

VEVAY TOWNSHIP PLANNING COMMISSION
Regular Meeting/Public Hearing
Wednesday, January 9, 2019
Vevay Township Hall – 6:30 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 and legal counsel David Revore.

I. Call to Order: The meeting was called to order at 6:30 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 December 5, 2018

Amend page 1 – “Members Absent”, by inserting after the name, “(with notice)”.

Amend page 6 – top paragraph, by adding after the period, “Legal counsel was asked to convert the Commission work product into a draft legal format for consideration as an amendment to the Zoning Ordinance.”.

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

CARRIED 7-0.

V. Brief Public Comment

There was no public comment.

VI. Recess to Public Hearing regarding:

Special Land Use Application Permit #18-06 to revise SLU Permit #72 by Michigan Trapshooting Association @ 1534 W Service Road & W Service Road, Mason

Mr. J. B. Lewis, President of the MTA, Jackson, MI – noted that the 1990 and 1994 SLU permit requirements are out of date and restrict their operations. The sport is growing, and the MTA requests more shooting days for events, plus practice days for emerging high school teams – Holt, Mason, and Leslie. The National High School Championship on July 10-14 will be in Mason. This event was also hosted in Mason last year, with 1,273 shooters; they anticipate 1600 shooters in 2019, 1,800 in 2020, and then 2000 afterwards. This will be near their maximum

capacity of about 2100-2200. The MTA events have a large and positive economic impact to the area.

Mr. Jeff Russell, state coordinator for the State Clay Target League (“League”), from Grand Haven – coordinators have chosen the MTA for major events as they have 43 traps. Currently a shooting range in Alexandria, MN, is hosting 1000 shooters per day for 9 days. A Lansing economic development expert has estimated a local fiscal impact of \$89 per day per shooter, \$230 per shooter per day if they stay overnight. Currently there are 30,000 high school clay target shooters in 22 states. The only young shooter event currently hosted by the MTA is the National Competition in July. With relatively few events nationally, this large number of shooters means an MTA 8:00 am start time, as they aim to end by around 4-5:00 pm. The League he coordinates had 67 teen shooters three years ago, 230 two years ago, 750 last year, and they predict over 1000 in 2019. Last week Bellevue and Caseville Schools signed up teams, for seven new teams so far this year. East Lansing and another local High School have also indicated interest in starting teams (explaining the request for practice days for high school teams). The MTA is still hoping for a 9 am start time (for the mid-July) League event. As the League is growing, they expect to eventually surpass Minnesota in the number of shooters.

In response to questions: they call the League “Clay Target” as those are the targets used in trap, skeet, bunker (Olympic Trap), and shotgun events. Hillsdale College has the only bunker range in Michigan.

Mark Cook, Lone Oak Drive – everything said by Mr. Russell makes the operation less desirable. Resident concerns are three-fold: (1) Quality of life, (2) lead contamination and public health concerns, and (3) home value issues. Residents already lose week-ends and holidays due to shooting noise, so having more shooters is not desirable. The requested number of days would essentially occupy every week-end in the summer. Lead contamination – economics shouldn’t control removal, but protection of the water. If only 85% of shot is reclaimed, that still leaves at least 1.5 tons left behind after reclamation (based on numbers from the December 5, 2018 minutes). Apparently, no lead testing has been done in decades, and folks are concerned about their private potable water wells. The Township needs an environmental impact study performed before more shooters arrive. Finally, he has no doubt that his home will be worth less when shooting increases. He wonders how he would explain the noise to potential buyers who tour the house and property. While he understands the Township faces legal challenges relative to regulation, this matter needs to be very carefully looked at.

Brooke Stahle, Lone Oak Drive – agrees with everything Mark said. While she was brought up as a child with clay target shooting, she suspects the local economic impact is mostly at Meijer. She asked how many rounds are fired on a typical weekend? How many are recovered? She would like to see an Environmental Impact Study performed before the Township accepts changes, as she is also worried about her home potable water well.

Melinda Dexter, Lone Oak Drive – opposes the revisions as the MTA is asking for too much. Summers are short enough as it is, and filling more week-ends with noise is undesirable. Every day of shooting, they anticipate the end of shooting so they can enjoy the outside. She thinks more people should have received notice of the public hearing. Six years between reclamation efforts is too long as the MTA is already not reclaiming enough lead. The testing of the amount of lead in the soil is too small a sample. And they can hear the amplified announcements even in the house.

