

Minutes of the Sparta Township Planning Commission
Regular Meeting of July 9, 2019, 7 PM
Sparta Township Hall, Sparta MI

Present: Chairperson Terry Hartman; Township Clerk Marcy Savage;
Commissioners Linda Anderson, Tim Driscoll, Ken Humphreys,
and Mark VanderWerff
Also Present: Attorney Cliff Bloom, Township Supervisor Dale Bergman,
and Recording Secretary Toni Potes
Absent: Commissioner Don Doyle

I. / II. Call to Order / Pledge of Allegiance: Chairman Hartman called the meeting to order at 7 PM, followed by the Pledge of Allegiance.

III. Additions or Corrections to Agenda: Supervisor Bergman distributed an email from Commissioner Doyle regarding housing development. Added to the agenda under VI. Business Items: E. Explanation of Why Planner Tim Johnson of Main Street Planning Is Not Working for Sparta Township Planning Commission; and F. Review of Wind Ordinance Changes.

IV. Minutes of July 1, 2019: Motion by VanderWerff, second by Humphreys, to approve the Minutes. Motion carried unanimously.

V. Public Comment

VI. Business Item

A. Consideration of Recusal: Attorney Bloom reviewed his July 8, 2019, letter regarding a conflict of interest of Township Clerk/Planning Commission Member Marcy Savage in the matter of Hidden Prairie PUD Proposal. Savage recues herself and will abstain from voting on the issue to protect the Township.

E. Explanation of Why Planner Tim Johnson of Main Street Planning Is Not Working for Sparta Township Planning Commission: Dale Bergman, of 9280 Sparta Avenue, has been the Sparta Township Supervisor for 24 years (six terms), the longest serving supervisor in the history of the Township going back to the 1800's. He stated that Planner Tim Johnson resigned, over accusations about Johnson, but Bergman wished he had not quit. The Township has three qualified applicants for the new planner position; this will be brought before the Township Board. In hindsight, Bergman wished he had arranged a meeting with the parties. Accusations included that some people thought Johnson was working for the developer; Johnson failed to explain all angels of concern in the development well enough; and at one point, Johnson unprofessionally corned Clerk

Savage, making her uncomfortable. Johnson's business partner, wife Jan Johnson, was at the Township Board meeting; Johnson himself could not make it. Complaints against Johnson were listed. The Board tabled the issue. Johnson called and said he is resigning immediately, and the Planning Commission, Attorney Bloom and Bergman were left holding the bag. Johnson stated the reasons were he didn't like the pressure from the Board, and he didn't agree with things said at the public meeting.

The Planning Commission should table the Hidden Prairie request because a planner is needed; it's a planning issue. Attorney Bloom is a great attorney, but not a planner. In another month, the Township will have a planner for the Planning Commission. VanderWerff thanked Bergman for the explanation. Attorney Bloom clarified to hold the public hearing but do not make any decisions.

B. Public Hearing: Special Use—Mineral and Natural Resources Mining and Removal Permit and a Retention or Detention Pond or Basin, Related to the "Hidden Prairie" PUD Residential Development Proposal

Public Hearing opened at 7:28 PM

Applicant John Biteley explained the process of the extraction for a future pond area. It will become a park setting with trails accessible for residents. He is disappointed for the decision to table; he produced documents in a short period of time as requested. Extra dirt and base sand needs to be moved. No screener is needed; the extraction will be used for home construction and road building. He referenced the Mineral Extraction Site Plan dated May 29, 2019, reviewing pages 2 and 3. About 60,000 cubic yards will be displaced: 20,000 used, and 40,000 taken off site. A large majority will be used by the company. This is not a very large extraction. The operation will be conducted Monday through Friday, 8 AM to about 4:30–5 PM. He was asked how the water is kept blue: the water table keeps it that way; brackish is due to what's extracted. The rest area will be like a Kent County roadside stop. The extraction is done over a period of time, depending on the other phases, about two to five years. He is not expecting much dust. Static water elevation will be determined; he is not able to determine. Safety measures are in place. This is a retention pond for storm water: there will be an outlet. It's a bit of both, retention and detention pond, on 2.5 acres.

Liz Donnelly asked if there are similar neighborhoods petitioner built that have experienced this. None of the neighborhoods he's done have complained. It's an inconvenience during building, but neighbors have been pleased with their property values, etc. There are references. Back-up loader beeping is the worst part of it all.

Dan Donnelly asked the annual cost to maintain the pond. This is the home owner association's responsibility. It will be minimal. The pond is private to residents, self-governed for private use, no fence. Donnelly objects to the location of the pond. He is concerned about children and trailer park residents using it. He has safety concerns.

Dave Homrich, whose property backs up to the development, questioned if there are setbacks from the property line. The discharge area for the trailer park is quite away away. Water flow flows toward rivers (southeast toward Rogue River). Minimum distance for septic is 100 ft. (Kent County requires). Discharged water leaves the property to the

north. Kent County doesn't have a defined creek drainage. The thick foliage will prevent residents from the Homrich property. Motor vehicles stop at the kayak parking area. He doesn't want any trespassing either way. He asked if the pond going in will restrict him; the developer couldn't say.

