

**HOPE TOWNSHIP PLANNING COMMISSION**  
**MEETING MINTUES**  
**August 18, 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, and approximately 32 people at the Township Hall.

**Agenda:** Motion by Homister, support by Pashby to approve the agenda as presented. All ayes. Motion carried.

**Meeting Minutes:** Motion by Pashby, support by Homister to approve May 5, 2022 meeting minutes. All ayes. Motion carried.

**Closed Session Meeting Minutes:** Motion by Pashby, support by Homister to approve March 17, 2022 closed session 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 relevant to the Planning Commission.

Bill Kreuger, 8214 Nadell

Bill explained that he put together a map showing six miles around the Delton area and properties owned by gravel mining interests. The map shows 1,300 acres of properties, 900 acres of which have been purchased since 2020. He indicated that he thought it was worth sharing with everyone since the Planning Commission had been discussing need. There is a lot of gravel in the area, so why does it need to be immediately adjacent to a recreational lake? The visual helps to understand the scale.

Tim Hunnicut, 8430 Chain O Lakes

Tim expressed continued opposition to the mining application. He also provided a report on silicosis. He explained that he wasn't nearly afraid of it until reading this

report. Compared to what was presented by Vermeulen, there are a lot more cases of silicosis, with currently more than 1,000 in Michigan. Regulations currently only protect workers. It is very bad, but is a new issue, and similar to asbestosis which many of us in the trades know. Tim also presented new footage of erosion at the Loomis Lake and Otis Lake site, and indicated that Smith still has not fixed the issues.

Larry Heslinga, 8202 Nadell Street

Larry expressed that it has been two years since we first met about this. The delay has mostly been due to the applicant, who continues to delay the process. It doesn't appear like there is an urgent need for gravel. The community has felt like it has been held hostage; people have sold their homes, have delayed projects, waited to move forward with their lives. It is clear from the evidence that there is an abundance of gravel in Barry County. The proposed location on a recreational lake is unprecedented. It is simply the wrong location for a gravel mine.

Undisclosed resident on Wilkinson Lake

The undisclosed resident indicated that they would not provide their name and address because they have been receiving calls, emails, and letters from the gravel industry. They do not want to continue to be contacted and harassed. The individual visited Loomis Lake and can see why they actually approved that. It is not a recreational lake, there are few houses there, and it is mostly farmland. However, the two operations, including the current operation, are devastating Loomis Lake. A neighbor has lost frontage, loud pumps are running constantly, and neighbors are upset. The individual indicated that they have been pretty critical of the Planning Commission, but there is a difference between a recreational lake and a desolate lake with few people around. Their hope is that the Planning Commission look at how long it has taken for Smith & Sons to respond to fixes. EGLE is having problems with them and Smith is not a good steward of the environment.

Joe Reinheimer, 4 Oak Opening

Joe added that there have been multiple issues with Smith, not only with previous pits, but with drilling on Good Friday during COVID lockdown. They said that they were mowing when in fact they were clearing the property. He doesn't know what needs to be done exactly, but obviously these people are not going to abide by what they have agreed to or the law. Why would this Board even think about having them put a gravel pit on a recreational lake? This has gone on for two years and has caused anxiety for all. The Township needs to stand up.

Marilyn Breu, 8226 Nadell

Marilyn noted that there seems to be a lot of properties for sale and purchased by gravel mining entities. Worried that the area will turn into a literal pit. People have a reasonable expectation when they buy recreational property that it will remain that way. Pits will impact the character of the area.

Barb Heslinga, 8202 Nadell

Barb explained that shortly after they purchased their cottage, they found a sign that said “the lake is calling and I must go.” It is hung in their primary residence and reminds them to get away. What makes a lake call you? Peace and quiet. Peace and quiet are what restores us. The special exception use standards state that the use shall be in harmony with the surrounding neighborhood and shall relate harmoniously with the physical and economic aspects of adjacent land uses. There is nothing about a gravel mining operation that would be considered in harmony with the peaceful nature of this quiet lake. The lake is calling and we must protect it.

Kathy Slagter, 7100 Hayward

Kathy explained that she has a farm next door named “Peace of Serenity.” Her farm is also located next to the approved Orangeville Township site. Conveyors, dust, and noise will all be a problem for her. They want to widen the road and part of the widening is taking down every tree on that side of the road. The protection and privacy those trees provided will be gone. When she purchased the property, she was told that all the neighboring properties would continue to be agriculture. She feels like she could be forced to move. Going to lose a lot of money over this; constant noise is not good for anyone.

