

**MONTROSE TOWNSHIP
PLANNING COMMISSION**
Monday, December 5, 2011
7:00 PM

Agenda

Meeting Called to Order
Pledge of Allegiance
Roll Call - Present:
Absent:

Meeting Minutes:
Approval of the October 3, 2011 meeting minutes.

New Business: - None

Zoning Ordinance Review:
Medical Marijuana Dispensaries
Pond Ordinance

Other Business:
Approval of Officers for 2012
Approval of Meeting Dates and Times for 2012

Citizens Time:
Adjournment:

Next Regular Meeting:
Monday, January 2, 2010, 7:00 PM

**Montrose Township Planning Commission
Meeting Minutes
October 3, 2011**

The Meeting was called to order by Chairman Morrie Fikes at 7:00 PM.
The pledge of allegiance was recited.

Roll Call:

Present: Morrie Fikes, James Ingram, Gary Keeler, Don Pollard, Janet Trueblood, & Chris Sajdak.

Absent: Harry Powell

Staff Present: Dennis Miller - Building Department

Meeting Minutes – 9/12/2011 Regular Meeting:

A motion was made by D. Pollard, and supported by G. Keeler, to accept the Meeting Minutes from the September 12, 2011 regular meeting as presented. **Motion Carried: 6 – 0.**

New Business: Public Hearing:

Home Occupation - Lawn Care, Landscaping & Plowing Business

Charles Bruton, 12250 Dodge Rd

Parcels # 13-30-300-013 & 13-30-400-002 (Parcels to be Combined)

Zoned: AG (Agricultural) & RF (Residential Farms)

Chairman M. Fikes opened the Public Hearing at 7:03 PM.

Citizens:

1. Peggy Wilson, 12245 Dodge Road

Mrs. Wilson had questions as to what the proposed Home Occupancy would allow and exactly what kind of changes Mr. Bruton was proposing to make to the parcels. Mr. Bruton stated that the parcels, when combined would look and be used exactly as they are today. The business would continue to be conducted within the existing pole barn located on parcel 13-30-400-002.

Chairman M. Fikes closed the Public Hearing at 7:17 PM as there was no more public comments.

D. Miller, Building Department, gave new Planning Commission member James Ingram a history of the previous Temporary Use Permit given to Mr. Bruton for the storage of commercial equipment in the existing pole barn at 12220 Dodge Rd.

Mr. Bruton question the purpose of recommendation #4 on the Building Department's list of recommendations as he would prefer to leave the gravel within the required 65' set back intact.

This led to much discussion between Mr. Bruton and the Board as to the pros and cons of such a requirement. Mr. Bruton said he would comply with the Board recommendations/conditions but he would prefer to leave the gravel in the disputed area as it was the one access point on that property where the loading and unloading of farm equipment was possible due to utility lines and the fact that part of parcel 13-30-400-002 was isolated by county drains on two sides and private property on the third. The only access was the small area along Dodge Road.

A motion was made by G. Keeler, and supported by D. Pollard, to grant the Home Occupation to 12250 & 12220 Dodge Rd, removing Building Department Recommendation #4, with all remaining recommendations to become conditions upon approval.

Chairman Fikes asked if there was any further discussion on the matter.

Mr. Bruton asked the conditions under which he might recover the Performance Bond he had to take out when the Temporary Use Permit was originally given for using the pole barn to store commercial equipment on Parcel 13-30-400-002.

The board discussed with Mr. Miller and Mr. Bruton the conditions upon which the Performance Bond could be released and how occupancy might be evaluated by the Building Department.

A motion was made by G. Keeler, and supported by J. Trueblood, to amend his previous motion to "Grant the Home Occupation to 12250 & 12220 Dodge Rd, replacing Recommendation #4 with "50% of Performance Bond to be returned upfront with the remaining 50% to be returned upon confirmation of occupancy by the Building Department", with all remaining recommendations to become conditions upon approval". **Motion Carried: 6 - 0**

Other Business: Tabled Public Hearing:

Medical Marijuana Clubs, Dispensaries, and Growing Facilities – Text Amendments

No Action to be taken at this time

Zoning Ordinance Review: Ponds

Mr. Miller provided each Board member with a rough draft of the proposed pond ordinance. The ordinance is based upon his working experience with ponds and contractors within the Township and research of existing ordinances throughout the state. He also consulted with several of the local excavating companies for their insight as well. The rough draft will be reviewed at the next Planning Commission meeting.

Citizens Comments:

Dan Hill, 12473 Seymour Rd.

Mr. Hill asked how attendance is taken at Planning Commission meetings since a Roll Call is not used.

Chairman M. Fikes and Secretary C. Sajdak indicated that attendance is captured both in the meeting minutes and via an attendance sheet which is submitted to Township Clerk Fred Domine after each meeting.

