

MINUTES

BIG RAPIDS CHARTER TOWNSHIP

PLANNING COMMISSION

Tuesday, November 13, 2018 --- 7:30 p.m.

Mecosta County Services Building, 14485 Northland Drive, Big Rapids, MI 49307

I. CALL TO ORDER: 7:30 P.M.

Chairman Amanda Wethington called the regular meeting of the Big Rapids Charter Township Planning Commission to order at the Mecosta County Service Building Conference room on Tuesday, November 13, 2018 at 7:30 p.m.

II. ROLL CALL:

Present: Zach Cook, Mary Davis, Bob Hampson, Gordon Oliver, Mark Sweppenheiser and Amanda Wethington. Carman Bean was excused. The record shows a quorum is present. Also Present: Zoning Administrator and Recording Secretary, Brent Mason.

III. CONFLICTS OF INTEREST:

Mrs. Wethington asked if any of the Commission members had known conflicts of interest with any item on the agenda for this meeting. No one indicated that a conflict of interest existed.

IV. MINUTES:

Mrs. Wethington asked the Commission to review the minutes of the October 9, 2018 regular meeting. Mr. Sweppenheiser made a motion to approve the October 9, 2018 minutes as submitted. Mrs. Davis seconded the motion. There was no further discussion. The motion passed unanimously with six ayes.

V. PUBLIC COMMENT:

There was no public comment.

VI. PUBLIC HEARING ON SUP 18-003: Rieth-Riley Mining Application.

Mrs. Wethington called the Public Hearing to order at 7:32 p.m. for SUP 18-003, Rieth-Riley Construction's request to operate a gravel mine on property they own at 18220 Taft Road in Big Rapids Township. Gary Schenk, representing Rieth-Riley, spoke first regarding the application and the proposed operation. The parcel is approximately 40 acres in size and gravel mining will take place in two phases on a total of 22.4 acres. Approximately 800,000 tons of material will be extracted. Over 90% of that material will be used by Rieth-Riley for road construction at their Big Rapids plant. Each phase will be a separate and distinct phase, but when the entire mining operation is completed, there will be an approximately 5-acre lake near the center of the property and five to seven residential lots on the property, which are permitted by the zoning ordinance in the Agricultural district. This is in line with the township's master plan, which shows this area as future residential use. There will be a 150-foot setback around the entire site with a 40-foot-wide by 10-foot-tall berm to control access, noise and dust. There has already been a permanent fence constructed around the property. Mr. Schenk gave a brief overview of why Rieth-Riley needs this material now due to the closing of a major gravel pit that they have been mining for the past 15 years, and that their existing mine in Paris is also running out of the material that they need. This material is required for road construction in the state and the increase in tax dollars for roads and bridges is increasing the demand for this material. Rieth-Riley has a substantial commitment to the Big Rapids area

and provides 25 direct jobs and many indirect jobs through other contractors. The Big Rapids office is the district office for West Central Michigan.

The proposed plan is very similar to the project presented and approved in 2003. It meets all the requirements of the ordinance as confirmed by the township engineer's review. Rieth-Riley has taken care of verifying that they checked all the boxes required to meet the zoning ordinance requirements. They do accept and will agree to all the proposed conditions that are required for a mining operation. The only major change is the location of the access driveway. The proposed access is now along the east side of the property and will access M-20 at the corner of 180th Avenue and Taft Road. This road was previously used to access a former gravel pit adjacent to this proposed site. The appropriate driveway permits have been obtained, and this drive will be paved to reduce noise and dust. The roadway will be easy to keep swept and clean, diminishing the amount of material that might get deposited on the public roadways from the trucks leaving the site. They have contacted the neighbors to the east in Colfax Township and those neighbors are satisfied with this solution for dust and noise. This location is much better than having the trucks enter M-20 directly from the existing property driveway, west of the corner. This will provide for better site lines for the trucks entering the M-20 traffic and provide for a smoother operation. Traffic has been looked at and they don't believe that this will increase traffic congestion at all. The haul route will be the same, running along M-20 to the west, then north on Business route 131 and east on 19 Mile Road to their plant. Noise control is a big concern and they will take noise attenuating and dust control measures very seriously. They want to minimize the impact on the neighbors.

Mr. Schenk continued by stating that this area has remained pretty much the same since the 2003 permit was issued. He doesn't believe that this request will create any greater impact than the approved project would have in 2003. Operationally, they will start in the center of the site and work down to the floor of the material, then work out to the sides of the site. This will essentially cause them to be operating in a bowl that will be enclosed by the berm. They will be using state of the art equipment that produces less noise than in the past.

