

## Minutes

Cascade Charter Township  
Planning Commission  
Monday April 18, 2022  
7:00 P.M.  
2870 Jacksmith Ave SE

**ARTICLE 1.** Chair Noordyke called the meeting to order at 7:00 P.M.  
Members Present: Rowland, Rissi, Moxley, Noordyke, Deering, Rapin, Korstange, and Engel  
Members Absent: Noordhoek (excused)  
Others Present: Planning Director Brian Hilbrands and those listed on the sign-in sheet.

**ARTICLE 2. Pledge of Allegiance**

Chair Noordyke welcomed new Member Joe Engel to the Planning Commission.

**ARTICLE 3. Approve the current Agenda**

**Motion was made by Member Deering to approve the current Agenda. Supported by Member Rissi. Motion carried 8 to 0.**

**ARTICLE 4. Disclose any Conflicts of Interest**

Member Rissi previously completed work for one of the associations who submitted communication related to Article 9 but he is not currently doing work for them and has not completed work for the applicant. None of the members saw this as a conflict of interest.

**ARTICLE 5. Approve the Minutes of the March 21, 2022 Meeting**

**Motion was made by Member Rapin to approve the March 21, 2022 meeting minutes as written. Supported by Member Korstange. Motion carried 8 to 0.**

**ARTICLE 6. Acknowledge visitors and those wishing to speak on non-agenda items.**

Luis Chen (5745 Whitneyville Ave SE)-Owner and founder of Wormies thanked the commission for looking into worm farming and hearing about his operation.

Mary Koewers (3181 Charlevoix SE)-Attended to speak on behalf of Golf Ridge Condominiums. She sent a letter to the Commission from the Presidents of the Golf Ridge, Gatehouse, and Meadows Condominium Associations. They came to reiterate their letter and point out Chapter 17 of the Zoning Ordinance: "Buildings for the housing of animals, runs or exercise area shall not be located within 100 feet of any property line or street right-of-way." The property line is at most 3-4 ft from Ridges property and less than 100 ft from the road. She said that she sees moving trucks in and out of Ridges of Cascade all the time and they aren't real residents of Cascade. They are worried about people not taking care of dog poop and that the gate isn't secure so anyone could drive in at anytime of day or night. Dawn until dusk is too long to have it open, especially

during the summer. She noted two public dog parks are nearby (River Oaks Dog Park that she mentioned in her letter, is contained within an apartment complex and completely surrounded by complex buildings; you can't see it from the road, so it's isn't a public dog park like she claimed it was in her letter). Residents are concerned about safety because there aren't restrictions on who can come utilize the dog park. She emphasized that their largest issue with the project is that it violates the zoning ordinance.

Jerilee Griffee (6183 S Gatehouse Dr)-President of the Gatehouse Condo Assoc: She agreed with Mary and relies on her expertise as an attorney when it comes to chapter 17. The dog park doesn't seem to be the right fit for this location and she requested that, for decisions this significant about Centennial Park, Gatehouse and Meadows should be notified as well. She was concerned that there are only 5 parking spots so there won't be room for overflow parking. Woodchips and mud are a problem and people don't watch their dogs. She said there would be no one there to monitor what's happening and that being open dawn to dusk is too long. She appreciates that the residents of Ridges are careful to clean up after their dogs and reiterated that she doesn't hate dogs, but they're property owners and have investment in their property and a dog park would lower property value.

Frank Deptula (6034 Parview Dr)-President of Meadows Condo Assoc: He said that the dog park would be visible from the street and would be like Cascade Park, a brown mess of mud and woodchips. Having a 35 x 75 ft area is much smaller than Cascade Park and that will cause the area to get gross fast, becoming an eyesore. Vibrant colored dog equipment doesn't fit the finishes of the complexes in Centennial Park. There are plenty of spaces between apartments that are larger than the 35x70 ft proposition and those would be more appropriate. He assumes people don't want a dog park next to their apartments due to noise and activities involved, so this property is the furthest possible from any Ridges apartments. He requested they switch to an interior area that doesn't affect the larger community. People across the street are concerned this may negatively affect their property values.

Dennis Monroe-Ridges of Cascade Property Manager: Attending to present during Article 9.

Steven Ridde (6410 Wendell St. SE): Attended to speak positively of Wormies because he supports them but is not affiliated with them. He said they don't smell bad and it is a project he believes in.

Aaron Hiday-EGLE Compost Coordinator: Available to answer questions when they get to article 12.

Chandler Michalsky (5745 Whitneyville Ave SE): Attended on behalf of Wormies and can answer questions.

**ARTICLE 7. Case #22-3699/D. Carpenter Homes**

**Property Address:** 2011 Devonwood Ln

**Requested Action:** The applicant is requesting approval of a Special Use Permit for an accessory building over 832 sq ft.

Planning Director Hilbrands presented the case to the Planning Commission. The applicant is looking to construct a 40' x 33' building. The setback to the side property will be 10.1', meeting the 10' requirement, and will have over 100' to the rear property line. The property is between 3 and 6 acres so it is permitted to have two accessory buildings. The building will be used for vehicle storage and a golf simulator. The size is normal for the zoning district and will have a tile and copper roof and travertine siding to match the house. Staff recommend approval of the Special Use Permit with the conditions that the building comply with all zoning ordinance regulations, any outdoor lighting must meet township regulations, and the building cannot be used as a living space or to run a business.