Norton announced that the following written comments were received.

1. Lisa Warner email 5-6-22
2. Don Sklenka email 6-13-22
3. Doretta Anema email 7-18-22
4. Health Waters Alliance email w/attachments 7-22-22
5. Health Waters Alliance email w/attachments 8-15-22
6. Don Sklenka email 8-17-22
7. Lawrence Heslinga email w/attachment of 8-19-20 letter 8-18-22

**Election of Officers:** Norton indicated that it was time to elect officers. Motion by Pashby, support by Homister to keep the officers as they are, including Norton as Chair, Homister as Vice-Chair, and Jenkins as Secretary. All ayes. Motion carried.

**Closed Session – Attorney Catherine Kaufman:** Motion by Homister to meet in a closed session under Section 8(1)(h) of the the Open Meetings Act pursuant to Section 13(1)(g) of the Freedom of Information Act, to consult with the Township attorney regarding a written legal opinion. Support by Pashby. Roll call vote. All ayes. Motion carried.

The Planning Commission entered closed session at 6:55 p.m.

Motion by Pashby to exit closed session, support by Jenkins. Roll call vote. All ayes. Motion carried. The Planning Commission re-entered open session at 7:44 p.m.

**R Smith & Sons SEU Application and Site Plan for Miller Road:** Norton asked where the Commission was on the application. Norton said that the Planning Commission has been discussing and struggling with this application for more than two years, from 2019 through now. Norton asked Mehmed where they were at with the materials that the Planning Commission asked for pertaining to the updated application. Mehmed explained that the Planning Commission made several motions at the March 17<sup>th</sup> meeting requesting items from R. Smith & Sons, including: data to support need for the product, hydrogeology information to determine groundwater elevation and identify groundwater flow, a threatened and endangered species inventory of the property, and haul routes. The applicant originally indicated that much of this would be possible by June. The applicant also indicated that they would be submitting an updated application to include an additional co-applicant. As of August 22<sup>nd</sup>, none of those requested items have been submitted. Mehmed further explained that he had a phone call with Trevor Smith at the beginning of July. Trevor indicated that the hydrogeology information would likely be ready by July 8<sup>th</sup>. Mehmed noted that he told Trevor that he would need materials at least three weeks before a regularly scheduled meeting so that Dan Whalen could review the hydrogeology report and provide a staff report. Mehmed indicated that he also called Trevor following July 8<sup>th</sup> and sent an email to Trevor on August 8<sup>th</sup> asking for an update on the information. He has not heard from the applicant or any of their representatives since then. It has been about five months since the Planning Commission requested this information.

Norton asked the Planning Commission that, absent the requested information from the applicant, which the Commission did not receive, if the Commission had additional questions or wanted further discussion. There being no further Planning Commission discussion, Homister moved to adopt the following findings of facts

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and resolution to deny R Smith and Sons' special use and site plan application for a mining operation . The motion was supported by Pashby.

The Planning Commission then had discussion on the motion and the proposed resolution. Norton clarified that Attorney Kaufman provided draft resolutions in the alternative for both an approval and a denial of the special use and site plan application for the Planning Commission's review and discussion. Attorney Kaufman stated that the Planning Commission needed to make its own findings of facts and to apply the standards for approval and/or denial of a mining application to the facts before making a decision.

As requested by Norton, Attorney Kaufman read the preamble of the Resolution denying R Smith and Sons special use and site plan review application into the record as follows:

**HOPE TOWNSHIP PLANNING COMMISSION  
COUNTY OF BARRY, STATE OF MICHIGAN**

**RESOLUTION NO. \_\_\_\_\_**

The following preamble and resolution was offered by Homister, seconded by Pashby:

WHEREAS, in 2019, R Smith and Sons (the "Applicant") applied to the Hope Township Planning Commission for a special exception use permit and site plan approval to allow a mining operation and related activities on various properties in the Township, which properties are more particularly described as 8409 Miller Road in the Township (153 acres on the corner of Miller Road and Rose Road, immediately adjacent to Wilkinson Lake ); and

WHEREAS, on January 16, 2020, the Township Planning Commission conducted a preliminary review of the special exception use and site plan at their meeting; and

