

**Special Birch Run Township Planning Commission Meeting
August 18, 2020 at 7:00 p.m.
11935 Silver Creek Dr, Birch Run, Michigan 48415**

Minutes

The meeting was called to order by Chairman CJ Norris at 7:01 p.m. with the Pledge of Allegiance to the Flag of the United States of America.

Members Present:

CJ Norris, Chair; *Vacant*, Vice Chair; Mike Marr, Secretary; Riley Kiessling, Fred Sheridan, Ed Munson and Keith Jewel, Members; Corey Trinklein, Recording Secretary

Recognition of new members Keith Jewel & Riley Kiessling

Members Absent:

Motion by Sheridan, seconded by Marr to excuse Helen Morse.
PASSED: Motion carried by unanimous voice vote

Others Present:

Corey Christensen, Planner for Rowe Professional Services. One person attended this meeting

Public Hearing-Special Use Permit for an Artificial Water Body at 8707 Rathbun Rd.:

- i. Public Hearing for request of a special land use permit for an Artificial Water Body at 8707 Rathbun Rd. opened at 7:04 pm
- ii. Notification Requirements were met
- iii. ROWE provided comments regarding application deficiencies and revisions as provided in Attachment A
- iv. No public comments
- v. Applicant presentation – Will provide the Saginaw County Soil Erosion Permit to Mike Setzer
- vi. Public Hearing closed at 7:11 pm
- vii. Planning Commission Discussion and Recommendation

Motion by Sheridan supported by Marr to approve the Special Use Permit for an Artificial Water Body at 8707 Rathbun Rd. with waivers of Section 14.15B (5) and Section 14.15B (8).

Ayes: Marr, Sheridan, Kiessling, Munson, Norris, Jewell

Nays: None

PASSED: Motion carried by unanimous roll call vote

Approval of Meeting Minutes December 3, 2019 Special Planning Commission Meeting Minutes:

Motion by Sheridan, seconded by Jewell to approve the December 3, 2019 Special Planning Commission Meeting Minutes

PASSED: Motion carried by unanimous voice vote

Election of Officers

Nomination and election of Chair

Motion by Sheridan, seconded by Marr to nominate CJ Norris as Chair; Norris accepted the nomination

Nomination and election of Secretary

Motion by Sheridan, seconded by Norris to nominate Mike Marr as Secretary; Marr accepted the nomination

Nomination and election of Vice-Chair

Motion by Marr, seconded by Sheridan to nominate Riley Kiessling as Vice-Chair; Kiessling accepted the nomination

PASSED: Motions carried by unanimous voice vote

Old Business:

At the December meeting the planning commission approved the expiration of special land use permits issued by planning commission but not acted on within 12 months of approval or inactive for 12 months; and also made an amendment to swimming pools for putting a fence around whether they have an electric pool cover or not. ROWE is asked to provide language to send these to the Township board for approval at their next meeting.

Committee report on Private Roads

* Postponed till further action (6-16-14 meeting)

Master Plan Review – Presentation by Corey Christensen as provided in Attachment B

Motion by Marr, seconded by Sheridan to approve ROWE putting together options for an amendment to the zoning ordinance addressing short term rentals.

PASSED: Motion carried by unanimous voice vote

Open Discussion for Issues not on the Agenda:

Public comments/correspondence received: None

Planning Commission Members:

Mike Marr: Asked ROWE if they had the previously requested proposal to help create a Capital Improvement Plan. ROWE presented a proposal, as presented in Attachment C, to perform this service. The Planning Commission will provide the proposal to the Township Board for approval of the expenditure. Also, it is believed that there are currently no penalties for someone who repeatedly violates their special land use permit. Can we legally go after someone who is repeatedly violating their special land use permit and if so, can it be added to the zoning ordinance?

Members in the audience: None

Reports:

Township Board Representative (Fred Sheridan): Township Board has not had anything to present to the Planning Commission. Two of the recent amendments to the zoning ordinance that were sent to the Township Board were not acted on due to the board having questions regarding them.

Zoning Board of Appeals (ZBA) Rep. (Mike Marr): There have been no meetings lately due to COVID.

New Business:

Setting Public Hearing Dates: None

Other:

Motion by Sheridan, seconded by Kiessling to approve setting Planning Commission Meeting dates for 2020/2021 as follows to be held at 7:00 p.m. in the government room:

- September 21, 2020
- December 16, 2020
- March 15, 2021

PASSED: Motion carried by unanimous voice vote

Announcements:

Township Board Meeting - 2nd Tuesday of each month

Planning Commission Meeting – Quarterly (Next meeting September 21, 2020)

ZBA - Semi Annual - 3rd Tuesday of April and October

DDA-TBA

(All meetings are held in the Governmental Center unless noted)

Adjournment:

Motion by Sheridan, seconded by Munson to adjourn at 7:43 p.m.

Motion carried by unanimous voice vote

Minutes respectfully submitted by:

Recording Secretary Corey Trinklein

Mike Marr

Planning Commission Secretary



ROWE PROFESSIONAL SERVICES COMPANY

Large Firm Resources. Personal Attention. sm

February 26, 2020

Mike Setzer
Birch Run Township
8425 Main Street
PO Box 152
Birch Run, MI 48415

RE: Miller Pond – 8707 Rathburn Road

Dear Mike Setzer:

As requested, ROWE Professional Services Company has conducted a preliminary and final review of the proposed site plan. The proposed site plan is located on Parcel 05-10-6-08-4002-006 and is zoned A-1 Agriculture. The proposed development would be an artificial pond. The site plan was prepared by the applicant and the drawings are dated February 18, 2020. The use is allowed as a special land use in the A-1 Agriculture district. There does not appear to be any other structures on the property; however, the applicant's drawing indicates the proposed location of a home and a barn. This review pertains exclusively to the proposed pond.

Informational Requirements

The applicant provided a hand drawn site plan on 8½-inch by 11-inch paper that does not meet most of the requirements for a site plan as outlined in Article 4. Rather than laying out these deficiencies in this portion of the review as we normally do, we are including those site plan requirements specifically required for ponds in the zoning compliance review. We recommend that all other informational requirements not provided be waived.

Zoning Compliance

We reviewed the drawing for compliance with the requirements of Section 14.15 of the Zoning Ordinance, as well as other provisions of the ordinance. None of the “normal” provisions applied to the request, therefore our analysis focused in on Section 14.15, the requirements specific to ponds. The following issues or questions related to compliance with Ordinance requirements were identified. Comments made are noted in **bold**.