The applicant, Dustin Carpenter of D. Carpenter Homes, came forward to speak to the commission. Member Rissi asked if the site has septic or city sewer and if they had made sure the building would not be constructed over the drain field. Carpenter said that they had recently completed a survey and the building would not be built over the drain field.

**Member Rissi motioned to open public hearing. Supported by Member Rapin. Motion carried 8 to 0.**

No one wished to speak.

**Member Rissi motioned to close public hearing. Supported by Member Engel. Motion carried 8 to 0.**

Member Rissi asked what the box to the southeast of the garage is and Carpenter clarified that it was a generator slab.

**Motion was made by Member Rissi to approve the Special Use Permit for a building over 832 sq ft with the conditions that the building not be used to run a business or as a residence and any outdoor lighting meet township regulations. Supported by Member Deering. Motion carried 8 to 0.**

**ARTICLE 8. Case #22-3702/Underwood**

**Property Address:** 7675 Sudbury Ln

**Requested Action:** The applicant is requesting approval of a Special Use Permit for an accessory building over 832 sq ft.

Planning Director Hilbrands presented the case to the Planning Commission. The applicant is looking to build a 26'x38' building (988 sq ft) with the possibility of a future 38' x 9' open awning being constructed, bringing the total building size to 1,282 sq ft. The building will meet the 10 ft setback requirement to the side property line and will be approximately 125' to the rear property line, meeting the minimum 25 ft requirement. It will be at least 10' from any other building and the awning will be constructed on the west side of the building, bringing it no closer to the side property

line. The parcel is less than three acres so the applicant is only permitted one accessory building. The applicant intends to use the building for storage of an RV, gardening equipment, and a vintage car. Building size is normal for the zoning district and the building will have vinyl siding and asphalt shingle roofing, matching the house. Staff recommend approval of the Special Use Permit with the conditions that the building comply with all zoning ordinance regulations, any outdoor lighting must meet township regulations, and the building cannot be used as a living space or to run a business.

Steven Underwood (7675 Woodbury Ln): Underwood said that he has been a long-time resident of Cascade and is looking to expand his garage so he will have as much space as he did in the three-stall garage at his previous residence.

Member Rissi asked if the site had been surveyed to find out where the septic system is and Underwood said that they had identified the septic area and would be building on the opposite side of the building.

Member Rapin asked if there had been a survey that was staked to make sure they are aren't building within the 10 ft setback and Underwood said a survey had been done the previous month and that they were going to keep it at least 12 ft away so there will be room for error.

Member Moxley asked about the two different distances between the east side of the building, one at 10 ft and one at 12 ft, and if Underwood knew what was correct. Underwood said that the 12 ft is what he intended to build at to give him room for error.

Member Rowland asked what future construction was being contemplated, as noted on the application. Underwood said that they intend to build an awning that extends the length of the header to about 8 ft out, over an already poured pad. They don't ever intend to enclose the space and would mainly use it to store fire wood.

**Member Rissi motioned to open public hearing. Supported by Member Moxley. Motion carried 8 to 0.**

No one wished to speak.

**Member Rissi motioned to close public hearing. Supported by Member Engel. Motion carried 8 to 0.**

**Motion was made by Member Moxley to approve the Special Use Permit with staff recommendations including that the building not be used to run a business or as a residence and any outdoor lighting meets township regulations. Supported by Member Deering. Motion carried 8 to 0.**

**ARTICLE 9. Case #22-3697/Ridges of Cascade GR LLC**

**Property Address:** 5985 Cascade Rd

**Requested Action:** The applicant is requesting site plan review for a 35' x 70' fenced-in dog park at the Ridges of Cascade.

Planning Director Hilbrands presented the case to the Planning Commission. The applicant is requesting to construct a 2,450 sq ft dog park for Ridges of Cascade resident use. There is currently a 30' x 30' dog run area adjacent to the clubhouse that was approved through an administrative site plan approval in 2015; due to the larger size, staff elected to bring the request before the Planning Commission for a site plan review. The new dog park is to be located at the corner of Charlevoix Dr and Lookout Ridge with an already existing parking area containing five spaces. The fencing will be a 4' black, vinyl-coated chain link fence that matches fencing used throughout the rest of the development. The area is currently a grass/lawn area and will remain that way unless the owner ends up adding dog-friendly woodchips, as he has indicated that he may in the future. There is concern as to how the dog park may negatively affect property owners as it would be located approximately 150' from Golf Ridge Condominiums. Ridges should consider adding screening, such as a privacy fence or landscaping, between the dog park and the condominiums.

Staff recommends approval of the application with the conditions that existing trees remain on site for landscaping screening with any dead trees being replaced with a similar tree type, at least six evergreen trees be planted along the southwest corner of the dog park to act as a screen between the dog park and Golf Ridge Condominiums, and rules stating that dogs barking excessively must be removed immediately and the park may only be used between dawn and dusk be added to the list of park rules previously provided by the applicant.

Member Rapin asked Planning Director Hilbrands if there had been any complaints made about the existing dog park on the property and Planning Director Hilbrands said that he had not heard any in the two years he has been with Cascade Township.