WHEREAS, on August 20, 2020, pursuant to public notice properly given, the Township Planning Commission held a public hearing<sup>1</sup> on R Smith and Sons'

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<sup>1</sup> The August 20, 2020 Planning Commission meeting, including the public hearing, was held in accordance with applicable Executive Orders regarding COVID 19. Ten people were allowed to attend the meeting in person,

special exception use request, including correspondence received, closed the public hearing, received feedback from the Applicant, and then tabled the application, after determining that more time was needed for the Planning Commission to consider all materials submitted, comments by the Applicant and public comment; and

WHEREAS, on September 17, 2020 the Planning Commission continued its review and discussion of the special exception use and site plan requests, took public comment on the request and tabled the Planning Commission deliberation to the next Planning Commission meeting; and

WHEREAS, the Township Planning Commission also reviewed the Applicant's special exception use and site plan application, including receiving public comment and correspondence, receiving comments by the Applicant and its representatives, receiving reports from the Township Engineer and Township Planning Consultant at Planning Commission meetings on the following dates: 10/15/2020, 3/18/2021, 4/15/2021, 6/17/2021, 3/17/2022, and 5/5/2022; and

WHEREAS, in January 2022, R Smith and Sons submitted a revised special exception use and site plan application, which included revised proposed mining operations and related activities on the Township parcels, with some of the proposed mining activities being relocated to a site across the street in an adjacent Township; and

WHEREAS, on March 17, 2022, the Planning Commission conducted a preliminary review of the revised special exception use and site plan application, determined to schedule a public hearing on the revised application and had discussion regarding additional information needed by the Planning Commission to allow it to make a decision regarding any potential very serious consequences that might result from the proposed mining activities (hydrogeological report, threatened/endangered animals, haul routes); and

WHEREAS, on May 5, 2022, pursuant to public notice properly given, the Township Planning Commission held a public hearing on R Smith and Sons' revised special exception use and site plan request, closed the public hearing,

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which included the Planning Commission, Planning Consultant, Township attorney, applicant and applicant's representatives. The meeting was also conducted via Zoom meeting platform for other interested persons to attend and participate in the public hearing.

received feedback from the Applicant, and tabled the application to await receipt of requested additional information from the Applicant; and

WHEREAS, during its meetings described above, the Planning Commission undertook its deliberations regarding the Applicant's special exception use and site plan request and amended special exception and site plan review request for gravel mining and related activities, including reviewing the requirements of the Michigan Zoning Enabling Act and the Township Zoning Ordinance as they applied to the Applicant's request, reviewing staff reports from the Township Engineer and Planning consultant, asking questions of the Township's consultants, including Township legal counsel and asking questions of the Applicant/representatives; and

WHEREAS, the Township Planning Commission allowed public comment as required under the Michigan Open Meetings Act at all its meetings; and

WHEREAS, the Township's Planning Consultant and/or the Township Engineer submitted staff reports regarding the application and amended application dated 1/9/2020, 8/13/2020, 10/12/2020, 3/15/2021, and 02/15/2022, which reports are incorporated into the record; and

WHEREAS, at its meeting on March 17, 2022, the Planning Commission directed the applicant to submit the following information to the Planning Commission: 1) complete hydrogeological study to determine, among other things, groundwater flow, water table levels, impact of high capacity wells (even if wells located to adjacent Township); 2) data to prove need for the gravel on the subject site in the market or by the person; 3) proposed haul routes; and 4) environmental assessment, including threatened and endangered species; and

WHEREAS, the Township Planning Commission has not received the requested information as of 8/18/2022.

The Planning Commission voted unanimously to adopt preamble to the Resolution as read by Attorney Kaufman.

The Planning Commission then had discussion and made the following Findings of Facts:

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

The Hope Township Planning Commission makes the following Findings of Fact:

