

HOPE TOWNSHIP PLANNING COMMISSION

MEETING MINUTES

February 22, 2024

The meeting was called to order by Chairperson Norton at 6:30 pm at the Hope Township Hall, 5463 S. M-43, Hastings, MI 49058. Pledge of Allegiance to the flag.

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

Members Absent: Roger Pashby with notification.

Others Present: Township Planner/Zoning Administrator Nathan Mehmed, Township Attorney Catherine Kaufman, Township Engineer Dan Whalen, Toby Hayes, and about 35 members of the public.

Agenda: Motion by Homister to add a closed session regarding the Stoneco application, and to discuss wind and solar legislation as relates to the Master Plan with the Township Attorney and Zoning Administrator. Supported by McKelvey to amend the agenda. All ayes. Motion carried.

Meeting Minutes: Motion by Homister, supported by McKelvey to approve the January 18, 2024, meeting minutes. All ayes. Motion carried.

General Public Comment:

The following general public comments were received:

Lois Lowden, 8414 Chain-O-Lakes Drive: She stated she wasn't able to attend the January meeting, she wished to call back to comments Attorney Vermeulen made at the November meeting regarding need for the mining operation, and how alternative sites owned by Stoneco were less convenient to buyers. She didn't believe need was constituted by way of convenience.

Larry Heslinga, 8202 Nadell Street: He stated that the applicant couldn't demonstrate market need, nor could the applicant prove that they had personal need, given that Stoneco had purchased the mines of R. Smith & Sons, from which they could pull material. He also mentioned that another mine had recently been approved by the County across the street from the proposed mine which could last 20 to 50 years depending on demand. He also stated that the Barry County Planning Commission had put a condition of approval on the newly approved

operation to request that the Barry County Road Commission allow truck traffic to utilize Hayward Road as opposed to Miller Road to alleviate mining traffic effects on the community. This was ultimately denied by the Road Commission. He stated that regarding very serious consequences, truck traffic on Miller Road would be detrimental to the community.

Bill Krueger, 8214 Nadell Street: Adding on to Mr. Heslinga's comments, he stated that some applicants look to appease planning commissions, while this applicant seeks to dominate this commission and community. He said this was clear the week prior when in discussions regarding the newly approved Orangeville Township site, the applicant stated that they could take material from whatever site they wanted. Mr. Krueger believed that this is an issue of greed, and thanked the Commission for their efforts.

Marilyn Breu, 8126 Nadell Street: Stated that residents on the northwest side of Wilkinson Lake have only one option to get to their homes via Miller and Rose Roads, and that truck traffic could harm the general traffic flow in the area. She wishes to retire at her cottage, but may reconsider if the mining operation is approved. She stated that she believes that when you buy residential property, you expect it to remain residential, and that residents wish to continue to enjoy lake living.

Ellen Berens, 8244 Nadell Street: She furthered Mr. Krueger's comments, stating that the applicant believes they need this site even though the Orangeville site has been approved. She cited a story from Washtenaw County saying that need in the near or distant future cannot be used as a reason to approve a mine presently.

Don Sklenka, 8345 Wilkinson Lake Drive: Stated that he wanted to speak regarding numbers. In previous minutes of the Barry County Planning Commission, he said applicant stated that the Orangeville mine would be in operation for 30-50 years, while in another meeting the applicant stated it would operate for 25 years. Additionally, when the applicant was asked about volume coming from the Orangeville site, the applicant stated they expected to pull 7 million tons of gravel. In a different meeting, the applicant was also asked how much gravel is currently mined by Stoneco in Michigan. The applicant stated 6 million tons. The applicant also stated that 150 trucks and 300 trips per day were expected from the Orangeville site. Don stated that the average truck can hold 6 to 14 tons of volume, which at an estimate of 14 tons per truck equates to 500,000 trucks coming from the Orangeville site. At \$1,000 per truck, Stoneco would make

\$500,000,000 in revenue. Mr. Sklenka stated that Stoneco purchased R. Smith and Sons mines for \$83,000,000, and Stoneco originally refused purchasing the Hope Township site. He believes this is evidence that Stoneco did not demonstrate need for this site, especially given that the Orangeville site would provide more than double the volume that they presently mine in the entire State of Michigan. He said these numbers really matter, and said that by providing a customer list in the past does not prove future need. He asked what more needed to be done to prove that the applicant doesn't need this site.