Adjournment:

A motion was made by D. Pollard, supported by G. Keeler, to adjourn the meeting at 7:50 PM. **Motion Carried: 6 - 0.**

The next regular Planning Commission meeting is scheduled for November 7, 2011 at 7:00 PM

Respectfully,
Chris Sajdak
Board Secretary



**Montrose Charter Township
Building Department**

139 S. Saginaw St.
P.O. Box 3128
Montrose, MI 48457
810-639-2021

MEMO

November 29, 2011

To: Planning Commission

From: Dennis Miller, Building Official

Reference: Approval of the 2012 Meeting Dates

Please be advised that we have reviewed the 2012 calendar year for conflicts with the dates for proposed Planning Commission meetings, which are normally held on the first Monday of each month. There are at this time two conflicts with known scheduled holidays or elections. I would recommend that the following schedule be adopted and posted as scheduled meeting dates for 2012. I would also like the Board to consider moving the meeting starting time from 7:00 pm to 6:00 pm. The ZBA has moved their starting time up to the 6:00 pm and it has worked out without any problems. The underlined dates are changes due to conflicts.

Monday, January 2, 2012
Monday, February 6, 2012
Monday, March 5, 2012
Monday, April 2, 2012
Monday, May 7, 2012
Monday, June 4, 2012
Monday, July 9, 2012 (2nd Monday)
Monday, August 6, 2012
Monday, September 10, 2012 (2nd Monday)
Monday, October 1, 2012
Monday, November 5, 2012
Monday, December 3, 2012

All Meetings are scheduled to start at 7:00 PM.

If you should have any questions please feel free to contact me at my office.

Proposed revisions to Section 153.258 – Ponds

- A The regulations set forth in this section are designed to provide for the regulation of ponds and to specify the conditions and circumstances under which such ponds may be developed to protect the health, safety, and general welfare of the residents of the community, preserve ecologically features, and to prohibit development which, unregulated, may have an adverse effect upon the existing aesthetic character of the Township.
- B A pond is defined as a water impoundment made by excavating a pit, for the purpose of providing water for livestock, fish, and wildlife, recreation, fire control, crop and orchard spraying, and related uses.
- C The construction or the excavation of a pond as defined above shall be treated as a temporary use permit, subject to the provisions of Section 153.354 of the zoning code.
- D Excavations undertaken primarily for the commercial soil, gravel, sand, or other mineral removal and not primarily and or initially for the purpose set forth in this section shall not be considered as “ponds” but instead shall be considered as “Extraction Sites” and are subject to the applicable provisions of Sections 153.255 through 153.257 of the Zoning Code.
- E It shall be unlawful for any person, firm, corporation, or partnership, or other organization or entity to excavate or construct a pond within the Township without first securing a construction and or zoning compliance permit from the Building and or Zoning Official.
 - (1) Plastic formed ponds, liner ponds or other similar type ponds used primary as part of a front, side or rear yard area landscaping plan, being less than 400 square feet in total area and not greater than (4) four feet in depth are exempt from the provisions of this ordinance.
- F A construction and or zoning compliance permit for a pond is valid for only ninety (90) days.
- G Evidence shall be presented at the time of application that the Genesee County Drain Commission and or the Michigan Department of Environmental Quality have granted the necessary permits and/or approvals to the applicant for the construction of the pond or have released the applicant from any required obligation thereto.
- H Temporary Use Permit Application and Site Plan Requirements
 - (1) A Temporary Use Permit – Pond Excavation application shall be submitted to the Building and or Zoning Official on an application provided by the Township. The Building and or Zoning Official shall review the application, required site drawing, and other required information and shall deny and return the application and drawing to the

application in the event that any of the following items have not been included for reviewed by the Planning Commission. Said denial shall be in writing detailing the reasons for denial.

- i. A drawing of the land on which the proposed pond shall be constructed, which includes the placement of all residences and outbuildings, the location of any existing wells, the location of all septic systems and leech fields, and the location of any County drain, lake, river, creek, stream, wetland, or other natural or artificial water body.
- ii. The drawing shall include the placement of the proposed pond on the premises, the proposed depth of the pond in detailed increments of ten (10) feet and the height of all embankments.
- iii. The measured distances from all property lines, residences, outbuildings and other improvements located on the property.
- iv. The measured distances from any existing ponds on or off site, within 300 feet of the proposed pond.
- v. The proposed location(s) of the excavated materials which are to be redistributed on-site.
- vi. The proposed location(s) for the placement of safety equipment.
- vii. A written statement providing evidence from a licensed excavator, civil engineer, or similar allied professional that water can be continuously maintained in the pond once it is constructed. The statement shall also include the timing and stages of the development, and whether the excavation will be a dry dig or wet dig.