Section 14.15A (3) Artificial Ponds- An artificial pond shall have a minimum depth of (6) feet over a minimum fifty percent (50%) of its maximum design surface area, and no portion of an artificial pond shall be less than two (2) feet deep except along its banks, which shall be at a minimum grade of 1:10 but no greater than 1:1. **It is stated in the application that the pond will not be more than 11 feet deep, but it does not indicate the shallowest portion of the pond or what percentage of the pond will be at certain depths.**

Section 14.15A (5) Artificial Ponds- No artificial pond shall cover more than twenty percent (20%) of the area of a lot. **Based on the acreage and dimensions given, it appears that the pond does not cover more than 20 percent of the lot; however, this cannot be verified without the area of the pond or specific dimensions included on the site plan.**

Section 14.15B (1) Artificial Ponds- Erosion control must be provided for all filled or disturbed surface areas including the water body margin and locations where water is discharged into or out of the artificial pond. These areas must be covered or treated during all phases of construction to prevent material from being windblown onto neighboring properties or eroded by runoff. The applicant shall meet all requirements of the most currently published standards and specifications for soil erosion control promulgated by the Saginaw County Soil Conservation District and Saginaw County Drain Commissioner. **Verification of approval from the Saginaw County Drain Commissioner must be provided. This may be a condition of approval.**

Section 14.15B (4) Artificial Ponds- The application for an artificial pond shall include a plan for the reclamation of the pond site and surrounding disturbed areas should the excavation of the pond not be fully completed, or should the pond area be subsequently abandoned or discontinued as a feature on the site. The reclamation plan shall provide for the filling of excavated areas to return said areas to their surface elevations prior to any pond excavation activities taking place. The reclamation plan shall provide for the continued landscaping of the area previously proposed as the pond, or otherwise disturbed by excavation activities, consisting of live groundcover. **Neither the site plan nor application contains a reclamation plan; therefore, compliance cannot be determined.**

Section 14.15B (5) Artificial Ponds- The approving body may require screening around the pond, in the form of plant material or fencing, if it finds that such screening or transition strip, because of the pond's location and character in relation to surrounding land uses or circulation systems, is necessary to assure compatibility between land uses or otherwise protect the public health, safety, or welfare. Such fences shall be located a minimum of twenty (20) feet from the edge of the pond. **The Planning Commission has the authority to require plant material or fencing to act as screening for the pond. The pond appears to be in a wooded area. Does the Planning Commission deem it necessary to require this type of screening?**

Section 14.15B (6) Artificial Ponds- Artificial ponds shall be so located and designed so as to reduce the potential of pollution from nearby sources such as septic tanks, site drainage, and the like, and farm operations when the artificial pond is not intended for agricultural use. **The plan indicates the proposed pond will be 50 feet from a septic field.**

Section 14.15B (7) Artificial Ponds- The construction and maintenance of an artificial pond shall not adversely impact neighboring uses by changes in surface drainage or underwater aquifers. **There is not enough information on the site plan to determine if the pond would adversely impact neighboring uses by changes in surface drainage or underwater aquifers; therefore, compliance cannot be determined.**

Section 14.15B (8) Artificial Ponds- An engineering report must be submitted with the following minimum information:

- A water body profile with elevations and changes in slope illustrated at two (2) foot intervals.
- Soil evaluation for the site with any necessary soil modifications due to seepage or other concerns.
- Specifications for spillway or drain, foundation preparation, and fill placement.
- A detailed plan for storm water runoff and erosion control provisions.

The application and site plan does not include an engineering report. There does not appear to be any information regarding site drainage. Final grades are not shown as well as other portions of the report requirement; therefore, compliance cannot be determined.

Section 14.15B (10) Artificial Ponds- The applicant shall have the responsibility and obligation to stop

work and immediately notify the Township or the proper utility, at any time during such pond construction, when an underground electrical line or conduit is uncovered and shall continue such work stoppage until an inspection of same can be made by said personnel. **This requirement may be a condition of approval.**

Section 14.15B (11) Artificial Ponds- No machinery or equipment used in association with the construction of an artificial pond in a Conservation or Residential District shall enter, exit, or operate on the site between the hours of 8:00 p.m. and 7:00 a.m. **This requirement may be a condition of approval.**

ROWE Professional Services Company recommends that the applicant provide the relevant missing information and address the ordinance compliance issues before final action on the site plan is taken.

Please feel free to contact our office at (810) 341-7500 if you have any questions concerning this review.

Sincerely,
ROWE Professional Services Company



Doug Piggott, AICP
Senior Planner

Attachments Zoning Ordinance Compliance Checklist
 Aerial Map
 Wetland Map

BIRCH RUN TOWNSHIP ZONING ORDINANCE COMPLIANCE CHECKLIST PROJECT NAME: MILLER POND SITE PLAN DATE: 2-18-2020	
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Proposed Use: Artificial Pond (Approximately 200 feet in diameter)	Any generally recognized retail business, excluding sexually oriented businesses, which supplies commodities on the premises within a completely enclosed building			
Zoning District: A-1 Agriculture	Permitted Principal Land Use		Special Land Use	x

DISTRICT DIMENSIONAL REQUIREMENTS		
	Required	Proposed
Minimum Lot Area	-	-
Minimum Lot Width and Frontage	-	-
Maximum Height in Feet	-	-
Minimum Floor Area Per Dwelling	-	-
Maximum Lot Coverage	-	-
Minimum Front Yard Setback	-	-
Minimum Side Yard Setback	-	-
Minimum Side Yard Setback	-	-
Minimum Rear Yard Setback	-	-

*Lots that gain access off Dixie Highway

ZONING ORDINANCE COMPLIANCE CHECKLIST PROJECT NAME: SCHALLER POND SITE PLAN DATE: 11-6-17				
Requirement	Complies	Does Not Comply	N/A	Comment
Sec. 13.02. Nonconforming Lots – In a district that allows single-family dwellings, a single-family dwelling and customary accessory buildings may be erected on any single lot of record even if it is nonconforming provided it meets the yard dimensions, setbacks, and other requirements.			X	This site does not appear to be nonconforming.
Sec. 13.03 Nonconforming Uses – Does a nonconforming use comply with the requirements of this Section?			X	This site does not appear to be nonconforming.
Sec. 13.04 Nonconforming Structure – Does a nonconforming structure comply with the requirements of this Section?			X	This site does not appear to be nonconforming.

DEVELOPMENT STANDARDS CHECKLIST				
Requirement	Complies	Does Not Comply	N/A	Comment
Article 14 Standards and Regulations for Specific Land Uses				See checklist pages 5-8

PARKING REQUIREMENTS				
Requirement	Complies	Does Not Comply	N/A	Comment
Sec. 16.02 Off-Street Parking General Requirements – Does the proposed site plan comply with the requirements for C. Use of off-street parking areas E. Location of joint use of parking areas F. Vehicles waiting to park/exit H. Barrier-free parking spaces			X	Does not appear to be proposed
Sec. 16.03 Site Development Requirements for Off-Street Parking – Does a nonconforming use comply with the requirements for A. Marking and Designation B. Driveways C. Surface D. Drainage E. Location/Setback F. Lighting G. Parking Spaces and Maneuvering Lanes H. Service Drives and Connections to Adjacent Parking Areas J. Landscaping and Screening			X	Does not appear to be proposed
Sec. 16.05 Loading and Unloading Space Requirements – Does a nonconforming use comply with the requirements for C. Access D. Screening E. Location			X	Does not appear to be proposed

PARKING COMPLIANCE CHECKLIST		
Use	Parking Space Requirement (per Sec. 16.04)	Parking Spaces Provided
x	x	x
	Loading Space Requirement (per Sec. 16.05 B)	Loading Spaces Provided
x	x	x

ZONING ORDINANCE COMPLIANCE CHECKLIST				
PROJECT NAME: SCHALLER POND		SITE PLAN DATE: 11-6-17		
Requirement	Complies	Does Not Comply	N/A	Comment
Sec. 17.03. Landscape Plan Required – Does the landscape plan meet the requirements of this Section?			X	Does not appear to be proposed or existing feature altered
Sec. 17.04 Buffer Areas – Do required buffer areas meet the requirements of this Section?			X	Does not appear to be proposed or existing feature altered

