

**MARION TOWNSHIP PLANNING COMMISSION
AGENDA**

REGULAR MEETING
March 26, 2019
7:30 p.m.

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

INTRODUCTION OF MEMBERS:

APPROVAL OF AGENDA FOR: March 26, 2019 Regular Meeting

APPROVAL OF MINUTES FROM: February 26, 2019 Regular Meeting

CALL TO THE PUBLIC:

New BUSINESS:

- 1) Pre-application Review for Evergreen outdoors 386 Lucy Road, (Daniel Brockway)
- 2) Marion Township Engineering Standards (Phil and John)
- 3) Wellhead Protection Overlay District replacing 6.27 review
- 4) Howell City Waste Water Treatment Plant Upgrades Impact

Old BUSINESS:

- 1) TXT #01-18 6.20 Private Roads (discuss- length, #ingress/egress, shared driveway, #driveways)
- 2) TXT #03-18 Home Occupation (open discussion)
- 3) TXT#07-17 proposed changes Lots - definition gross versus net (Bob)

Correspondence and Updates:

Set next Special Master Plan Meeting.

CALL TO THE PUBLIC:

ADJOURNMENT:

UNOFFICIAL COPY
FOR INFORMATION ONLY

DRAFT

Approved by: _____

Larry Grunn, *Chairperson*

Date: _____

**MARION TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES
FEBRUARY 26, 2019 / 7:30PM**

MEMBERS PRESENT: LARRY GRUNN – *CHAIRPERSON*
BOB HANVEY
BRUCE POWELSON – *VICE CHAIR*
CHERYL RANGE – *SECRETARY*
JAMES ANDERSON

OTHERS PRESENT: DAVE HAMANN – ZONING ADMINISTRATOR
JOHN ENOS – CARLISLE WORTMAN PLANNER

CALL TO ORDER:
Larry Grunn called the meeting to order at 7:30 p.m.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA:
Regular Meeting Agenda for February 26, 2019
Jim Anderson motioned to approve the agenda. Cheryl Range seconded. **Motion carried.**

APPROVAL OF MINUTES:
Approval of the Regular Meeting Minutes for January 22, 2019
Jim Anderson motioned to approve the minutes from January 22, 2019. Cheryl Range seconded. **Motion carried.**

CALL TO THE PUBLIC: None

NEW BUSINESS:
1) TORATOLA LANE SITE CONDO FINAL SITE PLAN REVIEW
Jim Barnwell came before the Planning Commission to request approval for the final site plan for Toratola Lane Condos. Toratola Lane is over 750 feet long and a variance was given for the length of this road. Ken Recker from the Drain Commission office had no objections regarding this site plan.

John Enos recommend approval to the Planning Commission and if approved, this will then be brought to the board for final approval.

Jim Anderson asked if all of the condos would be paying for any maintenance on the limited common areas. Jim Barnwell said there will be very little to no maintenance on this area because it's a natural wooded area that won't require any maintenance. Jim Anderson asked who will be paying taxes on the common area. Jim Barnwell said the four houses that back up to this area will be paying the taxes because this common area adds value to their properties.

Bob Hanvey asked if the home owners have authority to make repairs on the waste water system. Jim Barnwell said that the association has authority to make these repairs.

Jim Barnwell said that Marion's attorney Mike Kehoe would like something in the master deed that requires Board approval for site plan changes.

Larry Grunn asked how far away the bordering neighbors are from the property line. Jim Barnwell said about 250 feet from the property line. Barnwell made a suggestion to Garth about planting some trees along the property line for better screening.

Cheryl Range made a motion recommending approval to the Board for the final site plan for Toratola Lane, along with the conditions/comments from the outside agencies. Bruce Powelson seconded. **Motion carried.**

2) BOT REQUEST LIGHT ORDINANCE FOR RESIDENTIAL AREA

Dave Hamann said that he included language on nuisance ordinances because that is kind of where lighting issues would fall. Cheryl Range read the nuisance ordinance that she and Greg Durbin put together. This would have covered some of these current issues happening in the township.

Bob Hanvey mentioned that currently in the township, a particular resident has lighting on the trees within her property and it shines over her fence, along with between the gaps of her fence. Technically they would be in violation if this language was part of our ordinance. Les Andersen said that if we had language that required the homeowner to put a shield on the light, this would eliminate some of the current issues. John Enos said that Howell Township's language is appropriate and very typical.

Bob Hanvey asked what would happen if two different residents had the same lighting and one neighbor liked the lighting but another didn't. Would both residents be in violation? John said technically both parties would be in violation. Cheryl Range said that we could state something that required enforcement to be complaint driven or stated that you had to have approval from the adjacent neighbors in order to be compliant. Bruce Powelson suggested to only violate those that have neighbors who are complaining. Dave Hamann suggested taking our commercial language for nuisances and use it in residential areas. Dave also said that if we made this a general ordinance, then it would cover any current issues, not just the ones going forward.

Bob Hanvey asked if Carlisle Wortman would be our "Township Manager". John Enos said that right now, Carlisle Wortman spends two days a week at another township, writing tickets and arguing with residents at

the counter. It is very difficult and hard to do, but doing this is what works. You have to enforce your ordinances or it doesn't work. John will provide an electronic copy of Howell Township's ordinance.

Jim Anderson made a motion, allowing Cheryl Range to prepare language for a Nuisance ordinance, using the language from Howell Township, along with our existing definitions. Bruce Powelson seconded. **Motion carried.**

OLD BUSINESS:

1) FINAL CHANGES TO RULES AND PROCEDURES

Everyone signed the signature page for the Planning Commission Rules and Procedures.

2) LANDSCAPE NURSERY OPERATION REVIEW

John Enos said that Marion has a landscape operation definition and now we have to decide if it needs to be changed. The ZBA made this definition, so Dave has to follow this until told otherwise, so this needs to be incorporated to the zoning ordinance. John Enos stated that there is a difference between a "landscape operation" and a guy mowing grass for a living. That would fall under "home occupation". Bob Hanvey said that this definition doesn't say "secondary to growing". John thinks that it does say that.

John said that the Planning Commission needs to determine whether or not we want this as our definition. Should this definition be changed/modified or should we make it part of the ordinance. Dave Hamann said he thinks we should make this part of our Special Use process and that way, we have the ability to review it. John Enos completely agreed with Dave.

Tim Ryan, 459 East Davis Road, asked if a particular parcel is in a RR district and they build a pole barn on their parcel, but later they decide to split the parcel. The barn is now on a parcel without a house and is operating as a business. This is what happened with Eddies and now, it is actually more of a trucking company versus a landscaping operation.

John Enos said that a landscape nursery with or without a barn is not unusual. John said that we could look at over fifty different pieces of language, but they will all be similar to this one. John said that if the Planning Commission wants this as our definition, he recommends sending this language to the board for review. If the board wants us to change/modify anything, then we can do so at that time.

Jim Anderson made a motion to send this language along with the new definition to the Board of Trustees for review. Bruce Powelson seconded. **Motion carried.**

3) TXT# 07-17 PROPOSED CHANGES LOTS

Cheryl Range made a motion to postpone this item until the next meeting on March 26, 2019. Jim Anderson seconded. **Motion carried.**

4) TXT# 03-18 HOME OCCUPATION

Jim Anderson found some interesting language regarding "Home Occupations".

Jim Anderson made a motion to send both pieces of language he found on Home Occupations along with the language he found on Residential & Agricultural Districts to Dave Hamann so it can be distributed to the board members for review. Bruce Powelson seconded. **Motion carried.**

Cheryl Range made a motion to postpone further discussion on this item until the next meeting on March 26, 2019. Bob Hanvey seconded. **Motion carried.**

5) TXT# 01-18 6.20 PRIVATE ROADS

Jim Anderson found some language on "Private Roads".

Jim Anderson made a motion to send the language he found on Private Roads to Dave Hamann so it can be distributed to the board members for review. Cheryl Range seconded. **Motion carried.**

Cheryl Range made a motion to postpone further discussion on this item until the next meeting on March 26, 2019. Bob Hanvey seconded. **Motion carried.**

CORRESPONDENCE AND UPDATES:

MSU EXTENSION CULTIVATING LOCAL FARM ECONOMIES (MARCH 21, 2019 IN ANN ARBOR)

Cheryl Range, Larry Grunn and Bob Hanvey would like to attend this seminar. Bob Hanvey will check with the Board to see who else would like to attend this training and then will coordinate with the Clerk about getting everyone registered for the class.

PLANNING COMMISSION ANNUAL REPORT

Bob Hanvey said that Cheryl Range put together the Planning Commission Annual report for this year and did a very nice job, and thanked Cheryl for her efforts on this.

SET NEXT SPECIAL MASTER PLAN MEETING

John Enos passed out the Master Plan draft and will coordinate the next Special Meeting with Dave Hamann. Tim Ryan asked if he could review the Master Plan handout. John Enos said that it is a rough draft and would be ok with him taking a quick look at it, but reminded everyone that it is not approved yet, so it is not ready for the public to review it yet.

