

approved 5/18/2022

**HOPE TOWNSHIP PLANNING COMMISSION
MEETING MINTUES
May 5, 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, Roger Pashby.

Members Absent: None.

Others Present: Planning Consultant/Zoning Administrator Nathan Mehmed, Township Attorney Catherine Kaufman, Applicant Trevor Smith from R. Smith & Sons, Attorney Kenneth Vermeulen of Honigman, Tony Halloran of Stoneco, and approximately 42 people at the Township Hall.

Agenda: Motion by Homister, support by Jenkins to amend the agenda to include a discussion after item 6 pertaining to future corrections to Section 10.6 of the Zoning Ordinance. All ayes. Motion carried.

Meeting Minutes: Motion by Jenkins, support by Homister to approve March 17, 2022 meeting minutes. All ayes. Motion carried.

Annual Report Draft: Norton indicated that an annual report has been drafted with the assistance of Arlene for consideration by the Planning Commission. No changes were identified. Motion by Pashby, support by Homister to approve the annual report and send it to the Township Board for review. All ayes. Motion carried.

General Public Comment: None.

Correction to Section 10.6: Norton indicated that it was brought to his attention that Section 10.6 of the Zoning Ordinance may need correcting. Section 10.6 is titled "Dumping and Burning of Wastes" but the standards contained within the section do not address burning. Mehmed explained that the Township has an ordinance outside of zoning that addresses burning. Norton asked if burning should be eliminated from the title or if the other ordinance should be referenced. Mehmed and Kaufman suggested it be eliminated versus referencing. The Planning Commission agreed. Norton asked if this was something that they could add to a housekeeping list to be addressed later. Mehmed explained that he has several other small edits

that could be addressed together. Norton suggested that it be taken care of at a later date. The Planning Commission agreed.

Camp Michawana Site Plan Review Application: Norton asked Mehmed to give an overview of the application. Mehmed explained that the applicant has submitted an application for site plan amendment to construct a 40' x 60' pole barn with 14' sidewalls for the storage of maintenance equipment. Camp Michawana is a private camp and previously obtained special exception use approval from the Planning Commission, which has been amended several times. Section 5.5 addresses changes to an approved site plan and the addition of buildings to the property is considered a major change that requires site plan review by the Planning Commission. Section 4.1, J addresses amendments to a special exception use permit, minor non-substantive changes may be made to an existing special exception use with the approval of the Zoning Administrator. Mehmed indicated that he considered this to be a non-substantive change. The applicant stated that Mehmed summarized the request, they need a place to store equipment.

McKelvey, Pashby, and Homister all agreed that the location makes sense. Mehmed indicated that the standards of the Zoning Ordinance appear to be met. The Planning Commission agreed. Mehmed explained that he does have several recommended conditions. Norton read the conditions aloud.

1. The applicant shall obtain all necessary local, county, state, or federal permits and approvals, including a soil erosion and sedimentation control permit from Barry County, if required.
2. If exterior lighting is added to the building in the future, it shall be so aligned so as not to produce a nuisance to adjoining or nearby residential property.
3. All conditions pertaining to the original site plan and special land use approval shall remain effective.

Motion by McKelvey, support by Pashby to approve the site plan review amendment for Camp Michawana for a maintenance and storage building, subject to the findings and three conditions in Mehmed's report. All ayes. Motion carried.

Public Hearing: Amended R Smith & Sons SEU Application and Site Plan for Miller Road

- a. Introductory comments. Norton opened the discussion with an explanation as to why another public hearing was being held. He indicated that with Zoom difficulties during the first hearing and amendments to the application, the

Planning Commission and Township staff thought it was appropriate to hold another. He clarified that all materials leading up to this point are still part of the record, including meeting minutes and correspondence. Norton asked Mehmed to provide an update. Mehmed explained that nothing else had been submitted by Smith since the March meeting, but that Whalen and Fishbeck had been in contact regarding the hydrogeological study and the scope of work. Whalen has approved the scope of work and it has been forwarded to the Planning Commission. It is anticipated that the results and report may be completed by the regularly scheduled June meeting.

b. Acknowledge written comments received. Norton announced that the following written comments were received.

1. John Schumacher email 3-28-22
2. Mehmed/Jake Welch emails 4-19-22
3. Wendy & Chad Esselink email 4-21-22
4. Hernando Perez email 4-24-22
5. Fishbeck letter 4-22-22
6. Olson, Bzdock, & Howard letter 4-28-22 via Jill Smielski email
7. HWA Board of Directors email 4-30-22
8. Larry & Barb Heslinga email 5-2-22
9. Larry & Barb Heslinga email 5-2-22
10. John Schumacher email 5-2-22
11. William & Diane McDonald email 5-3-22
12. James & Karen Foster email 5-3-22
13. Mehmed/McManus email 5-4-22
14. Ken & Julie Osgood email 5-4-22
15. Don Sklenka email 5-4-22
16. Terry Bowyer email 5-4-22
17. Ken & Melody Lutz email 5-4-22
18. Karen Ellyatt email 5-4-22

c. Open public hearing to receive comments. Norton opened the public hearing at 6:42pm. He requested that comments be limited to three minutes. He reminded those in attendance that they are here to receive comments, not discuss the application back and forth. Just because we don't respond to you does not mean that we do not care or aren't listening.

