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## **Planning Commission Minutes 4/26/21**

The Saugatuck Township Planning Commission met April 26, 2021 via video Zoom conferencing. Wells checked in members and guests via ZOOM.

**1) Call to Order** at 6:30 p.m. by Chairperson Israels.

### **2) Roll Call**

Present: D. Ihle, R. Israels, J. Helmrich, D. DeFranco, D. Shipley, D. Webster

E. Welk joined at 6:45pm

Also present: L. Wells, Zoning Administrator

Israels welcomed new planning commissioner Webster.

Webster introduced herself to other commissioners. Webster had been on the Union Township Planning Commission and has been involved in planning and zoning for over 30 years. Webster is a retired faculty member from Central Michigan University.

### **3) Meeting via Zoom**

Zoning Administrator Wells gave Zoom instructions for public participation. All votes should be taken via roll call. Please say your name before speaking. Mute yourself when you are not speaking. This meeting is being recorded. Please do not interrupt. If any public member is disruptive in a way that interferes with the board conducting their business, they will be blocked. Also highlighted that if there are any individuals that would like to participate, but need special accommodations, we will do our best to make those adjustments. Please do not click on any links on Zoom.

### **4) Approval of Agenda**

DeFranco add "Discussion of *Strong Towns*" as item B under Old Business

Wells added under Correspondence: item "D" a letter from Roy Mcilwaine, item "E" a letter from Marcia Sikora, and item "F" a letter from Scott Wierenga.

A **Motion** was made by Shipley to approve the agenda as amended. Seconded by Ihle. The Motion passed by unanimous roll call vote.

### **5) Approval of Minutes: PC Meeting 2/22/21**



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A **Motion** was made by Helmrich to approve the minutes of 2/22/21 as written. Seconded by Shipley. The Motion passed by unanimous roll call vote.

## 6) Presentations

A. Jim Searing, Saugatuck TWP Parks Commission, presented on the history of the Parks Commission, park assets presently under the control of the TWP, budget and funding sources, and the Parks Commission's plans for future park development.

B. Mark Rodman, Executive Director of the Michigan Historic Preservation Network, presented on the process of seeking Historic District designation. Rodman reviewed why this issue is now before the PC. Rodman explained that the owners of the N. Shore property require a permit from the United States Army Corps of Engineers to develop property. Acquiring the permit requires the owners to go through the section 106 review process. Rodman explained that with that process, the USACE is charged with looking at the historic properties in the area, determining if there would be an adverse effect, and, if so, getting an agreement with all parties involved to determine how the development can proceed with protecting or mitigating damage to those resources. The section 106 review also asks that parties have a conversation and reach an agreement; if an agreement cannot be made, the USACE would proceed as they want. Rodman said the only legal basis for contesting an USACE decision would be on the grounds that they did not conduct the section 106 review process properly. Rodman said that as part of the 106 review process, the Gun Lake Tribe hired Algonquin Consultants, Inc. to do a study on whether the Kalamazoo River mouth was a Traditional Cultural Property for the Native American Tribes. The Algonquin study determined that the mouth of the Kalamazoo River could be considered a Traditional Cultural Property and therefore was eligible for the Register of National Historic Places and that the part 106 consultation would have to include that. Rodman noted that at this point anyone could write a national register nomination and get the property in question listed as Traditional Cultural Property on the Register of National Historic Places. However, that would not itself protect the property, because everything making it eligible for such a designation is already being asserted; there is no real change that happens to the 106 process if it were to actually be listed.