1. R Smith and Sons applied for a special exception use/site plan approval for a mining operation, mineral extraction and associated activities in the AR zoning district, for a 153 acre parcel located at the corner of Miller Road and Rose Road, 8409 Miller Road. *The Planning Commission unanimously adopted this finding of fact.*
2. The Hope Township Zoning Ordinance permits a mining operation in the AR zoning district with special exception use approval. *The Planning Commission unanimously adopted this finding of fact.*
3. The Planning Commission held the required public hearing on the special exception use request on 8/20/20. The Planning Commission held a second public hearing on the revised special exception use request on 5/5/2022. The public hearings were duly noticed as required by law. *The Planning Commission unanimously adopted this finding of fact.*
4. The Planning Commission received reports and comments from the Township Planning Consultant, which in some cases incorporated comments from the Township engineer, on 1/9/2020, 8/13/2020, 10/12/2020, 3/15/2021 and 2/15/2022, which reports are incorporated herein. *The Planning Commission unanimously adopted this finding of fact.*
5. The Planning Commission held additional meetings to review the special exception use application, to accept additional documents submitted by the Applicant, to hear public comment and to accept correspondence on the application on 1/16/2020, 9/17/2020, 10/15/2020, 3/18/2021, 4/15/2021, 6/17/2021, and 3/17/2022. *The Planning Commission unanimously adopted this finding of fact.*
6. The Planning Commission has duly considered the application (now the amended application) and supporting documents, the public comment and correspondence received at the public hearings and the public comment and correspondence received since the application's and amended application's submittal. *The Planning Commission unanimously adopted this finding of fact.*
7. The Planning Commission has reviewed the requirements of the Michigan Zoning Enabling Act and the Township Zoning Ordinance (Article IV Special Exception Uses and Article V Site Plan Review) as they apply to the



Applicant's special exception use and site plan application. *The Planning Commission unanimously adopted this finding of fact.*

8. Article IV, Section 4.2F provides specific standards for the review of a special exception use permit for mining operations and related activities. *The Planning Commission unanimously adopted this finding of fact.*
9. MCL 125.3205 provides the statutory framework for analysis of a land use application for mining and mineral extraction. *The Planning Commission unanimously adopted this finding of fact.*
10. The Planning Commission made the following findings regarding the Applicant's special exception use and site plan application compliance with Zoning Ordinance requirements and requirements of state law:

MCL 125.3205 review:

***There are valuable natural resources on the property.*** Norton mentioned the boring logs submitted by the applicant, which showed the presence of natural resources on the site. The Planning Commission discussed the fact that there was evidence of natural resources on the property. *The Planning Commission unanimously made this finding.*

***There is not a need for those valuable natural resources by the applicant or in the market served by the applicant.*** Homister said that Applicant Trevor Smith (R Smith and Sons) had testified that their company had sold off their entire portfolio of gravel mines, retaining only their trucking company. Pashby said that if the Applicant had no more mining operations, he did not see how they could need the valuable natural resources on site. Following further discussion, the Planning Commission determined that as the Applicant had testified that the company had divested all its mining operations, there is no need for the valuable natural resources by the person (R Smith and Sons) or by the market served by the person. Norton said that R Smith and Sons cannot serve any market, as it no longer owns any gravel mining operations. The Planning Commission also discussed the discredited MDOT study as submitted by the Applicant, which the Planning Commission did not find convincing as to the need in the market for gravel. Additionally, the Planning Commission discussed the list of existing gravel mining operations in Barry County as provided by Planner Mehmed and incorporated into the record. The Planning Commission found that adequate gravel supplies were available for the market of Barry County. *The Planning Commission unanimously made this finding.*

***Very Serious Consequences would result from the proposed mining operations on this property because of the following findings:***

**Relationship of extraction and associated activities with existing land uses.**

Jenkins said that the site's close proximity to developed residential areas on Wilkinson Lake and the Chain of Lakes may lead to significant environmental impacts on the surrounding lakes, wildlife and residents. Jenkins noted that the Planning Commission had asked for a hydrogeological report and an endangered species assessment and did not get either. The Planning Commission discussed the types of threatened and endangered species that may be located in the area, based on comments and information submitted by nearby residents and the Healthy Waters Alliance. The Planning Commission discussed how the proposed mining operations would be directly adjacent to single family homes on Wilkinson Lake and would have direct frontage on Wilkinson Lake. The Planning Commission also noted that Wilkinson Lake is one of the lakes in the Chain of Lakes and that impacts of the proposed mining operations may travel throughout the Chain of Lakes. The Planning Commission was unable to find that threatened or endangered species would not be harmed, as the Applicant did not submit a threatened and endangered species assessment as requested.

Norton said there was conflicting information as to the impact of silica dust in the record. Norton said that the Applicant had stated that silicosis only affects gravel mine workers, but noted that many homes are directly adjacent to proposed gravel mining areas, as is Wilkinson Lake. Jenkins said that additional information on silica dust and silicosis had been submitted to the Planning Commission, including a report submitted at this meeting, which showed health dangers of silica dust. The Planning Commission determined that based on all the evidence in the record, it was not clearly demonstrated that health issues would not arise from silica dust, which would be a very serious consequence.

