

VEVAY TOWNSHIP PLANNING COMMISSION
Regular Meeting/Public Hearing
Wednesday, October 3, 2018
Vevay Township Hall – 7:00 p.m.

MINUTES

Members present: Jack Cady, John Lazet, Chris Lewis, Pattie McNeilly, Jim Minster, Bruce Walker, and Al Winters.

Members absent: None.

Other Persons present: Supervisor Jesse Ramey, Clerk Kean, and legal counsel David Revore.

I. Call to Order: The meeting was called to order at 7:00 p.m. by Chair McNeilly.

II. Pledge of Allegiance

The audience joined the Commission in reciting the Pledge of Allegiance.

III. Set/Amend Agenda

The agenda was accepted as submitted.

IV. Approval of Minutes: Regular Meeting of September 5, 2018

No amendments were offered.

MOTION Cady, seconded by Walker, to approve the September 5, 2018, Regular Meeting minutes as submitted.

CARRIED 7-0.

V. Brief Public Comment

There was no public comment.

VI. Recess to Public Hearing Regarding:

Special Land Use Application Permit #18.01 REVISED – by John Fischer/Majestic Land LLC for Sand/Gravel Mining Operation at W Barnes and Kelly Roads

Mr. Fischer – as the property owner, he is proposing to mine a ridge of sand, with no mining below the water table. He expects to remove perhaps 200,000 tons, for use on Anderson/Fischer projects only, not for other users. If there is enough stone, there will be periodic crushing operations. MDEQ has approved the proposed operation, and the Ingham County Road Department (ICRD) has authorized truck traffic on Barnes Road only to US 127 and Meridian Road. Hours of operation will comply with the Ordinance: 7 am - 6 pm M-F, and 8 am – 5 pm Saturdays.

Tim Colby, Kelly Road – just purchased Dutch Heritage from the Weesies. His sole concern is the impact on neighboring wells, as this has been an issue in the past. Mr. Fischer – no water will be pumped – period - and so neighboring wells should be unaffected.

VII. Adjournment of Public Hearing and Recommencement of Regular Meeting

There being no further public comment, the public hearing was adjourned, and the regular meeting recommenced at 7:06 pm.

VIII. Reports

A. September 2018, Building/Enforcement Report

The written report indicated that there were eight building/zoning permit actions, involving construction of a new home, a renewal of a new home permit, two re-inspections, addition of a balcony, construction of a pole barn, a re-roofing, and fixing a basement. Three violation/attorney letters have been sent, regarding living in a trailer next to a residence in need of significant repair (see below), an unauthorized business on Barnes Road (no longer active, business assets to be auctioned off), and a violation of junk in the front yard (a show cause hearing is scheduled for Oct. 10, 2018).

Supervisor Ramey – has been informed that the decrepit residence will be demolished, and the couple will be moved before the winter into housing in Mason.

Clerk Kean – in response to questions, she files a form with the federal government that asks for the value of the improvements noted in the Report.

IX. Pending Business

A. Special Land Use Permit Application from John Fischer/Majestic Land LLC for Sand/Gravel Mining Operation at W Barnes and Kelly Roads

Chair McNeilly – had contacted the MDEQ about this project, mostly regarding amendments to this section of the Zoning Ordinance. She had lengthy discussion of this proposed use as they were familiar with the plans. MDEQ has determined that there will be no mining nor product storage in the floodplain, and so no special permits should be necessary.

Mr. Fischer – The Ingham County Drain Commissioner (ICDC) has also informed the applicant that no further permits will be needed beyond the soil erosion permit. He distributed copies of a fuel spill response plan, as requested last month. No fuel will be stored on site. The levels of response are a standard protocol used by the Michigan Infrastructure & Transportation Association, and any clean-up will be immediate. Spill kits will always be on site.

