

**Courtland Township  
Planning Commission  
August 16, 2005**

The Courtland Township Planning Commission meeting was called to order at 7:00 PM by Chairman Jerry Davis.

**Roll Call:** Moeggenberg, Davis, McConnon, Wood and McAvoy

**Absent:** None

**Also Present:** Township Attorney, Jim Scales and Township Zoning Administrator, Frank Buckley and Township Engineer, Chad Sosnowski.

**Approval of the Agenda:**

Chairman Davis reviewed the agenda. McAvoy made a motion to approve the agenda, McConnon seconded motion. All ayes. The motion carried and the agenda was approved.

**Approval of the Minutes:**

McAvoy added a change to the July 19, 2005 on page one, second paragraph from the bottom, last sentence, the removal of water should state, "18,000 gallons per day". Township Board Member Andersen also added a change to page two, paragraph eight where Member Wood made a motion, under the withdrawal of water be scaled as follows, it should read, "gallons per day". Changes noted by Recording Secretary. With the noted changes, McConnon made a motion to approve the minutes of July 19, 2005. McAvoy seconded the motion. All ayes, the motion carried, minutes were approved.

**Old Business:**

**A Special Land Use for Ron Riebschleger of 5333 13 Mile Rd., Rockford, MI**

Attorney Scales reviewed a letter that was sent to the Planning Commission from Country Fresh Attorney Robert Jonker of Warner, Norcross and Judd, LLP. The letter, dated July 19, 2005 stated due to an easement agreement, Country Fresh is opposing Mr. Riebschleger's application for a Special Land Use permit approval, (letter in file). He mentioned the letter was not presented to the Planning Commission prior to the Commission passing a motion to recommend approval to the Township Board. After the Township Board's review of the letter from Attorney Jonker, the Township Board sent Mr. Riebschleger's Special Land Use recommendation back to the Planning Commission for further review.

Mr. Scales commented to the Commission, based upon the letter, we do not have basis for denying Mr. Riebschleger's Special Land Use. He added the easement agreement would have to be settled between Mr. Riebschleger and Country Fresh.

Member Wood commented, with no representative from Warner, Norcross and Judd, they could file an injunction between the two property owners. As for the Commission, they can either approve the Special Land Use or not.

Attorney Scales also presented the Planning Commission with a resolution for Mr. Riebschleger's Special Land Use which was reviewed by Mr. Scales.

Mary Ann Andersen of 9488 Myers Lake Ave, Rockford, MI questioned Township Engineer Chad Sosnowski whether or not he had an opportunity to check out the artesian well at 5333 13 Mile Rd.

Mr. Sosnowski stated due to the Country Fresh objection, he had not checked out the well yet.

Member McAvoy replied Mr. Riebschleger had already had his own survey done and it was presented to the Commission at the last meeting.

After a very long discussion between Mr. Riebschleger and the Commission which included the amount of horse power that was acceptable, whether the operation would fall under the home occupation act, and the comparison of Country Fresh hauling the water off site and Mr. Riebschleger's desire to bottle the mineral.

Mr. Riebschleger stated he should be able to operate just the same as Country Fresh even though his operation would be different if he mixes his farm products with the water it would be a home occupation. He ended his statement summarizing that he can use his existing farm equipment and it would be considered a farm occupation.

Both Members Wood and McAvoy questioned what it is exactly Mr. Riebschleger was asking for. His original application was for mineral withdrawal.

Mr. Riebschleger claimed his professional advisors have advised him he could not only extract the water, but he could also mix his farm products with the water and it would be covered under the "Home Occupation Ordinance".

Attorney Scales reminded the Commission they should focus on the mineral extraction and that was the applicant's original plan. He also reviewed the resolution. And the Commission agreed to some changes in the resolution as followed in the motion.

