

**HOPE TOWNSHIP PLANNING COMMISSION**  
**MEETING MINTUES**  
**March 17, 2022**

The meeting was called to order by Chair Norton at 6:30 pm at the Hope Township Hall, 5463 S M43 Hwy, Hastings, MI. Pledge of allegiance to the flag.

**Members Present:** Bob Norton, Junior Homister, Craig Jenkins, Jim McKelvey.

**Members Absent:** Roger Pashby.

**Others Present:** Planning Consultant/Zoning Administrator Nathan Mehmed, Township Attorney Catherine Kaufman, Engineering Consultant Dan Whalen from Williams & Works, Applicant Trevor Smith from R. Smith & Sons, Attorney Kenneth Vermeulen of Honigman, Tony Halloran of Stoneco, and approximately 40 people at the Township Hall.

**Agenda:** Motion by Homister, support by McKelvey to amend the agenda to include a closed session after item 6 to review Attorney Kaufman's legal opinion. All ayes. Motion carried.

**Meeting Minutes:** Motion by Homister, support by Jenkins to approve November 18, 2021 meeting minutes. All ayes. Motion carried.

**General Public Comment:** Norton opened up the floor for public comment. Norton explained this is not a public hearing, but a time for general comment that can be about any topic.

Larry Heslinga, 8202 Nadell Street

Larry thanked the Planning Commission for proceeding carefully and listening to the public. He explained that he looked at the amendment and saw some contradictions. He wants answers to them. The updated application addresses something that relies on the pit across the street. He inquired if the cart was before the horse. Still opposed. Lake needs to be protected. There is gravel elsewhere in the County.

Don Sklenka, 8445 Wilkinson Lake

Don explained that the Commission is nearing the corner of almost two years on the project. He asked the Planning Commission to look at how packed the room is. There's serious interest from public and no one has spoken in support.

He thanked everyone that is here for coming out and for commenting. He established that his main point is to address the amended application. We have yet to establish need for gravel at all. There hasn't been a need established in Hope Township, or Barry County. He explained that there is a need to make money, protect investments, and to cover haphazard purchase of property. He reiterated that there has been no evidence of need of gravel and that exporting gravel is not a need in Barry County or Hope Township. Barry County has five of their own gravel pits.

Tim Hunnicutt, 8430 Chain O Lakes Dr

Tim indicated that he wouldn't rehash a lot of what has already been said. He is firmly opposed to the gravel pit; the pit materials have not been properly substantiated. He explained that the data related to need by the applicant was erroneous and inadequate and has been challenged across the state of Michigan and county. He asked the Planning Commission to please continue to ask a lot of questions.

Clint Neil, S Shore

Clint explained that he is here for the ordinance on campers. He indicated that he just purchased a home on South Shore and would like to protect his own interests.

**Public Hearing: Zoning Ordinance Amendment Section 10.25:**

- a. Introductory comments. Norton asked Mehmed to give an overview of the project. Mehmed explained that the draft before them related to the temporary use of RVs is the culmination of many months of work by the Planning Commission. After many requests and complaints regarding this topic, the Planning Commission looked into amending the Zoning Ordinance by reviewing examples and exploring options. Ultimately, the Planning Commission decided to utilize the Barry County Zoning Ordinance temporary RV language and work with Mehmed on modifications. The amendment clarifies when RVs and travel trailers can be used for living arrangements by guests and allows RVs and travel trailers to be used as a principal use of property on a temporary basis. The amendment would authorize the Zoning Administrator issue zoning compliance permits that are good for up to six months. The Zoning Ordinance does not currently allow this type of use.
- b. Acknowledge written comments received. Norton announced that the following written comments were received.

1. Deborah Jackson email 03-16-22

- c. Open public hearing to receive comments. Norton opened the public hearing at 6:47pm. He requested that comments be limited to three minutes.

Neil Wilder, 2756 E State Road

Neil has a cottage with two lots. He indicated that there is nothing that can be placed on the second lot, so he occasionally places his travel trailer there on long weekends. He explained that he is against restricting rights; this is a free country. He indicated that the ten days could be doable

Clint Neil, S Shore

Clint reiterated his previous comments and explained that he believes this is an infringement on rights. He isn't sure what issues there are and what caused the amendment.