Brian Bushey – 48 days is too much. If high school teams have to practice during weekdays, please plan to have them finish before 5:00 pm. Shooting hours – the Zoning Ordinance ends shooting at 9:00 pm, so why can the MTA shoot after that? The SLU permit calls for every lead harvesting every three years, but how often is it actually reclaimed? (Mr. Lewis - when it is economically feasible. The current three-year timetable was established when the MTA had far more shooters. They cannot find a firm to harvest lead every three years at the current level of lead accumulation.) Mr. Bushey recommended the MTA levy a surcharge on shooting to pay to reclaim lead. Is there an Environmental Stewardship Plan (ESP) in place? From his research, the DEQ recommends annual pH testing of the soil. (Mr. Lewis - MTA has never been asked to do so, and the DEQ is on site every year.) Does MTA have insurance or closure funding to remediate any problems?

Brian VonGuten, Lone Oak Drive – He appreciates the sport and the balance between land use and environmental responsibility. Any amendment to the permit should require more rigorous testing of water and soil. We won't know if there's a problem unless there's testing, using the DEQ safe soil lead levels as a benchmark. He is also concerned with ground water contamination. If no one has previously asked for testing, consider tonight's comments as a request. If the MTA has had testing previously performed, have results been submitted to the Township, the county or the state? He would like to review any results.

Ahmed Issawi, Lone Oak Drive – it's a nice neighborhood, but it's hard to have friends over when so many week-ends are noisy, plus the MTA is now requesting two more days per week on top of all of the events. They can't have windows open during shooting, and allowing for lighted traps until 10:30 for shoot-offs will only be worse. (Mr. Russell – shooting has only gone to 10:00 once in the past 6-7 years.). Mr. Issawi can't see the lights from his property, but the noise after 10 pm is a strain on the neighborhood; it's like having popcorn constantly popping. Plus, noise travels where ever the wind blows, so it affects more than this neighborhood. Lead - leaches into the soil, and as groundwater flows, so will any contamination. He had his home well tested and had to get a filter, though for other reasons than lead. Could the MTA transition to steel shot?

Linda Carmer, Tuttle Road – concurs with everything said so far. The MTA requests don't meet the Basis of Determination standards on the SLU permit application, and so should not be approved. She then went through the various Ordinance standards - this shooting is not harmonious with the neighborhood, and does not meet Ordinance standards. Activity “shall not change the character of the surrounding area”. This is a business, adding more traffic, more pollution, more noise, and so should not be approved. Activity “shall not be hazardous”, but this level of shooting and possible contamination clearly is. Is the MTA operating under a different jurisdiction? Chair McNeilly – they are under the jurisdiction of the Township.

Heather Friend, Lone Oak Drive – asked if Mr. Lewis had kids or grandkids. Would he accept reclaimed lead being dumped into his yard? This affects people's livelihoods and health. Agrees with all comments on the noise. Putting guns into the hands of thousands more kids makes her want to cry.

Meghan Cavanaugh, Sleeping Meadow Lane – her home is probably the farthest from the MTA and yet they can hear the shooting. Her biggest concern is the lead; surely there MUST be

contamination happening. She had her well tested, but the MTA should be the ones who should be doing the testing.

Bill Rogers, Tuttle Road – lives due west of the MTA. He was a soccer coach in the 1980s and 90s, and the MTA was asked if they could add a soccer field; the MTA provided 10 soccer fields, which the MTA maintained. The DNR eventually labelled the fields as a wetland, which ended the playing. He has read the law, and doesn't see what the Township can do anyway. He asked if high school team practice shooting can be on the east end, the farthest away from residences? (Mr. Lewis - that is the plan.) Mr. Rogers agreed that the number of shooters is way down as people are aging (over a 50% drop in shooters over the past 25 years or so), and he hopes these changes help the MTA to survive. In the early 1990s there was lead testing (after 30 years of shooting), and results indicated no ground water contamination. (Mr. Lewis - the MTA has several potable water wells that are tested annually by the county health department, and there is no contamination.)

Mr. Russell, responding to comments – as to more students using guns, high school shooters in the League have fired over six billion shots with zero injuries. This is safer than any other high school sport.