Member Rissi asked if the current PUD discusses fencing at all and Planning Director Hilbrands said that it does not. He asked if there were any current PUDs that had or allow fencing in the front yard and Planning Director Hilbrands said that they do allow 4 ft fencing by right but he didn't have any specific examples of locations.

Member Rapin asked if the dog park was meant to be solely for Ridges residents or if it was for public use and Planning Director Hilbrands said that he believed it was to only be used by residents. Member Rapin suggested that it be listed in the park rules that it is only for Ridges of Cascade residents.

Chair Noordyke confirmed with Planning Director Hilbrands that the Chapter 17 of the zoning ordinance that was mentioned earlier in the meeting that wouldn't allow a dog park in this area wasn't applicable as that section only applies to dog boarding facilities and animal hospitals.

Dennis Monroe, Property Manager Ridges of Cascade since 2018, came forward to explain the benefits of the proposed dog park to his over 400 residents. Many residents have been living at Ridges of Cascade for multiple years and approximately 30% of residents are dog owners. He stated that the current bark park's design and location is limiting and disappointing to the complex's residents; there isn't much space for the

dogs to run around and there is a storm drain in the middle of it. The current use of the proposed dog park is a green area that lists hours of dawn until dusk. The dog park will be for residents only and they are willing to work with the township on only allowing use to current residents and listing that, as well as hours of operation, on the dog park sign. This is the only large enough and flat enough area in the complex that they think is viable to construct the dog park. There is a large area near Cascade Ridge and Centennial Ridge that could be large enough but that is where snow is plowed onto in the winter. 3335 to 3385 Centennial Ridge has an area that could be viable but it is too hilly. There are not any other large open spaces as the developers tried to turn the most space possible into apartments.

Monroe brought up the matter of pet waste being left by owners instead of cleaning it up, as mentioned by a resident at the beginning of the meeting, and said that the complex participates in 'Poo Prints' which takes pet waste and can compare the pet waste for an animal and match it to the DNA they have on profile to determine which dog the waste belonged to. Every resident with a dog is required to bring them in for a sample when they get their apartment and every sample is registered with the World Pet Registry. If dog waste is found on the property and matched to a resident's dog, they incur a \$350 fine. If they incur more than three fines, they are evicted from the property. The people using the dog park would be required to comply with all applicable regulations of the complex that pertain to residents.

Chair Noordyke clarified that Monroe is not only speaking on behalf of the residents but also on behalf of the management company, Peak Management, that manages the property for MF Capital LLC.

Member Rapin asked Monroe if there are any issues with the fenced in area that he was aware of and if there were any rules about size or breed of dog. Monroe said that he hadn't heard of any issues about the fenced in area and that they have a weight restriction on dogs for certain second floor apartments but not any general other breed or weight restrictions. All residents that have dogs have to sign a pet addendum and all dogs have to be pre-approved by management, except for ADA service animals.

Member Deering asked if Monroe had checked into any type of insurance that they may need if a dog bit someone or they got hurt. Monroe said that he would assume their general coverage for the apartment complex would extend to the dog park but he would have to check into it further to know for sure.

Member Korstange asked how many people currently use the bark park and Monroe said that it would be around 20-30 residents a week but they would expect more with the new park as the current one is difficult to access and owners are concerned about using it with the storm drain in the middle. He also addressed the comment from a member of a nearby complex that said the agility equipment used in a dog park uses bright colors and would be an eye sore, saying that they could use more muted colors for their equipment, such as earth tones. Member Korstange asked about placing a lock or a key fob lock on the gate and giving residents a key, but Monroe stated they would need to extend internet out to that corner of the complex where it currently isn't

available and that would be costly. He mentioned having someone lock the door each evening and unlock it in the morning but that would require someone to be working at that time. Member Korstange asked if they had some sort of 24/7 security in the complex or anyone that stayed there at all times and Monroe said that they haven't needed any kind of security and he is often there but not necessarily from dawn until dusk, they have emergency maintenance workers but they only deal with maintenance related emergencies.

Chair Noordyke asked if Monroe had had problems with non-resident use at their current dog park and Monroe said that nothing had been brought to his attention.

Member Korstange asked if residents have to go through the building to get to the current dog park or if there was an outdoor gate. Monroe said it was only a gate.

Member Rissi suggested using a combination lock whose combination can be reset monthly. He asked if the area was irrigated as the smell of urine is generally due to dry conditions but, if the area is properly irrigated, the smell is washed away. Monroe said that the area is irrigated but their well water has caused problems and he just received a new estimate on repairing the irrigation system, so he expects that to take place shortly.

Member Rissi brought up the statement from residents in the nearby communities about the dog park being located in their front yard and wondered about other locations they could construct the dog park. He suggested land on the far east side of the development, at the end of Centennial Ridge Dr, on the east side of the retention area, there is an area that is at least 100 ft long and (not perfect level) close to 30 or 40 ft wide with a retaining wall that they could get a 35 ft wide by 150 ft long or even longer area if it went around the corner. It would be at least 200 ft from any adjacent neighbors. Monroe said they looked at that area but there was concern with the proximity to the water and bugs.

Member Rowland asked about moving the dog park closer to the apartment complex. This would cause loss of at least part of the parking but they could put up some trees for screening. Monroe said the original plan was to keep it as far from Golf Ridge as possible.