ZONING ORDINANCE COMPLIANCE CHECKLIST				
PROJECT NAME: SCHALLER POND		SITE PLAN DATE: 11-6-17		
Requirement	Complies	Does Not Comply	N/A	Comment
Sec. 17.05 Parking Lot Landscaping and Screening – Do proposed parking lots meet the requirements of this Section?			X	Does not appear to be proposed or existing feature altered
Sec. 17.06 Minimum Standards of Landscape Elements – Does proposed landscaping meet the requirements of this Section?			X	Does not appear to be proposed or existing feature altered
Sec. 17.08 Fencing and Walls Construction – Do proposed fences and wall meet the requirements of this Section?			X	Does not appear to be proposed or existing feature altered
Sec. 18.02 Natural Resources – Does a nonconforming use comply with the requirements for A. Compliance with Local, County, State, and Federal Regulations B. Discharges C. Sensitive Lands D. Clearing, Grading, and Drainage			X	Does not appear to be proposed or existing feature altered
Sec. 18.03 Potable Water and Sewage Disposal – Are all building provided with a potable water supply and waste water disposal system that ensures a safe and effective means of collection, treatment, and disposal of generated wastes?			X	Does not appear to be proposed or existing feature altered
Sec. 18.04 Lighting – Does proposed lighting meet the requirements of this Section?			X	Does not appear to be proposed or existing feature altered
Sec. 18.05 Vibration – Is there a characteristic of the proposed use that would indicate that the use may violate the requirements of this Section?			X	Does not appear to be proposed or existing feature altered
Sec. 18.06 Glare and Heat – Is there a characteristic of the proposed use that would indicate that the use may violate the requirements of this Section?			X	Does not appear to be proposed or existing feature altered
Sec. 19.02 Lots to Have Access – Do parcels created have frontage on a public road, or private road constructed and approved according to this Ordinance, and take their access from such frontage so as to provide safe, convenient access for fire protection, other emergency vehicles, and any required off-street parking?			X	Does not appear to be proposed or existing feature altered
Sec. 19.03 Driveways – Do proposed driveway comply with the requirements of this Section?			X	Does not appear to be proposed or existing feature altered

ZONING ORDINANCE COMPLIANCE CHECKLIST				
PROJECT NAME: SCHALLER POND		SITE PLAN DATE: 11-6-17		
Requirement	Complies	Does Not Comply	N/A	Comment
Sec. 19.04 Clear Vision Zone – Do all intersection of roads or intersections of roads and driveways comply with the requirements of this Section?			X	Does not appear to be proposed or existing feature altered
Sec. 19.05 Private Roads – Do any proposed private roads comply with the requirements of this Section?			X	Does not appear to be proposed or existing feature altered
Sec. 19.06 Shared Driveways – Do any proposed shared driveways comply with the requirements of this Section?			X	Does not appear to be proposed or existing feature altered
Sec. 20.04 Permitted Yard Encroachments for Principal Buildings – Do any proposed yard encroachments qualify for exceptions under the provisions of this Section?			X	Does not appear to be proposed or existing feature altered
Sec. 20.07 One Single-Family Dwelling to a Lot – Are proposed residential lots in compliance with this requirement?			X	Does not appear to be proposed or existing feature altered
Sec. 20.09 Exception to Frontage Requirements – Do any proposed frontage exceptions qualify under the provisions of this Section?			X	Does not appear to be proposed or existing feature altered
Sec. 20.10 Height Requirement Exceptions – Do any proposed height exceptions qualify under the provisions of this Section?			X	Does not appear to be proposed or existing feature altered
Sec. 20.12 Fences for Residences – Do any proposed condominiums comply with the requirements of this Section?			X	Does not appear to be proposed or existing feature altered
Sec. 20.14 Condominium Subdivisions – Do proposed condominiums comply with the requirements of this Section?			X	Does not appear to be proposed or existing feature altered
Sec. 20.16 Outdoor Storage – Does proposed outdoor storage comply with the requirements of this Section?			X	Does not appear to be proposed or existing feature altered
Sec. 20.20 Accessory Uses, Buildings, and Structures – Do any proposed accessory uses, buildings or structures comply with the requirements of this Section?			X	Does not appear to be proposed or existing feature altered

ZONING ORDINANCE COMPLIANCE CHECKLIST				
PROJECT NAME: SCHALLER POND		SITE PLAN DATE: 11-6-17		
Requirement	Complies	Does Not Comply	N/A	Comment
Sec. 20.21 Removal of Soil and Gravel – Does any proposed removal of soil, sand, gravel, or minerals for use elsewhere on the parcel or a different parcel, not otherwise associated with the erection of a structure comply with the requirements of this Section?			X	Not applicable
Sec. 20.22 Off-Premises Advertising Signs / Billboards – Do any proposed off-premises advertising signs comply with the requirements of this?			X	Does not appear to be proposed or existing feature altered
Sec. 20.23 Display of Sexually Oriented Material – Does any operation that involves the display of sexually oriented material comply with the requirements of this?			X	Does not appear to be proposed or existing feature altered

ZONING ORDINANCE COMPLIANCE CHECKLIST				
PROJECT NAME: SCHALLER POND		SITE PLAN DATE: 11-6-17		
Requirement	Complies	Does Not Comply	N/A	Comment
Section 14.15A Artificial Ponds – Does the pond comply with the artificial ponds site and development requirements?	?			See comments below:
1. The minimum size of a parcel on which an artificial pond is to be established shall be five (5) acres.	X			10.25 Acres as indicated on Saginaw Area GIS
2. An artificial pond shall be set back a minimum of fifty (50) feet from all lot lines except where such pond crosses a lot line to occupy a portion of an abutting lot. No single pond occupying a portion of more than one (1) parcel shall be approved except upon the recording of an easement found acceptable to the site plan approving body, after consultation with the Township Attorney, that ensures a practical and feasible manner for the continued maintenance and use of such pond.	X			The submitted drawing indicates compliance with this requirement.
3. An artificial pond shall have a minimum depth of (6) feet over a minimum fifty percent (50%) of its maximum design surface area, and no portion of an artificial pond shall be less than two (2) feet deep except along its banks, which shall be at a minimum grade of 1:10 but no greater than 1:1.		?		It is stated in the application that the pond will not be more than 11 feet deep but it does not indicate the shallowest portion of the pond or what percentage of the pond will be at certain depths