John Heavey, 8414 Chain O Lakes

John represents over 20 stakeholders in this area. He indicated that he is opposed to the gravel pit which will have very serious consequences and urged denial of the permit. Consequences include no real public benefit and no need to purchase sand or gravel locally. According to USGS, we are 8th nationally in sand and gravel production. Much is likely being exported to places like Indiana, which is what the applicant stated. Property values will be impacted up to 30% which will impact local government and school district revenues. 175 to 200 trucks create serious consequences for walkers and pedestrians as well as vehicles. Crashes involving trucks are much more severe. Machinery and trucks also make substantial noise. The operation has been compared to a lawnmower but those don't run all day every day. Trucks using jake brakes are also an issue. Noise impacts humans and animals. Animals get stressed by noisy environments like humans do. Equipment exhaust, erosion, and sedimentation into the lake is a concern. Effects on local groundwater are yet to be determined. Vibrations impact lake bottom. Socially, the proposed site is located on a recreational lake that is used for relaxation. The operation is not compatible with neighboring use of property. The lake community has gotten together to eliminate invasive species in the lake, this would counter that effort.

Don Sklenka, 8345 Wilkinson Lake

Don indicated that he has two topics. One with inconsistencies in conversations that were had at the last meeting. Quantity of trucks was mentioned at 175, but that number was generated from the application across the street. Approved minutes from April 15, 2021 indicate 250 trucks a day during peak times, which means a two-way generation of 500 trips. The reality is that this is additive, 175 trucks were from Barry County application with 250 trucks from Hope Township for a total of 425 trucks per day, and round trips of 850 per day. The second topic is the idea of need. The R. Smith and Sons Otis Lake quarry is closed and has been for years. Now there is suddenly need again five years later? If a business owner is running out of a supply of something, they aren't going to wait that long, they have moved on. Opening statement last month was that they sold all of their gravel mining assets. They aren't in the business of mining gravel anymore and have zero customers. How can there be a need from a business that has no customers? The application should be denied just on that. Stoneco indicated that they had an option to buy the property and didn't.

Alan Freid, Harrington Road

Alan is the President of the Wall Lake Association. He is in attendance to communicate on behalf of the members that they are very much opposed to the approval of the mine. Protect the lakes and community.

Bill Kreuger, 8214 Nadell

Bill is the President of the Healthy Waters Alliance. Bill indicated that he perused the Hope Township Master Plan, which reads that the lakes located in Hope Township are substantial recreational amenities, appeal to a residential community, and offer ecological significance. Recreation is an important resource in Hope Township. Potable water in the Township comes from wells tapping ground water. This is a fragile resource that is easily contaminated. Rolling farm fields are a defining component of Hope Township's character. Bill indicated that he is from Illinois. He purchased his property here because of the rural flavor and the lakes. He brings family here, enjoys, the loons calling, it is peaceful. This is what he is fighting for; to preserve something precious. Lakesides are special places. Gravel is abundant and doesn't need to go next to a residential lake. It can go somewhere else. The record we have submitted indicates this.

David Ellyat, 9313 Wilkinson Lake

David explained that he is in attendance to voice opposition to siting a gravel mining operation on Wilkinson Lake. There will be very serious consequences, even if the application has been amended. Having heard Vermeulen, he is an attorney paid by the applicant. He is not a geologist. He is not a hydrogeologist. He is not a real estate appraiser. He is not a medical doctor. He is a well-paid layman. He has no duty or responsibility to be honest to the Planning Commission.

Larry Heslinga, 8202 Nadell

Larry explained that he is strongly opposed to the gravel mine even in its amended form. The previously expressed very serious consequences remain. Noise, traffic, and other serious impacts. Instead of repeating everything again, Larry indicated that he would like to point out the serious impact on not just Wilkinson Lake, but on citizens across the Township. The Master Plan promotes the rural character and protection of lakes as a key resource. There are three public boat launches in Hope Township, including one on Cloverdale Lake which connects to Wilkinson Lake. Public boat launch means that the pain is spread broadly throughout the entire community across all citizens who use it. Wilkinson is the largest in the chain and most gravitate toward

Wilkinson to recreate. Also, please understand that lake property is a magnet for visitors and family in the summertime, which also coincides with peak gravel pit operations. The Master Plan also indicates that there is one park and it is on Cloverdale Lake. Profit of one should not take priority over the one park that we have. Application should be denied.

Dana Hawk, 15 Oak Opening

Dana indicated that a petition was started by the public to stop the gravel pit. A list of names has been provided.