Member Rissi asked Planning Director Hilbrands if fencing in the water retention area would be possible and he said that he would check with the township engineer.

Member Korstange asked if there were any rules about number of parking spots and if they would apply to this situation. Planning Director Hilbrands said it would still apply but it's also a question of how many residents would be walking or driving to it. Monroe said that he saw it as a way for people to let their dogs run who can't do that regularly because of leash laws. He also said they would require residents to be in their park with their dog, not just leaving them there.

Chair Noordyke asked if Monroe had spoken with his condo neighbors about this dog park and he said he had sent an email to the manager of Grandmark who he believes

works with Golf Ridge and didn't hear back. Chair Noordyke urged him to talk the situation out with the neighboring condo associations.

Member Rapin asked if they had screening around the park planned to block the dog park from the neighbor's view. Monroe said that there is an existing screen around the park in the site line of Golf Ridge and he would have to speak with his managers about expanding the section of trees.

Member Deering verified that there are quite a few mature trees that provide some screening by the park and they wouldn't be taken down to construct the park. Monroe said they wouldn't be removing any existing screening, landscaping, or foliage.

Chair Noordyke laid out four issues he would want resolved before voting on this case. They included: talking to the neighboring condo associations, clarifying what is required for parking, if there is additional insurance liability required, and if there are other locations that may be a better fit. The public hearing for this case will not be an official, legal one, as that is not required, but will most likely be held on either May 9 or May 16<sup>th</sup>. The neighboring condo associations will be notified of when the meeting will take place.

**Motion was made by Member Rissi to table the case to give the applicant time to speak with his neighbors and find a different location or a way to mitigate some of the concerns. Supported by Member Rowland. Motion carried 8 to 0.**

**ARTICLE 10. Case #22-3696/Luminar Technologies, INC**

**Property Address:** 4300 Thornapple River Dr

**Requested Action:** The applicant is requesting site plan review for an approximately 26,500 sq ft building.

Planning Director Hilbrands presented the case to the Planning Commission. The applicant is requesting to construct a 26' x 1,020' "temporary facility" made of fabric and use it for sensor testing for 3-5 years. The property is owned by the airport and meets setback requirements. The site does meet buffer yard widths and doesn't propose any landscaping but, if this continues past the five-year proposed use, landscaping would be expected to be added. Any added exterior lighting would require a photometric plan that meets township requirements. The applicant proposes sharing a driveway with 4190 Thornapple River Dr and would need to provide approval from the neighboring property owner for driveway access. The parking area would be 50'x80' and gravel, holding up to five vehicles; if the site goes beyond the proposed five years, it would be expected to be paved. The site plan notes a future 26'x640' addition, which would need to come back for site plan approval due to its size. The site would connect to a water main at Thornapple River Drive but there isn't any sewer in the immediate area so they are proposing a septic system which would need to be approved by the Kent County Health Department. The applicant would have to obtain several permits before construction, including a stormwater maintenance agreement to the township.

Staff recommends approval of the case with the conditions that are listed in the staff report.

John Strow of Prein & Newhof spoke to the Planning Commission on behalf of the applicant. He stated the use will be sporadic with testing of sensors by 2-5 workers for a few hours at a time. The anticipated septic system is a holding tank; there is a potential alternative with the airport but it is an expensive alternative. Drainage at this particular site is part of Outfall 2 (002) and is not part of the airport's stormwater management system unless there is an extreme rainfall event; the emergency overflow of the large detention basin is into Outfall 2 but this would only be triggered by a 100+ year storm event. The company has entered into an agreement with Thornapple Excavating to use their driveway. The agreement includes a large section on site restoration so that this temporary business has as little permanent impact as possible; he believed removal of the concrete floor would be part of the lease agreement.

Member Rowland asked why the structure would be cloth and Strow stated that he knows the material needs to be of an opaque nature but he is unaware if the structure needs to be cloth for the testing.

Chair Noordyke asked if Strow is aware of the township's contention with Gerald R. Ford airport due to the wells that were polluted with PFAS contaminants and he said that he is aware of the situation but he cannot speak on it as he was part of the team that did some investigation for the airport and is limited under attorney/client privilege. He stated that Luminar has not mentioned anything about the PFAS situation but they plan to use dirt from site five and only move dirt around from that site without bringing any new soil in.

Member Korstange asked about their lack of a stormwater plan and Strow directed her to the website on the EGLE platform that lists the testing that the airport has done. He said that the 'hot spots' are identified on that website and there are two detention basins on this site that are intended to handle the water from the site in question.

Member Rissi explained that Outfall 002 is how the logical downhill flow of water currently creates a natural stream under the highway. He asked Strow what the final decision from the negotiation Luminar had with the airport on reconfiguring the detention ponds to address standing water on the property was. Strow said that the detention ponds are designed to drain in 24-48 hours which meets Federal Aviation guidelines and even the outfall is designed according to those same principles. Planning Director Hilbrands stated that the detention ponds are designed to hold the water runoff from the site's impervious surfaces.