David Wilson, 278 Lakeside Drive: Spoke regarding another nearby gravel mine that appears to not follow the set operating noise/time limits, and asked the Commission to take that into consideration.

Other Business - Discussion of Master Plan/Solar and Wind Energy:

Commissioner Homister asked Zoning Administrator Mehmed and Attorney Kaufman to gather some information about what powers the Township has in regard to the new statewide wind and solar energy ordinance.

Kaufman agreed, and stated that the new law allows for compatible renewable energy ordinances which will require coordination with Barry County. This could be discussed next month.

Chair Norton asked if the intent was to regulate renewable energy systems as a stand-alone ordinance, and not in the Zoning Ordinance. Kaufman clarified that solar and battery projects generating or storing 50-megawatts of electricity or more, and 100-megawatts of nameplate electricity or more for wind, would be regulated by the State, unless the Township adopts a Compatible Renewable Energy Ordinance, which is already restricted in its content. This ordinance would need to be adopted by both the Township and the County, which is difficult given the mix of zoning bodies covering the County.

Homister asked about neighboring townships, which Kaufman clarified most were under County zoning. She said that neighboring townships would have to have standalone Compatible Renewable Energy Ordinances, which would require some countywide direction. Further regulations would need to be discussed with the County attorney. She said she's working on this further and will keep the Township updated. Kaufman said there will need to be a lot of collaboration between local units of government, and Commissioners discussed scale of these renewable energy projects. Homister asked who would discuss these Compatible Renewable

Energy Ordinances with Barry County. Kaufman advised the Commissioners ask their County Commissioner. Petitions were being circulated to potentially repeal this legislation.

New Business - Delton Venture PUD/Site Plan Review Application:

Zoning Administrator Mehmed explained the PUD site plan review and special exception use to construct 4 single-family dwellings and associated improvements to the riparian access lot on Guernsey Lake. He explained that the Guernsey Lake Mobile Home Park has been on this site for decades, and it is a non-conforming use. He stated that the PUD process gives the Planning Commission more ability to modify minimum lot area and size requirements, which would otherwise not be allowed on the lake frontage. No changes were proposed for the vacant parcel or the manufactured home park itself. New homes will have to meet minimum sizes, and the application did provide some example renderings for the proposed homes. The existing riparian access lot would be gated and fenced as a part of the request. He stated that there are some performance objectives the Planning Commission needed to discuss, and that they could apply reasonable conditions to the approval.

Chair Norton acknowledged written comments:

Email from jb50bryan (2-14-24)

Letter from Ralph Tanner (2-14-24)

Letter from K Finch, Guernsey Lake Association President (undated)

Email from Mike Garber with attachment (2-22-24)

Motion by Jenkins, Support from Homister to open the public hearing. All ayes. Motion carried.

Mike Garber, 292 Lakeside Drive: Stated he has spent time near the lake all of his life. Has no issue with the new homes, but has an issue with the lake access lot which abuts his property. He worries there would be too many people trying to access the site if all of the existing mobile home sites are utilized. Mr. Garber asked that the applicant put up a privacy fence between his property and the lake access lot. He also explained that the current gate on site is not working as a deterrent to keep people out. He reiterated the request for a condition of approval to be a privacy fence along his lot line, to be constructed prior to construction of the new homes. He also stated that in their application, the applicant stated people utilize the entire site, but he disagreed, and believes that people mainly congregate

along his property line. He discussed a previous Zoom meeting that neighbors had attended with the applicant, and reiterated the plans and intensity of the development, and his concerns regarding the proposal.

John Dodd, 312 Lakeside Drive: Stated to the Commission that he has lived on the Guernsey Lake for 30 years. He had concerns about the condition of Lakeside Drive, and asked that the road be repaved within two years of completion of construction. He also said that he was concerned about the conditions of the Lake, including runoff from the construction sites. He reiterated Mr. Garber's points about the riparian access lot.

Chair Norton asked about how the road was historically maintained.

Mr. Dodd stated that there was not an organized body that maintained the road. Mr. Garber added that there was no maintenance agreement, and much of the maintenance has been done by residents. Mr. Dodd asked that two-thirds of the road be repaved by the mobile home community.