There is a wetland in the Northwest corner of the parcel, and they will not disturb that wetland. Mr. Schenk has heard that there is a concern about the water wells in the area. Their excavation will probably be in the range of about 20 feet deep. There may be areas where it goes deeper when the material is deeper, but they would not anticipate being over 40 feet deep. The lake will be formed by water that comes out of the sandstone that is there. They are not punching into aquifers. There will not be any chemicals used on the site. They will make the same offer that they made in 2003. If somebody comes to them with evidence that what they are doing has impacted their well, we will replace the well. They acknowledged that wells get old and fail, so if someone comes to them with evidence that their well failed because of something Rieth-Riley did, they will replace the well. If this needs to be a condition of the permit, they will accept it just as they did in 2003.

Equipment on site initially will be a bulldozer and a scraper to remove the overburden and build the berm. The actual excavation will be accomplished with a front-end loader, and a second front-end loader during the times that they are processing material in the center of the site. They anticipate that they will have the material removed from the site before the end of the 10-year SUP period. They realize that they have to reapply every 2 years, and feel that is a good system for checks and balances. They will not be using any potable water on site and will not be taking any water from the site. They will not be using any chemicals on the site. The previous permanent structures from this property have been removed and Rieth-Riley will not

be building any structures on this site. Noise attenuation will be accomplished by the berm, operating in the bowl, the relatively small size of the site and the state-of-the-art back-up alarms. They will provide noise monitoring and reporting as required by the township at their expense. They historically operate under the required noise limit at 150 feet, and will be operating further from the property line than that most of the time.

The benefits of having this material available in the area provides for good roads, bridges and other construction that are important to the community. Both engineering reports agree on one thing. There are no serious consequences arising from this proposed operation. A property value impact analysis has been provided and prepared by a certified real estate appraiser who has done a great deal of study in this area. He concluded that there would be no adverse impacts. We put together a plan that minimizes the negative impact to the area and helps us continue to operate as a good neighbor. We hope you see that too. He thanked the Planning Commission for the opportunity to present this application and offered to answer any questions.

Mrs. Wethington went over the rules for public comment and asked if there was anyone else who wanted to speak in favor of the project. No one indicated that they wished to speak in favor, so she opened the floor to those who were opposed.

Mr. David Hamelund of 18256 Taft Road was recognized by Mrs. Wethington. He stated that he was that pesky guy to the west of the proposed site. He asked whether he should read his letter to the Planning Commission or highlight the points of concern. The members of the public asked him to read his letter and Mrs. Wethington allowed him do that.

November 13, 2018

Good evening Madam Chair,

Please let me start tonight with thanking the board for this opportunity to address my concerns about the special use permit request for mining in my neighborhood.

Reith Riley is a good solid company that has been a good customer of mine for over 30 years and whose products we all enjoy. I would also like to state that if I had to have company mining sand and gravel next to me I would want it to be Reith Riley and its manager Chad Waldo.

The State of Michigan has decreed that gravel extraction, when done for a profit, cannot be stopped unless very serious consequences would result. The state law in my opinion is design to weigh the public interest of finding material for roads against the private interest of keeping any neighborhood intact. God has blessed Mecosta County many veins of gravel, many of these are closer in distance and richer in mineral content than this site.

I believe the adjacent property owners have been very patience with considering the public need for road material. This tract of land is not in a favorable location for Reith Riley to extract gravel. This is the primary reason this land and special use permit was abandoned the last time. I am very concerned that this may happen again, this time possibly after they have opened the pit up knowing they could always come back for an extension. Tonight, I cannot prove that "very serious consequences" as defined legally would happen. But please let me use a more common-sense approach to looking at this matter as this property is on the Big Rapids Township east boundary and the west boundary of the Township of Colfax. These townships have two very significant differences in regulation regarding mining. It would make no sense at all to win the battle in Big Rapids Township merely to have Reith Riley move the piles of sand and gravel to the 15 acres they own along with a grandfathered mining permit in force. I believe a comprise is in order so that the neighbors have as good a life as possible with something big,

noisy and dusty as gravel pit.

My understanding of this procedure tonight is to review the items the applicant must meet to be issued a special use permit. Tonight, is not about likes and dislikes but what is permitted use and what is not permitted uses.

Below are sections taken from the current special use permit section 153.130 USES BY SPECIAL USE PERMIT.
153.130 USES BY SPECIAL PERMIT.

Prior to approval of a special use permit, the Planning Commission shall ensure that the standards specified in this section, as well as standards established elsewhere in this chapter shall be satisfied. All Uses by special permit shall comply with each of the following standards and requirements as Listed in this division (1) The nature, location and size of the special use shall not change the essential character of

of the Surroundings area, nor disrupt the orderly and proper development of the district as a whole. The use shall not

be in conflict with, or discourage the adjacent or neighboring use of lands or buildings.