Member Wood made a motion to recommend approval of the resolution to the Township Board with the following changes; 1.) Page 4, item E – ii, whereas the withdrawal of water to be changed from gallons per day to annual amounts. 2.) Page 5, item F, the applicant shall have the option to ask for a reduction in escrow after 2 years of monitoring. 3.) Page 5, item J, the applicant shall supply the Township with a semi-annual report for January 31<sup>st</sup> thru July 31<sup>st</sup> and Aug. 1<sup>st</sup> thru December 31<sup>st</sup>. Also through council, Country Fresh takes the position that Mr. Riebschleger cannot use the easement for what he plans to do the Planning Commission (with information provided to date) takes no position of Mr. Riebschleger's use of the easement. The Planning Commission does not find that the information impairs their decision to grant a Special Land Use. Motion seconded by McConnon. All ayes, the motion carried.

**Old Business:**

**A Preliminary Site Plan Review for Wesley Hessler – Pudding Stone – 8741 and 8809 11 Mile Rd., Rockford, MI**

Representative Dave Hendershott of Roosien and Associates presented an updated Preliminary Site Plan for a PUD Condominium "Pudding Stone". One of the differences in the PUD plan was it would be developed into 2 phases. Phase I would be on the south half of the property and Phase II would be on the north half. There would be one exception with the community drain field which is in the Phase II area, the drain field would have to be built along with Phase I. He presented the Commission with a letter from the Kent County Health Department (KCHD), dated August 8, 2005, (letter in file). The letter was a review of the soil evaluations and soils were acceptable on all but one of the lots on the parallel plan. He reported Kent County Road Commission (KCRC) was unable to look at or approve the roads on the parallel plan, but other than that there were no changes in the plans.

Township Engineer Chad Sosnowski stated he has been over to the proposed development and found no problems and he would welcome a community sewer/drain field. He added he would like to see more community systems to be centralized opposed to the individual septic systems and it would be safe to say it would easily be approved by the KCHD. Also, as a part of the Department of Environmental Quality, (DEQ) requirements is that a resolution would have to be passed by the Township Board and they would like to see a bond to continue operation and replacement of the equipment and maintenance of the systems.

There was a discussion of REU's, (total gallons per day) that the DEQ would allow in a community drain field. There was also discussion of the best location for the drain field and it was favored by the Township Engineer and the developer's Engineer because it would allow for a gravity flow system.

The Planning Commission did not receive the updated preliminary site plan which includes the Phases of the development until tonight.

Attorney Scales entertained the Commission that they could potentially wait for information from the KCRC on the parallel plan prior to any recommendations.

Member Wood made a motion to table the "Pudding Stone" development to next month's meeting. McConnon seconded the motion. All ayes, the motion carried.

**Zoning Administrator Report:**

Frank Buckley reported there has been no more contact with the Hagen Gorge Development but he would get a hold of them this week. He also drew the Commission's attention to a couple of inserts in their packets, one was a notice of intent to plan from Solon Township and the other was a letter from the Department of Agriculture stating we do not meet the requirements of the "Michigan Agricultural Preservation Fund Board" and our Master Plan should be reviewed.

**Township Attorney Report:**

Attorney Scales enclosed a draft ordinance to address the driveway easement issue which included a draft of zoning changes for the Commission to review and it will be discussed at the next meeting.

**Township Board Representative Report:**

The Special Land Use from Mr. Riebschleger was referred back to the Planning Commission after they received the letter from Attorney Robert Jonker of "Warner, Norcross and Judd, LLP".

**Zoning Board of Appeals Report:**

Member Moeggenberg reported the ZBA had a variance request for front and rear yard set backs, for a garage to be built at 8826 Brower Ct., Rockford, MI. The variance was approved.

**Adjournment:**

Member McCannon made a motion for to adjourn meeting. McAvoy seconded the motion. All ayes. The motion carried. Meeting was adjourned at 10:05 PM.

Respectfully Submitted,

Kym Steffes,  
Recording Secretary