

VEVAY TOWNSHIP PLANNING COMMISSION  
Special Meeting/Work Session  
Wednesday, August 21, 2019  
Vevay Township Hall – 6:00 p.m.

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MINUTES

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

**Member absent:** Bruce Walker was excused by voice vote.

**Other Persons present:** Zoning Administrator David Vincent and Legal Counsel David Revore.

**I. Call to Order:** The meeting was called to order at 6:00 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 presented.

**IV. Approval of Minutes: Regular Meeting of August 7, 2019**

No amendments were offered.

**MOTION Cady, seconded by Minster, to approve the August 7, 2019, regular meeting minutes.**

**CARRIED 6-0.**

**V. Brief Public Comment**

There was no public comment.

**VI. Pending Business**

A. Revised Mining of Earthen Materials Ordinance

A revised draft amendment that included changes discussed during the August 7, 2019, regular meeting had been prepared and distributed. Regarding the drafted changes:

Exemption of operations from Chapter 21 – discussion on eliminating the 500 cubic yard exemption in Section 3.03 as the new amendment exempts non-commercial operations. The decision was to repeal Section 3.03 (C) as part of a later amendment to Chapter 3. Also discussed was amending the language on commercial extraction of materials in the Chapter 5 (Agricultural District) Table of Uses on page 5-2, and the same language in Chapter 9 (Industrial

District) Table of Uses on page 9-1, to reflect the same language as is used in proposed new Chapter 21.

All other changes were deemed to reflect the discussion of the Commission. Discussion then moved on to the rest of the items raised during the public hearing in July:

9) Whether crushing operations can shield noise by appropriate measures as opposed to being a set distance from residential uses;

Section 8 (A) – is currently drafted to require 500 feet from any residential or commercial use. The consensus was to leave the language as drafted.

10) Whether measures to abate dust (such as tire cleaning equipment) should be specified and required;

Section 8 (E) addresses dust abatement; as the State Department of Environment, Great Lakes, and Energy addresses dust abatement as part of their permitting process, and as the definitions on page 2 of the draft already reference the state administrative rules governing fugitive dust, no change was recommended.

11) Whether the escrow amount of \$5,000 plus other costs needs to be modified;

Section 8 (G) addresses the escrow amount; no change was recommended.

12) Whether the liability insurance policy should be lowered from \$5 million, to \$1 or \$2 million;

Section 8 (I) lists the insurance policy amounts; given that the policy is to protect the Township and its residents, it was decided to leave the policy amount at \$5 million.

13) Whether the Township needs to be informed of enforcement actions taken by other governmental agencies.

No change was recommended as reporting is already included in Section 10, Reporting.

During the workgroup discussions in July, public members recommended that the Planning Commission consider:

(1) Potentially different initial requirements for a parcel that has already been mined, operations have ceased, product remains, and the site has not fully reclaimed, but the owner is looking to resume operations for the purpose of finishing mining and implementing final reclamation efforts. The discussion revolved around small parcels, and only taking 1-2 years to complete.

COMMISSION – discussed potentially adding this in a separate section to be considered later.

(2) Section 7, subsection (C)(5) – moving stockpiles within 12 months of ending operations. This all depends on the economy and contracts, which are not predictable. Could this be modified to removing structures and stockpiles by the end of the life of the SLU permit?

And if there are less than 12 months left on the permit, could an extension be sought for the limited purpose of fulfilling this subsection?

COMMISSION – after discussion, decided to not adopt this change.

COMMISSION – it was noted that on page 12, first line, the language “fourth” year needs to be changed to “ninth” year to reflect the change in the lifespan of the SLU permit.

Given the change of the life of the SLU permit being raised to ten years, it was decided that this constitutes a change major enough to warrant scheduling another public hearing.

**MOTION Winters, seconded by Lewis, that a public hearing on the new draft of the amendment, adding a new Chapter 21 on Mining of Earthen Materials, be set for September 11, 2019, during the regular Commission meeting if the statutory publication timelines can be met; and if not, then a public hearing be set for October 9, 2019, during the regular Commission meeting.**

**CARRIED 6-0.**

## **VII. Any Other Business**

Comm. Lewis – gave a briefing on topics covered during his recent Michigan Townships Association seminar, including Right to Farm, commercial marijuana considerations, mining activity, wireless communication towers, tiny houses, Airbnb, solar farms, etc.

Legal Counsel – gave an update on the status of state regulations and rules on marijuana establishments pursuant to the Initiated Law adopted by the voters in November 2018.

## **VIII. Additional Public Comment**

There was no additional public comment.

## **IX. Adjournment**

There being no further business, the meeting was adjourned at 7:56 p.m.

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John Lazet, Secretary