

**ROSS TOWNSHIP
PLANNING COMMISSION
MINUTES
July 25, 2016**

CALL TO ORDER/PLEDGE

Chairperson Lauderdale called the regularly scheduled meeting of the Ross Township Planning Commission to order at 7:00 p.m. at the Ross Township Hall.

ROLL CALL

Present: Jim Lauderdale, Chairperson
 Victor Ezbenko
 Russell Fry
 Greg Pierce
 Jeff Price
 Sherri Snyder
 Jon Scott

Absent:

Also present: Bert Gale, AGS – Township Zoning Administrator
 Kelly Largent, AGS – Township Zoning Administrator

Absent: Rebecca Harvey – Township Planning Consultant

APPROVAL OF AGENDA

The agenda, revised from the one sent via US mail, was reviewed. Fry moved to accept as revised. Price seconded the motion. The motion carried unanimously.

APPROVAL OF PRIOR MEETING MINUTES

The Commission then proceeded with consideration of the **June 27, 2016** Planning Commission meeting minutes. Snyder moved to approve the minutes as presented. Price seconded the motion. The motion carried unanimously.

PUBLIC COMMENT ON NON-AGENDA ITEMS

Drs. Stocking and Vatta were present seeking resolution regarding signage for their Red Barn Cat Clinic. The proposed sign identified "Cat Boarding". The question was whether or not the PC approval for Special Land Use/Site Plan Approval, July 27, 2015, included "Cat Boarding". This topic was not on the Agenda but Gale had communicated to Lauderdale prior to the PC meeting that he had questioned Cat Boarding, Lauderdale reviewed the July 27, 2015 PC meeting minutes and the Application for the Red Barn Cat Clinic, therefore, Lauderdale, with PC member agreement, supported the discussion proceeding. Lauderdale shared his findings upon review with PC members. The Application identified (F.7) "veterinary medical suite for cats", (9, first paragraph) "...limited cat boarding..." and (9, second paragraph) "...to needs of veterinary patients and boarding cats...". Extensive PC member discussion ensued, addressing clarification of the Application, PC discussion with the Applicants at the July 27, 2015 PC meeting, PC development of both Small Animal and Veterinary Clinics as Special Land Uses, and that cat boarding is a normal aspect of a cat veterinary clinic.

Upon completion of the extensive discussion, PC members expressed consensus that "Cat Boarding" was included in the July 27, 2015 Red Barn Cat Clinic Special Land Use/Site Plan Approval.

No further public comment on non-agenda items was offered.

NEW BUSINESS

Private road/driveway. The Memorandum from Robert E. Thall, Ross Township Attorney to the Ross Township Planning Commission, dated July 21, 2016, RE: Private Road/Driveway provided background for discussion. At issue is division of a property that would have divisions without adequate frontage on a public road, requiring an easement to access the back lot(s). For back lots not intended for development, many Zoning Ordinances allow for a shared drive/private road under certain limited circumstances. Currently, Attorney Thall believes Ross Township Zoning Ordinances do not have such a provision. Although absent from the PC meeting, Rebecca Harvey, Planning Consultant, communicated to Attorney Thall the potential for the Clustered Land Development option (ZO 20-50, 51) to adequately address the issue.

Harvey is requested to provide for the August 22, 2015 PC meeting either proposed language to appropriately address this issue or the bases for accepting that the Clustered Land Development option (ZO 20-50, 51) adequately addresses this issue.

UNFINISHED BUSINESS

1. Watershed Protection Strategies

Lauderdale provided a brief report of his presentation to the Four Townships Water Resource Council (FTWRC, Ross, Richland, Prairie, Barry) on July 11, 7 PM meeting. FTWRC members stated they support Ross Twp PC beginning to address watershed protection.

Lauderdale introduced Dr. Ken Kornheiser (FTWRC), who was asked to attend the PC meeting to share his perspectives regarding Ross Township's watershed protection strategies initiative under discussion by the PC. FTWRC is recognized both by the State of Michigan DNR and DEQ and by the US EPA in addressing, for the four townships, watershed protection. Kornheiser was Planning Commission Chair of Prairieville Township for 14 years, including attempts to introduce an Overlay District to protect waters, especially Prairieville Creek (the only source of stream water entering Gull Lake) and has been active in FTWRC since its inception in 1994, being President for many years. He continues to be active in watershed protection.

Kornheiser shared that water resources overlay district concept adds value to the Township water resources through 1) uniform criteria to protect water resources, 2) basic shoreline protection to prevent development "too close" to shorelines and types of structures allowed and enhancement of buffer strips to decrease water run-off, 3) prevent damage and changes detrimental to water quality, and 4) encouragement of natural vegetation and open areas (non-sea wall) to the water to enhance storm water retention, erosion control, and reduced lawn maintenance.

Kornheiser shared his experience with an overlay district to protect the watershed was supported in concept but that land owners rejected implementation based on property rights. The overlay district was started as a Prairieville Township initiative with one stream (Prairieville Creek) and inland lakes but was determined to be too broad, so was restricted to Prairieville Creek. He shared a role of a PC is to protect the good of the whole.

Scott shared the Crane's Pond development specifically kept boundaries back from the pond, allowing trees and natural vegetation to flourish, providing good habitat for birds and animals. Scott used this approach with developments and has been successful.