Rodman explained that by MI state law PA 169 of 1970, local governments are enabled to create historic districts; with those historic districts, regulation of what happens within them is possible based on the Secretary of the Interior standards. Rodman said that this is the only type of designation that really gives the local government the power to regulate what goes on in the area. Rodman outlined the process to create a historic district. Rodman explained that the first thing that would need to be done was that the TWP would need to pass a Historic District Ordinance; that ordinance would lay out how a commission would be set up, operate, what powers it would have, etc. Rodman noted that MI's enabling legislation states in detail what must be present in a Historic District Ordinance; that ordinance must say that (1) there will be 5-7 people who serve



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as part of the commission, (2) they all must have an interest and knowledge in historic preservation (no formal certifications are required), and (3) there must be a licensed, practicing architect on the commission or the TWP must prove that they were unable to find an architect to serve on the commission. Once the commission is set up, it enables the set-up of historic districts. By state law, the commission established by a Historic District Ordinance is not allowed to designate a historic district; PA 169 says that the commission sets up a study committee to determine whether an area is eligible to be a historic district. Rodman also noted that there is nothing in MI state law that prohibits designating members of the Historic District Commission to be the study committee itself; some communities designate the Historic District Commission as the study committee whereas others assemble a separate study committee. Once the study committee is assembled, they are charged with studying a specific area to determine whether it has the qualifications to be a local historic district. Rodman said that in considering whether the Kalamazoo River Mouth is eligible to be a local historic district, the study committee would not have to do much work because Algonquin Consultants already completed a study that determined that the river mouth can be a Traditional Cultural Property with the National Parks Service agreeing that it can be a National Register District. Rodman explained that the study committee could turn the Algonquin study into the study committee report, finalize it, and send it to the State Historic Preservation Office and the MI Historical Commission to be reviewed. Within 60 days of submission, a public hearing must be held where the proposal is discussed and public comments gathered. Rodman said that after (1) holding the public meeting and (2) receiving public comments from the SHPO and MI Historical Commission, the information is incorporated into the study and an ordinance would be written that identified the boundaries of the historic district, the important things within the boundaries that the historic district's existence was intended to protect, and what is allowed/prohibited within the historic district. Rodman explained that there were many options available with respect to how the area within the historic district could be managed. Rodman reiterated that the TWP would take the official study and other specifications on how the area should be managed and put it into an ordinance, which would then be managed by the Historic District Commission; if in the future someone wanted to do something with that property the applicant would have to go before the commission to ask for approval. Rodman emphasized that there are currently no local Traditional Cultural Property designations making a designation by the TWP cutting edge; this might make writing the ordinance challenging given there are few local examples available.

Rodman noted that there are benefits to the creation of a Historic District Commission such as designation of other historic sites, availability of grants, and federal and state tax credits for work being done in the historic district. Rodman mentioned the certified local government program, a program of the federal government which is a good house-keeping seal of approval for the set-up of a Historic District Commission. Rodman said that those requirements are essentially no different from the state requirements with the exception that the federal certification requires annual submissions of a report on the activities of the historic commission. Being a certified local government would give the TWP access to grants that come through the State Historic



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Preservation Office to do surveys, inventory, rehab, etc. Rodman noted that the TWP could use this grant to pay for Algonquin to write the report for the study commission. Rodman said that the next grant round was in the Fall with the money not being available until the following May/June, and no work could be done on the project until the grant was awarded.

Shipleigh asked whether the PC should be connecting with local universities for consultation, specifically Western Michigan University, which offers a certification in Cultural and Environmental Heritage Management. Rodman said that the PC was welcome to communicate with WMU, but was unsure of their expertise in developing local historic districts. Rodman recommended contacting Alan Higgins of the State Historic Preservation Office whose sole job was to help people with historic district commissions and with becoming certified local governments.

