

VEVAY TOWNSHIP PLANNING COMMISSION
Regular Meeting/Public Hearing
Wednesday, September 11, 2019
Vevay Township Hall – 6:30 p.m.

MINUTES

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

Member absent: Commissioner Walker was excused by voice vote.

Other Persons present: Supervisor Ramey, Treasurer Sherwood, Clerk Kean, 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 presented.

IV. Approval of Minutes: Special Meeting of August 21, 2019

No amendments were offered.

MOTION Lewis, seconded by Minster, to approve the August 21, 2019, special meeting minutes as submitted.

CARRIED 6-0.

V. Brief Public Comment

There was no public comment.

VI. Recess to Public Hearing regarding: Public Comment on Proposed Zoning Ordinance Amendment Chapter 21 Mining of Earthen Materials

Chair McNeilly – explained that the proposed amendment has been in process for almost two years and was started at the request of residents who had concerns about some current mining operations. There was extensive research on other jurisdictions and state law. During the drafting process, two operators attended Commission meetings and provided the Commission with thoughts and insights. On July 10, the Commission held a productive public hearing which lasted for over an hour, and, based on extensive public comments, a subcommittee was formed that included any and all interested public members. They met twice and returned recommendations to the Planning Commission. Those recommendations were discussed at length during the August meeting, and changes are incorporated into the draft in front of us

tonight. The amendment has been drafted by Commissioners with the assistance of legal counsel and input from several operators and residents. Changes include extending the life of a SLU permit to ten years, up from five; clarifying that private, non-commercial operations are not subject to proposed new Chapter 21, especially improving access to farm fields; a few technical changes; and reducing the depth of topsoil for reclamation to four inches.

John Fischer – thanked the Commission for including the public as members of the subcommittee. He noted that the 500 foot setback for crushing operations is excessive, as current machinery is so well muffled that road traffic can be louder than crushing, even when only a few hundred feet away. He also noted the \$5 million liability policy is unclear if it applies to each parcel or to the all parcels included within a SLU permit.

Bill Rogers – thanked the Commission for the changes. Vevay Township history includes construction of the Kipp Road overpass over US 127, which was supplied gravel by the then Supervisor, Clerk and Treasurer, who all had gravel mining operations. Current Senate legislation (Senate Bill 431) is proposing \$1500 per acre for reclamation, not \$10,000, which can be prohibitive. The Senate Bill also would provide for four methods of ensuring the cost of reclamation, potentially easing the costs to the SLU permit holder.

VII. Adjournment of Public Hearing and Recommencement of Regular Meeting

There being no further public comment, the public hearing was ended at 6:43 pm, and the regular meeting recommenced.

VIII. Reports

A. August 2019 Building Report

Commissioners had received the Building report, summarizing the three permits issued, including a demolition of a pole barn, construction of a pole barn, and the installation of a roof mounted solar energy system.

B. August 2019 Zoning/Enforcement Report by David Vincent

Commissioners had received the Code Enforcement report, summarizing the 23 complaints received so far in 2019, indicating 12 complaints have been closed due to resolution, compliance, or information being provided to the complainant. The eleven pending complaints are in various stages of being addressed or remediated, and include: three concerning junk/buildings; two concerning trash on property and vehicle parking; metal roofing coming off of a barn; living in a camper and not the unlivable house; two non-compliant signs; unmown property; and a complaint of vegetation impairing vision at a road intersection.

C. City of Mason Public Hearing Notice Requested by Paul Davis Corp. for SLU Permit/Preliminary Site Plan

Commissioners had received copies of the City of Mason email and application documents for proposed "...new construction of a 27,000 sq. ft. building to include offices and storage related to their business of home damage restoration services, on property located on the northeast

corner of Temple Street and Kipp Road...”. The public hearing was held on Tuesday, September 10.

D. City of Mason SLU/Site Plan Review Raynor Ponds Construction

Commissioners had received copies of the City of Mason email and application documents for proposed “...development of a new 20 home residential subdivision.” The residences would be served by public water, sanitary sewer, and storm sewer. The proposed site is “...property located north of the intersection of Stratford and Eaton roads...”. The public hearing was held on Tuesday, September 10.

IX. Pending Business

A. Discussion on Zoning Ordinance Amendment Chapter 21 Mining of Earthen Materials

Commission – had discussion on the process so far and the specific public input that has been received over the past meetings. Based on input tonight from the public hearing, legal counsel was asked to make several minor changes to the draft, along the lines of:

Amend Section 8, subsection (I), in two places: after “Insurances.” By inserting “FOR EACH SLU PERMIT ISSUED UNDER THIS CHAPTER,”, and also on the third line of the subsection as follows: “...bodily injury in an AGGREGATED amount...”. These amendments are for clarification purposes.

Amend Section 8, subsection (A), after “500 feet” by adding a comma and “OR LESS AS RECOMMENDED BY THE PLANNING COMMISSION BASED UPON UNIQUE SITE CONDITIONS,”. This amendment allows the Planning Commission a level of discretion for location of crushing operations if unique natural conditions are present.

Amend Section 5 and 6 by replacing the word “mineral” with “EARTHEN MATERIALS” or as appropriate in three places as follows, and amending a fourth subdivision to be the same wording:

- Section 5 (A)(1), first line;
- Section 6 (A)(2)(b), first line;
- “ 6 (A)(2)(g), second line;
- “ 6 (A)(2)(h), first line; and
- “ 6 (A)(2)(j), amend the third line by changing “earth materials” to “EARTHEN materials”.

These changes would provide parallelism of terminology, thereby avoiding potential confusion.

The Commission talked of the necessity of gravel mining for especially road repairs while also encouraging such operations to be good neighbors.

The Commission, having discussed the issue of gravel mining for almost two years, having reviewed state law and other jurisdictions’ approach to gravel mining, having held two public hearings, plus two subcommittee meetings that included several mining operators and members

of the public and which considered 16 topics of discussion, and having carefully considered the history and practices of mining operators in the Township over the years:

MOTION Cady, seconded by Minster, to recommend to the Board of Trustees approval of the proposed Zoning Ordinance amendment to add new Chapter 21 titled “Vevay Township Mining Ordinance”, as set forth in the proposed amendment drafted by Township legal counsel dated August 26, 2019, and as amended September 11, 2019. CARRIED 6-0.

B. Memo from Dave Vincent Regarding SLU #130 Launstein Cell Tower

The Zoning Administrator’s memo referenced SLU permit #130, granted two years ago to allow construction of a cell tower at this location. The company is no longer interested in constructing a tower at this location, and has allowed the SLU permit **TO EXPIRE** after two years, pursuant to Section 16.04 (B) and (C) of the Zoning Ordinance. The purpose of the memorandum is to document the expiration of SLU permit #130, rendering it null and void. **Added at 10-9-19 meeting for approval.**

C. Zoning Ordinance Possible Amendments

Comm. Lewis – gave an update on the status of proposed changes to Section 3.27, Solar Energy Systems. He will resend an updated proposed draft for consideration at the regular October 9, 2019, Planning Commission meeting.

Comm. Lazet – will submit a proposed draft for changes to the topic of accessory buildings and principle uses that was encountered earlier this year with a site plan proposal for a pole barn for truck parking.

Comm. Lazet – will submit a list of technical changes and typographical changes.

Comm. Winters - will work on summarizing the essential principles of the screening provisions throughout the Ordinance and provide an overview of the current provisions.

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 7:33 p.m.

John Lazet, Secretary