

# Rutland Charter Township Planning Commission Meeting

Wednesday August 3, 2022 at 7pm

## Members Present:

Marti Mayack, Brenda Bellmore, Larry Haywood, Jim Blake, Dan King

## Members Not Present:

None

## Others Present:

Larry Watson, Gene Hall, Rebecca Harvey, Craig Rolfe, Les Raymond, Robin Hawthorne, Dave Passmore, Bob McKay, Steve Wagner, Steve Pachulski, Amber Hoover, Todd Curier

## Approval of Agenda:

Raymond wants to amend the Agenda to add discussion on accessory dwelling units, and an ord. text amendment pertaining to child day care land uses under New Business. Rolfe would like to have removed Public Hearing from "Tabled Public Hearing on Special Land Use" under Old Business. Move the Special Land Use for High Grade Materials company before new business. Motion by Blake to approve the Agenda with the additions and corrections, second by Bellmore. All Aye Motion passes.

## Meeting Minutes:

Blake states that there is a mistake in the minutes from last month's PC Meeting on page two, paragraph 4, line 13 the word not should be removed and should read "will run from 7am-7pm, 6 days a week." Motion by Blake to accept the July 6, 2022 Meeting Minutes, second by Mayack.

Roll Call Vote: Mayack- Yes, Bellmore - Yes, Haywood - Yes, Blake - Yes, King- Yes

## General Public Comment:

None

## Guests:

None

## Zoning Administrator's Report

Raymond states that he has no Zoning Administrators Report at this time

## Old Business:

Haywood asks Attorney Rolfe to go over the new information that had been received since last month's PC meeting. Attorney Rolfe briefly goes over the Prein & Newhof engineering report received July 25, 2022 that is attached to these minutes. Harvey states that most of these points are already in her staff report on last month's Public Hearing on High Grade Materials Company. Harvey's staff report is also attached to these minutes.

Haywood asks Hoover if she would like to respond to the report by Prein & Newhof.

Hoover states in response to 1.A.5 the existing building on site would be exempt from the 250 ft requirement as it was there prior. 1.D there is no intention of using a drag line in this mining operation, so it will not go below the water table and no pumping will occur.

There will be no wash plant on site. Hoover states they are fine with 100ft of rock or crushed concrete at Goodwill Rd. 1.H Copies of the liability insurance have been provided to the township. Under Other Considerations:

1. There will be no materials hauled onto site for processing. They will be taking materials out and processing elsewhere
2. There is an existing gate leading up to the pit that is locked.
3. The offsite route will be dealt with with the Barry County Road Commission unless the Township has any other concerns, if so she would be happy to hear them.
4. All copies of the permits shall be turned into the Township.
5. High Grade, in the past, has never had to complete a Phase 1 study onsite that is usually done through EGLE.
6. This is covered in the reclamation plan and all materials shall be removed upon completion of the mining operations.

A picture of the dry screener that will be used at the pit was provided to the Planning Commission.

Public Comment:

Dave Passmore states he lives next to the farm and is concerned about his view of the countryside and the view of Barry County, Yankee Springs will be devastated. He is also concerned about dust, asbestos control and the value of the homes in the area.

Hoover responds that employees are monitored twice a year and their levels are fine.

Bob McKay lives across the road from the pit where the road is located. Curier has agreed to a berm to screen the view from phase 2 of the gravel mining. McKay requests that the Planning Commission make a condition of approval on the SEU the 100ft berm.

Steve Wagner states his concern over the property values and whether or not he would be able to sell his home due to the enlargement of the gravel pit. Berms will not work for where he lives as they will not be tall enough and requests pine trees on the berm. He is also concerned about additional calcium chloride on the road and the impact on health.

Hoover states the existing gravel pit was already there when Wagner purchased his home and doesn't feel this will be an issue. There are existing trees around the berm already and evergreen trees will not be cost effective as this is a short operation and will be done in ten

years. Passmore again raises concerns of land values going down and more possible phases in the future.

Haywood closes floor to public comment.

Attorney Rolfe leads the Planning Commission through the standards of the Ordinance for Special Land Use.

Harvey states that all these standards have been answered in her report (attached to the minutes on page 5) for use as a guide in their deliberations.

1. The size, nature and character of the use will be compatible with the other uses and buildings and structures expressly permitted within the zoning district, especially where the location of the use is adjacent to or in the approximate area of residential dwellings;

Planning Commission reply: standards met

2. The use will be compatible with the natural environment of the area;

Planning Commission reply: standards met

3. The use will not adversely affect the capacities of public services and facilities, and will not cause unreasonable traffic congestion or otherwise specially burden the public roads and streets in the area;

Planning Commission reply: standards met

4. The lot upon which the use is proposed is able to accommodate all off-street parking facilities required by this chapter;

Planning Commission reply: standards met

5. The use will not in any manner be detrimental or injurious to the use or development of adjacent properties, to the occupants thereof, or to the general neighborhood;

Planning Commission reply: standards met

6. The use will not adversely affect the public health, safety, and general welfare of the community;

Planning Commission reply: standards met

7. The use will be in accordance with the character and adaptability of the land at issue;

Planning Commission reply: standards met

8. The standards required in subsections 1-7 above for approval of any special land use can and will, in the Commission's judgment, be met at all times;

Planning Commission reply: standards met

9. The standards specifically applicable to the particular use in 220-20-7 or elsewhere in this chapter can and will, in the Commission's judgment, be complied with at all times.

Planning Commission reply: standards met

Next the Planning Commission and Attorney Rolfe discuss specific standards required under 220-20-8 for Aggregate Processing/Quarrying/Commercial Excavations.

A. Location: all six standards met

B. Sight Barriers: all standards met

C. Nuisance Abatement: all four standards met

D. Environmental Protection: first two standards met, third standard extra rock or crushed gravel will be needed

E. Reclamation of Mined Areas: all standards met

F. Submission of Operational and Reclamation Plans: all standards met

G. Review and approval criteria: all standards met

H. Liability Insurance: all standards met

Planning Commission discussion, Blake feels that a \$5,000 performance bond is too low and should be around \$7,000 per acre. Planning Commission discusses and concurs that a \$5,000 performance bond is adequate and to have a periodic examination of the bond.

Conditions of approval are discussed by the Planning Commission

1. A \$5,000 per acre performance bond with an annual review after each phase is implemented
2. Removal of all tanks and equipment upon completion
3. All required permits turned over to the Township Clerk
4. The hundred foot berm will be installed per the agreement with McKay and Curier
5. All signage will be applied for and approved by the zoning administrator at a later date

Motion by King, second by Mayack that the Special Land Use and Site Plan be approved with the conditions of approval as discussed by the Planning Commission.

Roll Call Vote- Mayack-yes, Bellmore-yes, Haywood-yes, King-yes, Blake-yes. Motion Passes.

### **New Business:**

Raymond discusses the two proposed text amendments, one pertaining to front lot lines on lake lots and the other a request that removes the restriction on outdoor storage in the LI District. Attorney Rolfe and Raymond discuss having the public hearing for both text amendments at the same time and possibly at the October PC meeting.

Raymond also discusses the possibility of adding to the Zoning Ordinance accessory dwelling units.

### **Open Comments:**

None

### **Adjournment:**

Motion by King to adjourn, second by Bellmore. All ayes.

Meeting Adjourned 10:10pm. Submitted by Robin Hawthorne, Clerk