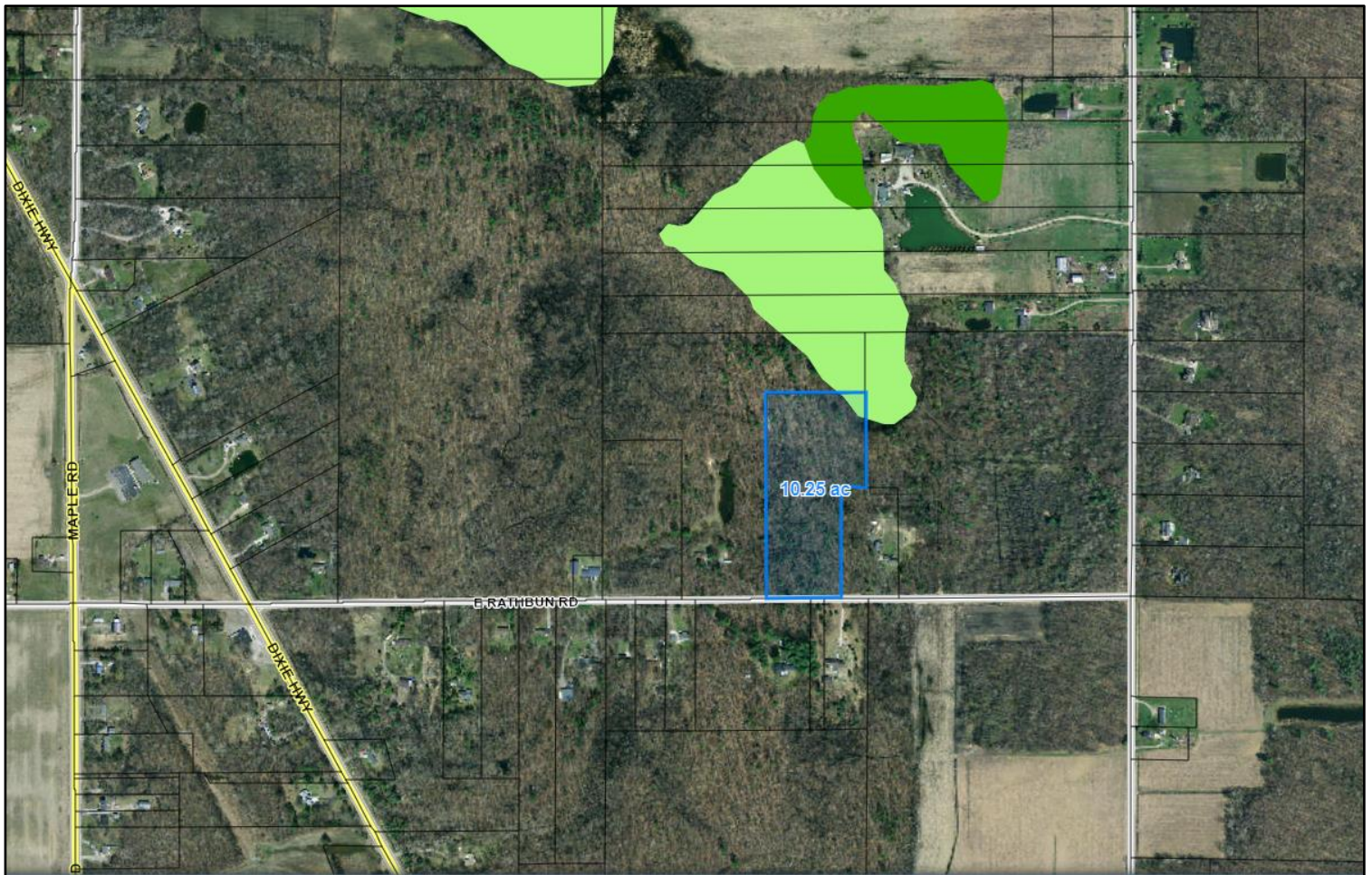
ZONING ORDINANCE COMPLIANCE CHECKLIST				
PROJECT NAME: SCHALLER POND		SITE PLAN DATE: 11-6-17		
Requirement	Complies	Does Not Comply	N/A	Comment
4. No artificial pond shall be created within fifty (50) feet of ecologically sensitive sites, including wetlands and streams, unless all applicable county, state and federal permits are obtained.	X			Indicated on the MDEQ Wetlands Map
5. No artificial pond shall cover more than twenty percent (20%) of the area of a lot.	?			Located on Drawing 1; Based on the acreage and dimensions given, it appears that the pond does not cover more than 20 percent of the lot.
14.5B Artificial Ponds- Does the site comply with the special performance standards if applicable?	?			See comments below:
1. Erosion control must be provided for all filled or disturbed surface areas including the water body margin and locations where water is discharged into or out of the artificial pond. These areas must be covered or treated during all phases of construction to prevent material from being windblown onto neighboring properties or eroded by runoff. The applicant shall meet all requirements of the most currently published standards and specifications for soil erosion control promulgated by the Saginaw County Soil Conservation District and Saginaw County Drain Commissioner.		X		There does not appear to be any approval from the Saginaw County Drain Commissioner
2. All excavated material shall be deposited on the property and suitably landscaped to assure the appearance of natural landforms and compatibility with surrounding properties. No berms created by the excavated material shall exceed slopes of 3:1. No less than twelve (12) feet shall exist between the pond and the toe of any berm. Any pond construction that constitutes an extraction operation as defined by this Ordinance shall require a zoning permit for such extraction operation according to Article 5, Procedures for Special Land Uses.	X			The site plan indicates that soil from excavation to be used to raise the existing grade of the property. All excavated material will be landscaped or planted with grass seed.
3. All surface areas disturbed by excavation and filling activities, which are intended to be above the water level of the pond, shall be provided with a minimum three (3) inch layer of arable topsoil. The area shall be landscaped with grass or other live material and maintained as such.	X			All areas around the pond and house will have 3 inches of arable topsoil and then will be either landscaped or planted with grass seed.

ZONING ORDINANCE COMPLIANCE CHECKLIST				
PROJECT NAME: SCHALLER POND		SITE PLAN DATE: 11-6-17		
Requirement	Complies	Does Not Comply	N/A	Comment
4. The application for an artificial pond shall include a plan for the reclamation of the pond site and surrounding disturbed areas should the excavation of the pond not be fully completed, or should the pond area be subsequently abandoned or discontinued as a feature on the site. The reclamation plan shall provide for the filling of excavated areas to return said areas to their surface elevations prior to any pond excavation activities taking place. The reclamation plan shall provide for the continued landscaping of the area previously proposed as the pond, or otherwise disturbed by excavation activities, consisting of live groundcover.		X		The site plan and application does not contain a reclamation plan
5. The approving body may require screening around the pond, in the form of plant material or fencing, if it finds that such screening or transition strip, because of the pond's location and character in relation to surrounding land uses or circulation systems, is necessary to assure compatibility between land uses or otherwise protect the public health, safety, or welfare. Such fences shall be located a minimum of twenty (20) feet from the edge of the pond.	?			Determined by Planning Commission
6. Artificial ponds shall be so located and designed so as to reduce the potential of pollution from nearby sources such as septic tanks, site drainage, and the like, and farm operations when the artificial pond is not intended for agricultural use.		?		The drawing indicates a 50 foot setback from the septic field.
7. The construction and maintenance of an artificial pond shall not adversely impact neighboring uses by changes in surface drainage or underwater aquifers.		?		Not enough information on the site plan for this to be determined
8. An engineering report must be submitted with the following minimum information: <ul style="list-style-type: none"> • A water body profile with elevations and changes in slope illustrated at two (2) foot intervals. • Soil evaluation for the site with any necessary soil modifications due to seepage or other concerns. • Specifications for spillway or drain, foundation preparation, and fill placement. • A detailed plan for storm water runoff and erosion control provisions. 		X		There was not an engineering report attached to the site plan/application
9. As a condition precedent to the issuance of the permit, the applicant shall identify and hold harmless the Township, its officials, agents, and employees, from all manner of liability, whatsoever, that may arise because of such pond construction.	X			Application indicates the township, its officials, agents and employees are not liable.

