

PLANNING COMMISSION
Minutes for Regular Meeting of
April 3, 2013

PRESENT Dave Roesler, Tom Thompson, Jan Deur, William Josephson, John Warner, Leslie Sprott and Mark Dykhouse.

ALSO PRESENT Zoning Administrator Sandel, Recording Secretary Dion and 1 interested party.

CALL TO ORDER Chairperson Roesler called the April 3, 2013 meeting to order at 6:30 p.m. and led those in attendance in the Pledge of Allegiance.

AGENDA **Motion by William Josephson, second from John Warner, ADOPTED, to accept the April 3, 2013 meeting agenda as written.**
7 AYES

NOMINATIONS: **Motion by William Josephson, second from Leslie Sprott, ADOPTED, to nominate David Roesler as Chairperson.**

Motion by Tom Thompson, second from William Josephson, ADOPTED, to close nominations and to elect Dave Roesler as Chairman.

7 AYES

Motion by Jan Deur, second from John Warner, ADOPTED, to nominate Tom Thompson as Vice Chairman.

Motion by Jan Deur, second from William Josephson, ADOPTED, to close nominations and to elect Tom Thompson as Vice Chairman.

7 AYES

Motion by Jan Deur, second from Leslie Sprott, ADOPTED, to nominate William Josephson as secretary.

Motion by Jan Deur, second from John Warner, ADOPTED, to close nominations and to elect William Josephson as Secretary.

7 AYES

MINUTES **Motion by John Warner, second from William Josephson, ADOPTED, to accept the March 6, 2013 regular meeting minutes as written.**

7 AYES

PUBLIC COMMENT

None

NEW BUSINESS

None

OLD BUSINESS**1. Reports from Sub-Committees**

- Article III, General Provisions, Section 3.17 – Excavations, Holes or Ponds

SECTION 3.17 EXCAVATIONS, HOLES OR PONDS

- A. The construction, maintenance, or existence within the Township of any unprotected, un-barricaded, open or dangerous excavations, holes, pits, or wells, ***including dams and weirs*** which constitute or are likely to constitute a danger, ***spread of disease, stagnation*** or menace ~~to the public health, safety, or welfare~~, are hereby prohibited. ***These requirements are set forth to provide for the regulation to protect the health, safety, and general welfare of the residents of the township.***
- B. ~~All~~ ***Any ponds with to be constructed having a surface area of more than one (1) acre (43,560 sq ft) or multiple ponds on lots or parcels containing a minimum area of ten (10) acres shall be*** ~~are subject to the requirements set forth in Section 3.17 C., reviewed by the Planning Commission for Special Land Use approval and such conditions as imposed by the Planning Commission.~~
- C. Ponds may be constructed ***with a surface area of not more than one (1) acre (43,560 sq ft)*** on lots or parcels containing a minimum area of five (5) acres in all Zoning Districts subject to the following requirements:
1. The applicant shall submit an application form and pay an application fee as established by the Township board, and submit a surety bond in the amount of five thousand dollars (\$5000), acceptable to the Township. The permit shall be issued if it is determined by the Zoning Administrator that the applicant will meet all requirements of this Section. All work must be completed within six months. The Zoning Administrator may extend the time needed for construction for good cause upon written application prior to the expiration of the six (6) month period. The surety bond shall not be released until all work has been completed in a ~~satisfactory manner~~ ***compliance with this section*** and ~~will~~ ***shall*** be forfeited ***to the Township*** if all work is not completed in a ~~timely manner~~ ***compliance with the permit, the Township Zoning Ordinance herewith*** and ***within the time limit established herein. The proceeds of any bond forfeited hereunder may be used by the Township to restore any partially completed pond to a safe condition. Any property owner who applies for a pond permit must at the time of making application agree to allow the Township, its agents, or any third party contractor hired by the Township to come on to the property owner's premises to inspect the pond or to make any physical changes necessary to prevent the pond from becoming a nuisance or hazard. The property owner shall also***

agree, at the time of making application to pay all sums necessary to prevent any partially completed pond from becoming a nuisance or hazard, that are in excess of any forfeited bond.