DeFranco asked Rodman to clarify the difference between the Historic District Commission and the study committee. Rodman explained that the first step in the process of creating a historic district was to pass a Historic District Ordinance, specifying how the Historic District Commission and study committee would be set up. Rodman noted that that Ordinance first establishes an Historic District Commission, although the Historic District Commission plays no role in seeking historic district designations. Rodman noted that the TWP could appoint a Historic District Commission and a study committee at the same meeting as long as the Historic District Commission is appointed prior to the appointment of the study committee. Rodman continued that the study committee only exists to propose sites for historic designation; once that's complete, all the other business of managing an historic district is facilitated by the Historic District Commission. Rodman explained that there was a great deal of flexibility with the study committee; it could be a permanent committee, it could be assembled for just one project and disbanded, or the Historic District Commission could be designated as the study committee. In contrast, the state stipulates exactly how the Historic District Commission is to be assembled. Rodman emphasized that in MI, a Historic District designation cannot be made without a study committee. DeFranco asked whether the Algonquin study reviewed areas outside the Kalamazoo River mouth. Rodman said the study focused exclusively on the river mouth.

Israels asked if the Historic District Commission could be a tri-community endeavor. Rodman said that he didn't know of any other community that had approached the creation of the commission as a collective and he was unsure if it was prohibited by the law. Rodman noted that there was a way to create the Historic District Commission from a county-perspective. Rodman said he would look into it. Israels inquired as to whether a licensed architect had to be a permanent member on the Historic District Commission. Rodman confirmed that to be the case, but noted that the TWP could seek an exemption as long as it proved that it could not find a licensed architect to be a commissioner. Rodman noted that seeking an exemption would delay the formation of the Historic District Commission as the TWP would have to prove it advertised



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for the position over several months to no avail. Israels asked whether the project manager was a paid position through a grant or a volunteer position. Rodman said that it did not have to be a paid position and that the TWP could always assign the responsibility to a person who is already a paid employee of the TWP. Rodman recommended hiring a consultant for grant-writing. Israels asked whether trees were ever considered “historic.” Rodman confirmed this to be the case. Rodman explained that a tree on its own could not be listed as historic, but a property could be designated as historic and a tree on site could be identified as important to the site’s historic nature; trees can be considered a critical part of why a historic site is historic.

Rodman noted that he shared informational material with the PC including a training manual. Helmrich said he would share the documents with other commissioners. Helmrich noted that there was interest in participation from council members in the City of Saugatuck given that the city owns most of the property on the south side of the river mouth.

## **6) Public Comment:**

1) Betsy York, 143 Harbor Ct Douglas, said one of the delights of living in the area is the wildlife, and she feared that the current demand for housing would displace many animals and destroy trees and habitat. York said that this would impact the special draw of the area for visitors, who come from the cities where stars and animals are hard to find. York asked that we not continue to destroy trees and think that animals will find someplace else to go. York said that the presence of animals in our daily lives makes our lives richer and the continuous canopy of trees makes our towns visually appealing and healthier for us all. York said that she had not found in any of the plans for the three municipalities any actual plan for wildlife corridors or intentional purchasing of land for habitat. York said she would be delighted to be mistaken on this point. York noted funding is challenging, but if you don’t ask you don’t get it, and if there was a plan, funding could be obtained in some manner. York said that she saw in the TWP visioning exercise that “open land with the potential for growth” was included. York asked why our response to open land was always about growth. York asked that the PC consider urban boundaries and plans for keeping some of the open lands for wildlife. York put forward the notion of natural landscapes, which would include stronger dark-sky fixture requirements on private property, which helps nocturnal animals without sacrificing security or safety. York asked how we became anchored to the lawnmower. York asked if we need to clear-cut our property to build a house; not necessarily, she said. York asked if we need to put in a lawn; she did not think so. York said this was a visual choice landowners make. As part of the natural landscape concept, York would like to see unkempt front yards filled with native and flowering plants. York noted that this was a cultural change beyond the authority of the PC, but was not beyond the PC’s leadership via suggestion and encouragement. York thanked the PC for their time and good work.