Fred Flower, Flower Drive: Stated his concern does not surround the new homes, but the narrow channel that these lots would be on. There is a lot of boat traffic and he was worried about bottle-necks in the channel. Mr. Flower said he has lived on the lake his whole life, and is worried about increased traffic, and making sure that these homes are approved correctly.

McKelvey asked about widths and depths of the channel.

Mr. Flowers stated it was around 2 to 4 feet deep and around 30 feet wide.

Jenkins asked about costs of widening the channel. Mr. Flowers stated that the Lake Association has looked into it, cost was an impediment to widening.

Marjorie Price, 274 Lakeside: Stated that she has seen mobile home transportation vehicles damaging the road, and expressed her concerns about road maintenance. Ms. Price also stated that she didn't have an issue with new home construction, but access and maintenance of property is an issue and concern. She asked that there was assurance in writing for a locked gate and privacy fence for the riparian access lot.

Cathy Wilson, 278 Lakeside Drive: Questioned whether lots would be sold to buyers. Ms. Price stated the lots would be sold.

David Wilson, 278 Lakeside Drive: Stated that he is the closest resident to the subject property, and asked about the zoning of the property. Mr. Mehmed stated that the lakefront lot is zoned MHC, and the back lot was zoned LR. Mr. Mehmed reiterated that he is of the understanding that the lots would be sold. Mr. Wilson asked about changes to the zoning on site as a result of the sale of the lots. Mr. Mehmed said there would not be any rezoning, but the PUD process allows the Planning Commission to set lot sizes and setbacks, and that the applicant's proposal exceeds standards of the RL district. Mr. Wilson asked about sewer connections on site. Mr. Mehmed stated that they would be connected to public sewer through the Southwest Barry County Sewer and Water Authority. Mr. Wilson asked about water wells. Mr. Mehmed stated that it would be individual wells as regulated by the Barry-Eaton Health Department. Mr. Wilson asked about wet soils, given that part of his property is frequently saturated. Mr. Mehmed said that stormwater management and building standards would be reviewed by PCI. Mr. Wilson asked about damage to his property, and asked again but zoning changes. Mr. Mehmed said that single-family homes are permitted in the MHC district.

Mr. Garber asked about assessments for water and sewer, and whether added units would reduce rates for existing customers.

Motion by Homister to close the public hearing, support by McKelvey. All ayes. Motion carried.

Deliberation and motion:

Jenkins asked whether there may be a conflict of interest as he resides on the lake. Kaufman reviewed the bylaws, and with the help of the Planning Commission determined that there was not a conflict of interest.

Mr. Norton asked who can use the riparian access lot. Mr. Mehmed stated it was only residents of the mobile home community. Norton asked whether all of the current vacant property was available for use by mobile home park residents. Mr. Mehmed confirmed. Norton asked whether Lakeside Drive residents not in the mobile home community have access. Mr. Mehmed stated no. Norton asked about how many non-MHC residents use the road, Ms. Price stated approximately 27.

Kaufman said it is illegal to require off-site improvements for the mobile home community, but abutting portions of the road to the mobile home community can be required to undergo improvements.

Jenkins asked what kinds of leeway the Planning Commission has to regulate docks. Kaufman and Mehmed explained that the Planning Commission has a lot of control, and can even deny new docks. Jenkins said he didn't want docks protruding into the lake. Mr. Mehmed stated that the Planning Commission can make reasonable conditions as a part of the PUD process. Jenkins stated that he wanted the MHC to be good neighbors, and stated that he wanted to see regulations put on the property.

Norton asked about which specific lots were proposed for development. Discussion ensued about moving the riparian access lot. Commissioners agreed that the current proposed location of the access lot was the best location.

Norton asked about keyholing, Mr. Mehmed explained PUD requirements on lakes, and stated that the current lot is nonconforming, though the PC has the ability to make it more nonconforming through the PUD process.

Norton asked about order of review. Mehmed explained that PUD standards should come first, as it is designed for flexibility and a determination needs to be made as to whether the standards are met. Norton ran through the standards. Commissioners discussed the PUD standards.

Commissioners suggested the conditional privacy fence between Mr. Garber's property and the riparian access lot stand at 4 feet tall beginning at the lake and heading back 25 feet, then increasing to 6 feet tall running to the front face of Mr. Garber's house, then 8 feet tall back to the road.

