

**LOWELL CHARTER TOWNSHIP PLANNING COMMISSION
REGULAR MEETING AND PUBLIC HEARING
July 8, 2019**

PRESENT: Blough, Batchelor, Simmonds, Clements, Edwards
TOWNSHIP PLANNER: Tim Johnson
CITIZENS IN ATTENDANCE: 21

The Regular Meeting of the Lowell Charter Township Planning Commission was called to order by Chairperson Simmonds at 7:02 pm.

APPROVAL OF MINUTES:

The Minutes of the Regular Meeting of June 10, 2019 were presented for approval. Mr. Edwards moved to approve the Minutes as presented. Motion seconded by Mr. Batchelor. All in favor and the Minutes of June 10, 2019 are approved.

CHANGES OR ADDITIONS TO THE AGENDA:

Chairperson Simmonds moved to re-order the items under New Business, to address the Minor Amendment to Site Plan for Maple Ridge Manor first, Set Public Hearing Date for Rezoning Request from AG-1 to AG-2 for property at 10451 Cascade Road SE second, and Review Draft of Fill Ordinance third. Motion seconded by Mr. Edwards. All in favor and the Agenda as amended is approved.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

The meeting was opened to public comment at 7:04 pm. No one spoke. Public comment was closed at 7:04 pm.

PUBLIC HEARING:

Special Use Permit Request from Doug Klahn for a Private Road at 14148 Oberley Road

Chairperson Simmonds opened the Public Hearing at 7:05 pm. He explained the hearing process to those present. Mr. Clements read the Notice of Hearing into the record.

Joyee Joice [RTC] Smith presented. Mr. Klahn wishes to build a private road for five new lots being created from their land in the Ag-2 zone. Each would be at least 4 acres in size with 200 feet of road frontage. He considers the land being used for the lots as poor farmland.

Dan Hula then presented as their engineer. He disagrees with the Township Engineer on the need for a retention pond for road runoff water, and asked that such a retention pond not be required.

Chairperson Simmonds confirmed that the letter of July 1, 2019 from LRE Engineers and Surveyors to the Township had been received and reviewed by members of the Planning Commission. Mr. Edwards expressed concern should the Planning Commission not follow the Engineer's recommendations. Mr. Batchelor asked where water runoff would go from the private road, and Mr. Hula indicated to the culverts near Oberley Road. Mr. Batchelor pointed out that one of the culverts was not shown on the Site Plan. Mr. Hula noted the need for Right of Way improvements including the roadside drainage culvert.

Mr. Clements asked if water flow to neighboring properties would be increased. Mr. Hula indicated that little earth moving on the new lots would be required, so flow across them to the neighbors' property would be the same or less than before. Mr. Batchelor confirmed that the retention area would be to handle runoff from the private road and driveways. Mr. Clements confirmed that the private road would be crowned with no curbing. Chairperson Simmonds confirmed that the land in question was 21.6 acres in size, including the roadway.

Planner Johnson then presented an overview of his letter of July 8, 2019. He noted that the Ordinance requirements had been met except as to the drainage requirements. Also required would be re-submission of the Site Plan to meet Township Ordinance requirements, approval of the creation of the lots under the Land Division Act, [RTC] and the Private Road Maintenance Agreement. ~~Joyce~~ **Joyce** [RTC] Smith asked if individual retention areas were required for each lot, and was advised that they are not required.

There being no further questions or comments from members of the Planning Commission, the Public Hearing was opened to public comment at 7:30 pm.

Robert Jastifer – concerned about another development moving into the area. Wants this to remain farmland.

Lisa Zandstra – Agrees with Mr. Jastifer

Jim/Darlene Hawkins – asked why a retention pond was not wanted; probably cost is the factor. He asked about future plans for the remainder of the farmland. Was advised that single-family homes can be built, if Ordinance requirements are met, including a minimum lot size of four acres and 200 feet of road frontage.

Gerald Batchelor – concerned about the neighboring farmhouse being vandalized. Feels this land is tillable for hay.

Karen Thomas – owns swampy land next to proposed Lots 1 and 2, which floods each year. Likes the current woods. Indicated Applicant has tilled this land for hay the past six years.

Scott Frankowski – asked the valuation of homes to be built. Unknown, as Applicant will not be the builder of these homes. Questioned if there will be more homes in the next thirty years.

Chris Jastifer – has seen water flowing over Oberley Road in past years.

Karen Thomas – spoke again, noting that roadside ditches are shallow.

John Umlauf – it is always wet from water coming across the road and down the hill.

There being no further questions or comments from members of the public, the public input portion of the Public Hearing was closed at 7:42 pm.

Mr. Blough suggested that the County may need to make ditch improvements.

There being no further comments or questions from members of the Planning Commission, the Public Hearing was closed at 7:42 pm.

The Regular Meeting was resumed at 7:43 pm.

Chairperson Simmonds made clear that Applicants can use their property in any way allowed by the Zoning Ordinance. The Township's engineer is indicating that something needs to be done with the private roadway runoff. So far, the Township's engineer and Mr. Hula have not resolved their differences on this question.

Mr. Edwards felt that this lack of consensus is a problem, and moved to table the matter until the two engineers resolve this issue. Motion seconded by Mr. Batchelor. All in favor and the matter is tabled.

UNFINISHED BUSINESS:

None.