Mr. J. B. Lewis, responding to comments – (1) the facility been there since 1958. If homes have built since then, you moved to the nuisance. A court in Jackson County dismissed a case of nuisance as the shooting range was there first, before homes were built. (2) The MTA follows standard industry practices for testing. (3) Steel shot – would put them out of business within a year as it is significantly more expensive, maybe exponentially. He is not sure sufficient amounts are available to meet the need and requirements for shooting. Federal and state requirements for hunting call for steel shot, but in shot sizes larger than allowed in trap shooting, and so those rounds cannot be used. (4) MTA has reached the limit of shooting days allowed by the SLU permit. (5) Two local restaurants – Darb's and City Limits – ran out of food this past summer during an event. (6) the MTA is looking to be correct and neighborly. There is relevant state law that addresses their right to conduct their operation.

Mr. Cook – they built their house knowing of noise issues, but were not aware it would be every week-end.

VII. Adjournment of Public Hearing and Recommencement of Regular Meeting

There being no further public comment, the public hearing was ended at 7:29 pm, and the regular meeting recommenced.

VIII. Reports

A. December 2018, Building/Enforcement Report

The written report indicated that there were six building/zoning permit actions, involving construction of a pole barn, establishment of an Adult Foster Care facility, installation of a residential solar panel array, and placement of three mobile homes in Mason Manor Mobile Home Park.

One authorization to enforce the Ordinance remains, involving junk in a front yard. The Township has obtained a court order requiring remediation, and work is in progress.

B. Yearly 2018 Building/Enforcement Report

Commissioners discussed a summary of the 53 building/zoning permits requested for 2018, including name, address, type of construction or use sought, and for some of the applicants, the estimated project cost. In summary, the permits included two new homes and two permit renewals, 12 pole barns, four new mobile homes in Mason Manor, and a variety of other permits. All Commissioners had previously received a copy.

C. Planning Commission 2018 Report

Commissioners had a draft report, detailing meetings, special projects, and actions taken by the Commission during 2018. A copy is appended to these minutes.

MOTION Lewis, seconded by Winters, to approve the 2018 Planning Commission Annual Report as submitted, and to forward it to the Township Board and office.

CARRIED 7-0.

D. Aurelius Township Letter Notifying Adoption of Updated Master Plan 2018

Commissioners received a copy of a letter from Aurelius Township, dated December 20, 2018, and received January 2, 2019, notifying the Vevay Planning Commission that they have adopted the 2018 Aurelius Township Community Master Plan Update. It may be accessed on line at: www.aureliustwp.org.

IX. Pending Business

A. Special Land Use Application Permit #18-06 to Revise SLU Permit #72 by Michigan Trapshooting Association @ 1534 W. Service Road, Mason

Commissioners had received an application for revisions to the special conditions/requirements added by the Township Board to the SLU permit in 1990 and 1994.

Mr. Revore was asked to provide background on the legal landscape relative to this permit request - The MTA is requesting expanded times of day for shooting, and an expanded number of days for shooting. The 1989 law (1989 PA 250), the 1994 amendments to that law, and pertinent caselaw since then occupies a lot of the discussion tonight. The DNR, in compliance with law, has adopted Generally Accepted Operation Practices (GAOPs) for sport shooting ranges; this is a 627 page document that he is still reviewing. The Michigan Supreme Court ruled in 2014 that the GAOPs are advisory and guidance for sport shooting ranges. The GAOPs recommend no shooting after 10:00 pm, though the current SLU permit allows shooting until 10:15 pm. Based on caselaw, he doesn't think the Township could walk back shooting hours to 10 pm, as it is unlikely a reviewing court would hold the 15 minutes beyond 10 pm to be significant enough to not allow them to so do. He believes announcements prior to 8:00 am would be acceptable under the GAOPs. After a first look, the GAOPs appear to be silent as to restrictions on the number of shooting days, but this needs further review. The GAOPs emphasize "use" of the range as opposed to restrictions.

Commission – asked if the GAOPs could be enforced by the Township? Mr. Revore – based on the law and court decisions, no. Tonight, he has heard two resident concerns: lead contamination, and shooting every week-end is too much. So far in the GAOPs he has not yet found any number of days to be specifically addressed but would like to continue looking into the matter. Tonight, he has no recommendation on lead issues as the Township needs more information. He believes scientific approaches can address contamination concerns.