The Commission proceeded to review the site plan:

Section 14.03 – Site Plan Review Requirements:

C. Required Site Plan Submission Requirements

- A site plan for a home occupation may be prepared by the property owner. All other site plans shall contain the seal, name, and firm address of the professional individual responsible for the preparation of the site plan. – Condition met.
- A general location sketch showing at a minimum, properties, streets and use of land within ½ mile of the area – Condition met.
- Legal description of the subject property and parcel identification number. – Condition met.
- The date, north arrow, and scale. – Condition met.
- Name and address of the property owner or petitioner. – Condition met.
- Existing zoning and use of all properties abutting the subject property. - Condition met.
- All buildings, parking, driveways, roads, streets, railroads, and access easements within 100 feet of the subject property. – Conditions met.
- The overall objectives of the proposed development. – Condition met. During Commission consideration, the applicant indicated that the overall purpose is to re-establish a gravel mining operation on previously mined parcels.
- Size (in acres) of the subject property and approximate number of acres allocated to each proposed use and gross area in building, structures, parking, public streets and drives, and open space. – Conditions met.
- Dwelling unit densities by type, if applicable. – Not applicable.
- Location of existing and proposed utilities, including any proposed connections to public or private sewer and water supply systems. – Not applicable, as none are proposed.
- Existing and proposed method of providing storm water storage and drainage. – Condition met. This land has been mined for many years, has never had standing water issues, and the proposed operation should not affect drainage.
- Property lines with dimensions, and required setbacks shown and dimensioned. - Conditions met.
- Dimensions of all existing and proposed structures on the subject property including dwelling unit densities by type, if applicable. – Conditions met.
- Size and location of existing and proposed utilities, including any proposed connections to public, or private community sewer or water supply systems. – Not applicable.
- All existing and proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided) (Pursuant to Sec. 15.01), fire lanes, and unloading areas. - Conditions met.
- Required buffer strips or screening. – Conditions met.
- Significant natural features; and other natural characteristics, including but not limited to open space, wetlands, stands of trees, brooks, ponds, floodplains, hills, slopes of over 15%, and similar natural assets or hazards. – Conditions met.
- Any sign not attached to the building(s). – Not applicable as there will be no signs, except on the interior haul road for trucks noting the hours of operation.
- General topographical features at contour intervals no greater than 5 feet. – Condition met.
- Location and size of all surface water drainage facilities. – Not applicable.
- Existing and proposed uses, and dimensions of all existing and proposed structures on the subject property. – Conditions met.
- Location of all solid waste disposal facilities, including recycling, and required screening (pursuant to section 15.05). – Not applicable.

- Location and specifications for existing or proposed outside, above or below ground storage areas, including storage facilities for hazardous materials. – Stockpile area noted.
- All existing vegetation and the location, type, and size of all required landscaping, and the location, height and type of existing and required fences and walls. - Conditions met.
- Recreation areas, common use areas, and areas to be conveyed for public use and purpose. – Not applicable.
- Exterior lighting showing area of illumination and indicating the type and height of fixture to be used (pursuant to Section 15.04). – Not applicable as no lighting is proposed.
- Elevation drawings of proposed buildings – Not applicable as no buildings are proposed.

D. Additional Information

Given the detail of the site plan drawings and other materials, as well as the continuation of an historical use and development, no additional graphics or written materials were requested. No Traffic Impact Assessment or Traffic Impact Study was required of the applicant.

Section 14.04 – Application and Review: Supervisor Ramey confirmed that all required copies and fees have been submitted.

Section 14.06– Review Standards: The Commission made the following findings:

B. Site Development Standards

1. The uses proposed will not adversely affect the public health, safety, or welfare. – Conditions met. The parcels have been mined for roughly 30 years, and the proposed use will not mine below the water table, mitigating hazards to wells on neighboring parcels. No undue noise, odors, fire, smoke, vibrations, discharges, waste, glare, or other negative impacts are anticipated. Dust will be an issue, but appropriate on-site equipment and practices are proposed to abate fugitive dust. The proposed use will entail increased truck traffic, but this has been an historical impact. There will be no pedestrian or customer presence on site. As this is the continuation of an historical use, the Commission determined that the proposed uses would not adversely affect the public health, safety, or welfare.
2. Uses and structures located on the site shall take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance. – Conditions met. The parcel has been mined for decades, and the continued use should be less intense. Drainage has not historically been an issue and should not be affected by the operation. The proposal is within the allowable coverage area of development. Traffic at any given time should be minimal and should not impede the normal and orderly development or improvement of surrounding properties.
3. The site plan shall provide reasonable visual and sound privacy for all dwelling units located within and adjacent to it. Fences, walls, barriers, and landscaping shall be used, as appropriate, to accomplish these purposes. Appropriate fencing may be required by the Planning Commission around the boundaries of the development if deemed necessary to

minimize or prevent trespassing or other adverse effects on adjacent lands. The Planning Commission may also require road or pathway cross-connections between developments. – Conditions met. There will be a ridge between operations and the nearest neighbors, operations will not be seen, and noise will be abated. Existing mature stands of trees between the operation and neighboring residences will be left in place, further diminishing visual issues and enhancing sound privacy for surrounding parcels. Four-foot woven wire fencing currently surrounds the parcels and should adequately discourage trespassing. No new road or pathway cross-connections were required.