Chair Noordyke shared information about the airport's pollution of resident's water with PFAS contamination that he knows due to being a member of the PFAS Advisory Committee. He stated that the township is paying for water to be delivered to homes as well as filters to other homes that are affected by PFAS. The water bills of everyone in the township will be rising to cover the costs of phase two onwards and EGLE has found the airport at fault for the contamination. The airport is unwilling to meet with the

township and Chair Noordyke suggested requiring the airport to meet with the township and make an agreement to remedy the PFAS pollution that they caused.

Member Rowland shared his concern with the business being temporary and that they would be setting a precedent for other temporary businesses to come in. He doesn't see it as the company being invested in Cascade. Member Korstange shared the same concern as well as emphasizing that three to five years is a long time to have a temporary structure.

Member Rissi shared his displeasure with the potential for more runoff in areas with contaminated soil and that could continue or increase the pollution of the Thornapple River. He also stated that, while the airport is a challenging neighbor, the Planning Commission needs to evaluate the approval based on the project/business coming in on its own merits and not let personal bias interfere. Planning Director Hilbrands echoed that statement.

Member Engel stated that the commission needs to consider the case from the stance of what the business is doing for the community and bringing to Cascade rather than personal frustrations the Planning Commission has with the airport. Member Korstange said that she hoped her comments hadn't come across that way; she has concrete reasons why she is against allowing this business including the temporary nature of the structure and stormwater concerns.

Laura Genovich of Foster Swift shared that the zoning ordinance limits what the Planning Commission is allowed to look at when approving a site plan and making sure that any conditions that are imposed are related to the land use. She cautioned the commission members to keep in mind the parameters of their site plan review.

Chair Noordyke emphasized that the views he shared during the discussion of this case, while fact, are his own and not the views of the Planning Commission as a whole.

Member Rissi asked if it was in the commission's purview to instate harsher restrictions on the stormwater and runoff plans due to the history of pollution from the surrounding properties.

Member Korstange asked Planning Director Hilbrands why the township would allow a five-year temporary structure and he stated that it is being treated as a permanent building in many respects, it wouldn't have come to the Planning Commission for site approval otherwise.

Member Rissi asked for a rendering or picture of what the building is intended to look like. Member Korstange agreed and said that and the stormwater issue are the two main pieces.

Planning Director Hilbrands said that there are stricter rules on what material a building is made of and how it looks in the commercially zoned areas but they don't have that in the industrial zoned areas and the building would still need to meet the township's building code.

Member Rowland clarified that temporary buildings are generally allowed for six months to one year and this case was outside of that length of time. Planning Director Hilbrands agreed and said that that's why the case was coming to the Planning Commission.

Member Rissi asked if the case was following the new stormwater maintenance agreement and Planning Director Hilbrands said it was following the old agreement as the new one had yet to be passed by the board and they were counseled to continue using the old agreement until the new one eventually passed.

Member Rapin stated that he understood and agreed with the concern surrounding stormwater maintenance but the township engineer had approved this plan so he wondered if there were any additional concerns the engineer had.

**Motion was made by Member Rissi to table this case pending submitted renderings of the structure's appearance, more information related to the fabric, and Planning Director Hilbrands looking into whether they could require stricter standards for stormwater runoff due to pollution problems with the surrounding properties. Supported by Member Korstange. Motion carried 7-0 by roll call vote. In favor- Members Rowland, Rissi, Moxley, Deering, Rapin, Korstange, and Engel. Abstained- Chair Noordyke.**

**ARTICLE 11. Case #22-3701/Woods Builders Homes Inc.**

**Property Address:** 6105 Charlevoix Woods Ct

**Requested Action:** Basic Plan Review for an amendment to the PUD Ordinance to allow for a 24-unit multi-family apartment complex.

Planning Director Hilbrands presented the case to the Planning Commission. The applicant is requesting an amendment to the existing PUD to allow them to construct a 24-unit apartment complex on the approximately 4-acre property. The 24 units would be located in three buildings. The site was rezoned in 1998 to PUD to permit an adult assisted living facility campus but was amended in 2002 for office use south of Charlevoix Dr Court. That section of the PUD was removed in 2004. The site is currently vacant and there is an adult living facility located to the east in the same PUD. The property is listed as Community Residential on the master plan. Some landscaping and buffer yard is suggested along the property line. The developer proposes use of Charlevoix Woods Ct. for access, which is an existing private street developed in the late 90s for the assisted living project. The applicant/buyer has requested access across the Walmart parcel, believing that the parcels along Charlevoix Woods Ct have been granted an easement for cross-parcel access, but this will have to be confirmed before construction can begin. They plan to include a private road with two connections to Charlevoix Woods Ct. to meet ordinance requirements and the building will be required to meet setback requirements associated with the zoning district which is currently Office. The current building appears to be located within the front yard setback. The development is proposed to use public water and sewer; a storm water maintenance agreement will also be required. The developer must provide a recognition statement

regarding proximity to the airport. A lighting photometric plan will be required as the subdivision ordinance requires lights and none were indicated in the site plan. No sidewalks are proposed in the area and, if they did put in sidewalks, they wouldn't connect to any other sidewalks in Cascade. The Planning Commission can require a traffic study but staff do not believe it is necessary because the road has a lower traffic demand than originally predicted as the office use on the south side of Charlevoix Woods Ct. was never constructed. If the Planning Commission agrees that all procedural information is provided, the applicant should proceed to a public hearing to consider the PUD. At that stage the merits of the request will be considered and a detailed site plan will be available for review.