CALL TO THE PUBLIC: None

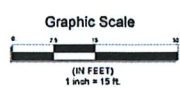
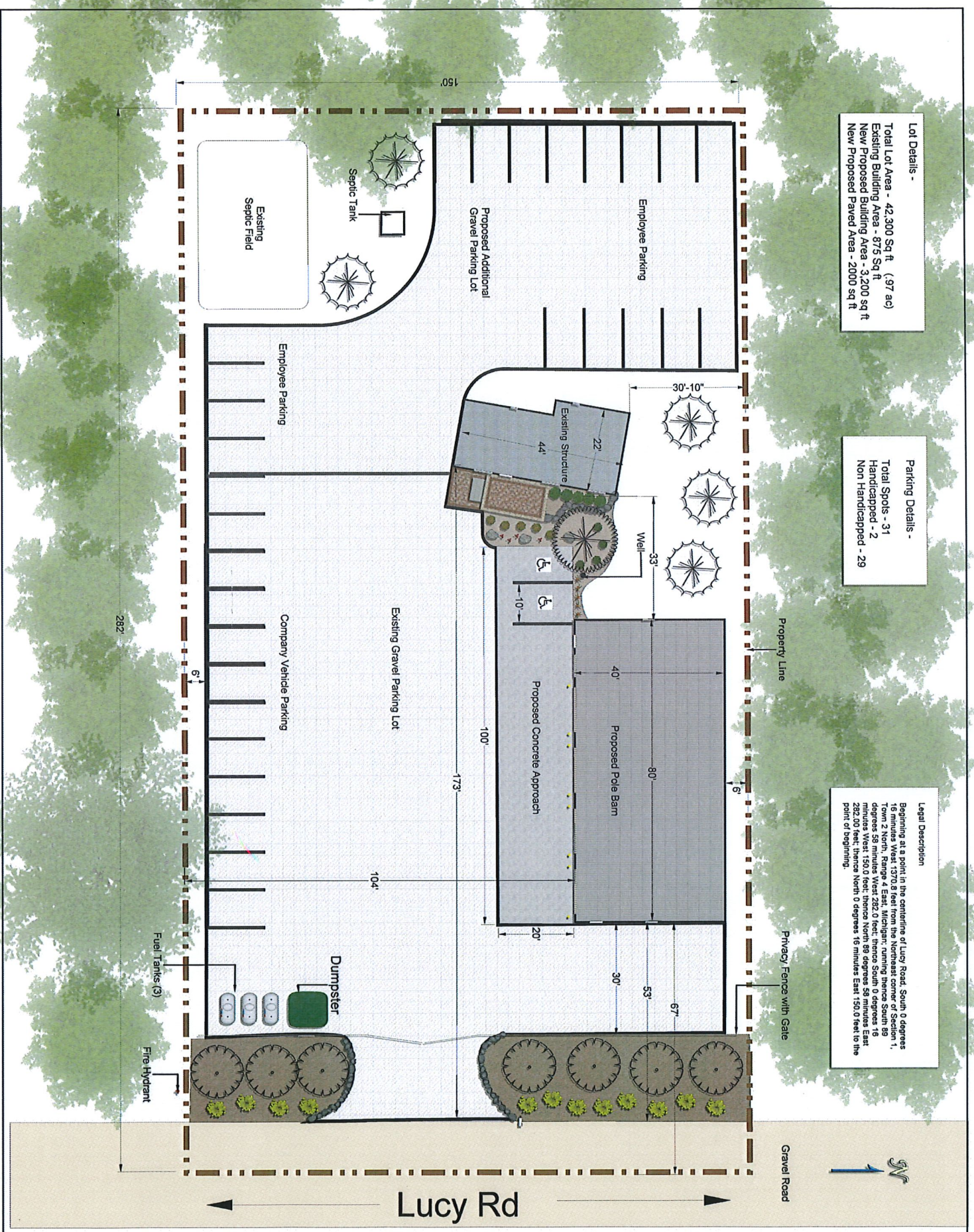
ADJOURNMENT:

Bruce Powelson made a motion to adjourn the meeting at 9:45pm. Jim Anderson seconded. **Motion carried.**

Lot Details -
 Total Lot Area - 42,300 sq ft. (.97 ac)
 Existing Building Area - 875 Sq ft
 New Proposed Building Area - 3,200 sq ft
 New Proposed Paved Area - 2,000 sq ft

Parking Details -
 Total Spots - 31
 Handicapped - 2
 Non Handicapped - 29

Legal Description
 Beginning at a point in the centerline of Lucy Road, South 0 degrees 16 minutes West 137.025 feet from the Northeast corner of Section 1, Town 2 North, Range 4 East, 1st Principal Meridian, running thence South 88 degrees 47 minutes West 200.00 feet to the intersection of the centerline of Lucy Road, thence West 150.0 feet; thence North 88 degrees 58 minutes East 282.00 feet; thence North 0 degrees 16 minutes East 150.0 feet to the point of beginning.



S-1
 2-6-19
 Date
 19 - 205
 Job Number

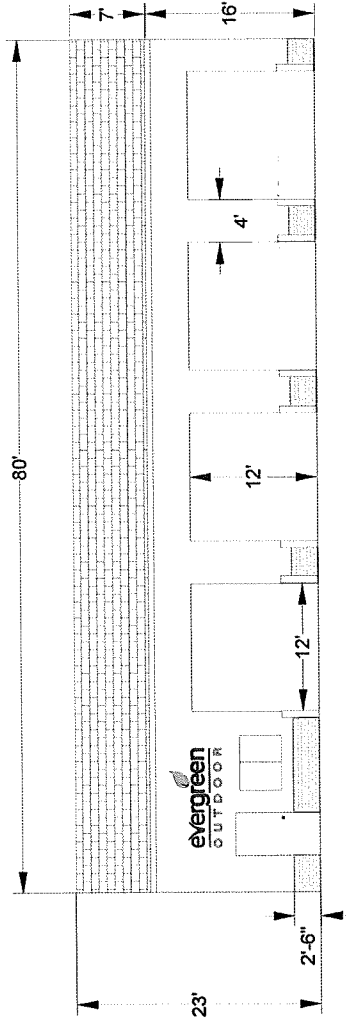
Evergreen Outdoor Pole Barn



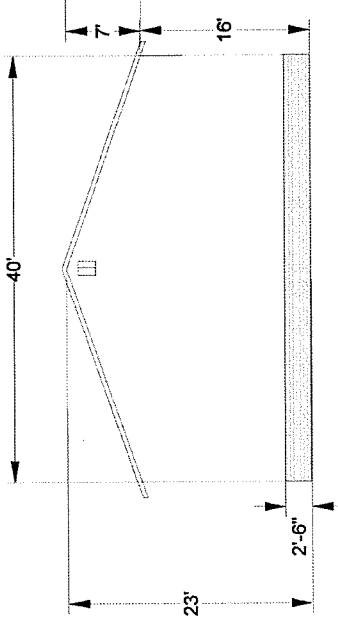
Property Information
 386 Lucy Rd, Howell Mi
 Parcel ID - 4710-01-200-004

Proposed Pole Barn 40' x 80'

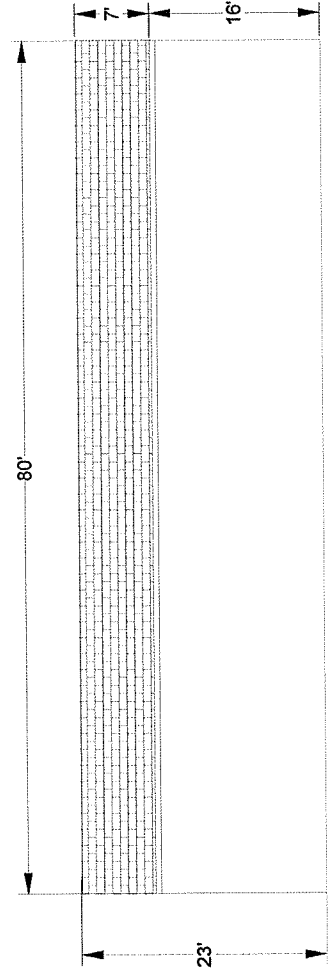
South Side Elevations



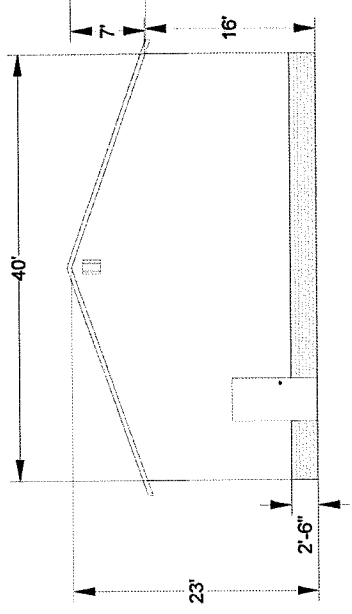
West Side Elevation



North Side Elevations



East Side Elevation



S-2

Job Number
19 - 205
Date
2-6-19

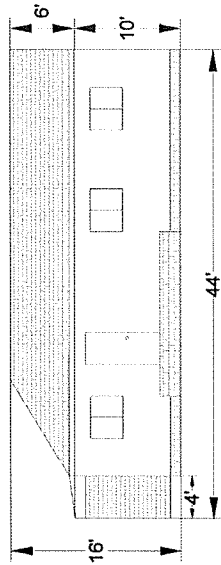
Evergreen Outdoor
Pole Barn
386 Lucy Rd, Howell MI

evergreen
OUTDOOR

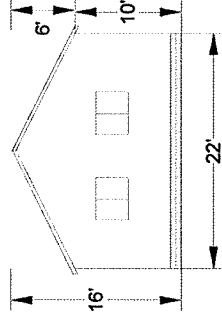
Property Information
386 Lucy Rd, Howell MI
Parcel ID - 4710-01-200-004