2) Richard Kirk, Muskegon, said he was not speaking to an agenda item, but was speaking to



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urge the PC to revoke its resolution of April 2020 allowing the Van Horns to construct a pond and engage in sand mining on the site of BSH and 66<sup>th</sup> St. Kirk urged the PC to revoke the resolution because the Van Horns failed to comply with two significant conditions. Kirk referred to paragraphs B1 and B5 of the resolution. Kirk said that paragraph B1 stated that the owners must obtain all county, state, federal, and local permits and approvals needed to conduct the mining operation and create the proposed pond and shall comply with all terms and conditions of those permits. Kirk referred to paragraph B5 which stated that the pond excavation shall not exceed 5 acres until the Van Horns submit to the TWP a copy of a part 301 permit issued by EGLE. Kirk said that on the 9<sup>th</sup> of April 2021, EGLE found the Van Horns to be in violation of the part 301 permit in having constructed a pond greater than 5 acres without obtaining a permit. Kirk said that EGLE has found the Van Horns constructed a pond greater than 5 acres, which is disallowed by part 301 and disallowed by the TWP resolution. Kirk understood that surveys have shown that the pond is approximately 7 acres. Kirk also noted concerns raised with EGLE that the Van Horns flattened the property before they applied for permits and before the Van Horns had prepared environmental impact studies for their sand mining permit. Kirk said that Van Horn's excuse was that the property was already flattened and so they did not need to give EGLE an environmental impact statement. Kirk believed that that amounted to destruction of evidence. Kirk said there is now no evidence of how the property existed before, what the environment was like, and what the impact would be. Kirk said that the Van Horns exceeded the 5-acre limit in violation of the TWP resolution and the state statute. Kirk said its more than just a problem of the Van Horn project; without revocation, the PC is inviting the next applicant to do whatever they want with impunity.

3) Roy Mcilwaine, 3466 Riverside Dr., mentioned that the original pond permit for the Van Horns was pulled three or more years ago. Mcilwaine noted that a review of the pond ordinance was on the PC's agenda and that it needed to be looked at because there was at least a year and half of construction at the Van Horn property which resulted in a 70ft or more "mountain" of sand and a pond that exceeded the 4.9 acres requested in the permit for the obvious reason that Van Horn was avoiding going to the state agencies, because once you exceed a pond size of 4.9 acres you need state permits. After digging, Van Horn applied for an SAU with the TWP and neighbors participated in two meetings at which time Mr. Van Horn said he was passionate about water skiing and that he wanted a private water skiing pond. Mcilwaine said that Van Horn has now laid out multiple lot divisions and is selling those lots with water access for everyone. Mcilwaine said that Van Horn ignored the requirements of the SAU, cleared the land instead of getting state permits, and staged sand for future sand mining, which he didn't have the permits for. Mcilwaine said that the "crowning blow" was that Van Horn put his home up for sale. Mcilwaine noted that this was not a legal issue but it leads to deception. Mcilwaine referred to his correspondence submitted to the PC and added that Allegan County Health Department two weeks prior issued Van Horn a formal violation notice that requested Van Horn start remedial action to prevent sand erosion from spoils piles that have been affecting businesses on BSH and Holland St. Mcilwaine noted that Van Horn had a week to initiate remedial action but has not



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been in contact with the county, has not started any work on erosion control, and it's another example of bad faith.

4) John Johnson, Saugatuck Township, said he lives across the street from the TWP Office and has spoken to many in the TWP government. Johnson said that about a year ago he started to have sand blow onto his property. Johnson noted that with the windy weather in October and November his cars were getting covered in sand. Johnson panned his camera so that commissioners could see the proximity of his property to the spoils piles at the Van Horn site. Johnson mentioned that when there were high winds the previous day there was sand all over his cars, and that this was something he had never dealt with before. Johnson noted that he has had to do a lot of cleaning of sand from window sills and his garage. Johnson reiterated that he and his neighbors were getting lots of sand on their property, homes, and cars. Johnson wasn't sure if anything could be done, but he wanted to make the PC aware of the situation. Johnson said that he used to have a pond on his property and was aware that ponds require maintenance in terms of mosquito and pest control and that it was necessary to keep the water moving. Johnson noted that the PC had inherited a bit of a mess and wanted to thank commissioners for doing everything that they are doing and that he feels like he lives in one of the best places to live in MI. Johnson said that lately the TWP feels a bit like Singapore [town buried in sand at the mouth of the Kalamazoo River] with the trees removed and the top soil pulled off with live sand dunes and blowing sand. Johnson said that the sooner the live sand dunes could be turned into dead dunes the better.