4. The site shall be developed to create a pleasant, pedestrian paced atmosphere which de-emphasizes the automobile and considers rural character. Site amenities like street trees, bike racks, benches and outdoor tables may be required by the Planning Commission. – Not applicable. The proposed use is not in a pedestrian path, nor are any proposed. Business should be exclusively by motorized vehicles.
5. All buildings and groups of buildings shall be arranged so as to permit necessary emergency vehicle access as requested by the Fire Department. – Condition met. All areas likely to need such access will be in graveled areas with a gravel driveway for access.
6. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and so that it does not interfere with the vision of motorists along adjacent streets. Lighting of buildings or structures shall be minimized to reduce light pollution. The site shall comply with the requirements of Section 15.04. – Not applicable.
7. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from Residential Districts or public streets, shall be screened in accordance with the requirements of Section 15.02. – While not applicable, this condition is met, as appropriate vegetative screening exists.
8. Site plans shall conform to all applicable requirements of Township, County, State, Federal agencies. Approval may be conditioned on the applicant receiving necessary Township, County, State, and Federal permits before final site plan approval or an occupancy permit is granted. – Condition met. The applicant has applied for all pertinent permits and has stated that they will be filed with the Township.
9. The general purposes and spirit of this Ordinance and the Master Plan of the Township shall be maintained. – Condition met. The proposed use dates back over 30 years, and new operations should have minimal impact on surrounding parcels. As such, the spirit of the Zoning Ordinance and the Master Plan are considered to have been met.

C. Vehicular and Pedestrian Standards

1. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points. – Conditions met. As the site will be limited to gravel train and pickup truck traffic, and likely only a few at a time, and as there is no

pedestrian traffic proposed, these conditions were considered adequately fulfilled by the detail of spacing, gravel surfacing, and the haul routes.

2. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within the Township. – Not applicable.
3. The minimum number of vehicular entrances and exits shall be provided at appropriate locations so as to maximize the convenience and safety for persons entering or leaving the site. The number of vehicular entrances to and exists from the site shall be determined with reference to the number of dwelling units or other land uses within the site, the nature and location of the surrounding streets, the effect of traffic in the area, nearby topography, and other factors. – Conditions met. As the ICRD has approved the existing driveway, and given the anticipated level of traffic, this requirement was deemed to be sufficiently addressed.
4. Adequate traffic control shall be provided on site and throughout developments to ensure safe vehicular and non-motorized cohabitation. The Planning Commission may require traffic calming measures, paved road shoulders, and deceleration or turn lanes when necessary. – Condition met. Given the limited number of vehicles expected to access the property, traffic control was deemed to not need any improvement.
5. Appropriate sidewalks, trails or pathways for pedestrians and non-motorized vehicles may be required within the development and between developments but may be deferred with an appropriate performance guarantee. – Not applicable. There are no sidewalks currently on the property or surrounding parcels, and none planned. No known trails or pathways for public use are needed, given the nature of the district and the proposed uses.
6. The Planning Commission may require shared driveways or the consolidation of existing driveways where appropriate. – Not applicable.

D. Environmental and Natural Features Standards

1. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission may require that landscaping, buffers, and/or buffer strips be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property. – Condition met. The proposed mining is limited in area and scope. Existing and proposed vegetative screening was approved by the Commission – see comments on Sec. 15.05.
2. Landmark trees and significant vegetation slated for protection shall be marked on site to prevent their damage during construction. – Not applicable.
3. Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect the public storm drainage system. – Not applicable. Drainage of

stormwater has not been an issue and shouldn't be given the limited scope of proposed mining.

4. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create puddles in paved areas. Subsurface landscape islands within parking lots are encouraged. Catch basins may be required to contain oil filters or traps to prevent contaminants from being directly discharged to the natural drainage system. – Not applicable. No impermeable paved areas are proposed.
5. Stormwater drainage design shall recognize existing natural drainage patterns. Stormwater removal shall not adversely affect neighboring properties or the public storm drainage system. – Conditions met. The parcel is close to Mud Creek, and current drainage patterns should be unaffected by the development.
6. Areas of natural drainage such as swales, wetlands, ponds, or swamps shall be protected and preserved insofar as practical in their natural state to provide areas for natural habitat, preserve drainage patterns and maintain the natural characteristics of the land. – Conditions met. Operations have been evaluated by the MDEQ, and no permits are required.
7. Provisions shall be made to accommodate stormwater on-site wherever practical. Direct discharge of stormwater into surface waters is prohibited. Where feasible, nonstructural control techniques shall be utilized which shall:
 - a. Limit land disturbance and grading.
 - b. Maintain vegetated buffers and significant vegetation.
 - c. Minimize impervious surfaces.
 - d. Use terraces, contoured landscapes, runoff spreaders, grass, or rock-lined swales.
 - e. Use infiltration devices.- Not applicable. The ICDC has determined that only a soil erosion permit is required. Mid-Michigan averages over 30 inches of precipitation per year, and currently rain either moves off site, or soaks into aquifers. No discharge of stormwater into surface waters is proposed. While stormwater that runs into the drainage system would move off-site, it would be into the county drain system, which eventually supplies the Great Lakes.

SECTION 15.02 - LOADING REQUIREMENTS

A. Adequate space for standing, loading and unloading, that avoids undue interference with public use of dedicated rights-of-way, shall be provided and maintained on the same premises with every building, structure or part thereof involving the receipt or distribution of vehicles or materials or merchandise. – Condition met.

B. Loading, unloading or parking of delivery vehicles and trailers in a Nonresidential District shall take place only in approved areas. Under no circumstances shall a delivery vehicle or trailer be allowed to park in a designated loading/unloading zone for longer than forty-eight (48) hours. – This condition was noted to the applicant, who publicly agreed on October 3, 2018, to comply with this provision of the Ordinance.

C. At least one (1) loading space per commercial or service establishment shall be provided in the B1 and B-2 Districts in addition to any required off-street parking area. Required spaces shall be provided in the rear yard. The Planning Commission may permit the side yard to be used for loading spaces, provided adequate screening is provided. – Not applicable.

D. All loading spaces in the Industrial District shall be at least ten (10) by fifty (50) feet, or other dimensions totaling at least five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having an asphaltic or cement binder. – Not applicable.

SECTION 15.04 - LIGHTING

As no lighting or even electrical power supply of any sort is proposed, this entire section was deemed non-applicable.

SECTION 15.05 - LANDSCAPING REQUIREMENTS

C. General Requirements: 1. For all uses requiring site plan review a landscape/screening plan shall be submitted to the Township for review and approval. The plan shall contain the following:

- a. All applicable information listed in Chapter 14. – Conditions met, as noted above.
- b. All applicable information listed in this Section pertaining to plant materials. – Not applicable.
- c. The location, general size, and type of existing vegetation to be retained. – Conditions met.
- d. A planting schedule and plan providing the following information: (1) The botanical and common name of each plant used. (2) The size of each plant to be used at the time of planting. (3) The quantity of each plant to be used. (4) Whether plants to be used are balled and burlapped container grown or bare root. (5) The spacing and location of all proposed trees, shrubs and ground cover. (6) The percentage of landscaped area to be provided on site.
- Not applicable.

3. Trees Not Permitted: For the purposes of this Section, the following trees shall not be permitted because they split easily, their wood is brittle and breaks easily, their roots clog drains, or they are invasive species or unusually susceptible to disease or insect pests. (prohibited trees listed). – Not applicable.

4. Mixing of Species: The overall landscape plan shall not contain more than thirty-three (33%) of any single plant species. The use of trees native to the area and Mid- Michigan, and mixture of trees from the same species association, is encouraged. – Not applicable.

5. Species selection: landscaping materials shall be chosen which are best adapted to the solar exposure, soil, moisture and other site conditions which influence plant health and longevity. – Condition met. The owner will rehabilitate affected areas using a Native Upland Seed mix, which is commonly used on such projects.

6. Plant material spacing: At planting, materials shall be spaced so as to ensure their survival over the length of their growing period. – Not applicable.