I General Provisions for all Ponds

- (1) A pond shall not be constructed on a lot or parcel of land which is less than two (2) acres in size.
- (2) A pond may occupy up to a maximum of twenty (20%) percent of the lot or property upon which it is placed.
- (3) Slopes of the excavated pond shall not exceed a ratio of four (4) feet horizontal to one (1) foot vertical, to a maximum depth below water of six (6) feet. The Planning Commission may wave the four (4) to one (1) slope ratio when the property or pond is enclosed by a minimum four (4) foot high fence. All gates shall be self-closing and have a self-latching device.

- (4) Ponds must be located a minimum of fifty (50) feet from all property lines, easements, street, roads, and right-of-ways. The Planning Commission may wave the required fifty (50) foot setback requirement when the property or pond is enclosed by a minimum four (4) foot high fence. All gates shall be self-closing and have a self-latching device.
- (5) There shall be a distance of not less than twenty (25) feet between the outside edge of the pond and any structures.
- (6) There shall be a distance of not less than two hundred (200) feet from any overhead transmission lines, unless written approval is obtained from the company owning said overhead transmission lines.
- (7) All Ponds shall be of an excavated type as defined by the Soil Conservation Service (SCS) engineering standard and all ponds shall be constructed to the SCS standards. (See circular 378 of the Soil Conservation Service). Copies are available at the Township Office or the local office of the United States Soil Conservation Service.
- (8) All ponds shall be fully completed, including land rehabilitation, within ninety (90) days from the issuance of a zoning compliance permit by the Building and or Zoning Official. In addition to the established permit fee as established by the Township Board, a cash bond in the amount of \$250.00 shall be paid at the time the permit is issued by the owner and or contractor and will be returned once a final inspection is completed by the Building and or Zoning Official. Upon receiving a written request by the property owner explaining the reason(s) that an extension is being requested, the Building and or Zoning Official may grant a 30 day extension to fully complete the excavation of the pond. Extensions greater than 30 days must be reviewed and approved by the Township's Planning Commission.
- (9) All areas disturbed during construction shall be seeded with grass and maintained in good condition to prevent erosion.
- (10) All excavated material remaining on-site shall be leveled over the area around the pond or the property. Excavated earth material created by construction of a pond shall be used to the maximum extent feasible for on-site purposes. However, excess excavated earth materials not feasible for use on-site may be removed and taken off-site from the property in compliance with an approved site plan by the Planning Commission with the following requirements:

- i. If the applicant proposes to remove any excess excavated earth from the property he shall include with the application a written statement of the cubic yards to be removed.
 - ii. The applicant shall be limited to this stated volume and any excess of this stated volume to be removed must be approved as an amendment to the site plan by the Planning Commission.
 - iii. This statement or any amendments thereto shall either be shown on a revised site plan or physically attached to the plan for purposes of review and approval or denial.
 - iv. All excess earth material shall be removed on completion of the pond or within thirty (30) days.
 - v. The required cash bond as mentioned in item 4 above shall be increased from \$250.00 to \$500.00. Excavated material removed and remaining on an adjoining parcel of record would be exempt from the increased cash bond requirement. Also a single load of excavated material less than 10 cubic yards leaving the site at the end of a work day would be exempt from the increased cash bond requirement.
 - vi. Failure to comply with this requirement would result in the forfeiture of the cash bond.
- (11) Water shall be maintained in all pond excavations.
- (12) Water elevations in the pond area shall not cause flooding or impair the removal of water from property adjacent property owners unless appropriate easements are obtained.
- (13) The finished topography of the area surrounding the pond will be one the blends with the surrounding terrain. Surface drainage from adjacent properties shall not be impeded nor shall off-site drainage be increased, unless appropriate easements are obtained.
- (14) Conditions of the site must allow the pond to be protected against the contamination from barnyards, septic systems or other sources which would render the water unfit for its intended purpose.
- (15) To prevent adverse effects of drainage to adjoining properties, a drainage system shall be installed to accommodate overflows and surface drainage to a suitable outlet or drainage ditch.
- (16) The cleaning and maintenance of any pond in existence as of the date of this ordinance becomes effective shall not be considered a new pond application unless the pond owner also intends to enlarge said pond. However a pond cleaning permit (zoning compliance permit) must be obtained from the Building and or Zoning Official prior to the commencement of any pond

cleaning project. Cleaning shall not result in a pond of greater size or depth than that permitted in the original permit application.

- (17) A rescue station shall be located within 25 feet of all ponds having water depths exceeding three (3) feet. All rescue stations shall have an approved U.S. Coast Guard life ring with one hundred (100') feet of rope and a ten (10') foot pole on a wooden post extending four (4) feet above grade on which a deep water sign shall be posted.
- (18) Failure to comply with the requirements of this section would result in the forfeiture of the cash bond.