Existing Home / Office Elevations

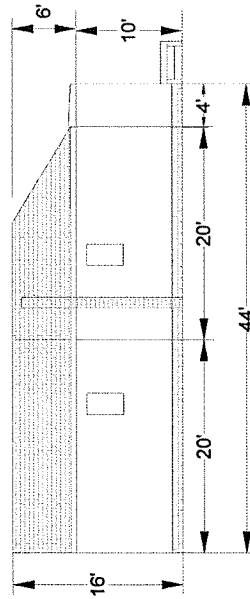
East Side Elevations



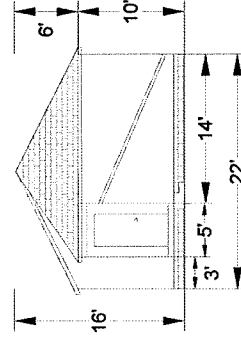
North Side Elevations



West Side Elevations



South Side Elevations



S-3

Job Number
19 - 205

Date
2-6-19

Evergreen Outdoor
Pole Barn
386 Lucy Rd, Howell MI

evergreen
OUTDOOR

Property Information
386 Lucy Rd, Howell MI
Parcel ID - 4710-01-200-004



S-4

Job Number

19 - 205

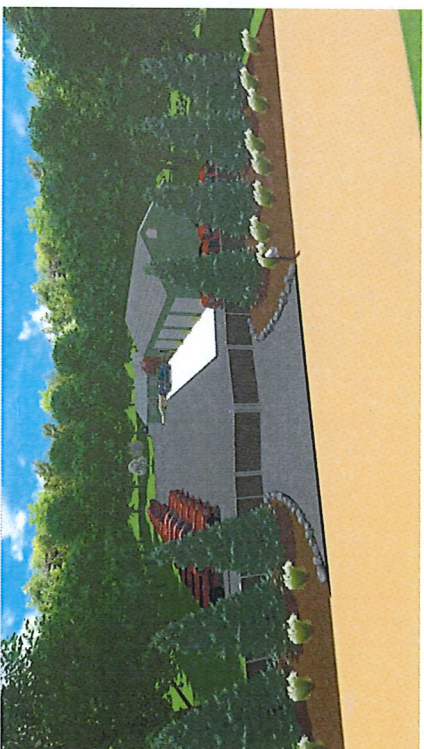
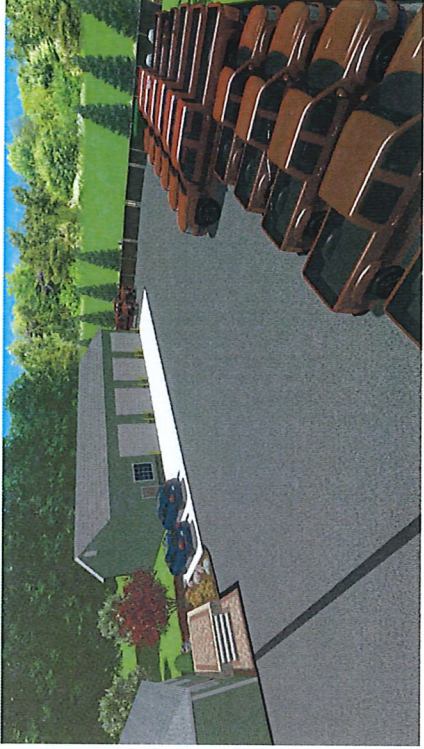
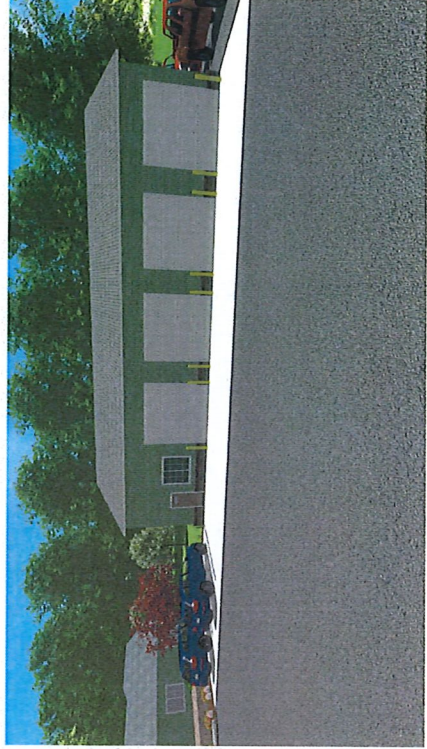
Date

2-6-19

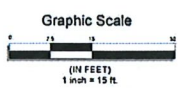
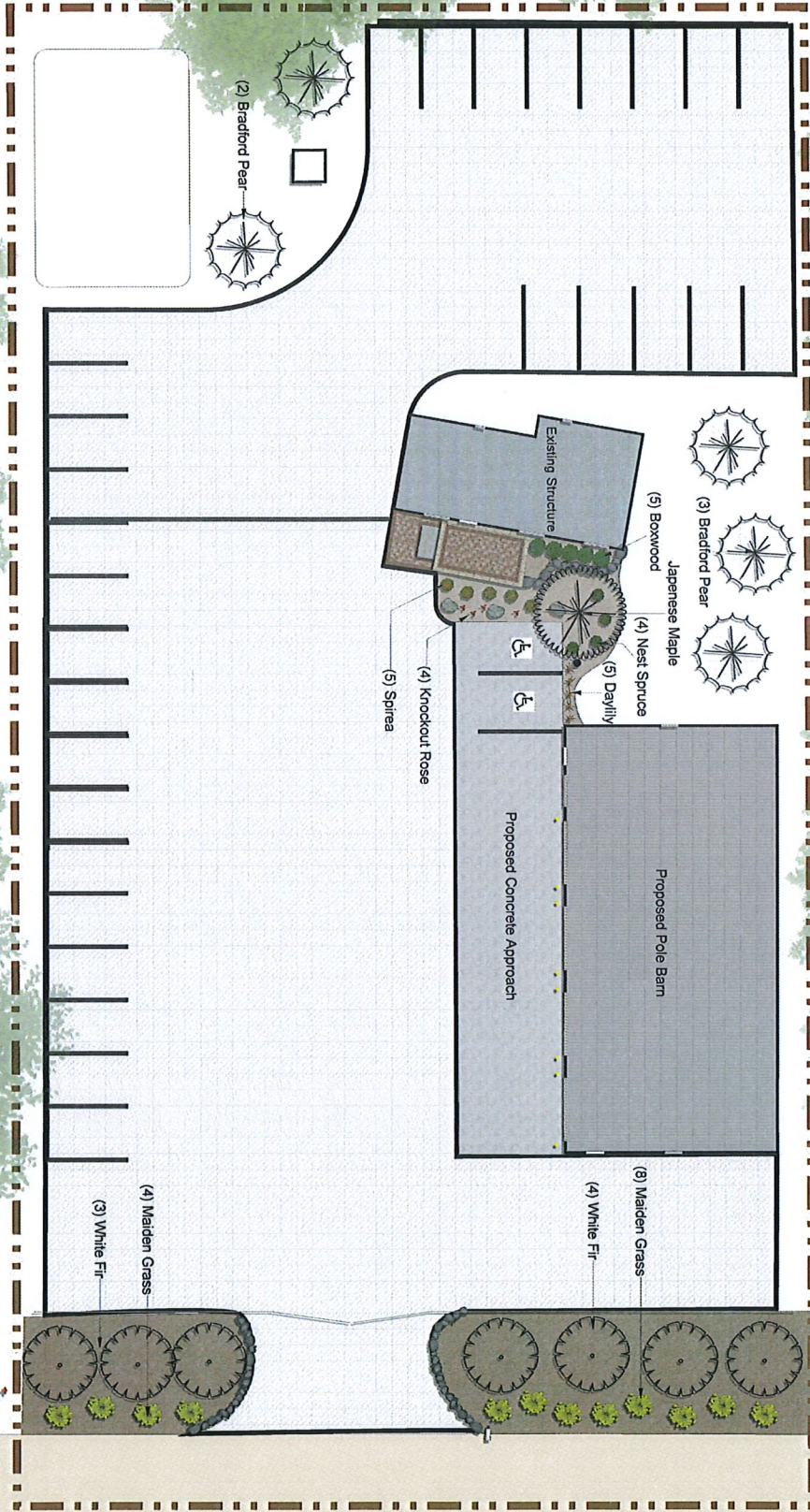
**Evergreen Outdoor
Pole Barn**
386 Lucy Rd, Howell MI



Property Information
386 Lucy Rd, Howell MI
Parcel ID - 4710-01-200-004



Symbol	Qty	Size	Common Name	Botanical
	4	3 gal.	Bare Root Spruce	Picea canadensis 'Millers'
	1	20'	Boxwood	Buxus japonica 'Spartea'
	5	2.5 ft	Bradford Pear	Pyrus calleryana
	5	3 gal.	Common Barwood	Buxus sempervirens
	5	1 gal.	Davilly	Hemionitis
	12	3 gal.	Maiden Grass	Miscanthus sinensis
	4	2 gal.	Rose 'Double Knock Out'	Rosa 'Double Knock Out'
	5	3 gal.	Spiraea	Spiraea japonica 'Magic Carpet'
	8	1 gal.	White Fir	Abies concolor



L-1

2-6-19
Date

19 - 205
Job Number

Evergreen Outdoor
Pole Barn



Property Information
386 Lucy Rd, Howell MI
Parcel ID - 4710-01-200-004

**MARION TOWNSHIP
ENGINEERING STANDARDS
MARCH 2019**

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GENERAL PLAN SUBMITTAL REQUIREMENTS AND PROCEDURES

I. PURPOSE

- A. It is the purpose of this Section to specify standards and data requirements, which shall be followed in the preparation of the site plans. It is also the purpose of this Section to ensure that:
 - 1. The proposed use will not be injurious to the surrounding neighborhood and protects the general health, safety, welfare, and character of the Township;
 - 2. Natural resources will be preserved to the maximum extent possible in the site design by developing in a manner which will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, soils, ground water, and woodlands; and
 - 3. Landscaping, including grass, trees, shrubs, and other vegetation is provided to maintain and improve the aesthetic quality of the site and area.

II. SITE PLAN PROCEDURE SUMMARY

A final site plan shall be reviewed by the Planning Commission, who shall then provide a recommendation of approval, approval with conditions, or denial, to the Township Board of Trustees. The Township Board of Trustees must approve or approve with conditions the final site plan prior to the establishment of any new land use, change of use, addition to an existing use, or the erection of any structure in any zoning district. Individual single-family structures erected within a single lot, parcel or building envelope shall not require site plan review.

1. The Township shall not issue a land balancing permit until the final site plan has been approved by the Township Board of Trustees and is in effect.
2. No grading, removal of trees or other vegetation, landfilling, land balancing, or construction of improvements shall commence for any development that requires site plan approval until a final site plan is approved and is in effect, except as otherwise provided in these specifications.

A. Preliminary Site Plan

1. Application. Any applicant may submit a request for preliminary site plan review by filing with the Zoning Administrator completed forms, payment of the review fee required herein, and twelve (12) copies of the preliminary site plan drawing(s), and six (6) 11 x 17 inch color aerial photographs of the site area and surrounding areas showing overlaying property lines and the proposed site layout at a scale ten times that used for the site plan, and one (1) 24 x 36 inch presentation aerial photograph, as determined by The Administrator. The Administrator, upon receipt of the application, shall transmit only complete submittals of the preliminary site plan to the Planning Commission. The purpose of such preliminary review is to confirm general compliance with Township standards as well as to suggest changes, if necessary, for final site plan approval.
2. Information Required. Site plans shall consist of an overall plan for the entire development. Sheet size shall be at least 24" x 36" with plan view drawn to a scale of no greater than 1" = 50'. A preliminary site plan submitted for review shall contain all of the following information in a clear and legible format:

General Information

- a. Name of the proposed development
- b. Name, address, phone, fax number and/or email address of applicant(s), property owner(s), engineer(s), architect(s), and landscape architect(s).
- c. A written narrative of the proposed use(s) of the property. For other than residential uses, including factors that potentially impact the proposed development may have on the surrounding area.
- d. One (1) presentation quality aerial photograph with adjacent property information and features including, though not limited to, the following: land use(s), property owner(s), sidwell number(s), location of adjacent buildings, driveways, streets, existing and proposed lot lines, building lines, structures, and parking areas on the parcel and within one hundred (100) feet of the site.
- e. Date of plan preparation, including revision dates.
- f. Complete legal description of the site.
- g. Professional seal of a registered architect, engineer, surveyor, landscape architect, or a planner.
- h. Vicinity map drawn at a scale of 1" = 2,000'.
- i. Dimensions and gross acreage of the site.

