

SAUGATUCK TOWNSHIP PLANNING COMMISSION

February 7, 2005

The Saugatuck Township Planning Commission met on February 7, 2005, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

Present: Darpel, Hanson, Jarzembowski, Marczuk, Milauckas, and Olendorf

Absent: Rausch

Also present: Planner Mark Sisson.

Chairman Milauckas called the meeting to order at 5:05 p.m. Marczuk and Darpel reported on their meeting with City of Saugatuck Manager Gordon Gallagher regarding the Denison property and negotiations about its acquisition. They reviewed the history of the property and the negotiations. Milauckas and other members of the commission are concerned that the Township does not have an active representative on the committee involved in the Denison discussions. Information is critical for the Township to make land use planning decisions regarding that area. The Tri-Community plan recommends preservation of the property as green space preserve. Milauckas asked Sisson if there should be changes to the zoning map to reflect plan's preservation. It is already zoned R3B and much is located in critical dune overlay, where lot size is 2 acres or greater. Sisson replied that planning should address all possible scenarios, and that the chairman could appoint a representative. Milauckas appointed Dan Marczuk as Planning Commission representative to the SOS committee. Jarzembowski will review this with Supervisor Gudith.

Milauckas asked for public comment. There was none.

The agenda was reviewed. Proposed ordinances on tree preservation, private roads, revisions to commercial zoning including building appearance standards, and lighting need to be discussed. Sisson said that township attorney Bultje recommended that tree preservation be part of a zoning ordinance. Olendorf asked if a moratorium should be imposed to give the commission time to put an adequate ordinance in place. Discussion followed on the relative merits of an ordinance versus a moratorium plus an ordinance. Discussion of the various alternative models followed --- the Douglas ordinance, the Grand Haven Charter Township ordinance from Bultje, plus a proposed ordinance from Sisson. Sisson said that an ordinance with more rationale would help if the ordinance had to undergo judicial review. The commission decided to start with the Douglas ordinance with additional rationale and exceptions. Sisson stressed that the ordinance needed to provide guidance to the Zoning Administrator regarding the permit process.

Alternatives centered on a 20% standard – 20% of trees outside the building envelope and necessary roads and access could be cleared without a tree-clearing permit from the township. More stringent standards might be applied in overlay districts (Blue Star, natural river, high risk erosion, fragile dune) or within 50 feet of public roads or approved private roads. Permits to clear more trees might be issued by the Zoning Administrator in some cases (for instance, in non-overlay districts, or in conjunction with a building permit, or on parcels less than five acres). Permits to clear more trees might be issued by the Planning Commission (for instance, in overlay districts, or tree-clearing without a building permit, or on parcels greater than five acres). There would be exceptions including agriculture, emergencies and utilities.

Milauckas asked if the community would have been concerned about tree preservation at Exit 36 if trees in the roadfronts had been preserved. Jarzembowski said he thought no one would have been concerned if roadfront trees had been preserved. Another proposal discussed prohibiting clearcutting of an area of 10,000 square feet (or 20,000 square feet).

Sisson said that the tree clearing ordinance could use the overlays that currently exist, plus creating another “overlay” that would include all land within 50 feet of a public or approved private road. Article VI Exceptions in Sisson’s sample tree protection ordinance were reviewed and approved. Milauckas said that a homeowner’s discretion provision needed to be included to allow landowners to cut down trees without a specific reason if they wanted. He asked if what quantity of trees needed to be preserved to keep the rural character of the township. Darpel proposed that a permit be required to clear trees over 6 inches diameter breast height within 50 feet of a public road right of way or an approved private road, or in any overlay district. There would be exceptions as shown in Article VI of the sample ordinance, as well as an owner discretion exception. Sisson was asked to draft ordinance language embodying these points, and to distribute that language to the commissioners.

A moratorium was discussed. It would stop the music so additional tree clearing would not take place to get in under the wire before a tree preservation ordinance is enacted.