- d. Close public hearing. Hearing no more comments, Norton closed the public hearing at 6:56pm.
- e. Deliberation and motion. Norton noted that it was time for the Planning Commission to deliberate on the text amendment. He reiterated that the amendment is more lenient than what is in the existing Township Zoning Ordinance, which doesn't allow the temporary use of RVs except when building a house. He explained that this amendment liberalizes the restrictions and allows the use of RVs and travel trailers on a temporary basis. The Commission discussed that they are tasked with balancing property rights with being a good neighbor. All agreed that the amendment should be recommended to the Township Board. Motion by McKelvey, supported by Homister to forward the proposed text amendment to the Hope Township Board, recommending adoption. All ayes. Motion carried.

**Closed Session – Attorney Catherine Kaufman:**

Motion by McKelvey to enter closed session to get attorney opinion in accordance with the Open Meetings Act. Motion seconded by Homister. Roll call vote. All ayes. Motion carried.

**Review Amended R Smith & Sons SEU Application and Site Plan for Miller Road:** Norton invited the applicant to provide an update on the application and an overview of the changes. Ken Vermeulen from Honigman explained that the process

has been going on for a few years; we have heard concerns from the neighbors and Township. Since then, Michigan Materials and Aggregates (Stoneco) purchased all of the assets of R. Smith & Sons with the exception of a few such as the R. Smith & Sons property on Miller Road. He noted that Stoneco has rights to the Miller Road property if the special exception use permit is approved. Stoneco purchased the property across the street and the two properties would be operated simultaneously, with much of the nuisances and concerns located on the 160-acre Orangeville Township side. He explained that material from the Miller Road property would be brought by conveyor to the processing plant on the far northwest side of the Orangeville Township site. The mining would begin in the northwest corner of the Miller Road site and work from there. He indicated that the Barry County Planning Commission conducted their first meeting on the Orangeville Township operation on Monday and postponed a decision to consider a couple of issues. The Commission wanted information on silicosis, wanted to talk to the Road Commission, and wanted information on the number trucks coming out onto Miller Road. Regarding the conveyor, the Barry County Road Commission is okay with the proposal in concept but doesn't want a permit filed until there is local approval. He explained that loading, unloading, washing, and crushing would not happen on the Wilkinson Lake property. He conceded that there would be a sizer where rocks bigger than six inches would be pulled out and processed in a small crusher so that they could be transported on the conveyor. He reiterated that no washing or water production wells would be located on the Wilkinson Lake side, but they will likely collect stormwater to use as dust prevention or pipe water over to the site for this purpose. He explained that some equipment would be brought over to the Wilkinson Lake side each morning from the Orangeville side, but will not be stored there. No stockpiles will be present on the Wilkinson Lake side, most excavation will be behind the hill, and that no water runoff will leave the pit.

Vermeulen went on to explain that the applicant must show need, but that there are two types of need; need by the applicant and need in the market served by the applicant. R. Smith & Sons operated the Otis Lake quarry, and now those customers cannot be served by the Otis Lake quarry because it is closed. That is the need from R. Smith & Sons on this quarry. He reiterated that there is a shortage of critical gravel reserves in the state. Competitors won't reveal their gravel reserves because it is in their best interest not to. Past letters from customers said that they had historically bought from R. Smith & Sons and plan to again in the future, that is demand.

Norton clarified that everything from the past still applies; minutes, application, public comment, but we need to start fresh in certain places. Homister indicated that he would like to see need; there has been a lot of changes locally that have had an

impact. There are now three new large pits, is there still a need? He explained that he would like to see more than an assertion, he would like it demonstrated. Norton agreed that he would like to see data.

Vermeulen stated that they can provide sales records and additional letters, but the statute dictates need by the applicant and the market. If Trevor's sales need the volume, that is sufficient.

The Commissioners agreed that they would like to see data. Motion by Homister, support by McKelvey to direct the applicant to submit data to support need for the product. All ayes. Motion carried.

Norton asked about previous studies. Mehmed gave an update and overview of the selection process. He explained that they abandoned the process after Smith indicated that the application would be changing. They received three hydrogeological proposals and two environmental proposals. Mehmed deferred to Whalen regarding some of the details.

