

Port Sheldon Township Planning Commission  
February 28, 2018

Van Malsen called the meeting to order at 6:00 p.m.

PRESENT: Monhollon, Petroelje, Stump, Timmer, Van Ginhoven, Van Malsen

ABSENT: De Leeuw

**Motion by Van Ginhoven to approve the minutes of the January 24, 2018 meeting, supported by Monhollon and carried.**

**PUBLIC HEARINGS:**

1. Application from Tony and Kunthea Soulinha for Special Use to dig a pond on parcel 70-11-02-400-008. The applicants spoke; the pond will be in the back of their property, all sand will be used onsite. Moore reviewed the standards of 4.24; depth is good; the property backs up to the RR tracks. Moore reviewed the 19 conditions. Van Malsen closed public hearing. **Motion by Van Ginhoven supported by Timmer and carried, to approve the Tony and Kunthea Soulinha pond application subject to the following conditions:**

1. The applicant shall take adequate public health measures to ensure that the existence of the pond does not cause the spread of disease, stagnation, or otherwise provide conditions dangerous or injurious to the public health.
2. The slopes of the banks or sides of the pond shall be constructed so that for each one foot of fall there shall be a minimum of four (4) feet of run. This minimum slope angle must be maintained and extended into the pond water to a depth of at least five (5) feet.
3. The pond shall be at least 12 feet deep, as measured from the average water level.
4. The pond shall be constructed and maintained such that it neither causes nor contributes to the erosion of any adjacent, abutting, or nearby lands.
5. The applicant shall maintain the pond in accordance with all applicable standards of the Zoning Ordinance.
6. The hours of operation for loading, removing and moving materials shall be limited to Monday through Friday, 7:30 AM to 5:30 PM, and Saturday 8:00 AM to 12:30 PM, and closed Sundays and Federal Holidays.
7. The Ottawa County Water Resources Commissioner shall approve the project prior to excavation, if necessary.
8. The applicant shall utilize one driveway on the site for ingress/egress, subject to approval by the Ottawa County Road Commission.
9. The operation shall take all reasonable steps to minimize airborne materials. This includes dust control, minimizing stockpile areas and stockpile height to 15 feet.
10. No materials shall be removed from the site. Materials removed in the creation of the pond shall be used for the construction of a single-family home and related improvements, as specified in the application.
11. Trees shall not be removed, moved, or altered outside of the excavation area except for what is necessary for home and driveway construction.
12. The end use of this project shall be a pond consistent with the submitted site plan.

13. Storage of trucks and other equipment not used directly in the creation of the pond shall not occur on the site.
14. The owner/operator shall file with the Township Zoning Administrator the name and telephone number of the person designated by the owner/operator to act on behalf of the owner operator, who will be held responsible for resolving any and all complaints related to this operation. When the owner/operator receives a complaint, he or she shall file a report with the Zoning Administrator regarding the nature of the complaint and the resultant action of the owner/operator.
15. Excavation shall cease and the pond shall be completed by June 1, 2019, unless extended by the Planning Commission at a future date.
16. Use of lighting shall be limited to hours of operation as specified in these conditions, and shall not glare onto adjacent properties or public roadways.
17. The owner/operator/applicant and subsequent assigns, hereby agree to take full remedial and financial responsibility for any impact on nearby water supply wells, as determined by the MDEQ.
18. Additional signs shall be posted at the entrance to the operation identifying rules for vehicle operators, hours of operation, or other appropriate messages intended to protect the public health, safety, and welfare. This sign shall also contain the name and phone number of the person responsible for answering questions or responding to complaints.
19. All other rules and regulations of Port Sheldon Township shall be applicable and enforceable.

**2. Application from Kieks Excavating for Special Use to dig a pond and remove sand from parcel 70-11-24-300-044, owned by Richard and Kourteny Kiekintveld.** The applicant provided a letter from neighbor Carini that allows applicant to haul the sand across Carini's property to 152<sup>nd</sup> Ave. Moore reviewed the request; a culvert will be constructed to cross a stream, the pond will be 15 feet deep, all sand will go off site. Sand will not be stockpiled, removed as needed, with trucking to be via 152<sup>nd</sup> Avenue. Moore suggests a 3 year time frame with an annual review of the project. Van Malsen closed the public hearing. Van Ginhoven asked if the school was notified; Davis responded yes. Van Ginhoven suggested as a courtesy, to let the school know that the pond was approved. **Motion by Van Ginhoven supported by Petroelje and carried to approve the Kieks Excavating natural resource removal and pond application subject to the following conditions:**

1. The applicant shall take adequate public health measures to ensure that the existence of the pond does not cause the spread of disease, stagnation, or otherwise provide conditions dangerous or injurious to the public health.
2. The slopes of the banks or sides of the pond shall be constructed so that for each one foot of fall there shall be a minimum of four (4) feet of run. This minimum slope angle must be maintained and extended into the pond water to a depth of at least five (5) feet.
3. The pond shall be at least 15 feet deep, as measured from the average water level.
4. The pond shall be constructed and maintained such that it neither causes nor contributes to the erosion of any adjacent, abutting, or nearby lands.
5. The applicant shall maintain the pond in accordance with all applicable standards of the Zoning Ordinance.
6. The hours of operation for loading, removing and moving materials shall be limited to Monday through Friday, 7:30 AM to 5:30 PM, and Saturday 8:00 AM to 12:30 PM, and closed Sundays and Federal Holidays.
7. The Ottawa County Water Resources Commissioner shall approve the project prior to excavation, if necessary.

8. The applicant shall utilize one driveway on the site for ingress/egress to be approved by the Zoning Administrator, and if necessary, the Ottawa County Road Commission.
9. The operation shall take all reasonable steps to minimize airborne materials. This includes dust control, minimizing stockpile areas and stockpile height to 15 feet.
10. Materials removed in the creation of the pond shall hauled to 152<sup>nd</sup> Avenue, then south to Port Sheldon Street.
11. Trees shall not be removed, moved, or altered outside of the excavation area except as necessary for driveway construction.
12. The end use of this project shall be a pond consistent with the submitted site plan.
13. Storage of trucks and other equipment not used directly in the creation of the pond shall not occur on the site.
14. The owner/operator shall file with the Township Zoning Administrator the name and telephone number of the person designated by the owner/operator to act on behalf of the owner operator, who will be held responsible for resolving any and all complaints related to this operation. When the owner/operator receives a complaint, he or she shall file a report with the Zoning Administrator regarding the nature of the complaint and the resultant action of the owner/operator.
15. Excavation shall cease and the pond shall be completed by June 1, 2021, unless extended by the Planning Commission at a future date.
16. Use of lighting shall be limited to hours of operation as specified in these conditions, and shall not glare onto adjacent properties or public roadways.
17. The owner/operator/applicant and subsequent assigns, hereby agree to take full remedial and financial responsibility for any impact on nearby water supply wells, as determined by the MDEQ.
18. Additional signs shall be posted at the entrance to the operation identifying rules for vehicle operators, hours of operation, or other appropriate messages intended to protect the public health, safety, and welfare. This sign shall also contain the name and phone number of the person responsible for answering questions or responding to complaints.
19. All other rules and regulations of Port Sheldon Township shall be applicable and enforceable.

Commissioners' discussed new pond ordinances and non-conforming lots as items to be looked at further.

Van Malsen adjourned meeting at 6:40 p.m.

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Lori Stump