NEW BUSINESS:

Minor Amendment to Site Plan for Maple Ridge Manor Approved by Zoning Administrator

The Zoning Administrator informed the Planning Commission that he had approved two changes to the Site Plan, both of which are minor. First, the normally required sewer line must be at least eight inches in diameter, which would be more likely to plug due to low flow through the pipe. Instead, a private three inch pressurized line will be used. Only Maple Ridge Manor will use this line. Second, a retaining wall built by LARA would be removed and replaced by trees, which Maple Ridge Manor will maintain. LARA is in agreement with this change. The Site Plan will be updated to reflect these changes.

Set Public Hearing Date for Rezoning Request from AG-1 to AG-2 for property at 10451 Cascade Road SE

This property is located on Cascade Road near Snow Road. The zoning change is consistent with the Township Master Plan.

Chairperson Simmonds moved to set a public hearing date of August 12, 2019 for the request for re-zoning of the property at 10451 Cascade Road SE from AG-1 to AG-2. Motion seconded by Mr. Batchelor. All in favor and the public hearing date will be set for August 12, 2019.

Review Draft of Fill Ordinance

Planner Johnson presented the history of this proposed Ordinance. The First Draft was prepared and reviewed by the Township Board on June 17, 2019. This led to a Second Draft, which the Township Board has offered to the Planning Commission for their review and comments. Mr. Clements confirmed that this is a proposed change to the Regulatory Ordinance, initiated by the Township Board, and not part of the Zoning Ordinance.

Mr. Edwards was greatly concerned about the proposed Ordinance and the State's Soil Erosion and Sedimentation Control (Section 451 Part 91) and that the Planning Commission would be required by that law to receive sufficient training to apply the related provisions in the draft Ordinance. Mr. Batchelor anticipated an Applicant obtaining a soil erosion permit before coming to the Township for a Fill license. It was also felt that the Road Commission would need to issue a permit.

There was extensive discussion of the maximum fill activity allowed before a license was required, with Page 3 of the draft Ordinance suggesting 5000 cubic yards as the maximum allowed without a license. This raised questions regarding the time frame in which this limit would apply, before further fill activities were allowed. Monitoring fill quantities was a concern, and the alternative of limiting fill by the area covered was also discussed.

Mr. Clements asked if there was a need to make the nature of the fill used in mining reclamation activities and the fill proposed in the draft Ordinance the same. Currently the mining restrictions on fill are stricter than those in the proposed Ordinance, which allows limited concrete and other materials. He was advised that the only fill for mining reclamation would be topsoil, which warranted the stricter fill content limitations for mining reclamation. It was indicated that there would be no restrictions on fill brought in as part of a public park or other public projects. Homes would be allowed to bring in fill under their building permit.

Mr. Blough was concerned about the gate requirement, as fill activities might require more than one point of access. He also felt the need to review the impact of this Ordinance on activities on AG-1 lands. With regard to where fill can be placed with respect to property boundaries, he asked about the effect of installing a drainage pipe in the fill area.

Mr. Batchelor sees this as being a complaint-driven Ordinance. Mr. Edwards feels the noise ordinance needs to be brought up to date.

A page-by-page review and comment was then begun. With respect to Page 2, Chairperson Simmonds would like a definition of 'clays'. Mr. Blough asked if animal feed would fall under the definition of food waste (it was generally assumed that it would not). Chairperson Simmonds

indicated that the mining ordinance does not address bringing in fill for restoration, so a license under the proposed Ordinance would be required for this.

Page 4, Item 11 – Mr. Edwards felt more specificity was needed with regard to the measures to be taken by the Applicant.

Page 6 – Mr. Edwards expressed concern about relying on subjective judgments with issues, and prefers specific requirements.

Page 7, Paragraph 5 – Mr. Edwards pointed out that State Law has different requirements for fill quantities on less than one acre, for one to five acres, and over five acres of land. Mr. Clements suggested the holder of a fill license be required to report to the Township on a regular schedule the amount of fill they have brought in, to help monitor quantity amounts.

Mr. Blough noted that the terms ‘license’ and ‘permit’ were being used interchangeably. It was suggested that the term ‘license’ be used.

The need for a stricter noise ordinance was reiterated.

At this point the decision was made to pick up this review at the next Planning Commission meeting. Chairperson Simmonds moved to table discussion of the proposed Ordinance until the August 12, 2019 Planning Commission meeting. Motion seconded by Mr. Edwards. All in favor and further discussion is tabled until August 12, 2019.

COMMISSIONER COMMENTS:

Mr. Batchelor brought in material that discussed the possibility of the Governor making Solar Farms a use by right on farmlands.

Mr. Edwards asked for an update on the RRR Landscaping Special Use Permit request, and was told the required storage shed had a building permit and building materials were on site, but the shed had not yet been constructed. Trucks will be stored off-site until the construction is completed. He also expressed his thanks for information he was given on the Cascade Road barn.

There will be no special meeting on July 22, 2019.

ADJOURNMENT:

Mr. Batchelor moved to adjourn. Motion seconded by Mr. Edwards. All in favor and the Regular Meeting of the Lowell Charter Township Planning Commission was adjourned at 9:45 pm.

Submitted _____ Secretary
Timothy Clements

Lowell Township Planning Commission
July 8, 2019
Page 6

Approved _____