

TOWNSHIP OF CHESTER
COUNTY OF OTTAWA, MICHIGAN

At a regular meeting of the Township Board of the Township of Chester, Ottawa County, Michigan, held in the Township Hall, 3509 Sehler Street, in said Township, on the 10th day of June, 2024, at 7:00 p.m.

PRESENT: Members: Denhof, Dietrich, Dunnuck, Goodno, Meerman

ABSENT: Members: None

The following preamble and resolution were offered by Member Goodno and supported by Member Denhof:

RESOLUTION NO.2024-06-01

**RESOLUTION ENACTING A TEMPORARY MORATORIUM ON APPLICATIONS
FOR ZONING AND BUILDING REVIEW WITH RESPECT TO PROPOSED NEW
DEVELOPMENT IN THE HDR DISTRICT**

WHEREAS, pursuant to the Michigan Zoning Enabling Act (“MZEA”), MCL 125.3101, *et seq.*, the Township has adopted a Zoning Ordinance that establishes zoning districts and zoning regulations for the entire Township, including regulations for the HDR High Density Residential District;

WHEREAS, the HDR District has the stated purpose of providing areas for residential living on smaller lots that are served by public sewer;

WHEREAS, in accordance with the above-stated purpose of the HDR District, Section 553 of the Township Zoning Ordinance requires that all lots in the HDR District be served by public sewer;

WHEREAS, the only public sewer in the Township, that being the Chester Township Sanitary Sewage System (the “System”), is approaching maximum treatment capacity, with only 13 residential equivalent units (“REUs”) still available in the System;

WHEREAS, the Township Board has determined that the remaining 13 REUs should be reserved for uses within the core Conklin area of the Township, as depicted on the map attached to this resolution as Exhibit A (the “Core Service District”), and that new development within the HDR District, outside the Core Service District, should not occur until such time as the Township has studied and determined a feasible method for expanding the capacity of the System, so that new HDR development outside of the Core Service District may be served by public sewer, rather than by private, on-site septic systems;

WHEREAS, the Michigan Legislature has determined and stated, at MCL 333.12752, as follows:

“Public sanitary sewer systems are essential to the health, safety, and welfare of the people of the state. Septic tank disposal systems are subject to failure due to soil conditions or other reasons. Failure or potential failure of septic tank disposal systems poses a threat to the public health, safety, and welfare; presents a potential for ill health, transmission of disease, mortality, and economic blight; and constitutes a threat to the quality of surface and subsurface waters of this state. The connection to available public sanitary sewer systems at the earliest, reasonable date is a matter for the protection of the public health, safety, and welfare and necessary in the public interest which is declared as a matter of legislative determination.” MCL 333.12752.

WHEREAS, the Township Board has begun to undertake studies to evaluate the cost and feasibility of expanding the System to provide adequate treatment capacity for all lands in the HDR District, consistent with the public policy established by MCL 333.12752;

WHEREAS, the Township Board finds that it is in the public interest to enact a temporary moratorium, lasting until June 1, 2025, unless later shortened or extended by the Township Board, with respect to the Township’s review of zoning and building applications for proposed new development in the HDR District that is outside of the Core Service Area, on the terms specified below, so as to prevent new development in the HDR District that would have to rely on private, on-site septic systems that are subject to potential failure, and which could thereby (a) pose a threat to the public health, safety, and welfare, (b) present a potential for ill health, transmission of disease,

mortality, and economic blight; and, (c) constitute a threat to the quality of surface and subsurface waters of the Township; and, to allow the Township sufficient time to undertake and complete studies to evaluate the cost and feasibility of expanding the System to provide adequate treatment capacity for all lands in the HDR District, and to implement the selected method of System expansion to accomplish that objective.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. ***Temporary Moratorium.*** A temporary moratorium on Township consideration of applications for new development in the HDR District, outside of the Core Service Area, is hereby adopted under the following terms, conditions, and limitations:

(a) During the temporary moratorium, the Township shall not accept or review any zoning or building applications for any new development in the HDR District, outside of the Core Service Area, that would require public sewer under the terms of the Township Zoning Ordinance.

(b) The temporary moratorium is effective as to all applications for new development in the HDR District, outside of the Core Service Area, that would require public sewer under the terms of the Township Zoning Ordinance, which has been received in the Township on or after June 1, 2024.

(c) The temporary moratorium shall remain in effect until June 1, 2025, unless previously terminated or otherwise extended by the Township Board.

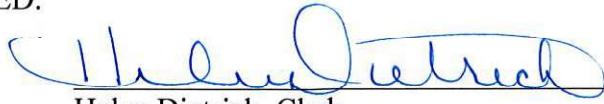
(d) The moratorium applies only to the types of applications stated in this resolution.