- j. Zoning classification of petitioner's parcel and all abutting parcels and demonstration of compliance with lot area, width, coverage, and setback requirements.
- k. Scale and north arrow on each plan sheet.
- l. Existing natural features and man-made features to be retained or removed.
- m. Adjacent property information and features including, though not limited to, the following: land use(s), property owner(s), sidwell number(s), zoning classification, location of adjacent buildings, driveways, streets.
- n. Existing and proposed lot lines, building lines, structures, parking areas, etc., on the parcel and within one hundred (100) feet of the site.
- o. Proposed construction phasing.
- p. Identification of variances that may be required.

Physical Features

- a. Location, size, and dimension of proposed buildings/structures, including floor area, finished floor elevation, number of floors, height, number and type of dwelling units (where applicable).
- b. Location of existing and proposed private and public roads and access drives, including general alignment, right-of-way or easement, surface type, and width.
- c. Location, size, and dimension of the following existing and proposed site features: water main, wells, detention and forebay basins, private utilities, utility poles, and public and private easements.
- d. Location, size, and dimension of existing and proposed storm sewer, culverts, ditches, and public and private storm sewer easements.
- e. Location, size, and dimension of existing and proposed sanitary sewer, septic fields, reserve septic fields, sewage disposal facilities, and public and private sanitary sewer easements.
- f. Location of all existing and proposed parking, including dimensions of spaces, maneuvering lanes, and surface type, where applicable.

Natural Features

- a. Soil characteristics of the parcel to at least the detail provided by the U.S. Soil Conservation Service, Soil Survey of Livingston County, Michigan.
- b. Existing topography with a maximum contour interval of two (2) feet for the site and beyond the site for a distance of one hundred (100) feet in all directions. Final grading plan, showing finished contours at a maximum interval of two (2) feet, correlated with existing contours so as to clearly indicate required cutting, filing, and grading.
- c. Location of existing wetlands, drainage courses, floodplains, and associated bodies of water, within one hundred (100) feet of the site, and their elevations.
- d. Location of existing woodlands delineated with symbolic lines tracing the spread of the outermost branches and shall be described as to the general sizes and kinds of trees contained.
- e. Location of natural resource features, including, but not limited to, woodlands and areas with slopes greater than eighteen percent (18%) incline.

Additional Requirements for Residential Developments

- a. Density calculation by type of unit.
- b. designation of units by type and number of units in each building.

- c. Amount, type, and location of common open space, including general and limited common elements within a site condominium, and any recreational amenities (i.e., playground equipment).
 - 3. **Planning Commission Action.** The Planning Commission shall recommend to the Township Board of Trustees approval, approval with conditions, or denial of the preliminary site plan. If the preliminary site plan requires extensive revisions to meet Township requirements, the Planning Commission may recommend denial of the preliminary site plan. The Planning Commission shall set forth the reason for its action in the record of the meeting at which action is taken.
 - a. The Planning Commission recommendation of the preliminary site plan shall be forwarded to the Township Board of Trustees for its review.
 - b. If the preliminary site plan is recommended for denial or approval with conditions, the applicant may address all the conditions and submit the revised preliminary site plan to the Zoning Administrator for further action by the Planning Commission.
 - Board of Trustees Action.** The Township Board of Trustees shall review the preliminary site plan and approve, approve with conditions, or deny the preliminary site plan.
 - a. If the Board of Trustees approves the preliminary site plan, the applicant may submit a final site plan to the Zoning Administrator in accordance with the provisions herein.
 - b. If the preliminary site plan is approved with conditions, the applicant shall address all the conditions and submit a revised site plan to the Zoning Administrator. Upon a determination by the Township's Engineer and Planner that all the conditions have been satisfied, the plan shall be forwarded to the Planning Commission for final site plan review.
 - c. If the preliminary site plan is denied by the Township Board, the applicant may submit an alternative preliminary site plan to the Zoning Administrator for review by the Planning Commission in accordance with the provisions herein.
 - 4. **Effect of Approval.** Approval or approval with conditions of a preliminary site plan by the Township Board of Trustees shall indicate general acceptance of the use and the proposed layout of buildings, streets and drives, parking areas, other facilities, and overall character of the proposed development. The Zoning Administrator or duly-appointed agent shall, within ten (10) days of the date of approval of the preliminary site plan by the Board of Trustees, transmit a written certification of such approval to the applicant.
 - 5. **Expiration of Approval.** Approval of a preliminary site plan by the Board of Trustees shall be valid for a period of one (1) year from the date of approval and shall expire and be of no effect unless a completed application for a final site plan approval with all necessary supporting information is filed with the Zoning Administrator within that time period.
- B. Final Site Plan
 - 1. **Application.** The applicant shall submit to the Zoning Administrator twelve (12) copies of a final site plan as well as other data and exhibits hereinafter required, the review fee required herein, and a completed application form. The Zoning Administrator, upon receipt of the application, shall transmit only complete submittals (as determined by The Administrator) of the final site plan drawing(s) to the Planning Commission prior to its next regular meeting.

2. **Information Required.** Site plans shall consist of an overall plan for the entire development. Sheet size shall be at least 24" x 36" with plan view drawn to a scale of no greater than 1" = 50'. A final site plan submitted for review and approval shall contain all of the information required for the preliminary site plan in addition to the following data presented in a clear and legible format.

Physical Features

- a. Location of existing and proposed centerline, edge of roadway, approach radii at intersections, and pavement cross-sections for public and/or private roads on site or abutting the site. Acceleration, deceleration, passing lanes, approaches, and curb and gutter shall also be shown.
- b. Existing and proposed location, width, and approach radii of access drives, driveways, sidewalks, pathways, and curb and gutter. Pavement cross sections shall be provided for each.
- c. Existing and proposed off-street parking with calculation of the number of parking spaces required and provided.
- d. Location of existing storage tanks. This may include, but not be limited to, information on the following:
 1. Chemical and fuel storage tanks and containers;
 2. Water supply facilities;
 3. Sanitary sewage disposal facilities;
 4. Storm water control facilities and structures; and
 5. Location of all easements.
- e. Location, size/dimension of existing and proposed fire hydrants, water service and fire suppression leads, and public and private water main easements. (All proposed water mains must meet the standards of the Marion, Howell, Ocoola, Genoa (MHOG) Water Authority.)
- f. Grading and overflow route for proposed and existing detention and forebay basins and public and private drainage easements. Calculations shall be included and indicate that the detention and forebay areas meet the Livingston County Drain Commission standards.
- g. A note shall indicate the ultimate outlet for storm water runoff (County Drain, creek, or river).
- h. Location of all building structures with setback and yard dimensions.
- i. Dimensioned floor plans and typical elevation views for all buildings, where applicable.
- j. Proposed exterior lighting locations, typical detail, and illumination pattern.
- k. Location and description of all existing and proposed landscaping, berms, fencing, retaining walls, and quantity and size of all proposed landscaping.
- l. Trash receptacle pad location, area, method of screening, pavement type and cross-section.
- m. Location, area, depth, and method of screening of transformer pads, compressors, air conditioners, generators, refrigeration units, and similar equipment, where applicable.
- n. Entrance detail(s) including traffic control and monument sign locations and size.
- o. Designation of fire lanes.
- p. Proposed grading and how it shall tie into existing grading, and the limits of clearing and grading. Elevations shall be provided at, though not limited to: top of curb and/or edge of pavement, edge of walk/pathway, top and bottom of retaining wall,

property corners, finished floor, storm structures, and detention and forebay high water.

- q. Location of existing and proposed ground, wall, or directional signs, and details of all proposed signs.
- r. Any other pertinent physical features.

Additional Requirements for Commercial and Industrial Developments

- a. Loading/unloading areas.
- b. Total and useable floor area.
- c. Number of employees in peak usage.

3. **Standards for Review.** In reviewing the final site plan, the Planning Commission and Township Board shall determine whether the plan meets the following specification and standards:

- a. The plan conforms to the approved preliminary site plan and with all Zoning Ordinance regulations.
- b. All required information is provided.
- c. There is a proper relationship between major thoroughfares and proposed service drives, driveways, and parking areas. Proper access to all portions of the site and all sides of any structure is provided. All structures or groups of structures shall be so arranged as to permit emergency vehicle access by some practical means.
- d. Site plans shall fully conform to the Livingston County Drain Commission standards.
- e. Wastewater treatment systems, including on-site septic systems, will be located to minimize any potential degradation of surface water or groundwater quality and meet County and State standards.
- f. Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby water bodies in accordance with County and State standards, where applicable.
- g. The proposed use is in compliance with all Township Ordinances and any other applicable laws.

4. **Planning Commission Action.** The Planning Commission shall recommend to the Township Board of Trustees approval, approval with conditions, or denial of the final site plan within ninety (90) days after the final site plan is first reviewed by the Planning commission. This time limit may be extended upon agreement between the applicant and the Planning Commission. The Planning Commission may suggest modifications in the proposed final site plan as are needed to gain Planning commission recommendation for approval. All engineering drawings and plans shall be reviewed by the Township's engineer, planner, attorney, Howell Area Fire Authority, and appropriate Livingston County and state agencies before a final site plan may be recommended for approval, approval with conditions, or denial by the Planning Commission.

5. **Effect of Approval.** A recommendation of approval advances the final site plan to the Township Board of Trustees for its review and action. Upon approval of a final site plan by the Township Board of Trustees, the applicant may apply for a land balancing/land use permit in accordance with the terms of the approved final site plan and any other Township requirements.