5) Scott Wierenga, 6618 Dugout Rd., said he sent correspondence to the PC on March 23<sup>rd</sup> and sent additional correspondence on April 23<sup>rd</sup> after EGLE released their findings that the Van Horn pond was over 5 acres in size. Wierenga was disappointed that the Van Horn SAU was not on the PC agenda. Wierenga believed it was the PC and Board's duty to protect the interests of the TWP and not the state's duty, although the state does have a role in the project. Now that EGLE determined the size of the pond, Wierenga said he does not see how the TWP has any other option other than to call a hearing to review and terminate the SAU issued to Van Horn based on what Wierenga felt was a fraudulent application. Wierenga said he could understand a 10% error, but not a 36% error in pond size. Wierenga said that such an error was intentional. Wierenga believed that many of his neighbors have been harmed by the project and that he has personally been harmed. Wierenga said that for a period of time he was getting bad water from his well and that the spoils piles were unsightly and harmed the business of the neighboring motel. Wierenga said he would like to see a commissioner ask for a *varia* item and add onto the agenda that a special hearing be called to terminate the Van Horn SAU. Wierenga mentioned that there have been so many violations that he does not know how the PC could not terminate the Van Horn SAU. Wierenga said that the PC's obligation is not to one person over all the other residents who have lived in the area for years.

Shipleigh asked Wierenga to clarify what he meant by saying he had "bad water" coming from his



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well. Wierenga said that after reviewing a site report his understanding was that the pond excavation disturbed the area and as a result, for a period of 2-3 months, any time Wierenga turned his water on he was getting sand. Wierenga said he would go to make a tray of ice and that the cubes would be yellow. Wierenga said he had his water tested and the test did not show any harmful substances. Wierenga explained that whenever he comes out on the weekends he has to run his water for a bit to get it to run clear. This experience has made Wierenga concerned for any future projects, because he does not want that to happen again.

Johnson added that he could see Van Horn treating the pond for mosquitos using chemicals and that was a concern, because the project was in proximity to a municipal wellhead.

## **Public Comment Closed**

## **7) Correspondence**

Wells reviewed correspondence received.

- A. Saugatuck Dunes Coastal Alliance
- B. Letter M. Terzino
- C. Letter J. Williams
- D. Letter R. Mcilwaine
- E. Letter M. Sikora
- F. Letter S. Wierenga

## **8) New Business**

### **A. Appoint members to the Master Plan Committees**

Commissioners revised membership to Master Plan Special Committees as follows:

1. Blue Star Safety: Dave Ihle (chair), Jon Helmrich, Laurie Goshorn, Brenda Marcy, Stacey Aldrich, Representative for Transit Authority (TBD)
2. BSH Economic Development: Jon Helmrich (chair), Kim Zdybel, Missy Corey, Member of the Business Community (TBD)
3. Rural Character and Conservation: Daniel DeFranco (chair), Jon Helmrich, Denise Shipley, Jane Dickie, Jon Vanderbeek, Mark Saint Amour, Betsy York
4. Attainable Housing: Denise Webster (chair), Becky Israels, Jim Searing, Harry Adams, Dave Ihle, Chuck Carlson



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A **Motion** was made by Webster to approve membership to the four Master Plan Special Committees as amended. Seconded by Ihle. The Motion passed by unanimous roll call vote.