7. Installation

a. Whenever a landscape planting screen or other plantings are required under this Section, it shall be installed according to accepted planting procedures and in a sound workmanlike manner. All plant material shall meet current standards of the American Association of Nurserymen. – Not applicable.

b. The Planning Commission may require that landscaped areas be irrigated. – Not applicable.

c. All required plantings shall be installed within six (6) months of their approval by the Township. An extension of this time may be granted by the Planning Commission. - This condition was noted to the applicant, who publicly agreed on October 3, 2018, to comply with this provision of the Ordinance when reclaiming and rehabilitating the site.

d. Plant material shall be installed so that at maturity, it does not obscure traffic signs or lighting, obstruct access for emergency vehicles, interfere with adequate sight distance for motorists, or disrupt drainage patterns on the site or on adjacent properties. – Conditions met.

e. Landscaped areas shall be covered by grass or other living ground cover. – Not applicable.

f. Trees and shrubs shall be setback a minimum of ten (10) feet from a vehicular access or pathway. – Not applicable.

8. Maintenance

a. Maintenance of plantings shall be done with regularity to ensure a healthy and neat appearance. – This condition was noted to the applicant, who publicly agreed on October 3, 2018, to comply with this provision of the Ordinance when reclaiming and rehabilitating the site.

b. Required landscaping (including buffer strips, trees, lawns, and ground cover) shall be maintained in a healthy, neat, and orderly appearance free of disease and insect infestations as well as clear of weeds and debris. - This condition was noted to the applicant, who publicly agreed on October 3, 2018, to comply with this provision of the Ordinance when reclaiming and rehabilitating the site.

c. All unhealthy and dead plant material shall be replaced in the earliest appropriate planting period. - This condition was noted to the applicant, who publicly agreed on October 3, 2018, to comply with this provision of the Ordinance when reclaiming and rehabilitating the site.

d. The landscape plan shall indicate all individuals or businesses that will be responsible for continued maintenance of the landscaping, including a method of contacting them. – Applicant noted that the business will itself be responsible for continued maintenance of all plantings and vegetation.

9. Existing vegetation:

- a. Where healthy plant material exists on a site prior to its development or redevelopment variations from the landscape requirements may be approved to allow credit for the existing plant material if the adjustment is keeping with the intent of this Section. – Condition met.
- b. All existing live trees in excess of twelve (12) inches in diameter at four and one half (4 ½) feet above the ground shall be preserved as much as practical. – Condition met.
- c. Should any tree required by this Ordinance to be preserved die, it shall be the responsibility of the owner/developer to replace the dead tree. – Not applicable.
- d. A means of protecting site trees against injury during construction or injury from mowing equipment and vehicles shall be provided. – Not applicable.

D. Landscape Buffer Zones

1. Where landscape buffer zones are required:
 - a. A landscaped buffer of ten (10) feet wide measured from the property line and planted with evergreens or shrubbery shall be provided which maintains their density and screening effect throughout the calendar year. – Not applicable.
 - b. Additional screening may be required by the Planning Commission, including additional buffer width, a wall, berm and/or fencing to prevent the creation of any nuisance, avoid annoyance by artificial lighting or incompatible activity. – Existing screening was deemed to be adequate.
2. Landscaping may be required to serve as windbreaks. – Not applicable.
3. Berms and swales shall be constructed with slopes not to exceed a 1:3 gradient with side slopes designed and planted to prevent erosion. Slopes shall be protected with sod, seed, shrubs or other form of natural groundcover. – Not applicable.

E. Parking Lot Landscaping

1. All off-street parking areas shall provide the following landscaping within the parking lot (in above ground or sunken landscape islands, bump-outs near the perimeter of the parking lot, as boulevards, etc.):
 - a. One (1) deciduous shade tree shall be required for each ten (10) parking spaces, provided that in no case shall less than two (2) trees be provided. – Not applicable,
 - b. Three (3) under story shrubs shall be required for each ten (10) parking spaces. –Not applicable.
 - c. Parking lot islands shall be at least one hundred (100) square feet in area, ten (10) feet in width and two (2) feet shorter than adjacent parking space. Rain gardens with rolled curb and/or curbing with drainage gaps are encouraged to help manage storm water runoff. – Not applicable.
2. When off-street parking and loading of a non-residential use abuts a residential use or district, the parking lot and loading area shall be screened from the residential use or district by a solid, ornamental fence or masonry wall at least six (6) feet high. In lieu of a fence or wall, the Planning Commission may permit a sculpted berm and landscaping of a minimum

of one (1) evergreen tree planted every fifteen (15) feet along the mutual property boundary.
– Condition met, as no operations will be visible to surrounding residences due to topography and significant stands of mature trees.