6. **Expiration of Approval.** Approval of a final site plan shall expire and be of no effect one (1) year following the date of approval unless construction has begun on the property in conformance with the approved final site plan.

- a. **Combining Preliminary and Final Site Plans** An applicant may, at the discretion of The Administrator, request to combine a preliminary and final site plan in one (1) application for approval. In such a situation, the portion of the review process concerning preliminary site plan application and review may be waived by the Planning Commission. The Planning Commission shall have the authority to require submittal of a preliminary site plan separate from a final site plan where, in its opinion, the complexity and/or scale of the site for the proposed development to warrant.
 - b. **Conformity to Approved Site Plans** Property, which is the subject of an approved final site plan, must be developed in strict compliance with the approved final site plan and any amendments thereto which have been approved by the Township Board of Trustees. If construction does not conform to the approved final site plan, the approval shall be revoked. Upon revocation of such approval, all construction activities shall immediately cease upon the site, other than actions taken to correct the violation. For residential developments, no land use permit for dwellings shall be issued until the first course of blacktop, by development phase if applicable, and landscaping has been installed. The required landscaping shall include, but not be limited to, greenbelts, entrance(s), detention/retention basins, and buffers as shown on the approved final site plan.
 - c. **Amendment of Approved Site Plan** The Zoning Administrator shall have the authority to determine if a proposed change requires an amendment to an approved final site plan. The Zoning Administrator may approve minor changes in an approved final site plan, provided that a revised final site plan drawing(s) be submitted showing such minor changes, for purposes of record. An approved final site plan may be amended upon re-application including any fees required and in accordance with the procedure herein for a final site plan.
- C. **Construction Plan Review** Following approval of the final site plan by the Township Board of Trustees, the applicant shall submit to the Zoning Administrator two (2) copies of construction plans as well as any other data and exhibits hereinafter required. The construction plans shall be consistent with the approved final site plan but shall provide greater detail in accordance with these standards. Approval of the construction plans by appropriate authorities is required prior to beginning construction.
- D. **Construction Observation** Marion Township or its designated representative will provide observation on all proposed public utilities and improvements, as well as limited construction observation of private improvements. The requirements for construction observation and final project closure shall be in accordance with these standards, as amended.

III. CONSTRUCTION PLAN SUBMITTAL PROCEDURES

1. Following approval of the preliminary and final site plans by the Township, the applicant shall submit to the Zoning Administrator two (2) copies of construction plans as well as any other data and exhibits hereinafter required, the review fee, and a completed application form. After the initial submittal, subsequent revisions can be sent directly to the Township Engineer.
2. The construction plans shall address the same concerns as the final site plan but shall include much greater detail in accordance with the adopted Marion Township Engineering Standards. Approval of the construction plans is required prior to beginning construction.
3. As part of the review process, the Township Engineer may contact the Township, the DPW, Fire Department, or other regulatory agencies for comments and feedback. If other agencies (MDOT, MDEQ, LCRC, LCDC, etc.) have not completed their reviews, the Township Engineer may request that their comments be supplied to the Township Engineer prior to final approvals. In general, the following agencies shall have review authority over the type of improvement:
 - d. Marion Township
 - I. Sanitary sewer and appurtenances
 - II. Public and Private water distribution system and appurtenances
 - III. Private storm sewer and appurtenances
 - IV. Stormwater management (detention, retention, etc.)
 - V. Private roads and paved areas
 - VI. Pathways and sidewalks
 - VII. Grading and restoration
 - VIII. Any other improvements not regulated by another agency
 - e. Livingston County Road Commission (LCRC)
 - I. Public roads, streets, and right-of-ways
 - f. Livingston County Drain Commissioner (LCDC)
 - I. Public storm sewer and appurtenances
 - II. Stormwater management (detention, retention, etc.)
 - III. Soil Erosion Control
 - g. Livingston County Department of Public Health
 - I. Private septic fields
 - II. Private water wells
 - h. Marion Howell Oceola Genoa Water Authority (MHOG)
 - I. Public water distribution system and appurtenances
4. When plans are complete and ready for approval the Township Engineer will request additional sets of plans be submitted for distribution to MDEQ for sanitary sewer permitting (see item 7 in this section).
5. The applicant shall be responsible for submitting directly to the LCRC, LCDC, MHOG, and other separate regulatory agencies (MDOT, MDEQ for wetland permitting, etc.). Any such approvals shall be forwarded to the Township Zoning Administrator and the Township Engineer prior to beginning construction.
6. All public improvement plans submitted for permits must carry the seal and signature of the Design Engineer. Note that the amount and type of sanitary and/or water main pipe must be summarized on the cover sheet when MDEQ permitting is required.

7. Sanitary sewer plans along with a completed MDEQ Sanitary Sewer Permit Application Part 41, shall be provided to the Township Engineer. The Township engineer will have the Township execute the permit application and then forward the application and plans to the MDEQ for permitting.
8. Modification of Plan During Construction. All improvements shall conform to the final site plan. It shall be the responsibility of the applicant to notify the Zoning Administrator of any such changes prior to such change being made. Any changes which result in a material alteration of the approved final site plan shall require resubmittal of a site plan, which shows the proposed changes, to the Planning Commission including any fees determined by the township Board of Trustees. The Planning commission or Township Board of Trustees may require the applicant to correct the changes so as to conform to the approved final site plan.
9. Phasing of Development. The applicant may, at their discretion, divide the proposed development into two (2) or more phases. In such case, the preliminary site plan shall cover the entire property involved and shall clearly indicate the location, size, and character of each phase. A site plan for each phase shall be submitted in accordance with the procedure herein for a final site plan including any fees required.
10. Appeals. No decision or condition related to a site plan approval shall be taken to the Zoning Board of Appeals
11. Fees. The Marion Township Board shall establish by resolution a fee schedule to defray costs, which may include but not be limited to inspection, plan review, administration, and enforcement of this section. Before final approval, any costs incurred by the Township shall be paid by the applicant. The applicant may also be required to post a cash Escrow Account according to Section 4.07 of the Marion Township Zoning Ordinance.

IV. INSURANCE

A. Prior to construction, the Contractor shall procure and maintain, during the term of the project, public liability and property damage insurance with a responsible insurance company which meets the approval of Marion Township, in such amounts as will be adequate to protect the public, Marion Township interests, and shall not be less than the limits set forth herein.

Type of Insurance:

1. Workmen's Compensation Insurance and Employer's Liability Limit: As required by laws of State of Michigan
2. Public Liability & Property Damage:

Bodily Injury:	Each Occurrence:	\$1,000,000
	Aggregate:	\$2,000,000
Property Damage:	Each Occurrence:	\$1,000,000
	Aggregate:	\$2,000,000
3. Owner's and Contractor's Protective Liability & Property Damage:

Bodily Injury:	Each Occurrence:	\$1,000,000
	Aggregate:	\$2,000,000
Property Damage:	Each Occurrence:	\$1,000,000
	Aggregate:	\$2,000,000
4. Motor Vehicle (including Owner, Hired and Non-Owned Vehicles):

Bodily Injury:	Each Occurrence:	\$1,000,000
Property Damage:	Each Occurrence:	\$1,000,000
Combined Single Limit:		\$2,000,000

B. Policies shall be made available to Marion Township and the Township Engineer for examination as to their validity and any undesirable exclusions deemed improper by legal opinion rendered to the Township regarding same. Underground construction, where applicable, shall be specified in the coverage. Certificates of coverage signed by the insurance carriers shall include a guarantee that 30 days written notice shall be given by the insurance carrier to Marion Township prior to cancellation of, or any change in the respective policies. In the event that the insurance is canceled, operations shall cease prior to the cancellation date and shall not resume until evidence is provided that proper insurance is again in effect. Additional Named Insured under Owners and Contractors Protective Public Liability and Property Damage Insurance shall include Marion Township, the Township Engineer (specifically by name) and members of staff, employees and agents for the Township.

C. The name of the proposed development must be included on the insurance documents.

V. CONSTRUCTION OBSERVATION PROCEDURES

Marion Township or their designated representative will provide observation on all proposed public utilities and improvements, as well as limited construction observation of private improvements. Any facilities installed without Township provided observation may not be accepted by the Township, and therefore may be required to be re-installed. The requirements and procedures for Construction Observation and final project closure shall be as follows.

- A. Pre-Construction Meeting
 1. Upon construction plan approval and receipt of all permits, but prior to commencing construction, a Pre-construction meeting shall be held. The Developer or the Developer's Authorized Representative shall contact the Township Engineer to schedule the Pre-construction meeting.
 2. Attendees shall include: Township representatives, Township Engineer, Developer or Developer's Authorized Representative, Design Engineer, Underground and Paving Contractors and any interested regulatory agency.
 3. At the Pre-construction meeting, the following information shall be provided:
 - a. Proof of insurance naming Marion Township and its Engineer as additionally insured.
 - b. All permits from other agencies (MDOT, MDEQ, LCRC, etc.).
 - c. Approximate schedule for construction.
 4. Prior to the Pre-construction meeting, the contractor shall provide the inspection escrow to the Township. Proof of payment should be forwarded to the Township Engineer. The final approval letter from the Township Engineer will detail the amounts and basis of the escrow based upon industry standard production rates.
 - a. Unused observation and administration escrow funds will be eligible for return as described in the final approval letter.
 - b. The Township Engineer shall monitor the observation escrow and may require additional deposits. This shall be dependent on the contractor's rate of progress and the difficulty in completing the project.
 - c. Failure to keep the observation escrow current may result in withholding construction observation, and therefore possibly delaying construction.
- B. Initially and/or after a significant delay in construction, the Township Engineer shall have a minimum 72 hour's notice (not including weekends or holidays) prior to the start of any construction requiring observation.
- C. The Township's Engineer shall observe all public and private improvements according to the following criteria. The criteria may be adjusted for large or phased developments, at the discretion of the Township. The Township's Engineer may inspect all other operations requested by the Township.
 1. Tree removal and site clearing – Representatives of the Township, the Township's Engineer, the Developer or Developer's Authorized Representative, the Design Engineer, and the Developer's Contractor will meet prior to beginning any site work. The meeting will take place on site after the removal/clearing limits have been marked or staked, with the purpose being to verify general compliance with the approved plans. The proposed clearing limits must be clearly marked on the site prior to the meeting.
 2. Mass grading – The Township or the Township's Engineer will not review the site grading for compliance with the plans unless specifically directed by the Township. Responsibility for adhering to the approved grading plan shall fall upon the developer or their engineer/surveyor. Any irregularities observed while out performing other inspections will be brought to the Township's and developer's attention. A grading certificate as described under project acceptance requirements shall be required.