Larry Bergman had the same questions and concerns as Homrich, and he concurs with Homrich.

Bill Traxler asked where the drainage from the houses is going: in the yard, storm water pathways, and roadways. Other holding retention will drain, based on engineers, into road ditch. Engineers won't let ponds overflow into roads, guaranteed.

Sherry Traxler asked how close the development is to Glenwood Estates' retention pond. An expansion there is coming. Glenwood Estates would have to work around these plans. Storm retention is necessary, and water feature is desirable. She is concerned this won't be maintained and cared for.

Mary Beth Dame asked for addresses of other developments: Ridgewater Estates is a good one to see. She is concerned about the two-to-five years building project being vague. She wants the Planning Commission to put restrictions/limits on it and consequences. Any time of day for construction movement can be an inconvenience. How is "fun" activity going to happen during mining: it is an incentive to get the project done ASAP. What if the water isn't adequate: there's plenty of water there.

Marcy Savage thinks it's a dangerous thing while being built. Port-a-potty is ridiculous, cleaning and flooding issues. Does the permit only pertain to the development: it's only for the specific set of plans. However, the State has taken away the townships' power if something happens and a request to mine the whole thing comes. She is concerned about such a residential area.

Barb Johnson lives along Alpine. She says it's not a neighborhood—it's a development. She's concerned about dry wells happening. The pond will filter to a constantly flooded area. She doesn't think it's a good idea. The resident Barb is talking about is not within the 300-foot notice area.

Tina Horgan asked if there are other developments besides Ridgewater Estates; there are others, and they are all successful. But others are not representative of this development like Ridgewater.

Attorney Bloom's biggest concern is a legal issue. The association has to get insurance on the pond. Applicant Bitely has not had a problem. However, this is a swimming area. Attorney Bloom thinks it may not be insurable. Applicant Bitely will check on it.

Public Hearing closed at 8:22 PM

Driscoll stated that kids should not be playing in a construction site; it comes down to parenting. The trucking route is not clear. He is concerned about precedence being set if mining is approved. He would rather consider the requests as a whole.

Attorney Bloom questioned isolating the other phases from the truck traffic. This needs to be worked out and clear for the Planning Commission. Sand trucks should not be going down the new roads by the new houses.

Anderson and Humphreys want the new planner to see the plans. Guidance is needed. Applicant Bitely had concerns about the new planner's hours billed through his escrow. He wants this moved forward as a preliminary approval. His construction window is closing. Attorney Bloom agrees with the financial point Applicant Bitely is making; however, four months into the approval process is not unreasonable.

Motion by Humphreys, second by Anderson, to table the item. Roll Call vote: Anderson, Yea; Humphreys, Yea; VanderWerff, Nay; Driscoll, Nay; Hartman, Yea. Motion carried 3 to 2. Motion by Driscoll, second by Humphreys, to recommend to the Township Board to consider that the escrow amount be examined and adjusted so that the developer not have to pay for learning time of the new planner. Motion carried unanimously.

C. Step 1 Preliminary Site Plan Review of the Applicant, South Sparta's LLC's Proposed "Hidden Prairie" Development as 9029 Alpine Ave., NW, Sparta MI, Parcel #41-05-35-201-002: Applicant Bitely reviewed the engineer's notes and the Proposed Grading Plan dated June 21, 2019. Hartman requested that accessory building details be included in the by-laws. The fire chief will look at the road plans. Attorney Bloom stated that no street parking may want to be included in the by-laws. There isn't much room for accessory buildings either; this might be a deed restriction. Some of the planning commissioners thought the lot sizes are too small.

Motion by Humphreys, second by Anderson, to table the item so that the engineer can review the plan. Motion carried 3 to 2, with VanderWerff and Driscoll opposing.

D. Solar Ordinance: Attorney Bloom reviewed the redline version of Draft 5. The Planning Commission wants the new planner to look at the proposed ordinance and help decide item E.2 on page 4.

F. Wind Ordinance: Attorney Bloom reviewed the July 2, 2019, draft of a proposed Ordinance to Amend the Sparta Township Zoning Ordinance, as Amended, to Amend the Requirements for Wind Energy Systems. He addressed language added on page 2, item #8. He requested the Planning Commission's input for: item 2.a. on page 6, which was to keep the height limit at 500 feet; item C.iv. on page 8; pointed out "with colored guards" on page 10, and signs at 4 sq. feet instead of 2.

Motion by Driscoll, second by VanderWerff, to approve the amended version with the exception of item 2.a. on page 6 going back to 500 feet. Motion carried unanimously.

VII. Adjournment: Motion by Anderson, second by Humphreys, to adjourn at 9:25 PM. Motion carried. The next regular meeting of the Sparta Township Planning Commission will be Tuesday, August 13, 2019, at 7 PM.

Respectfully submitted,
—Toni Potes, Recording Secretary