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The Planning Commission discussed traffic that would result from the proposed mining operation. Pashby said the Applicant stated that there would be 250 gravel trains a day entering and exiting the site, which would be over 500 trips on Miller Road, which is a narrow, tree lined road. The Planning Commission discussed that even if the entry to the mining operation would be located on the Orangeville Township side of the road, the Hope Township side of Miller Road would carry an equal amount of gravel train traffic. The Planning commission noted that it had information regarding school bus trips on Miller Road in the record, as well as information that the road is used by pedestrian, bicyclists and other recreational

users. The Planning Commission said it had asked for information on proposed haul routes.

Jenkins said that without the requested hydrogeological report, the Planning Commission has no understanding of where the water table is on site, how the proposed mining operations might affect the water table, where the different watersheds are located and what properties are within what watershed, and what the impact of the mining operations might be on nearby private water wells and on the Chain of Lakes. There was Planning Commission discussion regarding the Commission's request for a hydrogeo study at its March 17, 2022 meeting and that no report had been received from the Applicant. Planner Mehmed said that the Applicant had told him that the hydrogeo report should be ready in June 2022, but then further advised it would likely be ready for the July 2022 Planning Commission meeting or a special meeting. Mehmed said that the Applicant later told him the report should be ready by July 8<sup>th</sup>. Mehmed reported that he called the Applicant after July 8<sup>th</sup> had passed and emailed the Applicant on August 8, 2022 asking for the status of all the outstanding reports but that he received no response from the Applicant.

The Planning Commission reviewed information from Township Engineer Dan Whalen about his concerns on possible impacts from the proposed mining operations on groundwater, including private wells, Wilkinson Lake and the Chain of Lakes. There was discussion that even though the well on the proposed project was moving across the street to the Orangeville Township site, the Planning Commission does not have any clear information as to the possible effects of the mining operation on groundwater. Jenkins said that while the Applicant said they would "stay out of the water table," Engineer Dan Whalen did not think that assertion was sufficient to protect the surrounding properties and the Chain of Lakes from possible very serious consequences. Homister said that Dan Whalen recommended a hydrogeological study so that the Planning Commission could understand the possible impacts of the mining on the surrounding groundwater and the lakes. He noted that the Planning Commission did not receive a hydrogeological study. Homister said that without the hydrogeo report, the Planning Commission was unable to determine that very serious consequences would not result in terms of impacts on groundwater, on private wells, on Wilkinson Lake and on the Chain of Lakes.

The Planning Commission discussed noise that may result from the proposed mining operation. Norton said that the Applicant admitted there would be crushing and processing of larger stone on the Hope Township parcel, for any gravel and stones that could not fit through the conveyor belt that would run under Miller Road.

Jenkins mentioned that gravel mining is basically industrial in nature and that the close proximity of both the residential houses (immediately adjacent to the parcel) and the lake to the mining activities may result in very serious consequences based on noise. The Planning Commission noted that noise carries over water and the proximity of Wilkinson Lake to the proposed mining operations.

Jenkins said he did not feel that the Applicant had proven that there would be no very serious consequences in terms of property values. He felt that the Upjohn Study, which was in the record, was more credible and reliable than the Applicant's study because it was local (from Richland ). Jenkins said that the Upjohn Study showed a negative impact on property values for properties near mining operations. Jenkins also said the Applicant's study showed property values would only rebound to pre mining levels after all mining was stopped and remediation completed, which in this case could be more than 40 years.

#### **Impact on existing land uses in the vicinity of the property**

The Planning Commission reiterated their previous discussion about the impact of the proposed mining operations in terms of noise, impacts on groundwater and the Chain of Lakes, impacts of air pollution/silica dust on adjoining residences, the lakes/environment, the impact of traffic on Miller Road and the possible impacts on the natural environment, including the Chain of Lakes and plants and animals native to the area.