3. Soil erosion control - All inspections related to soil erosion control will be handled by the permitting agency, LCDC. Any problems observed by the Township's engineer while on site performing other inspections will be brought to the Township's, LCDC's, and the developer's attention.
 4. Water system improvements – Full time inspection will be provided by MHOG or their representatives as outlined in their approvals and permits.
 5. Sanitary system improvements – Full time inspection will be provided by the Township's Engineer.
 6. Storm system improvements (private sewers) – The Township's Engineer will perform a maximum of two (2) inspections during the storm sewer installation to verify general compliance with the plans and specifications. The developer shall be responsible for certifying the storm system prior to project acceptance. Copies of testing reports and all certifications shall be provided to the Township.
 7. Storm system improvements (public sewers) – All inspections related to public storm sewers will be handled by the permitting agency, LCDC, or the Township Engineer. Any problems observed by the Township's Engineer while on site performing other inspections will be brought to the Township's, LCDC's, and the developer's attention.
 8. Private road improvements – The Township's Engineer will perform inspections at critical junctions of the road construction process. Critical junctions will be defined as:
 - d. Witnessing the proof-roll of the sub-grade (Permit to place sub-base)
 - e. Verification of sub-base construction (Permit to place base)
 - f. Verification of base construction (Permit to place pavement material)
 - g. Two (2) inspections during the placing of the asphalt or concrete pavement to verify general compliance with the plans and specifications.
 The developer shall be responsible for certifying the road system prior to project acceptance. Copies of testing reports and all certifications shall be provided to the Township.
 9. Public road improvements - All inspections related to public road improvements will be handled by the permitting agency, LCRC. Any problems observed by the Township's Engineer while on site performing other inspections will be brought to the Township's, LCRC's, and the developer's attention.
- D. Acceptance of final project:
1. The Township Engineer will generate a preliminary punch list. Once the items have been addressed, the Township and the Township's Engineer will conduct a final site inspection.
 2. All punch list items must be addressed.
 3. All fees and escrows must be paid in full.
 4. A Maintenance and Guarantee bond should be provided to the Township. The bond should be 50% of the engineer's estimate for public improvements. The Township will keep the bond for two years from the date of acceptance.
 5. Record drawings and related documents must be provided to the Township:
 - a. Upon acceptance of field improvements, the Developer's Engineer will be provided with a copy of the Inspector's Daily Reports (IDR), any applicable lead reports, and a blank "Record Drawing Requirement Checklist" in order to provide record drawings to the Township's Engineer for review and approval.
 - b. A grading certificate will be required at this time. This form (provided by the Township's Engineer with IDR's) will also need to be signed and sealed by the

Developer's Engineer and then submitted to the Township's Engineer along with the record drawings.

- c. Easements for public utilities based on "As-Built" conditions requires a sketch and legal description to be submitted by the Developer's Engineer to the Township's Engineer for review and approval along with the record drawings. Once easements documents are approved, the Township's Engineer will mail the Developer/Township the easements to be recorded with the County Register of Deeds. Once the easements are recorded with liber and page number, recorded copies will need to be forwarded to the Township and the Township's Engineer.
- d. Once the record drawings are approved by the Township's Engineer, the Developer's Engineer will be instructed as to what is required for final distribution (i.e. bluelines, mylars, CD-ROM or possibly micro-film.)

ARTICLE XXXX

WELLHEAD PROTECTION OVERLAY DISTRICT

**Marion Township Zoning Ordinance
Livingston County, Michigan**

Insert Date Here

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ARTICLE XXXX

WELLHEAD PROTECTION OVERLAY DISTRICT

Section 1 – STATEMENT OF PURPOSE

The purpose of the Wellhead Protection Overlay District is to provide supplemental developmental regulations in the designated wellhead protection zone so as to protect and preserve the surface and groundwater resources of Marion Township and the region from any use of land or buildings that may reduce the quality and/or quantity of water resources. This Wellhead Protection Overlay District has been created in accordance with both the City of Howell's and Marion, Howell, Oceola & Genoa Sewer and Water Authority's (MHOG) **Wellhead Protection Plans** drafted by Wood Environment & Infrastructure Solutions, Inc. (Wood). This Wellhead Protection Overlay District was also created in conjunction with the City of Howell and Howell Township.

Section 2 – DEFINITIONS

As used in this Article, the following words and terms shall have the meaning specified, unless the context clearly indicates otherwise.

Aquifer. A geologic formation composed of rock or sand and gravel that contain significant amounts of potentially recoverable potable water.

Discharge. Discharge includes, but is not limited to, any spilling, leaking, seeping, pouring, misapplying, emitting, emptying or dumping of any pollutants prohibited by law or regulation, which affects surface water and/or groundwater.

Impervious Surface. Materials or structures on or above the ground that do not allow precipitation to infiltrate the underlying soil.

Overlay District. That area of the Township in which special requirements and restrictions are applied to land uses and activities to eliminate or minimize contamination of the aquifers supplying the City of Howell's and MHOG's municipal water wells.

Regulated Substances shall include: 1. Substances for which there is a material safety data sheet (MSDS), as established by the United States Occupational Safety and Health Administration, and the MSDS cites possible health hazards for said substance; 2. Hazardous Waste, as defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended; 3. Hazardous Substance, as defined by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) when the hazardous substance is the focus of remedial or removal action being conducted under CERCLA in accordance with the U.S. EPA regulations; 4. Radiological materials; and 5. Biohazards.

Wellhead Protection Area. The surface and subsurface area surrounding a public water supply well or well field through which contaminants, if discharged, are reasonably likely to move toward and reach the well or the well field. This area is also known as the zone of contribution (ZOC) which contributes groundwater to the well or well field. Wellhead Protection Areas for both the City of Howell and MHOG are present in areas of the Township.

Section 3 – SCOPE OF AUTHORITY

The Wellhead Protection Overlay District is a mapped zoning district that imposes a set of requirements in addition to those of the underlying zoning district. In an area where an overlay district is established, the property is placed simultaneously in the two districts, and the property may be developed only under the applicable conditions and requirements of both districts. In the event there is a conflict between the requirements of the two districts, the requirements of the Wellhead Protection Overlay District shall prevail.

Section 4 – CREATION OF OVERLAY DISTRICT BOUNDARIES

The Wellhead Protection Overlay District boundaries shall be established on the official Township Zoning Map. The Overlay District boundaries may be amended according to the Zoning Ordinance procedures in Article YYYYY.

Section 5 – DISTRICT DELINEATION

- A. The Wellhead Protection Overlay District is hereby established to include all lands within the Marion Township, lying within the City of Howell's of MHOG's Wellhead Protection Areas, including recharge areas of groundwater aquifers and watershed areas that lie within the wellhead protection area which now or may in the future provide public water supply. If the wellhead protection area includes a portion of the parcel, the entire parcel shall be considered to be within the wellhead protection area.
- B. Where the boundaries delineated are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question to show whether the property should be located in the District. At the request of the owner(s), the Township may engage the services of a qualified professional to determine more accurately the location and extent of an aquifer within the wellhead protection area. The Township shall charge the owner(s) for all or a part of the investigation. The Owner shall place the funds necessary into an escrow account at the Township to cover the necessary fees of the qualified professional.

Section 6 – SITE PLAN REVIEW REQUIREMENTS

- A. **New or Expanded Uses and Structures.** All proposed new or expanded structures or uses within in the Wellhead Protection Overlay District, except single family uses, shall be subject to site plan review, pursuant to Article WWWW.
- B. **Existing Uses and Structures.** All land uses and activities existing prior to approval the Wellhead Protection Overlay District must conform to the site plan review standards in this Article within 365 days after adoption of the Wellhead Protection Overlay Ordinance.

Section 7 – DATA REQUIREMENTS

The following data are required for site plan review in the Wellhead Protection Overlay District, in addition to the information required by Article WWWW, Section WWWW of the Zoning Ordinance.

- A. **List of Regulated Substances.** A complete list of chemicals, pesticides, fuels and other Regulated Substances to be used or stored on the premises. Businesses that use or store such Regulated Substances shall file a management plan with the Fire Chief. The management plan shall include the following, at minimum:

1. Provisions to protect against the discharge of Regulated Substances or wastes to the environment due to spillage, accidental damage, corrosion, leakage or vandalism, including spill containment and clean-up procedures.
 2. Provisions for indoor, secured storage of Regulated Substances and wastes with impervious floor surfaces.
 3. Evidence of compliance with the rules and regulations of the Michigan Department of Environmental Quality.
 4. Drainage recharge features and provisions to prevent loss of recharge.
 5. Provisions to control soil erosion and sedimentation, soil compaction, and to prevent seepage from sewer pipes.
- B. Service Facilities and Structures.** Location of existing and proposed service facilities and structures, above and below ground, including:
1. General location of the site within the Wellhead Protection Overlay District.
 2. Areas to be used for the storage, loading/unloading, recycling, or disposal of Regulated Substances, including interior and exterior areas.
 3. Underground storage tank locations.
 4. Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport storm water or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.
- C. Water Resources.** Location of existing wetlands and watercourses, including ponds and streams on or within a quarter mile of the site.
- D. Soils.** Soil characteristics of the site, at least to the detail provided by the Natural Resources Conservation Service.
- E. Topography.** Existing topography of the site, with a maximum contour interval of two (2) feet.
- F. Existing Contamination.** Delineation of areas on the site that are known or suspected to be contaminated, together with a report on the status of site clean-up.
- G. MDEQ Checklist.** Completion of a Michigan Department of Environmental Quality (MDEQ) checklist, indicating the types of environmental permits and approvals that may be needed for the project.