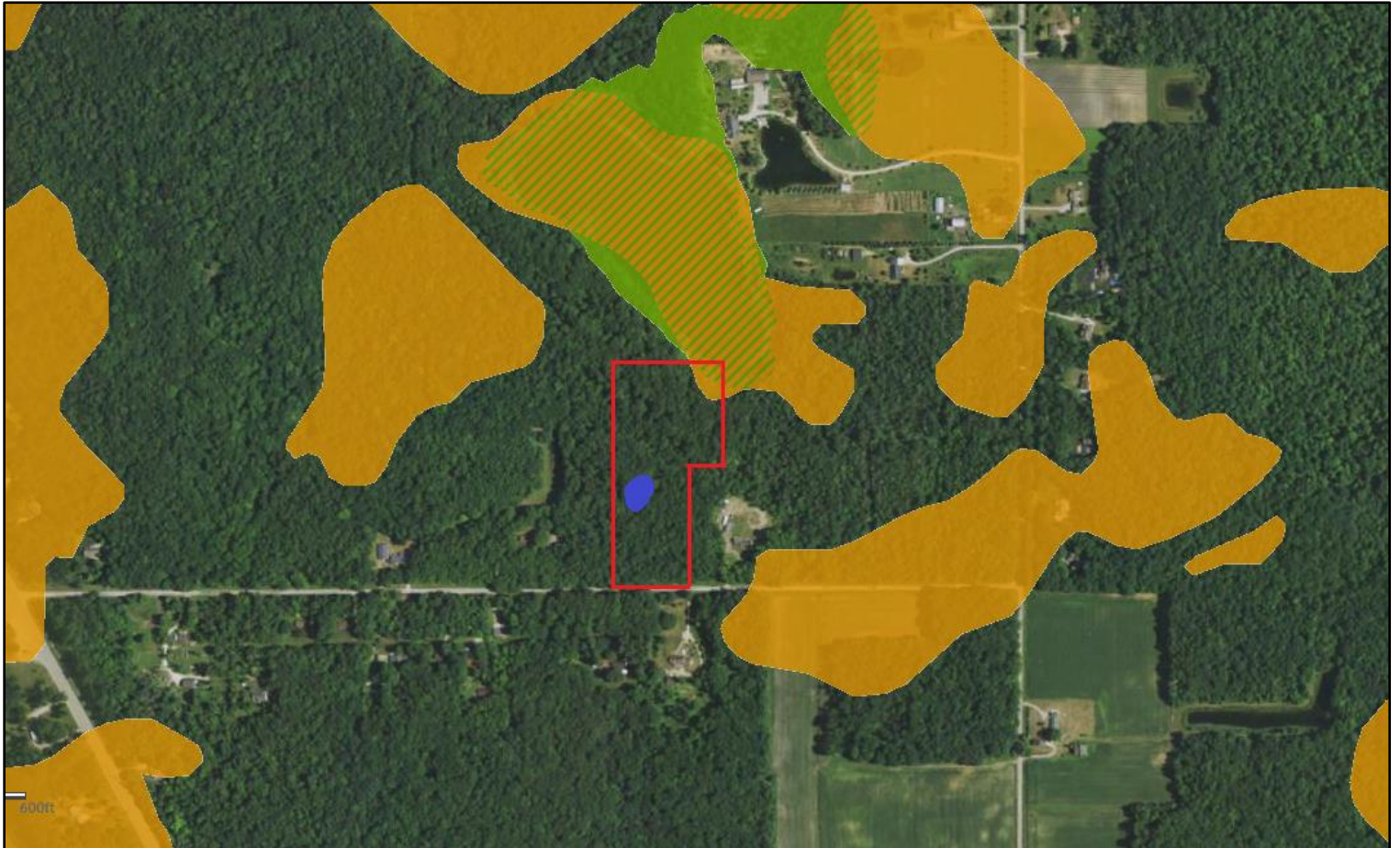
ZONING ORDINANCE COMPLIANCE CHECKLIST				
PROJECT NAME: SCHALLER POND		SITE PLAN DATE: 11-6-17		
Requirement	Complies	Does Not Comply	N/A	Comment
10. The applicant shall have the responsibility and obligation to stop work and immediately notify the Township or the proper utility, at any time during such pond construction, when an underground electrical line or conduit is uncovered and shall continue such work stoppage until an inspection of same can be made by said personnel.	?			Condition of approval
11. No machinery or equipment used in association with the construction of an artificial pond in a Conservation or Residential District shall enter, exit, or operate on the site between the hours of 8:00 p.m. and 7:00 a.m.	?			Condition of approval
12. The applicant shall demonstrate to the satisfaction of the approving body that the proposed design of the pond will not result in stagnation, odors, mosquito infestation, or other nuisance-causing conditions.	X			Application indicates the pond will be properly maintained/treated so that it does not become stagnant, a nuisance or promote mosquitos.

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Parcel Location



MDEQ Wetlands Map



Green- Wetlands as identified on NWI and MIRIS maps

Orange- Soil areas which include wetland soils

Attachment B

Pond for 8707 Rathbun Rd.

Revised 3-3-20

Section 14.15B (1) We have spoken to the county about the soil erosion permit and they recommended that we wait until just prior to construction due to the permit only being valid for 1 year from the date of issuance, we will get this permit based on approval from the board for pond.

Section 14.15A (3) 66% of the pond will be at a depth of 6' or greater

Section 14.15 B(4) If for some unforeseen reason we decide that we no longer need/want the proposed pond we would pump the pond dry (with approval from the saginaw county drain commision) then have appropriate fill hauled in to restore property back to its original state.

Section 14.15A (5) based on the sq/ft of our 10.25 acre lot (446,490) and a generous sq/ft calculation of 13/273 for the proposed pond, the pond will be >3% of the lot.

Section 14.15B (5) We are asking that any screening requirements be waived due to the large area of surrounding woods.

Section 14.15B (6) The pond will be protected from being contaminated by placing the septic field a minimum 75 feet away from edge of pond (per saginaw county health dept.)

Section 14.15B (7) We would be digging the pond in a low spot on our property which would be far enough away from neighboring properties so that it would not adversely effect the surface drainage. Also from what I can locate in the saginaw county well logs, the shallowest drill depth for a well is 140'. With this information there is no reason to believe that our pond at 11 feet in depth will have any kind of effect on underground aquifers whatsoever.