F. Site Landscaping

1. Perimeter plantings shall be provided a rate of two (2) deciduous shade, ornamental, or evergreen trees for every ten (10) feet of road frontage; ten (10) shrubs per fifty (50) linear feet of property frontage and twenty perennials per fifty (50) linear feet of frontage. Plant materials shall be creatively and functionally dispersed around the perimeter of the property. Clustering and staggering of materials is recommended to maintain the rural character of the Township. – Given the current heavily wooded condition of the parcels, this condition was deemed to be met.

2. The required side and rear setbacks shall be landscaped to: a. Define cross-connections between properties for both pedestrian and vehicles; b. Define internal access ways for vehicles and pedestrians; c. Provide shade and lawn areas for outdoor activities; d. Provide appropriate outdoor amenities including seating, trash receptacles, etc., depending on the nature of the land use; e. Serve as windbreaks where warranted; f. To break up long expanses of building without windows. – Not applicable.

G. Detention and Retention Ponds:

1. Plantings shall be provided a rate of one (1) deciduous shade or evergreen tree and ten (10) shrubs per fifty (50) linear feet of pond perimeter as measured along the top elevation of the pond bank. – Not applicable.

2. To the extent possible, pond configuration shall be incorporated into the natural topography of the site. Where this is not practical, the pond shall be shaped to emulate a naturally formed depression and shall be part of the natural landscape and open space system of the site. – Not applicable.

3. Plantings shall replicate a natural environment. Trees and shrubs shall be clustered around the basin and contain a variety of plant material. – Not applicable.

H. Utility Buildings, Outdoor Equipment, Outdoor Storage and Waste Receptacles

1. For utility buildings, stations, and/or substations, screening shall be provided consisting of a six (6) foot high wall, berm or fence, except when all equipment is contained within a building or structure which is comparable in appearance to residential buildings in the surrounding area. – Conditions met. The entirety of the parcels is currently fenced and will remain so.

2. Any trash receptacle or trash storage area shall be contained within an enclosure which is at least six (6) feet in height, or the minimum height of the trash collection or storage receptacle. The location of the trash receptacle or storage area shall be approved by the Zoning Administrator, unless part of a site plan approval, which will be approved by the Planning Commission. – Not applicable.

3. When located outside of a building, support equipment including air conditioning and heating devices, and water and gas meters, but not including plumbing or exhaust vents or

chimneys, are to be screened to the height of the particular piece of equipment. – Not applicable.

4. Outdoor open storage of any equipment, vehicles and materials, shall be screened from public right-of-way and residential uses or districts. Such storage shall not be located in the required front setback. Commercial uses do not need to screen from one another and industrial uses do not have to screen from one another. – Conditions met.

A public hearing having been held and full consideration given to the site plan as re-submitted:

MOTION Lewis, seconded by Minster, that the site plan submitted on August 17, 2018 for proposed gravel mining on parcels 33-10-10-25-400-022, 33-10-10-25-400-025, 33-10-10-25-400-026, 33-10-10-25-200-009, and 33-10-10-25-100-023, be approved as it meets the requirements of Chapters 14 and 15 of the Zoning Ordinance as determined by the Commission as reflected in the meeting minutes above.

CARRIED 7-0.

Section 16.03 – Basis of Determination: While this is the responsibility of the Board of Trustees, the Commission opted to incorporate their site plan findings and other testimony into a format to assist the Board in making these determinations.

A (1) - The Special Land Use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

The application meets this condition. The parcels have been mined for roughly 30 years, and operations are largely far removed from, and not visible to, neighboring residences. There will be truck traffic, but as has been occurring for decades and likely less intense. No noticeable noise, smoke, fumes, vibrations, or pedestrian traffic is proposed or expected; and there would be no need for any expanded or new public services. Given the need to locate mining where the minerals are located and given state law that strictly limits the Township's ability to regulate such an operation, the proposed use must be located in areas like this. The topography and existing stands of trees help to minimize the visual and sound impacts at the ground level.

A (2) – The Special Land Use shall not change the essential character of the surrounding area.

The application meets this condition. The surrounding parcels are largely developed, and the proposed use should eventually result in further orderly residential development. Almost no vegetation will be removed. While one mineral ridge will be removed, it is currently not visible to neighboring parcels and its removal will not affect the essential character of the surrounding area.