### **B. Assign Historic District Commission Research**

Wells explained that the TWP Board directed the PC to research, analyze, and prepare an overview of the pros and cons of the formation of a Historic District Commission and a Historic District along with the study committee that would be required to recommend historic district designation.

A **Motion** was made by Webster to direct the task of researching the formation of a Historic District Commission to the special committee on Rural Character and Conservation. Seconded by DeFranco. The Motion passed by unanimous roll call vote.

### **C. Bill Rowe Recognition**

Israels acknowledged that the TWP sent Rowe a thank you card, which was signed by many commissioners and Board members. Israels expressed that the PC appreciated all that Rowe has contributed to the community, noting that Rowe served on the PC for 14 years. Israels said that a certificate of appreciation and accomplishment was sent to Rowe from the TWP Board. Israels gave commissioners an opportunity to express their appreciation for Rowe's service on the PC.

## **9) Old Business**

### **A. Pond Creation Zoning Provisions**

Wells explained that this item was a follow-up from the February 2021 meeting when the PC discussed modifying Special Land Use Standards for mining and landfills. Wells said that during that discussion Ihle brought up ponds and pond regulation. Wells mentioned that one of the questions that came up was whether the TWP could prohibit ponds. Wells said that over the last few months she consulted with the TWP attorney, engaged fellow planners, and that Helmrich had posed the question to attendees of the 2021 MTA conference. Wells reported that she had not found any communities that prohibit ponds outright. Wells said that staff reviewed current TWP standards for pond creation and offered a few suggestions for updates as presented in the "Master Plan Review, Ponds" memo on file.

Ihle said that at the previous PC meeting he offered the idea of limiting the size of ponds in any given development to what is required for detention/retention. Ihle said that any development will need a pond or a retention/detention facility to handle storm water. Ihle said that it was his sense that TWP residents and some commissioners were not fans of large pond developments. Wells asked if that meant that the TWP would prohibit all ponds, because no permit is required



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for a retention/detention basin. Ihle said that if the size of ponds were restricted to retention/detention a development could manage storm water and the TWP could prevent developments from constructing ponds to be a water feature and sell waterfront property. Wells confirmed that that was the question she took to other planners and the attorney. Ihle asked whether Wells was defining “pond” as that which was beyond what was needed to construct a development. Wells confirmed that to be the case and added that when a site plan is reviewed a drainage facility would be viewed as a drainage facility, not a pond. Wells said that she could go back to the TWP attorney to see if the TWP could prohibit pond creation entirely. Wells added that that prospect could be challenging. Ihle said he was not completely sure that was the best option, but he was trying to think of ways to control the creation of large-scale ponds/lakes in the future, especially given the strong negative response from the public. Ihle added that Wells was offering good questions in focusing on the potential size of a pond. Israels said the conversation was interesting, because she was unsure of how the square footage of a pond was to be measured/defined. Israels wondered how to handle SAUs for some ponds and not others and she liked setting the standard in terms of detention/retention, but expressed concern as to whether that was possible. Israels said she was looking at how ponds are used in commercial developments, mentioning that golf courses use ponds for more than just a water source and asked if that would be allowable in the future if the pond ordinance was amended in the way presently being discussed. Ihle identified standard iv. in the SAU standards proposed by staff, and asked whether EGLE required the approval of an SAU before EGLE would issue permits. Wells said she would look into it.

Shipley asked Webster if she had seen this issue come up when she was on the PC in Union TWP. Webster said she had not encountered this issue, but asked whether the issue at hand was similar to wind farms and cell towers in that because communities see a marked increase in those types of activities, they believe an ordinance is required to take care of those conditions. Webster asked whether the TWP had seen an increase in pond creation activity that would warrant a specific pond ordinance. Wells noted that the TWP had received two inquiries regarding pond creation in the last 6 months, and said that the pressure seen is that if a pond is large enough, lots in a subdivision can be marketed as waterfront and fetch premium prices. Webster asked if the TWP was seeing this activity from developers. Wells confirmed that to be the case. Webster recommended assigning the task of researching pond ordinances to the ZBA to determine if there were any other communities experiencing a similar issue. Ihle noted that creating ponds/lakes is very common in real estate development; if you put a pond in you get a premium on the sale of the lot. Ihle said that because the TWP is a waterfront community, we feel that man-made ponds do not fit the character of the community.