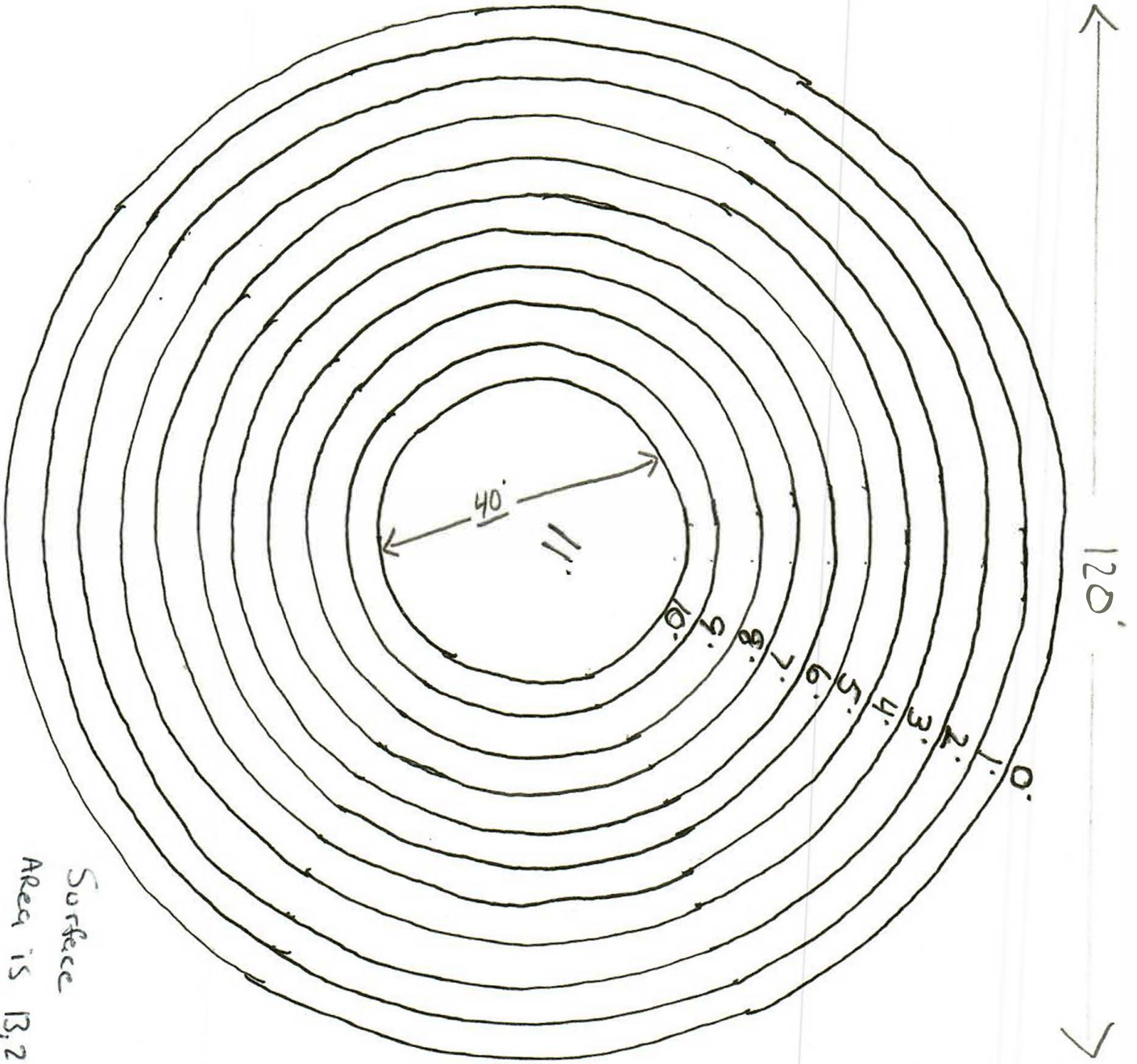
Section 14.15B (8) based on the provided site drainage directions and no other foreseeable adverse effects on any neighboring properties we kindly ask that the engineering report be waived.

Section 14.15B (10) If at any time during the construction of the pond we come across any anomaly or unforeseen buried utilities we agree to stop any and all work until we have contacted the township/proper utility and get clearance to

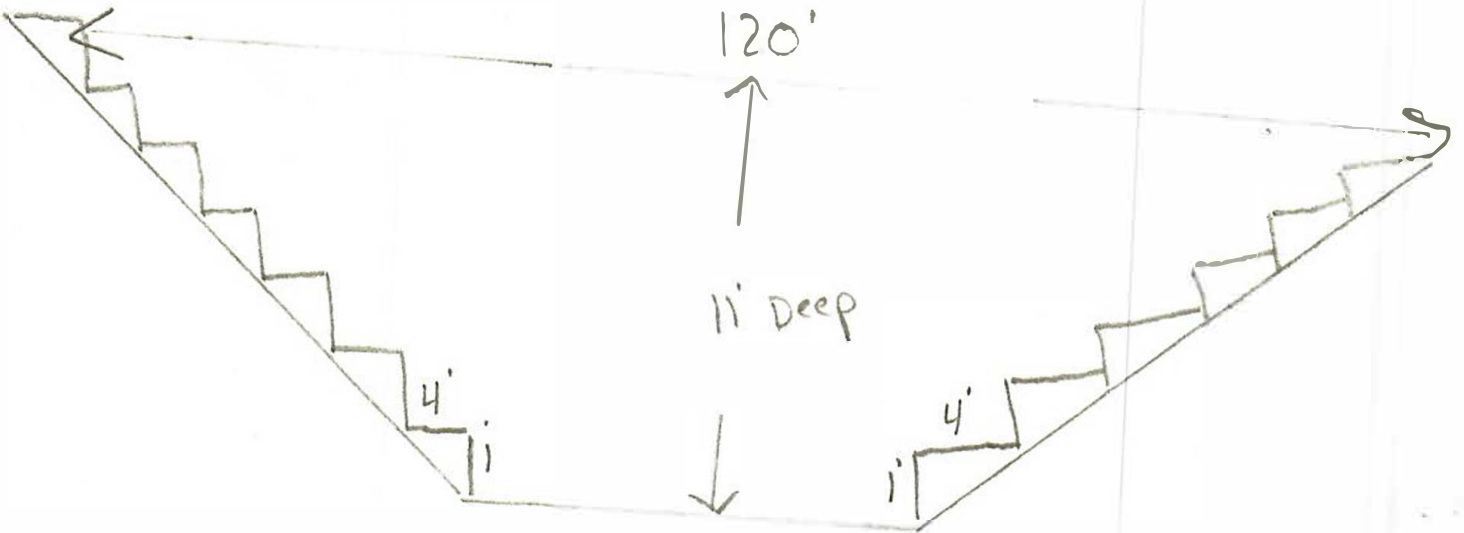
resume work.

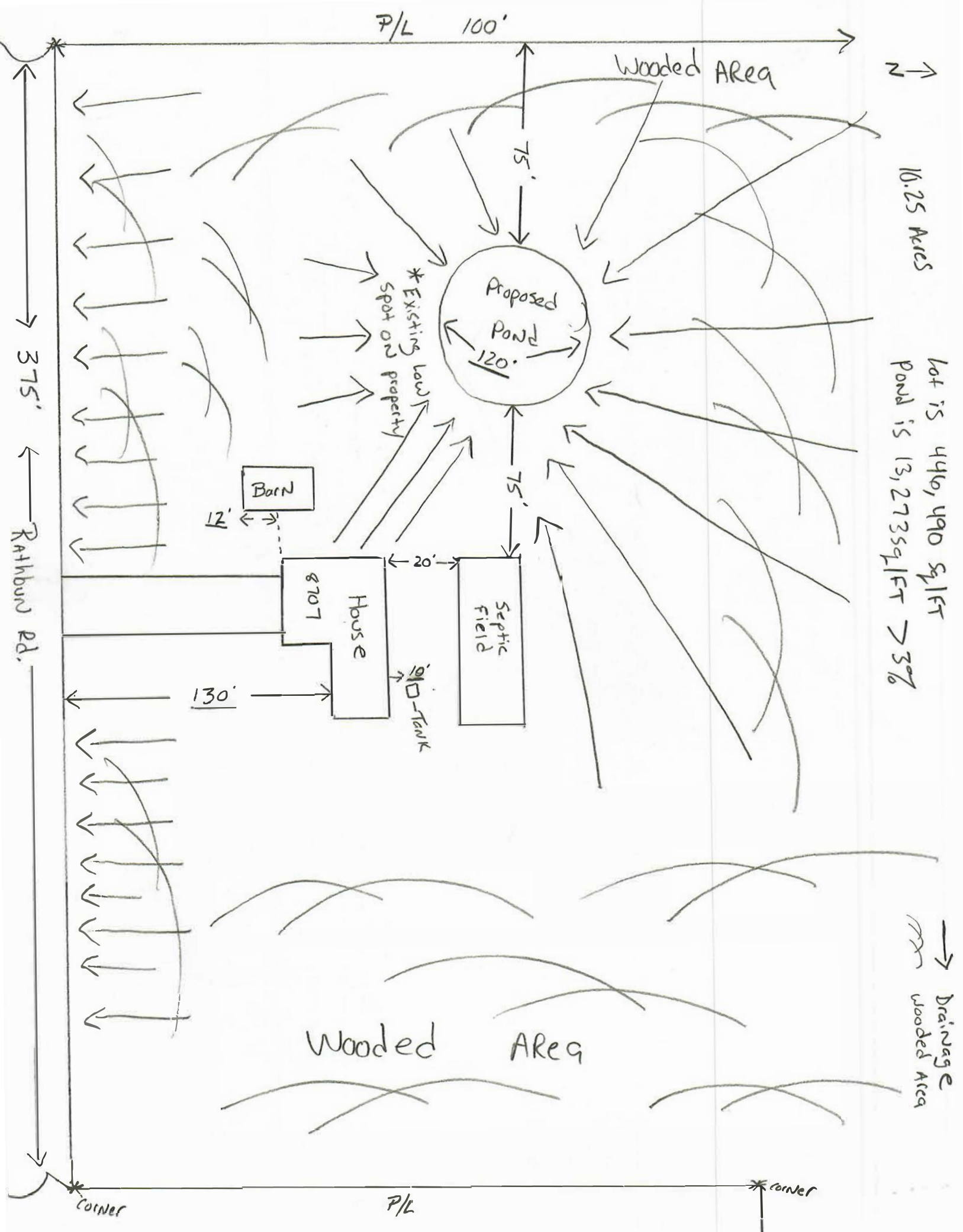
Section 14.15B (11) We understand that per township ordinance that we can not work on proposed pond between the hours of 8pm-7am.