A (3) – The Special Land shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through the creation of hazardous or potentially hazardous situations or the excessive production of traffic, noise, odor, smoke, dust, fumes, glare or site drainage.

The application meets this condition. The proposal will continue a long-standing use. Apart from minerals, there will be no outside storage, burning, additional noises, odors, smoke, vibration, glare, or fumes. Dust abatement equipment will be on site and used as needed. Truck traffic will be at most comparable to previous traffic. No pedestrian traffic will occur. Site drainage has been adequate and should continue to be so. There should be no new negative impacts on the parcels, and thus none to surrounding parcels or persons. A spill response plan has been submitted to address immediate response if a fuel spill occurs.

A (4) – The Special Land Use shall not place demands on public services and facilities in excess of current capacity.

The application meets this condition. No public road work is needed, and the ICRD has approved truck routes for the operation. No new public storm water drainage system or public water supply or sewer system will be needed. No activities are planned that would increase the potential need for enhanced law enforcement oversight or presence, fire services, or emergency medical services.

A (5) – The Special Land Use shall be in general agreement with the Township Master Plan.

As the Master Plan is currently written, a major goal is orderly development that fits the rural character of the Township. The proposed use meets these goals, the eventual reclamation and rehabilitation meets these goals, and the use is in general agreement with the Master Plan.

A (6) – The Special Land Use shall comply with all site plan review standards.

The required site plan review process was completed by the Commission earlier this evening, and the site plan was unanimously approved.

COMMISSION – Recommended that as the Township Board reviews SLU permit application 18-01, the following additional conditions be considered:

1. A list of all required permits be submitted to the Township;
2. Copies of all required permits be submitted to the Township, including the MDEQ permit for fugitive dust, the Ingham County Road Department permit and haul routes, and the Ingham County Drain Commissioner soil erosion permit;
3. Prior to any crushing operations, the Township be provided with a copy of the MDEQ Air Quality Division permit or letter of dismissal;
4. Excavations must only be above the water table, and no mining is to occur below the water table, and no dewatering off site;
5. An agreement (as noted on the site plan) to comply with hours of operation;
6. Trucks under the control of the operator shall not use unmuffled exhaust brakes;
7. The applicant allow the Township access to the site for inspections;
8. The applicant work with the Township in preparing the required annual report;
9. Fencing shall be maintained around the complete mining area, and no trespassing signs shall be posted every 500 feet;
10. General liability insurance policies shall include the Township and its agents as insureds;
11. Copies of all required insurance policies be submitted to the Township;

12. The reclamation bond should be \$10,000 per acre, and a copy of the bond submitted to the Township;
13. A copy of the bond filed with the Ingham County Road Department be submitted to the Township;
14. The written operation fueling plan and fuel clean up narrative be submitted to the Township.

A public hearing having been held, and following three regular Commission meetings where the SLU permit application for sand/gravel mining was considered and talked through with the applicant, and as the site plan was earlier approved by the Commission:

MOTION Minster, seconded by Lewis, to recommend the Board of Trustees approve issuance of Special Land Use Permit #18-01, Sand/Gravel Mining, on parcels 33-10-10-25-400-022, 33-10-10-25-400-025, 33-10-10-25-400-026, 33-10-10-25-200-009, and 33-10-10-25-100-023, on Barnes Road, Mason, MI, contingent upon all appropriate permits being obtained and copies submitted to the Township. The Commission further recommends the Board consider the possible additional conditions listed in the minutes above.
CARRIED 7-0.

B. Consider Amendment to Zoning Ordinance, Chapter 16, Special Land Use

COMMISSION – had discussion on the draft document distributed after the September Commission meeting. Chair McNeilly noted that in her conversations with the MDEQ, they offered to provide language for the Ordinance to indicate when a permit would be needed. Adding the definitional list from the Lyndon Township Ordinance was discussed, as well as strengthening the review of chemical use on site, such as the application of flocculating agents. Every recommendation made by Commissioners during the prior month was reviewed and either accepted, modified, or deleted. Comm. Lazet will prepare a new draft to be distributed to Commissioners prior to the special meeting on October 10.

X. Any Other Business

No other business was discussed.

XI. Additional Public Comment

There was no public comment.

XII. Adjournment

There being no further business, the meeting was adjourned at 9:26 p.m.

John Lazet, Secretary