Section 8 – PERMITTED PRINCIPAL USES

The following uses shall be permitted in the Wellhead Protection Overlay District, provided they comply with all applicable restrictions and standards specified in this Article:

- A. Single family residential uses.
- B. Residential accessory uses, including garages, driveways, private roads, utility rights-of-way, and on-site wastewater disposal systems (i.e., septic systems).
- C. Agricultural uses such as farming, grazing, and horticulture.
- D. Forestry and nursery uses.
- E. Outdoor recreation uses, including fishing, boating, and play areas.
- F. Conservation of water, plants, and wildlife, including wildlife management areas.

Section 9 – CONDITIONAL USES

The following uses may be permitted subject to conditions specified for each use, review and recommendation by the Planning Commission and approval by the Township Board, and subject further to any special conditions that are necessary to fulfill the purposes of this Ordinance, and the provisions set forth in Article UUUU:

- A. Commercial, industrial, governmental or education uses which are allowed in the underlying district, and which are not prohibited in Section 11.
- B. Any enlargement, intensification, alteration, or change of use of an existing commercial, industrial, governmental or education use.
- C. The rendering impervious of more than fifteen percent (15%) or 2,500 sq. ft. of any parcel, whichever is less, provided that a system for artificial recharge of precipitation to groundwater is developed, which shall not result in degradation of the groundwater.
- D. The mining or excavation for removal of earth, loam, sand, gravel and other soils or mineral resources, provided that such excavation shall not extend closer than five (5) feet above the historical high groundwater table (as determined from on-site monitoring wells and historical water fluctuation data compiled by the United States Geological Survey). One (1) or more monitoring wells shall be installed by the property owner to verify groundwater elevations. This sub-section shall not apply to excavations incidental to permitted uses, including but not limited to installation or maintenance of structural foundations, freshwater ponds, utility conduits or on-site sewage disposal.
 - 1. Upon completion of earth removal operations, all altered areas shall be restored with topsoil and vegetative plantings suitable to control erosion on the site.
 - 2. All fine materials, such as clays and silts, removed as part of the earth removal operation and leftover as by-products, shall be disposed of off-site to prevent damage to aquifer recharge characteristics.

- E. The storage of sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for removal of ice and snow on roads, provided such chemicals are covered and located on a paved surface with berms, or within a structure designed to prevent the generation and escape of contaminated run-off.
- F. Fertilizers, pesticides, herbicides, lawn care chemicals, or other leachable materials provide that such materials are stored in accordance with the manufacturer's label instructions approved by the United States Environmental Protection Agency or the Michigan Department of Agriculture and that they are used in routine agricultural operations and applied under the "Generally Accepted Agricultural Management Practices" and all other necessary precautions are taken to minimize adverse impact on surface and groundwater.
- G. The storage of commercial fertilizers and soil conditioners provided such storage shall be within structures designed to prevent the generation and escape of contaminated run-off or leachate.
- H. All liquid Regulated Substances, provided such materials must be stored either in a freestanding container within a building, or in a freestanding container above ground level with protection to contain a spill the size of the container's total storage capacity.

Section 10 – CONDITIONS

In addition to Section 9, Conditional Uses shall comply with the following:

- A. The Township Board may grant Conditional Use approval only upon finding that the proposed use meets to the following standards:
 - 1. In no way, during construction or thereafter, shall a project adversely affect the quality or quantity of water that is available in the Wellhead Protection Overlay District.
 - 2. The project shall be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation and water-related natural characteristics of the site to be developed.
- B. The Township Board shall not approve a Conditional Use under this section unless the petitioner's application materials include, in the Board's opinion, sufficiently detailed, definite and credible information to support positive findings in relation to the standards of this section.

Section 11 – PROHIBITED USES

The following uses are prohibited in the Wellhead Protection Overlay District:

- A. Business and industrial uses that generate, use, treat, process, store, or dispose of Regulated Substances, including but not limited to metal plating, chemical manufacturing, wood preserving, and dry cleaning factory, except for the following:
 - 1. Generators of a very small quantity of Regulated Substances (less than 20 kilograms or six (6) gallons per month), subject to Special Land Use review.
 - 2. Municipally-operated or sanctioned household waste collection stations.
 - 3. Waste oil retention facilities.

4. Treatment works designed for the treatment of contaminated ground or surface waters, provided the facilities have been approved by the Michigan Department of Environmental Quality.
- B. Business and industrial uses that dispose of process wastewater on-site.
- C. Solid waste landfills, dumps, landfilling, spreading or storage of sludge or septage, with the exception of disposal of brush or stumps.
- D. Storage of liquid petroleum products of any kind, except for the following:
1. Storage that is incidental to:
 - a. Normal household use and outdoor maintenance or the heating of a structure.
 - b. Use of emergency generators.
 - c. Treatment works designed for the treatment of contaminated ground or surface waters, provided the facilities has been approved by the Michigan Department of Environmental Quality.
 2. Replacement of storage tanks and systems for the keeping, dispensing or storing of gasoline, which existed at the time of adoption of this Article, provided that:
 - a. All such replacement storage tanks or systems shall be located underground as required by the Michigan Department of Environmental Quality.
 - b. All such storage systems shall be protected by a secondary containment system as specified by the Michigan Department of Environmental Quality.
 - c. The Fire Chief may deny an application for tank replacement, or approve it subject to conditions if he/she determines that it would constitute a danger to public or private water supplies.
- E. Outdoor storage of salt, de-icing materials, pesticides or herbicides.
- F. Dumping or disposal on the ground, in water bodies, or in residential septic systems of any toxic chemical, including but not limited to septic systems cleaners which contain toxic chemicals such as methylene chloride and 1-1-1 trichlorethane, or other household Regulated Substances.
- G. Stockpiling and disposal of snow or ice removed from highways and streets located outside of the Wellhead Protection Overlay District that contains sodium chloride, calcium chloride, chemically treated abrasives, or other chemicals used for snow and ice removal.
- H. Sewage disposal systems that are designed to receive more than 110 gallons of sewage per quarter acre per day or 440 gallons of sewage per acre per day, whichever is greater, provided that:
1. The replacement or repair of an existing system shall be exempted if it does not result in an increase in design capacity above the original design.

2. In calculating the maximum sewage disposal system density, it shall be assumed that each single-family-residential home will generate 280 gallons of sewage per day.
3. The maximum sewage disposal system density may be computed using the following method:
 - a. On an individual per lot basis (i.e., a single-family home typically generates 280 gallons of sewage per day, creating the need for a minimum lot area of $\frac{3}{4}$ acre.

In addition to meeting the above standards, all lots shall conform to any applicable minimum lot size requirements specified in Article VVVV of the Zoning Ordinance.

- I. Wastewater treatment works, except the following:
 1. The replacement or repair of an existing system that will not result in a design capacity greater than the design capacity of the existing system.
 2. The replacement of an existing subsurface sewage disposal system with wastewater treatment works that will not result in a design capacity greater than the design capacity of the existing system.
 3. Treatment works designed for the treatment of contaminated ground or surface waters.

Section 12 – MISCELLANEOUS REQUIREMENTS

The following requirements shall apply to all uses in the Wellhead Protection Overlay District:

- A. **Drainage.** For commercial and industrial uses, run-off from impervious surfaces shall not be discharged directly to drains, streams, ponds, or other surface water bodies. Oil, grease and sediment traps shall be used to facilitate removal of contamination. Forebays/sediment basins and other requirements shall be adhered to per the Township Engineering Design Standards.
- B. **Discharge of Regulated Substances.** The property owner shall prevent the discharge of regulated substances.
 1. Upon discovery of a discharge within the Wellhead Protection Area, the owner of the property on which a discharge occurred, as well as the person responsible for the discharge if they are not the same, shall take appropriate reasonable actions to mitigate the potential impact of the discharge on the groundwater and remediate the discharge. Remediation shall be conducted in a timely manner and in accordance with applicable law. Wastes generated during remediation of a Regulated Substance discharge must be handled in accordance with all applicable legal requirements. Storage of these materials for a period of greater than ninety (90) days must be reported to, and approved obtained from, the Township Supervisor or his/her designee.
 2. All discharges shall be documented in writing and mailed to the Township Supervisor or his/her designee within ten (10) business days of said incident. Initial discharge notification shall include, at a minimum, the following:
 - i. Location of the discharge (name, address, and phone);
 - ii. Reporting party's name, address and phone (if different from above);
 - iii. Emergency contact and phone;

- iv. Description of the nature of the incident, including date, time, location, and cause of the incident; type, concentration, and volume of substance(s) discharged;
 - v. Map showing exact discharge location, and relevant site features (i.e. paved area, storm sewer catch basins/inlets, water features, etc.), scale, and north arrow;
 - vi. All measures taken to clean up the discharge; and
 - vii. All measures proposed to be taken to reduce and prevent any future discharge.
3. The Township Supervisor or his/her designee shall determine if and where any additional investigative work needs to be completed to assess the potential impact of the discharge. The owner or operator shall retain a copy of the written notice for at least three years.

Section 13 – ENFORCEMENT

- A. Whenever the Township Supervisor or his/her designee determines that a person has violated a provision of this Ordinance, the Township Supervisor or his/her designee may order compliance by issuing a written Notice of Violation to the responsible person/facility.
- B. If the Township Supervisor or his/her designee requires abatement of a violation and/or restoration of affected property, the notice shall set forth a deadline by which such action must be completed. Said notice may further advise that, should the violator fail to remediate or restore within the established deadline, the work could be performed by the Township, with the resulting expense thereof charged to the violator and the expenses may be assessed onto the property if the property owner is also the violator.

Section 14 – VARIANCE/APPEAL RIGHTS

- A. If an owner of property within a Wellhead Protection Area believes the requirements of this ordinance impose an unreasonable burden on the use of the owner's property, the owner may seek a variance from the Marion Township Zoning Board of Appeals ("ZBA") in any appeal to the ZBA, the Township Consulting Engineer shall assist the ZBA for purposes of a variance request or of appeal rights. Such a request must be in writing with enough detail to allow the Township Consulting Engineer shall assist the ZBA for purposes of a variance request or of appeal rights, to understand the situation and proposed variance. If the Township Consulting Engineer determines that additional information is needed, the request for additional information shall be made within 15 days of the owner's request. Within 30 days of the receipt of such additional information, or, if no such request is made, within 30 days of the owner's request a hearing in front of the ZBA. The ZBA shall grant, deny, or partially grant the request. A grant, partial or complete, may relieve the property owner from strict compliance of this Ordinance. Reasonable conditions may be imposed by the ZBA as part of such a grant. The ZBA shall be guided by the primary goal of protecting the Township's Wellhead Protection Area without creating undue hardship upon the property owners affected.
- B. Any person receiving a notice of violation may appeal the determination by submitting a written notice of appeal to the Marion Township Zoning Board of Appeals. The notice of appeal must be received by the Zoning Board of Appeals within 30 days from the date of the notice of violation, with enough detail to allow the Township's Consulting Engineer, as a staff representative to the ZBA to understand the situation. Within 30 days of the receipt of such an appeal, the Township Consulting Engineer shall issue a written response to the appeal to the applicant and to the ZBA unless the Township Consulting Engineer has requested additional information, in which case the Township Consulting Engineer's response shall be issued within 30 days of receipt of the information. The Zoning Board of Appeals shall affirm, reverse or modify the notice of violation being appealed.

