

SAUGATUCK TOWNSHIP PLANNING COMMISSION

March 16, 2005

The Saugatuck Township Planning Commission held a workshop meeting on March 16, 2005, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

Present: Darpel, Hanson, Marczuk, Milauckas and Rausch

Absent: Jarzembowski and Olendorf

Also present: Mike Condron and the Tree Committee consisting of Patricia Denner, Dick Waskin, Richard Meckley and Dayle Harrison.

At 6:20 P.M. Chairman Milauckas called the meeting to order and welcomed the committee assembled to help the P. C. plan a tree preservation ordinance. He reviewed the efforts to enact a moratorium on tree cutting and the fact that the Township Board denied those motions. He read a memo from Jane Wright, who was invited to join this committee but could not attend this evening, which stated she thought to enforce a township-wide tree ordinance the township would have to employ a full time tree commissioner which would cost \$45,000 and necessitate a tax assessment. Milauckas explained that the moratorium would have controlled tree cutting within 100' of a public roadway, and he thought most people were under the impression it would have prevented any tree cutting township-wide.

Milauckas presented questions to focus upon: 1. What areas of the township: Public roadways? Blue Star, I-196, Agricultural Districts, Residential Districts? 2. What would be the width of the protected zone: ROW only? ROW plus buffer zone? ROW plus 40', 50'? 3. What would be the regulation yardstick? Total prohibition? A percentage of acreage, numbers of trees, area around buildings? 4. Should only commercial and industrial be controlled, or all the township? 5. What about PUD's, SAU's, site condos, subdivisions? 6. How to enforce?

Dayle Harrison said he thought Blue Star Corridor was first to be considered, and he thought the provisions in the Natural River Overlay District for a filtered view could be applied. Richard Meckley thought it would be wise to begin with one area like Blue Star and then branch out to other areas later. Patricia Denner offered her experience with a forester from the Allegan Conservation District as good education as to what species to maintain, what could be removed, and other issues to consider when you are preparing a lot for building. Dick Waskin said he thought a goal should be established first; are we trying to recreate what used to be here? He said this area was logged out years ago. Milauckas read from the Tri-community Plan, which mentions natural noise buffers and the retaining of the rural character, and he thought the primary goal was simply to retain trees. Hanson said he thought preserving public views, as stated in the Tri-community Plan, and the prevention of clear cutting huge stands of trees along the road were goals. Milauckas read Secs. 1.01 and 1.02 of the proposed Tree Protection Ordinance, which the P. C. has been considering, and the Committee agreed that it was a good goal. Harrison had to leave the meeting at this point.

Discussion turned to preserving trees in the right-of-way and the previous findings of the P.C. that the Allegan County Road Commission can cut down anything it deems not to belong there. Milauckas said he thought the ordinance could nevertheless start with the ROW and go beyond.

The Blue Star Highway from Exit 34 to 41 and Interstate 196 to the fence line were determined to be areas that should be controlled. Forested areas of the township were discussed, and Waskin said the northern part of the Dennison property along Lake Michigan would be developed, so the discussion included the critical dunes, high risk erosion areas and Natural River Overlay District.

Setbacks versus buffers as the zone to be preserved were explained and discussed. Trying to regulate the tree cutting businesses by requiring permits was discussed, but Milauckas said this ordinance would apply to the property owner. Milauckas suggested using the ROW plus the existing buffer required in the Commercial District as the tree preservation zone, that is 40 feet from the ROW along Blue Star Highway where there would be total prohibition of cutting trees 6" in diameter at breast height until a site plan review by the P.C. A permit would be required. In Agricultural and Residential Districts on Blue Star, any PUD, subdivision or site condo would be required to present site plan to P.C. and would be controlled as the Commercial District. Waskin brought up the fact that there are not so many large tracts of undeveloped property along Blue Star, and Milauckas suggested making the buffer 70 feet for vacant property where there is no structure. Non-conforming properties were brought up. When Milauckas offered 70 feet across the board, the group seemed to return to 40 feet as the measure for existing residential or businesses along Blue Star. The buffer for I-196 would be 50 feet.

Waskin suggested offering control on only 90% of trees 6" d.b.h. and larger in the protection zone without permit to get less opposition to the ordinance. There was also a suggestion to grant the zoning administrator the right to waive 50% of the tree protection in the buffer zone for residential building permit, and exemptions would be made for existing platted lots where not enough property is available to follow these restrictions. Then Milauckas suggested keeping the total prohibition from tree cutting 6" d.b.h. and larger in the vacant property's 70-foot buffer zone, and allowing for keeping 90% of trees 6" d.b.h. and larger in the 40-foot buffer zone on the developed properties along Blue Star and in the 50-foot buffer along I-196. Per year? The decision was to not set a time limit.

The Industrial District buffer for tree protection would be 70 feet.

Penalties were discussed: civil infraction set forth in Sec. 40-41 or requirement to replace trees illegally removed from property?

PUD's, SAU's, site condos and subdivisions in the Agricultural and Residential Districts in the rest of the township aside from Blue Star Corridor could be regulated just as Commercial on Blue Star at 70 feet from the main road. There was still some feeling that control should be exercised over large tracts that do not front on a public road but are out in the middle of nowhere, to prevent clear cutting before any site plan is presented. Hanson said "common areas" in site condos, subdivisions or PUD's should be controlled as far as tree cutting goes also.

Requirement of a forest management plan was considered for the critical dunes area, and reference was made to Sec. 7.04 of the proposed Tree Protection Ordinance. Milauckas was concerned about the provision therein exempting the property owner from a possible tree protection ordinance if he employs a forest management consultant. It was pointed out that the Natural River Overlay part of the existing Zoning Ordinance already has restrictions on clearing property of vegetation, and the high risk erosion areas are controlled by the DEQ, DNR and county soils and sanitation permit.

Milauckas thanked the Committee, dismissed them and promised to let them know when the next workshop would be held.

Milauckas distributed a letter from Mr. Breen on Ox-Bow. He also advised the P.C. that Kostyla, developer of White Birch Farms off Lakeshore Drive, has complained that at the January, 2004 meeting the P.C. required him to clear 10 feet either side of the road ROW for utilities, and he's upset about the cost. The P.C. examined Kostyla's site plan but could not determine any such requirement, and Milauckas said he could not find it in the motions in the minutes, even though Sisson's first memo suggesting this 10-foot clearing was mentioned in the minutes.

Milauckas announced the Tri-community Plan town meeting on March 24 at 7:00 P. M. at Saugatuck High School, which all the Planning Commissioners are required to attend. The next regular Planning Commission meeting is March 28 at 7:00 P.M. The next workshop was set for Wednesday, March 23 at 6:00 P.M.

Meeting adjourned at 10:00 P.M.

Betty A. White, Recording Secretary

Sandy Rausch, Secretary