Before the public hearing, staff recommends submission of the following information: plans indicating the private road meet township design standards, a full civil plan set, a landscaping plan, approval from the Township Engineer and Fire Chief, plans reviewed by the KCDC for their comments on the storm water system, the location and type of street lights proposed, and a photometric plan.

Member Rissi asked if there was a maintenance agreement for Charlevoix Woods and who is responsible for the road being maintained and suggested that be looked into before development is approved.

Multiple members made comments that the area currently needs to be cleaned up.

Member Korstange and Deering asked if there was enough space for emergency vehicles to get to the buildings and the assisted living. Planning Director Hilbrands said that would be something that the fire department would look into when it comes to their approval.

Jacob Heglund of JH Realty, the property developer, came forward to answer any questions about the property. Chair Noordyke asked if the road was one-way or two-way and Heglund responded that it is a two-way street and met all of the regulations when they engineered it.

Member Rowland asked what the rent range would be and Heglund said they were modeling it after Knoll of Ada at Cascade Rd and Spalding. They will look like condos and would like to set the rent at \$2,400.

Member Rissi asked if there would be a dumpster corral or if each building would have its own trash can. The developer said that they had planned to have individual trash cans but could be flexible.

Heglund did the title work for Charlevoix Woods Ct and found that, when Walmart was originally built, the township required easements that were never completed. He requested the Planning Commission assist them in resolving this issue, even if it takes longer to get the project underway. Member Rissi suggested looking at PUD 58 to see if the problem came about when the assisted living center was built.

## **ARTICLE 12. Discussion of Worm Farm/Composting Use**

The township received a complaint in December of 2021 regarding a worm farm/composting operation off of Whitneyville Ave in the ARC zoning district. The matter was discussed at the first February Planning Commission meeting and the township attorney and staff were asked to determine which type of zoning they think a worm farm/composting operation may fit in. The township board also discussed the matter and instructed the attorney to write and send a cease-and-desist letter to the property owner in mid-March with a second letter following a few weeks later to clarify that the property owner should not be accepting any new compostable material as the township considers amendments to the zoning ordinance.

Steps moving forward include this meeting's discussion, the drafting of an amendment to the zoning ordinance, the Planning Commission reviewing the amendment, the date for a public hearing would be set, and then the Planning Commission would submit the amendment for possible approval by the township board. Discussion of this at a previous meeting suggested allowing it as a Special Use in ARC or Industrial zoned districts. Information as to surrounding municipalities that had regulations on composting and project information from Wormies, the aforementioned vermiculture company that spurred the potential zoning amendment, was provided in the meeting packet.

**Motion was made by Member Rowland to invite the founder of Wormies, Luis Chen, to the podium so they could learn more about his operation and vermiculture in general. Supported by Member Korstange. Motion carried 8 to 0.**

Chen explained that worm farming consisted of collecting food waste, mixing it with organic material such as woodchips, and then allowing the temperature to increase so that the material starts to compost. They then feed that mixture to the worms who turn it into healthier soil. His operation is different than traditional composting operations because it is much smaller, most companies don't feed the compost to worms, and they don't end up with the same nutrient rich level of soil. Chen stated that he submitted his business plan to previous Community Development Director Steve Peterson who said that this was an acceptable use of land in the ARC district. He wasn't fully operational when, a few months prior, a concerned neighbor brought the project to the township. The activities that will be available in his facility include more education and are on a much smaller scale than other composting operations. They intend to only use 16% of the space for composting and regenerate other portions of the space. It is a 13-acre site and 2-acres will have the actual composting space. In the first step they receive the food waste and sort it, then it is put into rows with the worms. After six months, the material is sifted and any large items, woodchips, and worms are removed from the soil. The soil is then bagged and distributed.

Member Korstange shared concern that there are multiple phases to vermiculture and that each phase of the lifecycle needs to be regulated. She believes that the three main phases are the taking in and sorting of food waste, the actual composting, and the packaging and distribution of the material.

Chen said that they offer the service of taking local customer's food waste in for composting as well as selling the now nutrient rich soil after the worms have processed it. They aren't targeting farmers as they are a small operation and most people wouldn't come to their property looking for the product, they would often be taking the product to the customer in a pickup truck. He emphasized that the company is not a landfill and they remind the customers every week what is acceptable to send in.

Member Rissi asked if Chen was aware that there was a complaint from a neighbor and he said he was aware but he wished he knew who it was so that he could address it and believed it was a concern more than a complaint. Member Rissi said that he would like to hear what steps they intend to take to mitigate the problem that the neighbor is facing. Member Korstange said that the problem with considering how Wormies can address the current problem with the neighbor with their designs is that they haven't built the facilities in which the worm farm will be housed and the surrounding landscaping is not complete or even started.

Arthur Siegal, legal counsel for Luis Chen, spoke via Zoom about how both his office and Foster Swift see this type of use as a legal one, but the conversation is more on how Chen's optimally planned facility can be used as an example for rules the township may want to build into the ordinance. He shared that Chen's plan addresses all of the possible components according to the state and EGLE and now they just need to craft an amendment to the zoning ordinance with a use like his to be able to seek approval.

Foster Swift lawyer Genovich agreed with Siegal that the conversation tonight was to determine regulations potentially surrounding vermiculture facilities and what type of land they would be allowed on.