Most of the water in Gull Lake comes from Barry County. Prairieville Creek, 1.5 miles in length, supplies about 23% of total water, about 40% of flowing water, the only cold water, and the only cold water suitable for fish spawning. The State of Michigan DEQ watershed guidelines were used as a template for the overlay district. The headwaters for Prairieville Creek are agriculture and there were 20 owners of the lands along the creek. Prairieville PC unanimously voted to approve the overlay district but the Prairieville Board rejected and sent back to the PC. For Prairieville Creek, an easement approach was found to be successful rather than an overlay district and was implemented successfully.

Ezbenko and Price asked about objections to the overlay district. Kornheiser responded that landowners were concerned about amount of land required to remain in vegetation, limited vehicular access to the creek, and landowner loss of control of their property. The need to protect the observed water resource (my stream/lake area) is readily accepted but the cumulative effect for the entire water resource is harder to accept (what I do affects/effects change in the system). Currently, the ftwrc is assisting with assessment of shorelines for streams and lakes under a Water Resource Management Grant to investigate and re-assess water inputs into our water bodies. The greatest danger from those water inputs is commercialization and no storm water control.

Responding to what is the "best way forward", Kornheiser responded an approach that is most feasible, providing the approach is most likely to succeed and achieve the greatest benefit to watershed protection. Potential use of conservation easements should be considered. In response to a request for his belief for "most important" initiatives, he responded with Prairieville Creek protection, storm water management, and Augusta Creek (Augusta Creek is on the impaired use list due to E. coli contamination from horses). He shared that highly developed areas are harder to implement successful effective storm water management and lake front management and that education of the public will help. He stated that the MS4 initiative for storm water management was not supported by Ross Township. The Prairieville ZO addressing boat wash requirements was cited as a good initiative (Ross Twp. PC members received a copy)

Data are presented in the ftwrc Watershed Management Plan regarding the impact of watershed management on Gull Lake. FTWRC is interested and appreciative of Ross Twp PC addressing watershed protection management.

PC member discussion identified pursuit of an overlay district is a good idea but we must be concerned about riparian rights, C-1 requires a buffer strip, should we develop the buffer strip concept for other areas, a good example of storm water retention is present in the Bay Area, Sherman Lake is a good example of diminished capacity to use resources, impacts can/most likely will impact property values, careful thought is required to proceed, community involvement should be sought, what is the "best way" to get "nay sayers" to listen, should we use technically competent persons for "public education", `

Consensus was achieved regarding proceeding with addressing watershed protection:

- 1) Snyder will provide an article to Dykstra on easy ways to develop buffer strips for publication in the next Ross Twp newsletter
- 2) PC to host a public forum, with an attempt to convince a large attendance, to secure township resident input on watershed management (September-October timeline)
- 3) Scott will communicate with Twp Board members at the August meeting and thereafter as needed regarding their interests and concerns

- 4) PC members will read *Protecting Michigan's Inland Lakes* and share ideas for "best way forward" at the August PC meeting
- 5) PC discussions at the August PC meeting, including input from Board members via Scott will guide the PC on next step(s).

2. Section 17.2 B. 1. & 4. – Dock Setback Requirements.

At the June 27, 2016 PC meeting, it was agreed that Section 17.2 B. 4. should be amended to require a 10 ft setback for docks from the on-shore property lines. It was further noted that permanent docks should be subject to the zoning compliance permit process and that Section 17.2 B. 1. should be revised accordingly. Harvey was directed to draft text reflecting the discussion of the Commission and to submit same to Township Attorney Thall for review/comment.

The requested draft, dated July 25, 2016, was reviewed by the PC. Concern was voiced that 17.2.B.2 would/could be misunderstood to refer only to 17.2.B.1. Therefore, the draft is proposed to be revised for 17.2.B.2 to read:
"The length of **any** dock shall not be greater than the average length of the nearest docks on either side of the proposed dock."

The revision proposes to replace the words "the proposed" with "any". Harvey and Thall are asked to review and determine if this word change is acceptable.

3. Gull Harbor Point

Gale and Dykstra met with Mr. Sullivan on site to discuss the issue of June 1, 2016 deadline for compliance with the amended landscape plan. Mr Sullivan indicated understanding of his requirement to comply with the amended landscape plan, stated he would provide a document to the PC on July 25, 2016 (no document was received by 4:30 PM when the Township office closed), requested guidance on where/how to measure 3.5 foot berm height (told from edge of road, parallel to topography), appeared to be lacking in plants for the plantings, and Mr. Scott understood he is seeking fill soil. Mr. Sullivan stated to Gale that he will request an inspection of the roads when completed; Fry expressed concern regarding compliance with road construction specifications relative to base and finished surfaces---should base be inspected before finish layer completed? Gale will insure compliance.

REPORT FROM TOWNSHIP BOARD

Scott reported the new Township Hall and Fire Barn construction is moving exceptionally well. Dykstra and Scott are working with Les Adams (Southcentral Michigan Planning Commission) on park planning and grants.

REPORT FROM ZONING BOARD OF APPEALS

No ZBA meeting in July

MEMBERS, CONSULTANTS, ADVISORS

Scott stated, relative to the discussion private roads, that such a road has existed for over 20 years at Stoney Creek development.

Fry stated \$300,000 has been donated in support of the development of the bike trail system.

Gale commented that no Township Board meeting we held in July and asked if the meeting is scheduled for August (Yes).

ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 9:04 p.m on motion by Pierce, second by Fry and unanimous assent.

Respectfully Submitted,
Jim Lauderdale
Chair, Township Planning Commission
(with appreciation to Kelly Largent for excellent notes to help my notes)