(A) I have pictures to show what the essential character of the surrounding area is now and a list of property owners and when they got title to the adjunct land.

All of these folks chose to live where they are because of how the area existed then and how it has basically remain unchanged. Low density residential housing, farm land and yes, a gravel pit on a hill with the last operator being a two-man outfit with a single front end loader and a single axle truck

(B) The essential character of the neighborhood will be forever changed by this gravel pit. (I don't buy into the promise of lake front property and beautiful single family homes after Reith Riley are done. I believe, at best, there will be an empty pit with limited vegetation growing on it and a small brown water pot hole

(C) This gravel pit has been on the minds of this neighborhood for the past 15 years.

(2) The special use shall not diminish the value of the land, buildings or structures in the neighborhood.

We believed housing values of the surrounding land and the homes will be reduced in a great amount during the actual working of the pit. I have a letter from a local real estate broker giving a professional opinion of adjacent property values during the actual mining process. Depending on whether the water pond develops or not would determine if the long-term value goes up or down. Please just think of yourself and if you had a choice of buying a house both of equal value and general location. One is located next to a gravel pit and the other is located in a large tract residential setting. Which one would you buy? Any person who is in the real estate business will tell you noise; truck traffic and dust have an adverse effect on pricing. We will have all three.

(3) The special use shall not increase traffic hazards or cause congestion on the public highways or streets of the area. Adequate access to the parcel shall be furnished.

The location of this 40 acre pit on Taft Road/M20, which is a 2 lane public highway will cause slow noisy truck traffic on the curves on 180th Ave. to 15 mile Road. This will increase the chances of traffic backups, stone damage to other vehicles, and property damage accidents.

(4) The water supply and sewage disposal system shall be adequate for the proposed special use by conforming to

State and County Health Department requirements, and the special use shall not overburden any existing services or facilities.

I have a detailed list of wells in the area showing some of the domestic water wells that surround this proposed pit. I believe the public health could be in serious jeopardy if the depth of the extraction goes deep enough to puncture the water aquifer that the surrounding neighbors have their domestic well drawing from (see attached well list). We are concerned that our wells could dry up or diminish the amount water in the draw tube. Another commonsense

issue would be wells downstream of the pit being contaminated with VOC's etc. from an opening in the same water level. We are also concerned about current ground contamination because we know that snow from the City of Big Rapids has been dumped on the field numerous times over the last few years.

(5) Uses by special permit shall not be significantly more objectionable to nearby properties by reason of traffic, noise, vibrations, dust, fumes, odor, smoke, glare, lights or disposal of waste than the operation of any principal permitted use, nor shall the special use increase hazards from fire or other dangers to either the property or adjacent property.

I appeal to your common sense that with any gravel pit of this size will come with noise, dust and increased traffic all of which are objectionable hazards in a residential area. With the piles of gravel as high as the applicant's drawings shows and the amount of men working that in the pit on any given day, you will absolutely affect the quality of life enjoyed in adjacent homes and the yards. One of these homes houses children and is located easterly about 100 feet from the proposed sand piles. I have also attached an analysis from the W.E. Upjohn Institute for Employment research that gives a different prospective of gravel mining.

(6) The Planning Commission may require that the premises be permanently screened from adjoining or contiguous properties by a wall, fence, plant screen and/or other approved enclosure when deemed necessary to buffer the surrounding uses from objectionable noise, light and the like created by the special use.

I believe Reith Riley has proposed a berm that will begin to address the visual part intent of this section

(7) The special use shall be consistent with the intent and purpose of this chapter and with the intent of the land use plan for the township. The special use shall be compatible with the natural Environment and shall not inimical to the public health, safety and general welfare.

(1) The 50 year master plan, of 30 years ago, shows residential zones for the area we are discussing. This master plan really has not been updated for many years. This is because there always seemed to be issues that took precedent, mainly the township's very limited resources.

(2) The size of the piles of sand/gravel located on any edge of this property is a huge dust issue for the people living in the homes located immediately to the east of these piles. To help lessen the dust, please do not allow the pile of sand/gravel to be any higher than the perimeter sod covered berms.

SUMMARY

I believe the applicant does not meet most of your own township requirements for a special use permit. It should be noted that any one of these is sufficient to deny the request. I understand the state law overrides the township ordinances in this case so the board has only one choice and that is to approve the special use permit for mining this property. To do otherwise would invite a lawsuit that the township would lose. With that said, the state law and the townships own zoning ordinances gives the township planning commission the right and duty to regulate the said mining operation. It is not this body's job to ensure that the applicant makes a large profit or no profit, but rather to allow this operation if they can do so by their own choice for a profit.