A motion was proposed by Darpel, supported by Marczuk. It recommends that the Township Board, as advised by counsel, enact a moratorium until an ordinance is enacted but no longer than six months, on the removal of trees over 6 inches d.b.h. (diameter breast height) to enable the Planning Commission to write a tree preservation ordinance. The moratorium would prohibit the cutting of trees within 100 feet of a public road throughout the Township. The following activities would be permitted under the moratorium unless otherwise prohibited by statute or township ordinance:

- Necessary clearing to proceed with construction under an approved building permit or an approved site plan
- Tree removal or transplanting occurring during use of land for agriculture or the operation of a commercial nursery or tree farm, provided, this exception shall only be applicable if the commercial nursery or tree farm has been licensed with the State of Michigan and in operation on the property for three years or more, or the property owner records an affidavit that the commercial nursery or tree farm shall continue in active operation for a period of no less than five years.
- Tree removal or transplanting for conservation of soil, vegetation, water, fish, wildlife, and other natural resources.
- Actions made necessary by an emergency, such as tornado, windstorm, flood, freeze, dangerous and infectious insect infestations or disease, or other disaster, in order to prevent injury or damage to persons or property or restore order.
- Repair or maintenance work performed by public utilities necessitating the trimming or cutting of trees.
- Removal or trimming of dead, diseased or damaged trees, where the damage resulted from an accident or nonhuman cause, and provided that the removal or trimming is accomplished through the use of standard forestry practices and techniques.
- Tree removal or transplanting for outdoor recreation such as the utilization of field trails on woodland on publicly owned property for nature study, horseback riding, trapping and hunting as otherwise legally permitted and regulated.

Diameter breast height (d.b.h.) means the diameter in inches of a tree measured at four and one-half feet above the existing grade. For multi-trunk trees, the diameter is the total of the largest trunk size plus one-half of the diameter of each additional trunk. The motion carried unanimously.

A motion by Darpel, supported by Olendorf, recommends that the Township Board, as advised by counsel, provide the following penalties under the moratorium. Any protected tree(s) removed or damaged, so as to threaten its continued viability, in non-compliance of the moratorium, must be replaced on a caliper by caliper basis. If a protected tree's caliper is too large to be replaced directly, then the largest available caliper tree in multiple groups would be required. For example, if a twenty-four inch caliper maple tree is removed, four six-inch caliber maple trees would need to be planted. Any unauthorized removal of a protected tree regulated by this moratorium shall constitute a municipal civil infraction. The maximum fine is five hundred dollars, plus costs and other sanctions, for each tree removed. The motion carried unanimously.

Olendorf would like to see ordinance language that would permit the Township to deny a building permit until trees were replaced when they were removed in violation of a future tree preservation ordinance. Milauckas mentioned that we needed to have landscape standards for the I-1 district, as we had none. The commercial standards could be used in the interim.

Olendorf, supported by Marszuk, moved to recommend that the Township Board, as advised by counsel, enact a moratorium until an ordinance is enacted but no longer than six months, on the issuance of building permits in the I-1 district to allow the Planning Commission to write a landscape design ordinance and a building design standard ordinance for that district. After concerns were expressed by several members, the motion and the support were withdrawn.

A motion by Olendorf, supported by Marszuk recommended that the Township Board, as advised by counsel, enact a moratorium until the relevant ordinance is enacted but no longer than six months, on the issuance of building permits in the C-1, C-2 and C-3 districts to allow the Planning Commission to write a building design standard ordinance for those districts, and in the I-1 district to allow the Planning Commission to write a landscape design ordinance and a building design standard ordinance for that district.

Olendorf said that the commission wanted aggressive cooperation of the community on design standards. Darpel said that review of future commercial and industrial projects would take half the time with building design standards, and that the Grand Haven Charter ordinance had many good ideas on this subject. The motion carried 4-2 with Milauckas and Hanson voting no.

Olendorf discussed his concern with the current standards for lake frontage and road frontage for properties south of Weeds Creek. There is a potential for more flag lots in that area due to a loophole in the current standards. He mentioned that Ganges Township requires 100 foot road frontage and 100 foot lake frontage to resolve this loophole. The commission will review the Tri-Community plan as well as current zoning to devise a way to close this loophole.

The commission discussed the future meeting schedule. The commission will meet on Tuesday, February 15 at 5:00 pm to continue to review proposed ordinances. The regular meeting of the commission will be on Wednesday, February 28 at 7:00 pm.

Meeting adjourned at 9:05 P.M. The next special meeting is February 15, 2005, at 5:00 P.M.

Jim Hanson, Recording Secretary

Sandy Rausch, Secretary

MOTIONS

1. A motion by Darpel/Marczuk to recommend that the Township Board enact a limited tree removal moratorium.
1. A motion by Darpel/Olendorf to recommend that the Township Board provide penalties for violation of the moratorium, including fines for tree removal and requirement for replacement of trees on a caliper by caliper basis.
2. A motion by Olendorf/Marszuk to recommend that the Township Board enact a moratorium on the issuance of building permits in the C-1, C-2, C-3, and I-1 districts.