Helmrich said that there was something about making pond creation a special land use that was appealing in conjunction with setting a size limit. Helmrich said that there was a lot of good ideas in the memo prepared by Wells. Israels agreed with both Helmrich and Ihle, but was considering whether certain commercial uses may be different from pond creation. Wells said



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she could investigate prohibiting water-body creation while still allowing drainage facilities and a public recreation exemption. Israels asked if the PC would need a public hearing, because she would like input from the public. Wells said that any time an ordinance is amended a public hearing is required. Shipley said she thinks the TWP should take the lead on this issue, because EGLE looks to what the TWP allows. Shipley said she is leaning towards prohibiting ponds altogether. DeFranco asked whether public concern related to the approval process of pond creation and that process being inadequate or if it concerned the land use itself and large-scale pond creation was making the public uncomfortable. DeFranco said that the PC has to make a determination regarding what is most concerning to the public. DeFranco was interested to hear from the public on the matter.

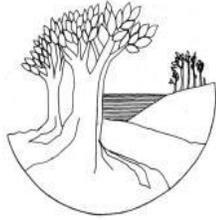
Israels asked whether the zoning ordinance presently considers whether a retention/detention pond should not be within 1,000ft of a municipal well-head. Wells said that prohibition does not currently apply to retention/detention basins and was not sure if it needed to be considered. Ihle drew a distinction between detention and retention ponds, and explained that those types of drainage basins would not be big or deep enough to compromise groundwater quality. Israels asked whether in agricultural areas, ponds are sometimes used for the irrigation of crops. Wells confirmed that to be the case and added that the TWP now required dry-hydrants in some developments, which are fed by ponds. Shipley asked whether those uses are Special Land Uses and noted that in those cases the existence of a pond is necessary. Wells said that the PC could define different kinds of ponds or say that a pond does not include a storm water facility, dry-hydrants, crop irrigation, etc. Shipley said it was necessary to distinguish between necessary and recreational uses. DeFranco asked whether an ordinance prohibiting pond creation would prevent the reclamation of a mining site, a process that typically involves pond creation. Wells said that when she asked the attorney if the TWP could prohibit ponds there were a few red flags, because there are other types of ponds or water-bodies that are created in other applications, and so the TWP could not outright prohibit ponds. Wells mentioned that mining has certain rights in state law, and the TWP does not want to set up conflicting ordinances. Wells said she would go to the attorney and ask to explore the potential of defining and prohibiting recreational ponds with the understanding that there are certain ponds for irrigation, site restoration, storm water, golf courses, dry-hydrants, etc. The PC directed Wells to speak with the attorney and get his input.

## **B. Book Discussion**

Commissioners continued their discussion of the book, *Strong Towns*, from the February 2021 meeting.

## **10) Public Comment**

**Public Comment Closed**



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## 11) Staff Update

Wells reported that at the ZBA there was a request to expand a legal, non-conforming use for the Lakeshore Motel. The ZBA has the same request coming up for a single-family home where the owner is seeking approval for an addition. Those are two instances in which the ZBA is hearing the same request, but Wells did not think that in this case there was a need to amend the zoning rules.

Wells explained that the Forkers, the applicants who the PC denied their Special Land Use request, were sent a letter and email copy of the letter stating that they have until mid-June to cease the commercial aspects of their operation. Wells said she would visit the site at the end of May and again in mid-June.

Wells said that the TWP had received a copy of the letter EGLE issued to the Van Horns; EGLE has requested additional information. The applicants' attorney contested the EGLE letter and sent a follow-up letter asking EGLE to remove the word "violation" from the letter. Wells noted that the applicants have neither received a permit for a pond greater than 5 acres nor has their application been denied; the permit is still pending.