(1) This body needs to set perimeters that are in line with what a reasonable person, zoning ordinances, and state law would allow. Giving the applicant the same conditions and length of time and the hope of coming back for additional time because they find a better pit to draw from is not what adjacent property owners and I believe a reasonable person would want to happen. The applicant has had a special use permit that was issued in 2003 and it was good for 7 years. The actual mining allowed in this special use permit was not even started. I believe the neighborhood has been anxious about when they were going to start mining for all of that time. What year was it going to happen? How long is this going to be allowed? Should we sell before they start mining or wait until they have completed mining? I believe the planning

commission has already been very reasonable in allowing the mining on the property. Now as part of this new special use permit one of the conditions should be a short finite duration, 3 years, for the mining process to occur and then no renewal. By accepting this special use permit Reith Riley agrees not to ask for any extension in time. The applicant has had plenty of time to mine this property and now adjacent property rights should be given greater consideration.

(2) I believe a statement from Reith Riley stating they will accept responsibility for anything that adversely affects a well within 1 mile of this pit. A performance bond in the amount of 1 million dollars would ensure the replacement of the wells. A second proposal would be water quality and flow rate testing overseen by the township or a third party to establish a base line for future reference.

(3) In addition to the requests in the above sections (wells, dust, and traffic control) another point to consider this property's unique geographic location bordering two different townships with two entirely different rules would be the day to day questions and actual enforcement of the mining ordinance. By appointing a committee of the various different views these parties could bring a workable solution to issues that will happen during the operation of the mining pit. Based on what I have witnessed firsthand with other zoning issues along with many discussions with the supervisor and the zoning administrator I am very concern that very little will be done to actually enforce the decision of this commission. This proposed committee is a way of dealing with an issue before it becomes a problem. The committee would be advisory in scope, would be appointed by the township board and would work under the freedom of information act.

(4) The planning commission will not issue any statements that are in conflict with the township mining ordinance as this document was reviewed by many different points of view including myself and Reith Riley over a six-month period. All the invited parties agreed that ordinance was reasonable and that it could be enforced as written.

(5) I would also ask that the special use permit be tabled until this the commission has time to research this and give neighbors of the property time to process and discuss what they have seen and learn here tonight. We are at the end of a construction year nothing is going to be mined until next spring no matter what happens here tonight. Let's us not rush this process. This planning commission will make its decision and none of you are living or will live next to this pit. We are VERY concerned about the depth of mining, the character and tranquility of our neighborhood. What long term effects will be from opening the different aquifers? Please consider when do the rights as long term adjacent property owners match those of a relatively new comer to the neighborhood?

Sincerely yours,
David Hamelund
18256 Taft Road
Big Rapids

Brian Cady of 15380 – 180th Avenue, on the east side of the proposed site. He disagrees that there has been no change in the area. He purchased his property in 2004 and was unaware of the of proposed mining operation. He believes that the proposed access from M-20 will create problems and is very dangerous at times. Some traffic misses that curve and may create a safety issue that should be addressed. He is also concerned about having to prove that their wells have been affected by the operation. He doesn't want to have to follow legal pursuits if his well goes bad after Rieth-Riley begins mining. He understands that the gravel pit is probably going in and he appreciates everything Rieth-Riley is doing to minimize that effect on the neighbors.

Mr. Schenk asked Mrs. Wethington if he could respond and she allowed his reply. Mr. Schenk restated that if you could demonstrate that your well problem was reasonably caused by Rieth-Riley they would not dispute it. He did mention that he has been doing this for over 40 years and he has yet to see one well failure caused by a gravel mining operation but nevertheless if a reasonable request is presented, they will cover it. We are good neighbors and will continue to be good neighbors. The driveway that is proposed is better than the previous plan and the sight lines are good and their drivers will be careful entering and exiting the site.

John Monahan of 15600 – 180th Avenue asked about the hours of operation. Mr. Schenk replied that the ordinance sets the hours. Mr. Mason replied that the hours are 7 am to 7 pm Monday through Friday and 7 am to noon on Saturdays. No operations on Sundays or holidays. Mr. Monahan asked about the development of the property after the mining is completed. Is Rieth-Riley developing those 5 to 7 lots themselves and will they be selling them. Mr. Schenk said that the property is valuable to Rieth-Riley just as it would be to anybody else, and they will not leave it in poor shape. The berms will be removed and used to reclaim the property. Mr. Monahan wondered how this might affect his ability to hunt with the new housing coming to the area.