8707 Bathing at Pond



Surface
Area is 13,273
sq ft





Birch Run Township • Master Plan

Chapter 11 Implementation Plan

The purpose of an implementation plan is to ensure that the goals, objectives and plans of the Township Master Plan are implemented and that the plan is kept current and maintained. It does this by the use of tools provided the Township by State laws, through development of local support for the plan and by establishing procedures for use of the plan in reviewing zoning decisions and maintaining the plan.

Zoning Plan

One of the pre-eminent tools used by communities to reach the goals of their land use plan is zoning. Zoning is a regulatory power given by the State to Townships through the Michigan Zoning Enabling Act. The act authorizes the local units to establish zoning ordinances controlling the use of property and the height, bulk, and location of buildings on that property. In order for an ordinance to be effective in implementing a land use plan, it must be tailored to that plan. It follows, that when a plan is updated, the local zoning ordinance should also be updated to take into account those changes. Under the Michigan Planning Zoning Enabling Act any master plan developed for a community with a zoning ordinance must include a “Zoning Plan” that outlines the relationship between the zoning ordinance and the master plan. This section of the Implementation Plan addresses these requirements. Below is a table showing the relationship between the Master Plan Future Land Use Classifications and current zoning ordinance districts. The plan includes the changes as outlined in the table:

- The deletion of the Dispersed Residential land use classification, because there are is no such zoning district and seems an unnecessary intervening district.
- The addition of an Open Space Communities Overlay land use classification to correspond with the Open Space Communities Overlay District zoning district The addition of an Planned Unit Development future land use classification to correspond with the Planned Unit Development District zoning district

Birch Run Township • Master Plan

<i>Recommended FLU and Zoning Ordinance Relationship</i>	
FLU Plan	Zoning Ordinance
Open Space/Agricultural A-1	General Agricultural A-1
Delete - Dispersed Residential	-
Low Density Family Residential R-1	Low Density Residential District R-1
Medium Density Family Residential R-2	Medium Density Residential District R-2
High Density Residential R-3	High Density Residential District R-3
Multiple Family District R-MF	Multiple Family Residential District R-MF
Manufactured Housing Community District R-MHC	Manufactured Housing Community District R-MHC
General Commercial District C-1	General Commercial District C-1
Highway Commercial District C-2	Highway Commercial District C-2
Light Industrial I-1	Light Industrial I-1
Add - Open Space Communities Overlay	Open Space Communities Overlay District
Add - Planned Unit Development	Planned Unit Development District

The following strategies outline in Chapter 9 relate to changes to the zoning ordinance

- Review standards to approve site plans in the zoning ordinance to be located nearby existing utilities or do not cause a financial hardship for the township
- Adopt a provision to limit non-agricultural development in the AG Agricultural zoning district.
- Review the zoning ordinance district requirements to have high densities that are located along major transportation routes and other key activity centers.
- Provide incentives to developers to include walking paths to existing infrastructure.
- Explore and amend the zoning ordinance to include more varieties of mixed-use developments in the township.
- Review the zoning ordinance for appropriate locations and requirements for the Industrial (I-1) zoning district.
- Review the number of zoning districts that allow compact cluster/planned centers.
- Encourage internal sidewalks and pedestrian traffic between commercial developments.
- Amend the zoning ordinance to include “missing middle” housing types such as four-plex, tri-plex, duplexes, etc.
- Review zoning ordinance procedures on historical home improvements or other additions.
- Zone land to offer a variety of density and housing types to optimize dwelling choices.
- Modify zoning regulations to encourage use of conservation zoning and/or similar cluster zoning options.
- Explore the use of a historic overlay zoning district.

Implementation Plan

Birch Run Township • Master Plan

- Review zoning district minimum lot sizes for Agricultural (A-1) district to determine its consistency with the OSD overlay district and the goal of limiting expansion of public infrastructure.
- Amend the zoning ordinance to include buffering requirements of native vegetation along agricultural land that matches the character of the area.
- Review zoning ordinance to provide incentives for the OSC overlay district to encourage recreational use of open space.
- Evaluate zoning district requirement to ensure the maximum adequate opportunity for private recreational development.
- Review zoning ordinance to have design standards for the different zoning districts or types of development.
- Adopt uniform sign regulations that restrict the size, number and placement of new signs and billboards in the township.
- Revise zoning ordinance to adopt design standards for future development.

Other Ordinances

Besides the zoning ordinance, State law has provided local communities with authority to adopt other special ordinances that can be used to enforce the goals and objectives of a land use plan.

Subdivision Control/Land Division Ordinances — Although the State's Land Division Act requires the developer of a subdivision to submit a proposed plat before a township for review and approval, it also authorizes a township if it wishes, to prepare a subdivision control ordinance. This ordinance may include stricter standards for subdivision design. In addition to review of subdivisions, since 1996 the township has been responsible for reviewing land divisions that do not require submission of a subdivision or condominium plat. In order to properly regulate these subdivisions and land divisions, the township should adopt local land division and subdivision control ordinances identifying the procedures and standards for approval of a land division or subdivision plat. These ordinances should be regularly reviewed and updated.

Other Local Tools

Besides the tools granted by state law, local communities have other tools that can be used implement the plan.

Engineering Construction Standards — Update standards to promote street layout that discourages cul-de-sacs and promotes continuation of existing street pattern

Procedural Manual — Public frustration over zoning rules are understandable. Most residents are not familiar with zoning provisions and requirements. They may need to deal with them a couple of times in their lifetime. But when they do, the ordinances legalese and the interconnect requirements and procedures can be extremely confusing. One way of reducing that confusion is to provide material that explains the most common zoning procedures and issues in plain english with the use of checklists and flow charts to graphically display the concepts. The plan recommends the development of a zoning procedural manual for use by the staff in educating the public and new Planning Commission, ZBA and Township Board members.

Implementation Plan

Birch Run Township • Master Plan

Public Education and Promotion of the Plan

An important part of the Planning Commission's responsibilities is the promotion of the plan to the general public. Strategies to educate the public on the intent and recommendations of the plan include:

- Develop a summary of the plan that is suitable for distribution to those with casual interest in the plan.
- Make copies of the plan available for public review at the Township hall, public library and other public locations.
- Encourage the use of the plan in civic's classes at area schools.
- Provide opportunities for Planning Commission members to speak at local service clubs and other civic groups concerning the plan.