#### **Impact on pedestrian and traffic safety in the vicinity and along the proposed haul routes.**

Jenkins reiterated that the Applicant said that there would be 250 gravel trains a day entering and exiting the site, which would be 500 truck trips per day on Miller Road. The Planning Commission again discussed the possible dangerous situations that may result from this many trucks on Miller Road, which is narrow 2 lane road that is hilly and has no ditches. The Planning Commission said that it received comments that Miller Road gets a lot of pedestrian, bicyclist and other recreational traffic. The Planning Commission also discussed the school bus routes that use Miller Road, noting that 500 truck trips per day means that there would be fairly continuous trucks running up and down the road during school bus travel, pick ups and drop offs. The Planning Commission understood that trucks would enter and exit the site from Miller Road. The Planning Commission noted that even if the entry to the mining operation was on the Orangeville Township side of Miller Road, the Hope Township

side of Miller Road would still experience the mining operation traffic with all related negative impacts.

**Impact on existing property values in the vicinity of the property and along the proposed haul routes, based on credible evidence.**

Jenkins repeated his opinion that the Upjohn study was more credible and reliable than the Applicant's property value information, as the Upjohn Study was a local study on the impacts of mining on property values. Homister said that the Healthy Waters Alliance also submitted an analysis using the Upjohn Study methodology to properties in the Wilkinson Lake area, which also showed an anticipated negative impact on property values if the mining application was approved. The Planning Commission found the Upjohn Study and the Healthy Waters Alliance analysis more credible, as it was based on local information. Pashby said that he was on the Planning Commission when a previous mining application was considered and that the Planning Commission at that time also reviewed the Upjohn Study and found it credible.

**Impact on other identifiable health, safety and welfare interests in the Township.**

The Planning Commission continued its discussion in terms of traffic safety; possible impacts on groundwater, private wells and the Chain of Lakes; noise; silica dust/air pollution; impact on environment, including threatened and endangered species; impact on property values. The Planning Commission reiterated that without the hydrogeo report, they have no information as to possible impacts on groundwater, drawdowns on wells, etc. Norton noted that Engineer Dan Whalen had advised that it is anticipated that there would be drawdowns on surrounding private wells from the mining operations, but without the hydrogeo report, the Planning Commission was unable to determine the impacts on groundwater, private wells and the Chain of Lakes.

**Overall public interest in the extraction of the specific natural resources on the property.**

The Planning Commission said that there are several other gravel pits in Barry County, as well as the general vicinity. The Planning Commission noted that Planner Mehmed had previously submitted a list of the gravel pits in the County for the Commission's review. The Planning Commission said that there is no lack of gravel in the area and that, based on the evidence presented to the Planning

Commission, the very serious consequences that may result from mining operations on the property outweighed any need for gravel from this property.

The Planning Commission determined unanimously that, based on the evidence in the record and its findings, that very serious consequences would result from the proposed mining operations.

The Planning Commission next reviewed the Zoning Ordinance standards for special use approval:

Section 4.0 – Zoning Ordinance – Standards for Special Use Approval:

**Use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the Zoning Ordinance**

The Planning Commission determined that the proposed mining operation would not be of such size and character that it would be in harmony with the surrounding neighborhood because the proposed mining activities would be injurious to the immediately adjacent single family development and the adjacent lake in terms of noise, dust air pollution, traffic and anticipated impacts on groundwater and the Chain of Lakes, and on wildlife as already discussed by the Commission.

**Use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of site distance, locations and access of off street parking, pedestrian provisions.**

The Planning Commission determined that the proposed mining operation would make vehicular traffic more hazardous than is normal for the district. McKelvey said this is an agricultural area, so the increased traffic for the gravel haulers would add 500 gravel train trips per day (250 in and 250 out) to a narrow, hilly road with no ditches. The Planning Commission again discussed recreational traffic on Miller Road (pedestrians, bicyclists) and school bus traffic on the road.

**Location, size, intensity, site layout, physical and structural elements and periods of operation shall be designed and established in a manner that**

**eliminates any possible nuisance emanating therefrom in terms of traffic, dust, noise, odors, glare, fumes, vibrations, smoke or lights.**

The Planning Commission discussed the noise that may emanate from the proposed mining operations, stating that large rocks and gravel will still need to be crushed on the Hope Township parcel. The Planning Commission said that there will be vibrations and dust that will affect the nearby single family residences and Wilkinson Lake. Jenkins said that the mining operations are proposed to run 6 days per week, with about 500 truck trips per day, which intensity is not compatible with the surrounding land uses.