Commissioners suggested quiet hours for the riparian access lot be one hour before sunrise one hour after sunset.

Commissioners suggested a new gate be installed at the riparian access lot, including a locked door with a keypad or some other form of security, to be closed at all times.

Commissioners suggested no docks be allowed to protrude off shore on the new lots, however boardwalks along the water's edge are acceptable. No boardwalk or dock will be permitted at the riparian access lot.

Commissioners discussed setbacks as a part of the PUD. Commissioners requested that the front yard be considered the lakeside.

Jenkins asked about private roads. Mr. Mehmed explained the private road regulations. It was determined that they do not apply in this situation since the private road is existing.

Commissioners suggested that no parking shall be allowed on or adjacent to the riparian access lot. Driveway shall be a hard surface such as concrete or asphalt.

Commissioners suggested that no personal storage be allowed on the site belonging to residents of the MHC.

Commissioners suggested the lakefront side of the new homes contain living space, such as porches, doors, windows, etc.

Commissioners suggested signage be installed on the riparian access lot gate stating access rules, hours of operation, and contact information.

Commissioners suggested that the fence and gate be constructed by July 1st, 2024.

Motion and Approval: Motion by Homister to approve the application with the following conditions:

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. Copies of all applicable permits should be provided to the Township.
2. Any stipulations of the Delton Fire Department, Barry County Health Department, Barry County Drain Commissioner, Southwest Barry County Sewer Authority, and any other approvals shall be met.
3. Quiet hours for the riparian access lot shall be between one hour after sunset and one hour before sunrise.
4. The gate for the riparian access lot shall be locked and closed at all times.
5. A sign for the riparian access lot shall be installed that state access rules, hours of operation, and contact information.
6. No docks or boardwalks shall be installed on the riparian access lot.
7. No docks shall be installed on the four residential lots. In lieu of docks, each residential lot may have a boardwalk constructed along the water's edge that does not extend beyond the natural shoreline.
8. The lakeside of the four residential lots shall be considered the front yard for the purposes of this development. The applicant shall update the site plan and submit it to the Township for review and approval by the Township Planner.

9. No parking of vehicles shall be allowed on or immediately adjacent to the riparian access lot.
10. No storage of personal property shall be allowed on the riparian access lot.
11. All dwellings constructed on the four residential lots shall have living spaces facing the lake such as porches, patios, windows, and doors. In no case shall a blank wall face Guernsey Lake.
12. All driveways and parking areas located on the four residential lots shall be paved with a durable hard surface (asphalt, concrete, etc.)
13. A durable privacy fence shall be installed around the riparian access lot as follows: 25 feet from the lakeshore shall be four-feet high, the remaining shall be six feet until the lakefront side of the neighbor dwelling, the remaining shall be eight-feet high to the private street right-of-way.
14. The riparian access lot shall be improved with fencing, gate, and signage by July 1st, 2024.
15. The Guernsey Lake Mobile Home Park owner and/or operator is encouraged to work with the neighborhood on the improvement and maintenance of Lakeside drive.

Support by Jenkins. All Ayes. Motion carried.

Chair Norton expressed that their bylaws require a motion after 2.5 hours to either continue or adjourn the meeting. But first, Chair Norton asked about next month's meeting. Mehmed and Kaufman would be available on March 21st.

Unfinished Business: Stoneco Mining Operation SEU Application

The following written comments were received after the January 18, 2024 Planning Commission meeting, and were distributed to the Planning Commission members:

Email from Gary O'Dell (1-30-24)

Email from Molly Sage (2-8-24)

Email from Dolores Scobey (2-9-24)

Email with attachment from M. Wilczynski (2-11-24)

Email with attachment from Healthy Waters Alliance (2-16-24)

Email with attachment from Healthy Waters Alliance (2-16-24)

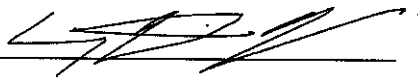
Email with attachment from Larry and Barb Heslinga (2-19-24)

Email with attachment from M. Wilczynski (2-20-24)

Zoning Administrator Comments: Mr. Mehmed had no comments.

Other Business: None.

Adjournment: Motion to adjourn by Homister. Supported by McKelvey. All Ayes.
Motion carried. Meeting concluded at 9:11pm



Craig Jenkins, Secretary

03.08.24

DATE