Whalen explained that while the high capacity well is no longer proposed, he recommends that the applicant delineate where the top of the groundwater is and where the groundwater is flowing. A minimum of five wells should be enough to reasonably determine this information. There are a lot of private wells that are nearby; a system of shallow monitoring wells would help monitor impact. He explained that this would be beneficial to the applicant as well since they would be able to protect themselves from accusations of water contamination if they have the proper data. He stated that this information is commonly included in most of the gravel mining operations that Williams & Works has reviewed. Digging until you hit water is not acceptable.

Vermeulen stated that the groundwater is likely at lake level. Whalen stated perhaps not.

Norton noted that we do not know where the water table is, and we are relying on our expert. Vermeulen indicated that they aren't trying to fight them but don't understand the need. Whalen reiterated that they would be working in an area that has the potential to impact neighboring wells, including water quality. Vermeulen indicated that there is not any evidence of a gravel pit contaminating groundwater. Whalen reiterated that this is one way to demonstrate that. Norton stated that he sees that as a success story. Vermeulen agreed that they can do five wells as suggested by Whalen.

Motion by Homister, support by Jenkins to direct the applicant to drill a minimum of five wells to determine groundwater elevation and identify groundwater flow, in close consultation with Whalen. All ayes. Motion carried.

Jenkins stated that health, animals, and noise are still in question. Norton explained that this has been a long process. It makes better sense for this information to be submitted by the applicant as part of the application. Vermeulen indicated that no endangered species exist on the property besides the brown bat, which you can address by doing cutting of trees during certain times of year. There is no reason to believe that the gravel mining will impact wildlife; operators will hunt on their mining properties. Jenkins reiterated that it is prudent to ask about wildlife and the environmental impact regarding wildlife, especially wetlands. In his experience, shoreline birds are different. Kaufman suggested that a threatened and endangered species survey of the property be conducted so that they can put into the record what is on the property.

Motion by Jenkins, support by Homister to direct the applicant to provide a threatened and endangered species inventory of the property. All ayes. Motion carried.

Homister asked about how long the pit will be open. Vermeulen indicated that it depends on the market so it may be 20 years, it may be less. If there are a ton of road projects, it could be half that.

Norton noted the email from the Barry County Road Commission discussing the traffic counts and conveyor. McKelvey noted that 150 trucks is a lot and assumes that some will go north and some will go south. That is a lot of trucks to go through a small town like Delton. He would like to see the haul routes. Norton stated that they know the trucks will originate in Orangeville and go through Hope.

Motion by McKelvey, support by Jenkins to direct the applicant to submit haul routes. All ayes. Motion carried.

Homister asked about the number of vehicles on the road. Vermeulen explained the numbers; Miller is in better shape and is the same design as Norris, but Miller can handle more traffic. The Planning Commission directed Mehmed to contact Jake Welch regarding the impact of the trucks on the road system. Mehmed agreed he would do this. McKelvey indicated that he would like to see haul routes not through downtown Delton.

Norton explained that he would like to hold another public hearing since it has been a long time and the application has changed enough that it would be prudent to do so. Kaufman agreed that it would be appropriate. The Commission agreed that holding a public hearing regarding the request at the next meeting would be best.

Motion by Homister, support by Jenkins to schedule the public hearing for the April 21<sup>st</sup> meeting. All ayes. Motion carried.

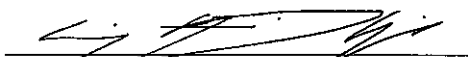
Kaufman responded to several questions from the public regarding what stays in the record and the public notice distance. She indicated that all past work stays in the record and that the notice is for 300 feet.

**Zoning Administrator/Planning Consultant Nathan Mehmed**

Mehmed stated that he did not have much to update the Planning Commission. He indicated that Camp Michawana would likely be before the Planning Commission at the next meeting for a site plan amendment.

**Adjournment**

Homister moved to adjourn meeting, support by McKelvey. All ayes. Meeting adjourned at 8:50 pm.

  
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Craig Jenkins, Secretary

04.04.22  
Date