**Shall be such that proposed location and height of buildings or structures and location of fencing landscaping will not interfere with or discourage appropriate development or use of adjacent land.**

The Planning Commission found that there are no buildings or structures proposed with the mining and that there was proposed landscaped screening.

The Planning Commission determined unanimously that, based on the evidence in the record, that the standards for approval of a special land use, as contained in Section 4.0 of the Township Zoning Ordinance, had not been met and that the Applicant had failed to meet its burden to establish a right to a Special Exception Use Permit. Because the standards for a special use approval were not met, the Planning Commission did not review the specific mining standards in Section 4.2

NOW, THEREFORE, BE IT HEREBY FURTHER RESOLVED AS FOLLOWS:

1. The Planning Commission denies the Applicant's special exception use and site plan requests because the Planning Commission finds that Applicant did not prove that there is a need in the market or by the person for the natural resources on the property, and that <sup>the applicant did not prove</sup> no very serious consequences would result from the proposed mining operations and associated activities for the following reasons:

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- a. The Planning Commission finds that the Applicant's failure to submit a hydrogeological study, as requested by the Planning Commission, has resulted in Applicant's failure to show that no very serious will result from the proposed mining activities on surrounding groundwater tables, surrounding private wells, on the Chain of Lakes and on the area aquifers

and watersheds. The Planning Commission received extensive information submitted during public comment and correspondence, including information provided by the Township's engineer (Dan Whalen) indicating that the proposed mining operations may likely impact groundwater in the area and possibly in the aquifers and watershed. The Applicant has not provided clear evidence to the contrary.

- b. The Planning Commission finds that very serious consequences may result to the Chain of Lakes and to plants and animals from the proposed mining operations, based on information submitted to the Planning Commission during the review process and also based on the Applicant's failure to submit an environmental assessment that included an analysis of threatened and endangered species on site and in the vicinity. The Planning Commission requested such a study, but the Applicant never submitted one.
- c. The Planning Commission finds that the information submitted by the Applicant does not clearly show that no negative impacts on property values in the vicinity of the property and along proposed haul routes would occur, as the information is not an analysis of the local real estate market. Additionally, the Planning Commission has received a copy of the Upjohn Study (for property located in nearby Richland Township) that indicated that property values for properties in the vicinity of a mining operation would be negatively affected by a mining operation. The Planning Commission also received an analysis of property values from the Healthy Waters Alliance which applied the Uphohn Study Methodolgy to local property data, also showing a likely negative impact to property values in the vicinity. The Planning Commission found the Upjohn Study and the economic analysis by the Healthy Waters Alliance more credible than the Applicant's study. The Planning Commission finds that there could be very serious consequences in terms of a decrease in property values based on the conclusions of the Upjohn Study.
- d. The Planning Commission finds that information submitted on silica dust (and silicosis) indicates that very serious health consequences could arise on the Hope Township site (including impact on health, safety and welfare interests in the Township), especially as the site is located with frontage on Wilkinson Lake and adjacent to many residences.

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- e. The Planning Commission finds that very serious consequences may result from the proposed mining operation based on the increased truck traffic (250+ gravel hauler trips per day) on a two lane, narrow county road that also carries school bus traffic, pedestrian and bike traffic.

2. All resolutions or portions thereof inconsistent with the provisions of this resolution are hereby rescinded

YEAS: Members: Homister, Pashby, Jenkins, McKelvey, Norton

NAYS: Members:

ABSTAIN: Members:

**Zoning Administrator/Planning Consultant Nathan Mehmed**

Mehmed noted that it had been five years since the Planning Commission last reviewed the Hope Township Master Plan. The Planning Enabling Act requires that, at a minimum, the Planning Commission open the Plan to determine if it is in need of updating. Mehmed explained that they don't need to do it at this meeting, but that they should make a determination in the near future. Norton expressed that many of the Commissioners likely had not read through all of the Plan in some time, and to refamiliarize themselves with it for a future meeting.

Mehmed indicated that the planning and zoning world continues to be very busy. Zoning compliance permits have not slowed down and residents continue to build homes, accessory buildings, and additions. There are a few items on the horizon that could come before the Planning Commission and Zoning Board of Appeals, including a duplex and variance request. Nothing has submitted anything as of yet.

**Adjournment**

Homister moved to adjourn meeting, support by Jenkins. All ayes. Meeting adjourned at 8:29 pm.

Craig Jenkins, Secretary  
Hope Township Planning Commission