Commission/MTA - Mr. J. B. Lewis noted lead harvesting was last done in the summers of 2012 and 2013, and also noted that dry soil conditions are needed to screen the soil. Prior to 2012, lead was reclaimed in 2008 or 2009. He is aware of only four firms in the United States that harvest lead shot. The last MTA reclamation was by a firm out of Kansas, who will be here again this summer as tests indicate there is enough lead for them to reclaim this year. The MTA only makes money from shooting events. The number of shooters used to be double what they are currently, so half as many shooters doubles the time to reach feasible reclamation levels. The Commission noted that the MTA could forego their share of the profit and thus enable more frequent reclamation.

Commission – had discussion on:

- Scheduling of events. As national sport regulations require shooters to compete in at least three events and the events span several states, the MTA works to not schedule during other states' events, allowing shooters to fully compete.
- Noise. The MTA has no results from sound studies. As the GAOPs require a 300 yard shotfall zone, the MTA has 300-350 yards of open fields in which vegetative barriers cannot be planted. They had looked into evergreens, but with Sycamore Creek on the property much of the ground is swampy and not supportive of trees. The nearest residence is 6/10 mile away, with a significant woods intervening, and they only shoot when there are leaves on the trees. Commission – noted that cedars might thrive.
- Shooting events. The 2019 schedule is already published. The only event anticipated to have 1000 or more shooters is the three-day event in mid-July. The state High School Championship had 300 shooters two years ago and 600 last year, but the number for 2019 is not yet certain.
- Shooting days. They had 24 in 2018, are planning up to 30 for 2019, and anticipate the number of days to be “in the low 40s” within five years.
- Membership. Their high point was 1985-95, with about twice as many members as they have now. A group called “Young Farmers” has asked about using their range. Mr. Lewis noted that the Lone Oak development was built around 2000, long after the MTA activities started.
- Loudspeakers. Currently the speakers for public broadcasts are on poles, all facing south. There are two on the main building that face north. They are used in the morning for the National Anthem and then the bench call for shooters. Announcements are made during the day as shooters progress or are eliminated.
- Lead. The MTA has not tested for soil pH, which relates to solubility of lead and leaching into groundwater, as they are not familiar with this type of testing. The DEQ is on the MTA property every year to test the sewage disposal system, the potable water wells, and the campgrounds. The DEQ has not asked for soil testing or lead testing of the water. Commission – noted that the DEQ personnel who would perform these inspections are not from the division that would oversee protection of groundwater.

Commission – Had discussion and made several requests of the MTA:

- If high school teams use the range for practice, could they
 - use the eastern most traps to maximize distance from residences;
 - have practice days be on weekdays as opposed to week-ends, and end before 5:00 pm;
 - have the teams all practice on the same day, to limit the overall days and hours of shooting.
- Could the MTA coordinate event schedules with neighboring states, with the goal of standardizing week-ends with no shooting, allowing residents to plan their own schedules. An example could be not scheduling the first and last weeks of June. Mr. Lewis – they already coordinate schedules with surrounding states, and so they can commit to continue to do so.
- The MTA was asked to conduct a sound study at the property lines.
- The MTA was asked to test the soil pH level.
- The MTA was asked for their water well testing results for the past 5 years.
- The MTA was asked to provide documentation of prior lead reclamation efforts.
- The MTA was asked to provide results from 1990s era water testing.
- The MTA was asked to provide that portion of their Environmental Stewardship Plan that addresses lead abatement.

As the MTA needs time to respond to the above requests prior to Commission action,

MOTION Lewis, seconded by Walker, to table the matter pending further information from the MTA.

CARRIED 7-0.

B. Site Plan Review Request for a Mini Storage from Greg Mauldon @ 841 Hull Road, Mason

Proposed changes from the approved site plan include:

- Constructing the first series of mini storage buildings on the south side of the property versus the north side, reserving the north side for future expansion, with construction beginning this spring;
- Moving lighting and traffic flow to conform to the new mini storage building location;
- Moving the access road from the southern frontage to be more centrally located (already approved by the Ingham County Road Department);
- Using for office purposes the existing building on the newly acquired parcel in the middle of the overall development, and dropping construction of a new office building. The intent would be to eventually combine the two parcels into one;
- Modifying storm water drainage routes while still utilizing the existing retention basin;
- Modifying the vegetative screening to reflect the different location for mini storage use.