2. Any excavation to a depth of more than two (2) feet covering more than one thousand (1000) square feet in contiguous area shall be considered a pond unless otherwise determined by the Zoning Board of Appeals.
3. Ponds shall be permitted in the front yard with a minimum front yard setback of one hundred (100) feet from the road right-of-way.
4. There shall be a minimum setback of one hundred (100) feet from the outside edge of any pond excavation to any dwelling and minimum setback of one hundred (100) feet from any property line.
5. There shall be a minimum *distance of separation* from any septic tank or ~~tile~~ *sewage* disposal field of not less than one hundred (100) feet *from any portion of any pond.*
6. Ponds shall be constructed and the material from the pond excavation shall be placed in such a manner that will prevent runoff, overflow, spillage, or seepage from encroaching on property owned by ~~a third party~~ *an adjoining property owner.*
7. Ponds shall be constructed such that there is no slope in excess of ~~53:1~~ *five three* feet horizontal to one (1) foot vertical) until the water depth of the pond exceeds five (5) feet. In no case shall any slope exceed 2:1.
8. Applicant shall not haul excavated material from the property in an amount exceeding one thousand (1000) cubic yards without first obtaining a Special Land Use permit for surface mining from the Township.
9. ~~*The proceeds of any bond forfeited hereunder may be used by the Township to restore any partially completed pond to a safe condition. Any property owner who applies for a pond permit must at the time of making application agree to allow the Township, its agents, or any third party contractor hired by the Township to come on to the property owner's premises to inspect the pond or to make any physical changes necessary to prevent the pond from becoming a nuisance or hazard. The property owner shall also agree, at the time of making application to pay all sums necessary to prevent any partially completed pond from becoming a nuisance or hazard, that are in excess of any forfeited bond.*~~
 Moved language to C 1.

- D. ~~*Applications for Applicants seeking to construct ponds larger than five (5) acres and/or ponds which are to be located within five hundred (500) feet of a lake, river, stream, or open county drain shall be required to be submitted applications to the Michigan Department of Environmental Quality*~~ *State of Michigan Department to which determines the extent to which the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, applies to the proposal and also to apply for soil erosion permit with the Muskegon County Public Works Department.*

- Article XIV, Special Land Uses, Section 14.04 – Special Land Use Specific Requirements

SECTION 14.04 SPECIAL LAND USE SPECIFIC REQUIREMENTS

The general standards and requirements of this ordinance are basic to all Special Land Uses. The specific and detailed requirements set forth in the following Section relate to particular uses and

are requirements, which must be met by those uses in addition to the foregoing general standards, and requirements.

KK. Ponds exceeding one (1) acre of surface area.

1. All requirements of Article III, General Provisions, Section 3.17 Excavations, holes or ponds must be met in addition to the requirements of this section.
2. A pond or ponds totaling more than one (1) acre must be located on a parcel of a minimum of ten (10) acres and the surface area of said pond must not exceed 20% of the parcel size.
3. State approval shall be required prior to the construction of any pond over five (5) acres in size.
4. The regulations herein also pertain to a retention/detention pond for a site.
5. An engineered assessment of the site indicating how the surface waters of the pond will be obtained, ex: ground water, precipitation water, well supplied water or a combination of these and estimation of evaporation rates from the pond.
6. A detailed topographical survey of the site with 1 foot contour intervals detailed enough to indicate both drainage and emergency drainage patterns.
7. ~~Precautions shall be taken to ensure that the existence and/or use thereof will not cause the spread of disease, stagnation, or otherwise provide conditions dangerous or injurious to the public health or welfare. These requirements are set forth to provide for the regulation of ponds larger than one (1) acres to protect the health, safety, and general welfare of the residents of the township, preserve surface and ground water resources of the township, and so said pond may not have an adverse effect upon the township.~~ (See Section 3.17 A., parts of this language was added)

*****Ponds exceeding one (1) acre of surface area will need to be added under Uses Permitted by Special Land Use in each Zoning District also.*****

**Motion by John Warner, second from Jan Deur,
ADOPTED, to accept language as written above and
put on list for Public Hearing to be set.**

7 AYES

- Article III, General Provisions, Section 3.08 – Accessory Buildings and Uses

After brief discussion of recommendation of the sub-committee to not do any amendment and leave the two hundred (200) feet from the road right-of-way if located in the front yard, between the house and road in the RR, LDR, MDR, MHDR, and HDR Districts, consensus was to have the sub-committee work on a proposed sliding scale according to size and bring a recommendation back to the Commissioners.

- Signs

The proposed language was sent to Attorney Even for review and he has some questions. The sub-committee will meet with him on Monday April 8, 2013 at 8:00 a.m. and will report back at the next meeting.

COMMISSIONERS COMMENTS

Short discussion was held on the Walmart being proposed in Whitehall Township. Chairperson Roesler asked Commissioners not to weigh in on if they support or oppose, because even though everyone has a right to an opinion, the township ordinances will be what will determine what is approved or denied. Consensus was to review our current Master Plan and Neighborhood Commercial Zoning District to be sure it is what we want.

PLANNING/ZONING UPDATES

Chairperson Roesler stated he learned in a class that sub-committees are subject to the Open Meeting Act. He had requested an opinion from Attorney Even, which he received, however, there is still some question so Chairperson Roesler and Commissioner Deur will get further clarification and advise us if they are or are not. If they are subject to the Open Meetings Act all sub-committee meetings will need to be posted according to such act.

ADJOURNMENT

**Motion by Mark Dykhouse, second from John Warner, *ADOPTED*,
to adjourn the April 3, 2013, regular meeting at 8:00 p.m.**

Respectfully Submitted,

Sally Dion, Recording Secretary