funds could keep individuals and families in their homes and prevent homelessness. Stabilizing homeownership directly maintains the tax base, removes blight, reduces crime and prevents homelessness.

Additionally, there is a lack of available financing for very low, low and moderate income families who would like to invest in improvements to their own home in the City of Kalamazoo. There is an appraisal and financing gap between the cost of rehabilitation and access to, and availability of, resources that limit a very low, low or moderate income family from renovating or improving their own home in many Kalamazoo neighborhoods. Home renovation promotes healthy, energy efficient housing, assists families to remain in their own home and benefit by the appreciation in housing values.

- **Who will this help?**
Individuals, families, neighborhoods and the City of Kalamazoo through increased tax base.
- **Where will it work?**
Neighborhoods in the City of Kalamazoo that have been marginalized by lack of investment and historic practices such as "red-lining".
- **What will it do?**
Provide gap financing and rehabilitation subsidies in partnership with public and private lenders to facilitate the renovation of owner occupied homes in vibrant neighborhoods by very low, low and moderate income families.
- **When will it start?**
In 2018 and continuing with the creation of a Kalamazoo Affordable Housing Fund.
- **Why renovate existing homes?**
 - The majority of residential homes in the urban core neighborhoods are 50 to 75 years old and 1/3 of those are in sub-standard condition, are not energy efficient and may contain health hazards.
- **How will it work?**
 - Through partnerships between local non-profit developers and community development organizations and financing institutions and builders.

Here are some specific details:

1. The referral process for identifying and qualifying families will be primarily through the existing, local non-profit infrastructure of home ownership developers, neighborhood associations and the City.
2. Families to be served will have an income that falls between 40% and 120% of area median income (AMI).
3. Families will be expected to contribute an affordable percentage of their own income to the cost of renovation and to fully cover ongoing mortgage costs.
4. Each family will have an opportunity to participate with a support specialist to create a housing self-sufficiency plan.

KALAMAZOO AFFORDABLE HOUSING INITIATIVE

Investment in new multi-family housing

Initial goal: 80 new construction units annually



Federal programs managed by the Department of Housing and Urban Development (HUD) for the creation of affordable housing have either ended or had major funding reductions and housing programs meant to serve as a replacement are tied to highly competitive scoring award processes.

In addition, there is an appraisal and financing gap between the cost of construction and access to, and availability of, resources that limit developers from creating new quality, affordable, healthy, multi-family housing for very low, low or moderate income families in Kalamazoo.

New multi-family housing has a hugely beneficial effect on families and neighborhoods. The provision of affordable, accessible, quality, healthy, housing supports family and neighborhood stability.

- **Who will this help?**
Families, neighborhoods and the City of Kalamazoo through the availability of quality affordable housing options for all residents.
- **Where will it work?**
Neighborhoods throughout the City of Kalamazoo.
- **What will it do?**
Provide gap financing in partnership with public and private lenders to facilitate the construction of quality, affordable multi-family housing in vibrant neighborhoods.
- **Why build new multi-family housing?**
Kalamazoo currently has an estimated shortage of 3,000 affordable rental units. High quality, healthy, accessible multi-family housing is a necessity for families and communities to remain stable and to prosper.
- **When will it start?**
In 2018 and continuing with the creation of a Kalamazoo Affordable Housing Fund.
- **How will it work?**
Through partnerships between local non-profit and for-profit developers, community development organizations, financing institutions and builders.

Here are some specific details:

1. Identifying qualified families will be through the normal tenant application processes, referrals by non-profits and guided by Fair Housing Laws
2. Families to be served will have an income that falls between 0% and 80% of area median income (AMI). The 2017 Kalamazoo-Portage Metropolitan Service Area (MSA) 80% AMI income for a family of four is \$49,440.
3. Families will be expected to contribute an affordable percentage of their own income to the cost of rent.

KALAMAZOO AFFORDABLE HOUSING INITIATIVE

Investment in the preservation or renovation of existing multi-family housing

Initial goal: 80 units preserved or renovated annually



Because Federal financing programs for housing are dwindling, a minimum number of new subsidized multi-family housing units are being created in Kalamazoo County; and Low-Income Tax Credit financing of existing multi-family is competitive and difficult to achieve. As a result, the preservation and renovation of existing affordable multi-family housing is imperative.

In addition, there is an appraisal and financing gap between the cost of construction and the appraised value of housing, and limited access to, and availability of, resources; this constrains the developer's ability to preserve and improve existing, affordable, quality and healthy multi-family housing for very low, low or moderate income families in the country.

Preserving and improving affordable multi-family housing has a positive effect for families and neighborhoods, provides affordable, healthy, energy efficient housing and preserves housing stock.

- **Who will this help?**
Low and moderate-income families and the City of Kalamazoo through maintaining the availability of quality affordable housing options for residents at all income levels.
- **Where will it work?**
Neighborhoods through-out the City of Kalamazoo.
- **What will it do?**
Provide gap financing in partnership with public and private lenders to facilitate the renovation of quality, affordable multi-family housing in vibrant neighborhoods.
- **When will it start?**
In 2018 and continuing with the creation of a Kalamazoo Affordable Housing Fund.
- **Why preserve or renovate existing multi-family housing?**
A number of apartment building with units designated for people with low incomes are in disrepair or at risk of maintaining their affordability status; the preservation of existing and affordable multi-family housing is a necessity for families to remain stable and to prosper.
- **How will it work?**
Through partnerships between local non-profit and for-profit developers, community development organizations, financing institutions and builders.

Here are some specific details:

1. The process for identifying and qualifying families will be through existing tenant application processes and guided by Fair Housing laws.
2. Families to be served will have an income that falls between 0% and 80% of area median income (AMI).
3. Families will be expected to contribute an affordable percentage of their own income to the cost of rent.