Wells reported that staff was continuing enforcement on a property on Old Allegan Rd. The TWP worked out an agreement with the owner that the TWP would pay for a dumpster and the owner would make regular payments back to the TWP. Wells noted that there were many items onsite that could not go in the dumpster, and so the TWP is still having issues with enforcement and receiving complaints from neighbors.

Wells noted that she had not heard there was a violation issued by the County to Van Horn. Wells did contact the County two-weeks prior, which prompted the County to do a site-inspection. Wells noted that Van Horn's permit had been expired, but she was unsure if the permit had been renewed. Wells said the County did a site review and issued a report of findings, which was sent to the TWP upon request from staff. Wells said she had just emailed the County inquiring as to whether a violation had been issued.

## 12) Township Board Liaison Update Submitted by Board and PC Member Jon Helmrich

- **The Township Board has met via Zoom twice since the last PC meeting:**

### **March 10:**

- Board voted to not adopt a suggested ORV resolution.



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- Voted to ask the PC to investigate a potential Historic District near the Kalamazoo River mouth and report back to board with the pros, cons, and process.
- Appointed Laurie Goshorn to the Tri-Community Recycling Committee.

## **April 14:**

- Approved contract for new manager, Joe R. Frey, who has been serving as interim manager.
- Cathy Brockington gave a presentation on Re-districting efforts and Communities of Interest.
- Voted to contribute to the Tri-Community Hazard Waste collection day on May 1.
- Extended conducting Board meetings via Zoom through July.
- Appointed Denise Webster to the Planning Commission (there were four applicants) and Denise Shipley as PC liaison to ZBA.
- Recognized PC member Bill Rowe for his many years of service.
- Set date for Public Hearing on next Fiscal Year's budget - June 9, and Board Budget Workshop on April 29.

Helmrich added that the new recreational marijuana business on BSH was looking to organize a tour for TWP Board and PC prior to opening. Friday May 7<sup>th</sup> USACE is holding a Zoom meeting with all the consulting parties of the N. Shore marina project; Helmrich and Manager Frey will be in attendance.

Israels noted the Helmrich and DeFranco attended the annual MTA conference via zoom, and requested that Helmrich and DeFranco share the highlights of the conference at the next PC meeting.

Wells reported that the Coastal Academy was hosting two training sessions; one in June and a second in the Fall for decision-makers. Wells told Coastal Academy organizers that some commissioners would be interested in attending and to continue to send updates on the Coastal Academy.

## **13) Adjourn**



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A **Motion** was made to adjourn the meeting at 9:45 pm by DeFranco. Seconded by Ihle. Motion passed by unanimous roll call vote. Welk not present. Next P.C. meeting: Monday, May 17th, 2021 at 7:00 p.m.

**Motions:**



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1. A **Motion** was made by Shipley to approve the agenda as amended. Seconded by Ihle. The Motion passed by unanimous roll call vote.
2. A **Motion** was made by Helmrich to approve the minutes of 2/22/21 as written. Seconded by Shipley. The Motion passed by unanimous roll call vote.
3. A **Motion** was made by Webster to approve membership to the four Master Plan Special Committees as amended. Seconded by Ihle. The Motion passed by unanimous roll call vote.
4. A **Motion** was made by Webster to direct the task of researching the formation of a Historic District Commission to the special committee on Rural Character and Conservation. Seconded by DeFranco. The Motion passed by unanimous roll call vote.
5. A **Motion** was made to adjourn the meeting at 9:45 pm by DeFranco. Seconded by Ihle. Motion passed by unanimous roll call vote. Welk not present. Next P.C. meeting: Monday, May 17th, 2021 at 7:00 p.m.

Respectfully,

D. DeFranco, P.C. Sec.