- C. If the person who has made a variance request or an appeal of a notice of violation does not agree with the decision of the ZBA, said person may appeal the matter by filing an action in the Livingston County Circuit Court, which may affirm, reverse or modify the decision being appealed. Such an appeal must be filed within 30 days of the decision of the ZBA or within the time period required by Michigan General Court Rules, whichever has the shortest appeal period.

Section 15 – ABATEMENT/REMEDIAL ACTIVITIES BY THE TOWNSHIP

- A. The Township is authorized to take or contract with others to take reasonable and necessary abatement or remedial activities whenever the Township determines a violation of this Ordinance has occurred and that the responsible party cannot or will not timely correct the violation, or when no known responsible party exists. The responsible party shall reimburse the Township for all expenses thus incurred by the Township.
- B. If the Township desires the responsible party to reimburse it for the abatement activity expenses, the Township, shall within 90 days of the completion of such activities mail to that person a notice of claim outlining the expenses incurred, including reasonable administrative costs, and the amounts thereof. The person billed shall pay said sum in full within 30 days of receipt of the claim. If the person billed desires to object to all or some of the amount sought by the Township, said person may file, within the same 30-day period, a written objection so stating. The Township shall, within 30 days of its receipt of the objection, provide an opportunity for the objecting party to present facts or arguments supporting said objection. If the Township determines that some or the entire amount originally billed is appropriate, the person shall pay said sum within 30 days of receipt of that determination. If the amount due is not timely paid, the Township may cause the charges to become a special assessment against the property and shall constitute a lien on the property. In the alternative, the Township may attempt collection of the sum due by filing a civil lawsuit.

Section 16 – INJUNCTIVE RELIEF

- A. If a person has violated or continues to violate the provisions of this Ordinance, the Township may petition the appropriate court for injunctive relief restraining the person from activities abatement or remediation.

Section 17 – VIOLATIONS DEEMED A PUBLIC NUISANCE

- A. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil infraction to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the Township.

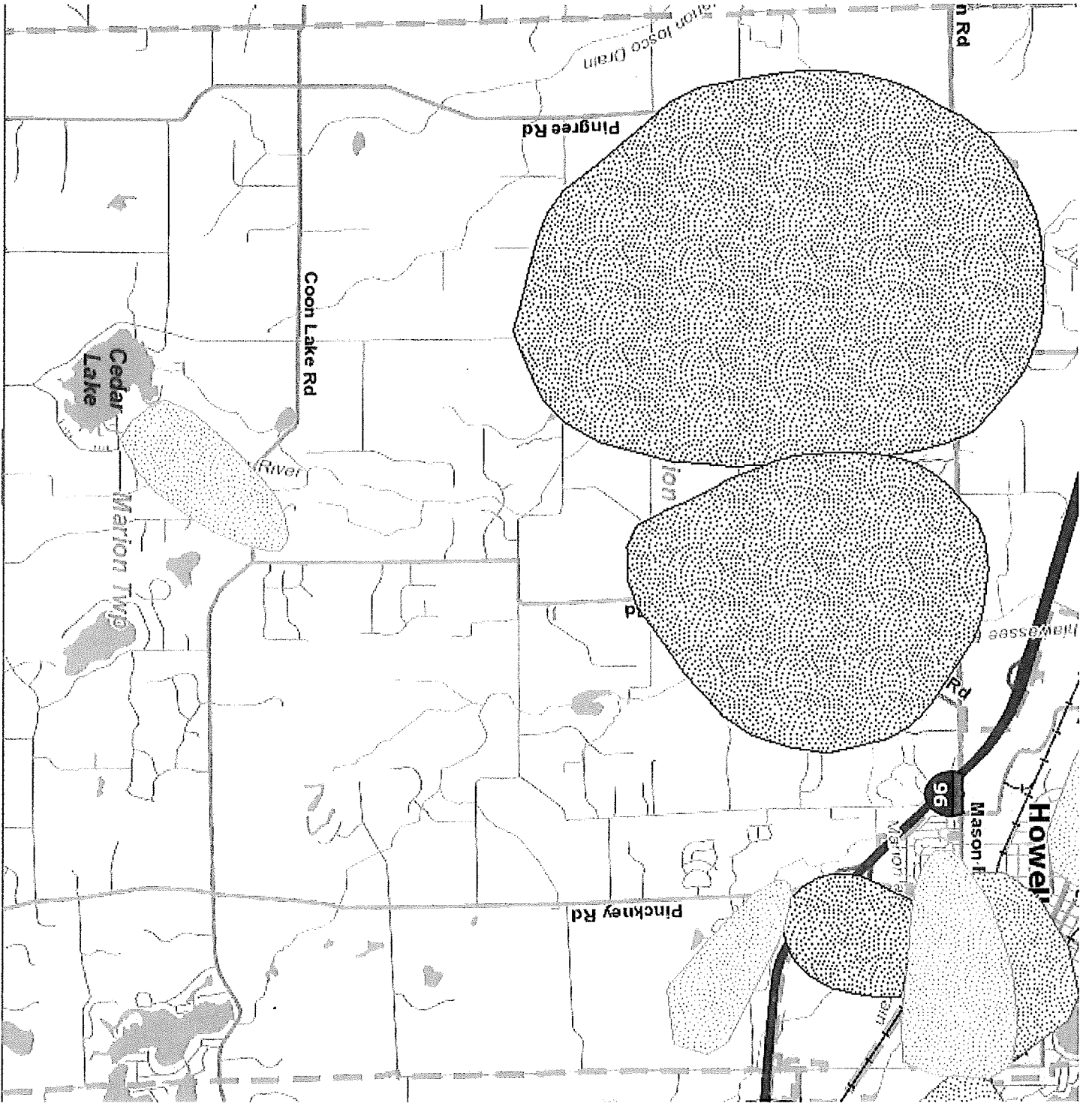
Section 18 – CRIMINAL PROSECUTION

- A. Any violation of this Ordinance shall be considered a misdemeanor, punishable by a fine of not more than \$500.00 or imprisonment of not more than 90 days. Each day a violation exists shall be deemed a separate violation. A citation charging such a misdemeanor may be issued by the Township Supervisor, his or her designee, the Township's Ordinance Enforcement Officer or the Sheriff's Department.

Section 19 – REMEDIES NOT EXCLUSIVE

- A. The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Department to seek cumulative remedies.

DRAFT





HUBBELL, ROTH & CLARK, INC
CONSULTING ENGINEERS SINCE 1915

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OTHER OFFICE LOCATIONS

Bloomfield Hills
Delhi Township
Detroit
Grand Rapids
Jackson
Kalamazoo
Lansing

February 20, 2019

Marion Township
2877 W Coon Lake Road
Marion, MI 48843

Attn: Mr. Bob Hanvey, Township Supervisor

Re: Project Notification
Wastewater Treatment Plant Upgrades
City of Howell

HRC Job No. 20190125

Dear Mr. Hanvey:

The City of Howell is submitting a Project Plan to the Michigan Department of Environmental Quality (MDEQ) for acceptance into the State Revolving Fund (SRF)/Strategic Water Quality Initiatives Fund (SWQIF) Loan Program. The Project Plan requires a review to determine any potential impacts on planning or local development plans in the area.

We are requesting information regarding the impacts of the above referenced proposed project upon any planning or local development plans in the vicinity of the project. The project construction at the Wastewater Treatment Plant (WWTP) will involve the following:

- Improvements of the existing primary tanks and second clarifiers.
- Improvements of the aeration basins with the addition of one new aeration basin and a new blower building.
- Expansion of the UV disinfection building and the headworks building.
- Solids dewatering improvements including construction of a new solids dewatering building.
- General improvements to the plant facilities.

The project area is the Howell WWTP located at 1191 South Michigan Avenue in Section 1 of Livingston County, T2N, R4E. The plant was originally constructed in 1936 and was modified and/or expanded in 1960, 1978 and 2001. In order to increase capacity of the plant and keep the structural integrity of the facility, additional upgrades and improvements are being proposed. The City's WWTP treats the wastewater discharges from the entire City of Howell as well as portions of Marion Township. Please see attached for sanitary service area and the study area for the WWTP improvements project.

The proposed project site will be utilizing the existing Howell WWTP to complete the improvements and upgrades required for the project. Since the proposed project involves improvements to existing facilities, no impacts are expected from the proposed project upon any planning or local developments. We are requesting a review to confirm that the above referenced project will not cause an impact to any planning or local development plans.

We request, on behalf of the City of Howell, your concurrence with this determination. We appreciate your review and would be grateful for a response by Friday, April 19, 2019 so that we may meet program deadlines.

If you have any questions or require any additional information, please contact the undersigned.

Very truly yours,

HUBBELL, ROTH & CLARK, INC.



Dan Royal, P.E.

Attachments
Project Location Map
WWTP Service Area Map

pc: MDEQ; E. Pocan
City of Howell; S. Charles, E. Suida, M. Davis
HRC; N. Faught, A. Malczewski, File



Google Earth

Imagery Date: 7/7/2013 42°56'18.33" N 83°56'53.23" W elev. 937 ft eye alt. 8341 ft



HRC Job #: 20190125

Date: Feb 2019

LEGEND

Project Area

**CITY OF HOWELL
WASTEWATER TREATMENT PLANT UPGRADES
WWTP Project Location**



HRC
HUBBELL, ROTH & CLARK, INC
CONSULTING ENGINEERS SINCE 1915