Member Rapin asked about the amount of waste they receive and what it is. Chen said that any type of plastic, glass, etc. are considered contaminants and need to be discarded but only have been coming in in small amounts, such as a sticker left on a banana peel, and could fill a five-gallon bucket about once every two months with the amount of waste they are currently receiving. His associate, Chandler Michalsky, stated that the targeted customers are environmentally conscious and are interested in the business of creating diverse, nutrient rich soil. Member Rapin clarified the amount of material that is brought in and the frequency. Chen said they bring in about a yard of food scraps per day which is approximately the size of the bed of a pickup truck.

Member Korstange added an emphasis on scale and, while Wormies is producing on a very small scale, there will be companies interested in producing on a much larger scale. There was suggestion from the Planning Commission that they should consider basing the regulations on scale.

Member Rissi asked if the rows of composting worms are covered to which Chen said they didn't have to be covered but there is a benefit to covering them. He asked if the process of the decomposition produced offensive odors. Chen said that there wasn't an offensive odor as they had been doing this type of work for five years and they have many controls in place to mitigate that risk. There was conversation about if the

content of what is put into the compost determines the scent. Chen affirmed that they don't have large customers and so, even if someone left a bucket out in the sun, it would be such a small amount it wouldn't make a difference. He said he thought he would bring in approximately 2,500 cubic yards per year. The process is staged and at five to six months, the stages are complete.

Member Rowland thanked Wormies for complying with the cease-and-desist and bringing in educational information; he then asked how long it would take to get the property as it currently is to the state shown on his project plan. Chen said that the project is funded through a grant and they are dividing the project into phases. An additional year was added to the timeline by the state due to Cascade Township putting the project on hold, so the time for the project to reach the final phase of construction is four years, though he'd like it to be much sooner. Member Rowland asked about the volume reduction of input to output and Chen stated there will always be a reduction and on 2,500 cubic yards, there would be a reduction of about 30% from beginning to completion. Member Rowland asked about how the operation can grow over the years and the land can have more and more of it dedicated to holding composting material. Chen shared that there is only so much demand for this type of project in a local area and that they instead would have a lab where they would put effort into improving the soil mixture and creating better fertilizer to sell; they would also work on liquid fertilizer and fertilization additives for sprinklers.

Member Korstange asked if their customers are generally both the ones bringing in the material to compost and the ones getting fertilizer deliveries. Chen said that many companies that do this are co-ops or non-profits but they are different because they are creating a value-added product.

Member Rissi shared that he had thought, going into this meeting, that this type of use belonged in industrial zoned areas but this presentation had shifted his mindset to thinking that it may belong in ARC zoned areas. Member Korstange shared that she believes that the core of this type of use is agricultural and that speaks volumes to where it should be an allowed use.

Planning Director Hilbrands asked which parts of the process would be enclosed and which would be in the open air. Chen said that the black area of the plan will be the first step, the bays will include the woodchips with a covering. The second step is the brown section containing the rows of worms that they are looking into covering and the third step will take place in the hoop house where the product is sifted and stored.

Member Korstange asked if the worms always need to be covered to work or if it helps them work in the winter. Michalsky said that this winter was the first time they had the worms composting outside and they had frozen but when things warmed up, the worms were all still alive. They said that the covering isn't required but it definitely speeds up the composting process.

Chair Noordyke asked if anyone would be living on the site and Chen said that was yet to be determined, though there won't currently be anyone living there. He then asked

about the type of people who would purchase the product or service. Chen said that it would be mostly residents, not large restaurants bringing in dump truck loads. The average size of a container coming in is a five-gallon bucket. Chen also shared that they don't like publicizing their location so that people think they can come and drop off waste.

Member Engel asked if any other areas in the US are looking to regulate and address the same issue. Chen said he knew a few companies that are facing similar issues in the state but that is better left to EGLE.

Aaron Hiday, the EGLE Compost Coordinator, came forward to speak on composting regulations and processes in other areas of the state. He said that Michigan is very behind on everything related to recycling, but even more specifically, organics recycling. He said there are a vast range in the level of quality of operations across the state. Keeping the program so it can't be seen from the road goes a long way to prevent illegal dumping and items going into five-gallon buckets tend to be much cleaner than those taking in food waste. The hill coming up the driveway is so steep that even a 20 ft building wouldn't be visible from the road.

Planning Director Hilbrands asked how EGLE and the state regulate these processes from an enforcement and monitoring perspective. Hiday said that the only regulations on composting are in part 115, section 11521 and that only applies to yard waste facilities. Wood chips are exempt and food waste is exempt if being used for a program such as this where it is turned into a new product, so EGLE has no regulatory authority over this site unless the company chooses to register with his program. Hiday is part of The Department of Environment Great Lakes Energy, Materials Management Division, Solid Waste Section, Sustainable Materials Management Unit, Composting Program. The name it goes by is the EGLE Composting Program. He explained that, even with yard waste programs, he is the only person who educates, manages, and regulates this department. He has some assistance from local EGLE districts with solid waste staff who donate their time but, when it comes to emergency planning for situations like the Type-A influenza, he may not be able to address less pressing violations.