Ellen Berens, 8244 Nadell

Ellen explained that closed or operating, they have not proved the need for gravel. At a previous meeting, need was discussed, but the discussion was tabled that they hadn't proven need. A township similar to Delton denied a gravel pit back in March. They indicated that need hadn't been proven. The applicant in that case indicated that they needed a new pit because another was nearing end, and the governor and infrastructure bills were going to increase demand. Ellen asserted that need cannot be shown by speculation. Company has not appropriately demonstrated need.

Marilyn Breu, 8226 Nadell

Marilyn expressed that the difficulty with the application is that the area is a residential community, but that they are not a visible community unless you are on the lake. Many lakes have McMansions where you can see homes from the street. The chain of lakes that we have people don't even know exist. It is a community. Just because we are tucked away doesn't mean that you shouldn't pay attention to us. Big companies shouldn't be subsidized. The project is not compatible with how we live on the lake.

Daryl Holroyd, 1 Oak Opening

Daryl explained that he is there to speak for the wildlife and the animals since no one else is. If you look at the Keller Road plant, there are no birds, no animals, no geese, nothing. There is too much noise with trucks moving in and out and dust flying. Animals won't stick around.

Joe Reinheimer, 4 Oak Opening

Joe indicated that is within 300 feet of the proposed mine. He purchased his property about 26 years ago for retirement and live there year-round. The mine could change their dream; the dream could go away. Doesn't know how else to explain it other than we moved to the country for a peaceful environment

to spend the rest of our life there. Not sure how a company can come in and say that they have a right to mine, and take away the right to a peaceful environment. This doesn't fit into the plan for Hope Township. Hope Township doesn't want to have mines all over it. There is a horse farm on the corner of the property and deer farm. We want to use the lake property in peace. There is a lot of gravel in this Township and in this County. It doesn't need to be on a lakefront. 300 some trucks are going to be by the school. Bikes could get run over. It doesn't make sense. What does Hope Township get? Are we going to get employment? Are we going to get tax money?

Tim Hunnicut, 8430 Chain O Lakes

Tim asserted that he is adamantly opposed to the gravel pit in this community. It has been growing well in the last few years. The applicant has done everything to give reasons to say no; from past practice to no demonstration of need. The Planning Commission should be protectors of our community and support the Master Plan and planning and zoning. We need protection of our way of life. The applicant has a bad performance record. No reason to be here.

Scott Matteson, Mud Lake

Scott explained that he has been on Mud Lake for 20 years. Like Tim said, our lakes have really grown. We are cleaning stuff up, property values going up. The traffic would not be good with that many trucks. Go up and down Keller Road, there's not nearly as many trucks as what they are proposing and it is still constant. Property values would go down. Please deny.

- d. Close public hearing. Hearing no more comments, Norton closed the public hearing at 7:28 pm.
- e. Deliberation and motion. Norton stated that the Planning Commission doesn't have much else to discuss since there is not much additional information. He asked Mehmed about the hydrogeo timeline. Mehmed indicated that Whalen thought June, but that the applicant could give an update. Vermeulen stated that the drillers should be out there the 16th and 17th of May and Fishbeck should be done shortly after that.

Homister asked Smith if they were no longer operating with processing gravel. Smith stated yes, they are no longer operating. Homister asked how they are going to prove the need for gravel when they are no longer operating. The applicant's team indicated that R. Smith and Sons no longer has any need

for gravel. Vermeulen indicated that the need would be from R. Smith and Sons' purchaser of assets. An approved special exception use can be sold to a different party; it carries with the land. Vermeulen asked if he needs to put another name on the application. The property is paid for as an option until the permit is approved or denied. Kaufman explained that she advocates for her client so she won't guide the applicant in their decision. The applicant has stated that they have no need, whatever happens after that she doesn't know. The need is in the market or by the person.

Homister reiterated that R. Smith and Sons needs to prove need. Kaufman stated that they are arguing a fine point; the need is in the market or the person. The applicant is currently R. Smith and Sons; Stoneco won't acquire the property until the permit is granted. Vermeulen stated that they would amend the application pertaining to the applicant.

Pashby summarized the response from the Road Commission indicating that they do not have a problem with the operation. The Road Commission cannot sell gravel to John Q. Public. Thank your Road Commission drivers when you see them, they keep the roads in great shape. Barry County is rich in gravel unfortunately, large rocks have to constantly be removed from fields.

Pashby moved to postpone a decision until next meeting, support by Jenkins. All ayes. Motion carried.

Norton reminded all that the June meeting is the 16th. Homister asked Mehmed to attempt to get a number of trucks from the operating pits. Mehmed explained that he would see what he can do.

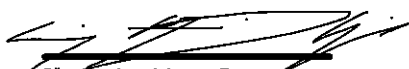
Kaufman gave an update on the Richland case, which is still ongoing. The Township won the appeal, but additional appeals are being filed.

Zoning Administrator/Planning Consultant Nathan Mehmed

Mehmed stated that he had nothing additional for the Planning Commission.

Adjournment

Jenkins moved to adjourn meeting, support by Homister. All ayes. Meeting adjourned at 7:51 pm.


Craig Jenkins, Secretary

06.22.22
Date