



1096 Queens Way
Lake Isabella, MI, 48893
989-644-8654

lakeisabella@charter.net

<http://webpages.charter.net/lakeisabella>

MEMO MEMO MEMO MEMO MEMO MEMO MEMO

April 5th, 2005

Director Steven Chester
MDEQ Executive Director
P.O. Box 30473
Lansing, MI 48909-7973

Re: Lake Isabella Septic Restrictions

Dear Mr. Chester:

I am writing to you today in regards to an alleged comment made by a DEQ official to a property owner of the Village. The matter surrounds the septic restrictions that are currently in place in several of our platted sub-divisions. We have been approached numerous times regarding these restrictions by people who desperately wish to build on their property, but have been restricted due to the septic permit situation that was required to approve the plats. When we are approached by people on this matter we always direct people to your agency and also the local District Health Department, as the Village has no input or authority over the septic permit process.

Recently one of these residents claims that when they approached the DEQ on this matter they were told the following. That "the Village, and prominent residents (of the Village), are taking this stance to limit growth in the area." This is not the first time that a property owner in a similar situation has come back to the Village and told almost the exact same story and quote.

The Village would like to inform you and your agency of our official position so that everyone involved can be clear on our stance. We feel that the restrictions when done on a plat by plat basis are inherently unfair and constitute regulatory taking of individual property. We also feel that the DEQ and the local District Health Department are acting above their statutory authority on this matter and that each individual property should be allowed to stand alone for septic permitting. It is our position that if an individual piece of property can pass the required perk test, then that property should be deemed "buildable," regardless of how many other properties in that plat have been built upon. It is without doubt that these restrictions as they stand today have no relation to the Village in any manner and the fact that they remain in place is solely due to the DEQ and local District Health Department.

Sincerely yours,

Timothy R. Wolff
Village Manager

CC: George Dunn, Village President
Law Weathers & Richardson