Capital Improvement Plan

As required under the Michigan Planning Enabling Act, every community that adopts a master plan that operates a municipal water or sewer system must prepare and maintain six year Capital Improvement Plan (CIP), updating the plan annually.

Strategic Plan

Outlined above in Chapter 9 is a group of strategies to implement the plan. The strategic implementation Plan identifies those strategies that are to be the priority over the next five years

Strategic Implementation Plan		
Strategy	Responsible Party	Year

Plan Maintenance and Update

A plan is not a static document. It must be continuously maintained and updated if it is to remain a valid document. Under recent amendments to the Township Planning Act, Planning Commissions are required to review their plans for consideration of an update at least every five years. Below are key indicators the Township can monitor to determine the need for updating the plan.

Updating the Data Base — This plan is based on certain assumptions concerning the growth of the Township. These assumptions are contained primarily in the plan's data base. It is important for the Township to regularly monitor these assumptions to determine if they are still valid. If they become invalid, the Township must determine what the changes in circumstances mean for the plan goals and objectives.

Implementation Plan



ROWE PROFESSIONAL SERVICES COMPANY

Large Firm Resources. Personal Attention.

July 22, 2020

C.J. Norris, Chairperson
Birch Run Township Planning Commission
8425 Main Street
Birch Run, MI 48415

RE: 2020 Capital Improvement Plan

Dear Mr. Norris:

ROWE Professional Services Company has enjoyed assisting the township for the past 13 years and is pleased to provide the following proposed scope of services and cost to assist the township with the important task of creating a capital improvement plan (CIP). We will work with the township to develop the six-year CIP and establish a format that can be easily updated annually to assist the township in their budget process.

We have worked with other communities in the preparation of a CIP and will work with the township in development of a plan. The attachment to this letter provides more detail as follows:

- Section A: Scope of Services and Cost
- Section B: Timeline and Meeting Schedule

We estimate the project will take four months to complete from the time we are authorized to proceed. The proposed cost as further outlined in the attachments is \$5,300. This proposal will expire September 30, 2020.

Thank you for the opportunity to submit this proposal. Please feel free to contact us if you have any questions. If you wish to accept this proposal, please return a signed copy of the acknowledgement as a notice to proceed. We are prepared to begin work immediately.

Sincerely,
ROWE Professional Services Company

J. Douglas Piggott, AICP
Senior Planner

Corey Christensen
Planner

Attachments: Section A-B
Terms and Conditions

C.J. Norris, Chairperson
July 22, 2020
Page 2

Having reviewed this proposal, including the attached statement of terms and conditions which is a part thereof, acceptance of this proposal is hereby confirmed. ROWE Professional Services Company is authorized to proceed with the scope of work described above for the fee listed.

Accepted by:

Signature

Date

Print Name and Title

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TERMS AND CONDITIONS

The Owner will designate a representative with the authority to provide direction, receive and review information, and make decisions regarding the project. Decisions and direction shall be provided in a timely manner, so as to not delay the project.

The Engineer will perform services in a timely manner, consistent with sound professional practice. The Engineer will strive to perform the services within the established schedule, if any. Services are considered to be complete when deliverables have been presented to the Owner.

The Owner will provide the Engineer with all available information pertinent to the site of the project and access to the project site.

The Engineer will assist the Owner in preparing applications and documents to secure approvals and permits. The Owner is responsible for payment of permit application fees and charges.

Services provided by the Engineer shall be performed with the care and skill normally exercised by other members of the profession practicing under similar conditions.

The Owner shall promptly notify the Engineer of defects or suspected defects in the work.

The Engineer's opinions of construction costs will be based upon experience and historical information.

The Engineer will be responsible for the safety precautions and programs of its employees only.

If the Engineer is reviewing work by contractors or others on behalf of the Owner, the Engineer may only recommend to the Owner that work which does not conform to the project requirements be rejected.

Payment for work completed shall be made within thirty days of invoicing. Unless otherwise provided, invoices will be submitted monthly as the work progresses.

In the event additional work is needed because of a change in scope or unforeseen conditions, the Engineer will submit a proposal defining the modified scope of work and any modifications to the schedule and fee for the Owner's approval.

This agreement may be terminated by either party with fourteen days written notice; however, the Engineer shall be paid for work completed prior to the date of termination.

All documents prepared by the Engineer in completing this work are considered the Engineer's property as instruments of service and are not intended for re-use by the Owner or others.

The Engineer is an independent contractor, responsible to the Owner for the results of this undertaking and is not an employee or agent of the Owner.

The Owner agrees to limit ROWE Professional Services Company's total liability to the Owner and any contractors on the project to \$5,300 or the Engineer's fee, whichever is greater.

The Owner and Engineer each bind themselves and any partners, successors, and assigns of the other party to this agreement. Neither party will assign, sublet, or transfer their interest in this agreement without the consent of the other party.

The terms of this agreement shall be governed by the laws of the State of Michigan. In the event a provision of this agreement is rendered unlawful, the remaining terms and provisions shall remain in effect.

In performance of this work, the Engineer will comply with their policies regarding non-discrimination against employees on the basis of race, color, religion, national origin or ancestry, age or sex.



A. Scope of Services and Cost

ROWE's scope of services to prepare a Capital Improvement Plan (CIP) will include the following.

1. **Kick-off Meeting** – We shall conduct a kick-off meeting with the township staff to identify the range of studies and other resource material available to use in preparing the initial list of CIP projects and costs as well as possible revenue streams. (Meeting 1).
2. **Prepare and Distribute Preliminary List** – ROWE will prepare a list of preliminary CIP projects along with potential revenue sources based on information provided by the Township and a ranking system to prioritize the CIP projects.
3. **Meeting on Project Prioritization** – ROWE will meet with staff to discuss preliminary ranking of projects (Meeting 2).
4. **Rough Cost Estimates** – Between township staff and ROWE staff we will prepare rough cost estimates for priority projects.
5. **Present to Planning Commission** – Present preliminary projects and revenues, ranking system and process for adopting and annually updating the CIP to the Planning Commission. (Meeting 3)
6. **Revise CIP and Submit to Staff for Final Recommendations** – Revise the CIP tables based on Planning Commission input and submit to township staff and Township Board for final review and recommendations.
7. **Present Plan to Township Board for Adoption** – Present the revised plan to the Township Board for adoption. (Meeting 4)
8. **Distribution of Deliverables** – Following adoption of the CIP, ROWE staff will provide the township with ten paper copies and one digital copy of the plan. ROWE staff will provide digital copies of the plan to township in pdf, MS Word, and xls format.

TOTAL PROPOSED FEE: \$5,300



B. Timeline and Meeting Schedule

Work for this project will be completed by Planner Corey Christenson with assistance from Doug Piggott, Senior Planner. Below is a table of the tentative schedule for the development of the CIP.

BIRCH RUN TOWNSHIP CAPITAL IMPROVEMENT PLAN				
Work Items	MONTHS			
	1	2	3	4
Kick-off Meeting	X			
Prepare and Distribute Preliminary List				
Meeting on Project Prioritization		X		
Rough Cost Estimates				
Present to Planning Commission			X	
Revise CIP and Submit to Staff for Final Recommendations				
Present Plan to Township Board for Adoption				X
Distribution of Deliverables				

Key: X = Meetings