Commission - Noted a discrepancy in the depth of the waste container pad on pages C2.0 and C4.0. There is also a discrepancy in the stated acreage on pages C2.0 and C5.0, which apparently is due to the purchase of the central parcel with the office building. It was further noted that the portion of the building to be converted for office use will need to meet the material requirements of Sec. 9.03. The applicant indicated he will comply with the Ordinance.

As the site plan was already approved June 7, 2017, and the proposed uses remain unchanged, the revised site plan was reviewed as an amendment to the site plan. The review was therefore limited to the following requirements of the Zoning Ordinance:

Section 14.03 – Site Plan Review Requirements:

C. Required Site Plan Submission Requirements

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- Existing zoning and use of all properties abutting the subject property. - Condition met, page C2.0 (use of the existing building on the newly acquired parcel).

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- 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 conditionally met and to be corrected, pages C2.0 and C5.0.

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- Proposed method of providing storm drainage. – Condition met, pages C3.0 and C3.1.
- Seal, name, and firm address of the professional individual responsible for the preparation of the site plan. – Condition met, provided on each page of the amended site plan.
- Property lines and required setbacks shown and dimensioned. - Conditions met, provided on pages C1.0, C2.0, C3.0, and C5.0.
- Dimensions of all existing and proposed structures on the subject property including dwelling unit densities by type, if applicable. – Conditions met, new use of building noted on pages C1.0, C2.0, C3.0, C5.0, and C6.0.

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- All existing and proposed drives (including dimensions and radii), acceleration/deceleration lanes, sidewalks, signs, exterior lighting, curbing, parking areas (including the dimensions of a typical parking space and the total number of parking spaces to be provided), fire lanes, and unloading areas. For projects on a collector or arterial road, see also Section 12.04. – Conditions met, primarily on pages C2.0 and C3.0. Parking spaces are calculated and noted on pages C2.0 and C3.0.

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- Location and size of all surface water drainage facilities. – Condition met, with drawings of location on page C3.0, and construction specifics on pages C4.0 and C5.0.

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- All existing vegetation and the location, type, and size of all proposed landscaping, and the location, height and type of existing and proposed fences and walls. - Conditions met, with proposed cyclone fencing noted on page C2.0, and proposed new vegetative plantings noted on page C6.0.

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D. Additional Information

Given the detail of the site plan drawings, and other materials, no additional graphics or written materials were requested. As there is no significant foreseeable increase in traffic, 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:

D. Environmental and Natural Features Standards

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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. – Condition met, with details of the location of appropriate water collection and drainage noted on pages C4.0 and C5.0, and construction on page C5.1.

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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:

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- 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. - Conditions met, as noted on page C6.0.

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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. – Conditions met, as noted on page C6.0. The Commission agreed to focus plantings on the road frontage, and not between industrial uses.

MOTION Cady, seconded by Minster, that subject to the obtaining of the required permits from other governmental agencies, the site plan for mini-storage, and vehicle/boat storage operations on parcel #33-10-10-16-300-019 and parcel #33-10-10-16-300-016, Hull Road, as considered January 9, 2019, be conditionally approved pending correction to the acreage on page C2.0 to 18.20 acres, and correction to the depth of the pad to 7” for the waste container on page C4.0, as the amendments meet 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.

C. Consider Amendments to Zoning Ordinance

Commissioners had received copies of the proposed amendment from legal counsel. This document will be considered at a later meeting.

X. Any Other Business

Commission – will additionally ask the MTA for their records on prior lead reclamation efforts; the 1990s-era groundwater testing data; results of their potable well testing since the past lead reclamation efforts; and a copy of their ESP specifics on lead abatement. When his research is done, legal counsel was asked to advise the Commission on whether the Township can exercise oversight of the number of shoot days.

XI. Additional Public Comment

Mr. VonGunten – would like to see an MTA condition for required water testing as well as testing the dredging findings by the Drain Commission on Sycamore Creek, plus require tests on road dust for lead concentration. He recommended the MTA contact the Lansing DEQ and ask them to do a water analysis.

XII. Adjournment

There being no further business, the meeting was adjourned at 10:12 p.m.

John Lazet, Secretary