2. All resolutions or parts of resolutions in conflict with this resolution are hereby rescinded.

AYES: Members: Denhof, Dietrich, Dunnuck, Goodno, Meerman

NAYS: Members: None

RESOLUTION DECLARED ADOPTED.




Helen Dietrich, Clerk
Township of Chester

STATE OF MICHIGAN)
) ss.
COUNTY OF OTTAWA)

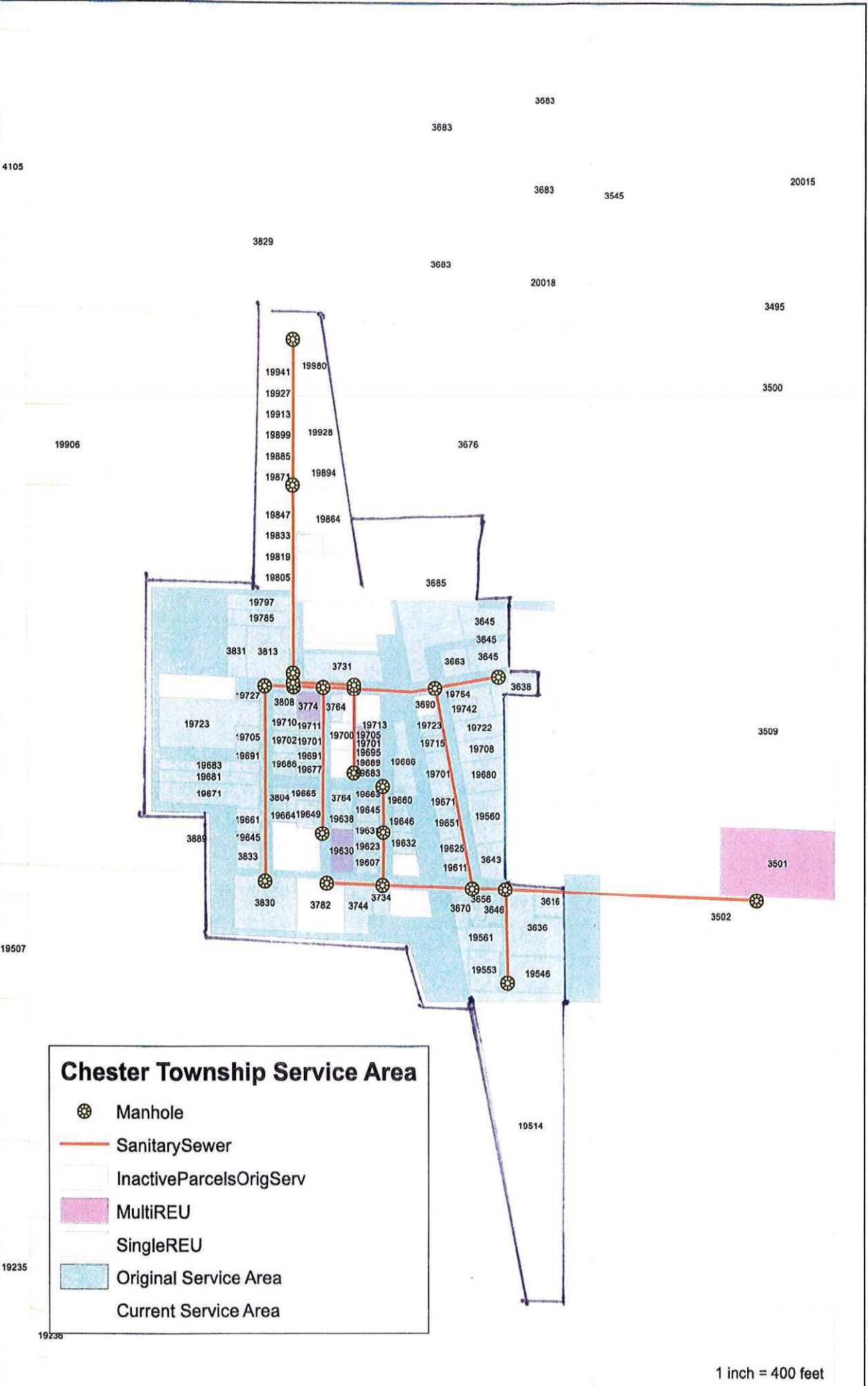
I, the undersigned, the duly qualified and acting Clerk of the Township of Chester, Ottawa County, Michigan (the "Township"), do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board at a regular meeting on June 10, 2024, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereto affixed by official signature on this 10th day of June, 2024.



Helen Dietrich, Clerk
Township of Chester

Exhibit A
Core Service District Map



Chester Township Service Area

-  Manhole
-  Sanitary Sewer
-  InactiveParcelsOrigServ
-  MultiREU
-  SingleREU
-  Original Service Area
-  Current Service Area

1 inch = 400 feet