

**PLANNING COMMISSION**  
**Minutes for Regular Meeting of**  
**June 6, 2012**

**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 0 interested parties.

**CALL TO ORDER** Chairperson Roesler called the June 6, 2012 meeting to order at 7:00 p.m. and led those in attendance in the Pledge of Allegiance.

**AGENDA** **Motion by John Warner, second from William Josephson, *ADOPTED*, to accept the June 6, 2012 meeting agenda as written.**

*7 AYES*

**MINUTES** **Motion by Tom Thompson, second from Jan Deur, *ADOPTED*, to amend the May 2, 2012 regular meeting minutes by adding under the discussion of both public hearings that the applicants stated they will be using drip irrigation and accept as amended.**

*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 (Amend)**

Commissioner Thompson advised that he, Commissioner Dykhouse, Zoning Administrator Sandel and Recording Secretary Dion have met and spoke about the suggested amendments. He said if consensus is to continue, the sub-committee will need to come up with Special Land Use Permit criteria.

**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 or menace to the public health, safety, or welfare, are hereby prohibited.
- B. 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 be forfeited **to the Township** if all work is not completed in a ~~timely manner~~ **compliance herewith and with the time limit established herein**.
  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 ~~the~~ 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~~ ADJOINING PROPERTY OWNER.
  7. Ponds shall be constructed such that there is no slope in excess of 5:1 (~~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.***
- C. All ponds with 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 five (5) acres shall be reviewed by the Planning Commission for Special Land Use approval.
- D. Applications for ponds larger than five (5) acres and/or ponds which are located within five hundred (500) feet of a lake, river, stream, or open county drain shall be required to be submitted to ~~the Michigan Department of Environmental Quality~~ **THE 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.**

**DISCUSSION**

Commissioner Warner addressed the document as follows:

- B. 1. The last sentence is confusing; he believes it is an error in grammar.
- B. 2. Believes this needs further definition, with the way it is currently written his walkout basement would be considered a pond.
- B. 5. Stated tile should be deleted.
- B. 6. Questions what does a third party mean?
- B. 9. Questions how does the township collect this?
- C. Finds this confusing, believes we should ask Attorney Even for direction in rewriting.
- D. Suggests we strike Department of Environmental Quality because that function could be passed onto another State of Michigan department and to add the applicant must also apply for Soil Erosion Permit with the Muskegon County Public Works department.

Commissioner Thompson stated that he found a definition for pond stating it was standing water smaller than a lake, he questions then what is the definition of a lake. Zoning Administrator Sandel stated the United States Government defines lakes and the definition goes back at least 100 years.

Commissioner Deur believes a fence should be part of the criteria for a Special Land Use Permit under certain conditions.

Commissioner Thompson states something needs to be added to indicate if the pond was going to be ground water or well fed.

Some revisions were made as shown above in either all caps, double strikethrough and underlined.

Consensus was to continue working on the language and to ask Attorney Even for his direction on some of the issues.

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

Zoning Administrator Sandel advises this sub-committee has not met yet. When it meets it will be discussing the existing ordinance to see if amendments are needed.

- **Medical Marihuana Ordinance**

Commissioner Deur gave a brief explanation of the existing moratorium language and gave the dates it had been extended and requested a motion to request the Township Board of Trustees to extend it again per the recommendation of Attorney Even.

**Motion by Jan Deur, second from William Josephson, *ADOPTED*,  
to recommend to the Township Board of Trustees an extension of  
the Medical Marihuana Moratorium until January 31, 2013.**

**7 AYES**

- Digital Signs

No update. Recording Secretary Dion will check with Clerk Rillema on the book that was ordered.

**COMMISSIONERS COMMENTS**

Commissioner Deur advised that Commissioner Josephson attended the Joint Planning Commission (JPC) meeting with him. At this meeting they talked briefly about a spreadsheet for definitions used by the townships which are part of the JPC. Zoning Administrator Sandel explains he worries about this because the other township rules may be different and the definition will not fit. Commissioner Deur agreed with Mr. Sandel, and states he believes it could be a useful reference document and can provide such document to have on file. Also discussed was, there is talk about issuing RFP's for phase II of the bike trail and this will take awhile. He also advised that the Township Board of Trustees approved the Special Land Use Permits for Mr. Bruce VanderBie and Mr. Frank Coles for blueberry farming.

Chairperson Roesler explains the July meeting would have fallen on Wednesday July 4<sup>th</sup> and that such meeting had been rescheduled by the Township Board of Trustees to the following Wednesday July 11<sup>th</sup>. Consensus is if there is no application(s) submitted by the cut-off date the July meeting will be cancelled. Recording Secretary Dion will advise.

**ADJOURNMENT**

**Motion by John Warner, second from Tom Thompson, *ADOPTED*,  
to adjourn the June 6, 2012, regular meeting at 7:54 p.m.**

**7 AYES**

Respectfully Submitted,

Sally Dion, Recording Secretary