Hiday stated that if yard waste is added to anything, it is all considered yard waste. He said that 100 cubic yards is about the size of a shipping container and if a company fills more than two of those with yard clippings, they have to register with the program. He was on track to visit all of the registered facilities in Michigan but COVID occurred so now he believes he will have it completed in about two years. Most of the time when he is coming back to a facility it is to deal with a complaint as he doesn't have the extra time or manpower to monitor all of the current facilities; there are about 120 active sites in both peninsulas of Michigan. He said that the Grand Rapids area has many composting facilities and, though there are many yard clipping facilities, most don't accept food waste.

Member Korstange suggested the township require anyone who applies for the special use to register with EGLE. She asked if there were any other agencies that would

regulate this type of program and Hiday mentioned the EPA, EGLE's Water Resources Division if it is water related, and odors could be reported to the air quality division.

Hiday recommends that townships looking to regulate vermiculture require applicants to become registered with his EGLE program and require them to be in compliance with all parts of the National Resource and Environmental Protection Act of 1994 (NREPA). This is so that, if EGLE determines that the property is not in compliance with their statutes, the township will also get a notification that a violation notice was issued. EGLE is then able to go down their lane of enforcement and, if necessary, the township can revoke their special use permit.

Member Rissi asked if Hiday generally sees this type of operation in a downtown setting or a more rural setting and he said that he sees it in both and that the zoning is across the board but is most highly concentrated in agricultural and secondarily commercial zoned areas. He said the most common complaint is odor but that is very subjective. He hasn't gotten complaints of rodents but he has about birds, seagulls in particular. There are also rules about how far these facilities have to be from airports: 5000 ft from the prop and 10000 ft from a jet turbine.

Hiday said that they would be able to find his contact information and other resources on the EGLE website.

The most beneficial ratio of carbon to nitrogen in fertilizer is 30:1 because this reduces odors. Wormies will utilize an aeration system that will also increase efficiency and cut down on odors. Hiday recommended the commission not regulate based on how much material is being brought in, but rather, the maximum amount of material that will be in the process at one time, as it is fluid. He also cautioned them not to overregulate the process as that's how townships have ended up with nowhere to send their organic waste. Some municipalities put in strong protections to keep this type of process out of their municipality but ended up having to create exemptions for anyone to be able to compost. Hiday agreed to look at the commission's proposed amendments to the zoning ordinance when it is further along.

Motion was made by Chair Noordyke to form a subcommittee to draft initial feedback on the proposed amendment to the zoning ordinance that will be created by Planning Director Hilbrands, reviewed by the full Planning Commission, and brought before the Township Board. It will consist of Member Rissi as chairman and Members Rapin, Korstange, and Deering as members. Supported by Member Korstange. Motion carried 8 to 0.

Member Rowland was excused and left at 10:36 PM.

#### **ARTICLE 13. Old Business**

**Roundhill/Process Implementation Subcommittee:** Member Moxley shared that the subcommittee is meeting bi-weekly on Wednesdays at 4:00pm at the Township office. Meetings last approximately an hour and have been attended by Planning Director Hilbrands and Manager Swayze. Minutes for these meetings are taken by Member Rissi.

**Edits to the 3/21/22 Meeting Minutes:** Member Deering pointed out three lines to be edited from the 3/21/22 meeting minutes. The first was on the second page, first paragraph, 8<sup>th</sup> line down where it is said, 'building not be used for living space' and requested it to be changed to 'building cannot be used for living space'. The second edit was in Article nine's second paragraph that read, 'the attorney will be asked if there is a reason these were titled Rules of Procedure than the original Rules of Conduct'. 'Rather' needs to be added between the words 'Procedure' and 'than'. Finally, on the last page, where it talks about the open planning commission seat, it should say 'the' instead of 'he'.

**Motion by Member Rissi to approve these edits. Supported by Member Rapin.  
Motion carried 7 to 0.**

**Email Addresses:** Planning Director Hilbrands passed out directions for the Planning Commission members to set up their township email addresses.

**ARTICLE 14. Any Other Business**

**Educational and Workshop Opportunities:** Educational workshops from last year (that are held yearly) were included in the packet as well as the website to access educational workshops through MSU extension. Members are encouraged to attend these types of educational opportunities that are a mixture of virtual and in person events.

**ARTICLE 15. Acknowledge visitors and those wishing to speak.**

Luis Chen: Asked if they can continue feeding the worms so they don't have to start from scratch after 90 days. Chair Noordyke recommended Chen speak with Planning Director Hilbrands. He said they would run out of food in about three months.

James Yost (via Zoom) Commented: "Negative aeration"

Michalsky explained that this is what will be used to reduce composting odor.

Dick Wachter (via Zoom): "What is the motivation that the Ridges sites as their need for a separate dog park when the county has expended township funds to provide an excellent dog park. Have there been any studies done on the use of the current dog park at Cascade Park that would suggest an additional park is needed?"

Member Korstange clarified with Planning Director Hilbrands as to if the Planning Commission can deny the Ridges complex the ability to construct a dog park and Planning Director Hilbrands said there is leeway because it affects the neighbors.

**ARTICLE 16. Adjournment**

**Motion was made by Member Rissi to adjourn. Supported by Member Deering.  
Motion carried 7 to 0. The meeting was adjourned at 10:48 PM.**

Respectfully submitted,

Diedre Deering, Secretary