Mr. Cady asked how the wildlife in the wetland area might be affected, and Mr. Schenk assured him that they will not disturb the wetlands. Wildlife in other areas of mining are not usually affected much, and the deer, coyotes and turkeys often come out into the gravel pits. Mr. Cady wondered if the existing osprey nest on the corner would be affected, and Mr. Schenk said that their operation will not be disturbing or encroaching on that nest. Mr. Cady mentioned that the osprey nest has become a “tourist attraction” and could create traffic concerns. Mr. Schenk said that they don’t expect to drive off any of the wildlife and don’t anticipate any impact.

Doreen Figg of 15140 180th Avenue is concerned about property values. She and her husband are approaching the time that they may want to sell their property and don’t wish to have the value of their property decrease. Mr. Schenk gave information from a certified appraiser that the property values near a gravel mine do not decrease over time and many exclusive and expensive properties exist in close proximity to gravel pits in the state. Mrs. Wethington asked what would happen to the site if a lake doesn’t form. Mr. Schenk stated that the ground water on the property is pretty uniform, so there should be a lake, but if it doesn’t form, they will level off the property for uniform lot development. She asked if it would drain the wetlands, and Mr. Schenk reiterated that the water for the lake will come from the limestone and not the wetlands, and it will be less than 5 acres in size.

Rich Andres of 18645 – 16 Mile Road asked if the DNR had approved mining near the wetlands, and Mr. Schenk advised that the DNR didn’t need to because they aren’t operating in the wetlands. Mr. Andres agrees that there will be a lake but he doesn’t think there is any gravel there. Mr. Schenk advised that the borings assure that gravel is present.

Tom Harvey of 1195 West Lake Drive in Novi said his family owns the property directly to the north of this property. He is concerned that their property will lose value if the gravel pit operates, and their view will be of a gravel pit. He is requested that a decision be postponed because he feels that the property is being changed from residential to industrial. He is requesting that a conversation be kept going with the operators and the neighbors. The text of his lawyer’s letter is here.

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November 9, 2018

Mr. Brent Mason
Zoning Administrator
Big Rapids Charter Township
14212 Northland Drive
Big Rapids, MI 49307

Re: Application for Special Use Permit SUP 18-003

Dear Mr. Mason:

The undersigned represents Thomas Harvey, beneficial owner of a 20 acre parcel of land abutting the property that is the subject of the pending application filed by Reith-Riley Construction Company for a special use permit to operate a gravel mine. My client's property is immediately north of the east half of the subject property, with a common boundary line being the south line of my client's parcel. Pursuant to the Notice of Public Hearing, I am submitting these comments on behalf of Mr. Harvey for consideration by the Big Rapids Township Planning Commission at its November 13, 2018 at 7:30 p.m. meeting where this application will be considered.

Pursuant to Section 3.13 of the Big Rapids Township Zoning Ordinance, uses requiring special permits are those uses of land which are not essentially incompatible with the uses permitted in a zoning district, but possess characteristics or locational qualities which require individual review and restriction in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. Subsection 3.13(b) states that "the special use shall not diminish the value of the land, buildings or structures in the neighborhood."

The Applicant has failed to demonstrate its proposed use will meet the requirements of Subsection 3.13 (b). Presumably to establish compliance with this requirement, the Applicant has submitted an Impact Report prepared by James Van Stensel that purports to address this issue. However, by its terms the Impact Report expressly excludes any analysis of the impact potential environmental contamination from the mining operations may have on the value of adjacent property. Indeed, item 10 of the "Assumptions and Limiting Conditions" section states that "all influences on value resulting from potential ... environmental contamination ... are excluded from this report." If further states that assessing or measuring the impact that adverse environmental conditions may have on value "is beyond the scope of the appraiser's expertise

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and beyond the scope of this report.” Given this limitation, the appraiser’s conclusion that the proposed mining operations will not negatively impact the marketability of properties adjoining or within close proximity to the subject property cannot be accepted and the Impact Report fails to show the proposed use will conform to the requirements of Section 3.13(b).

While a bag of gravel may look fairly benign, the process of getting it has many significant environmental impacts. Studies have shown that creating the pits requires the removal of virtually all natural vegetation, top soil and subsoil to reach the aggregate underneath. Not only does this lead to a loss of existing animal wildlife, it also leads to a huge loss of biodiversity as plants and habitats are destroyed. Moreover, adjacent eco-systems are affected by noise, dust, pollution and contaminated water. Pits disrupt the existing movement of surface water and groundwater; they interrupt natural water recharge and can lead to reduced quantity and quality of drinking water for residents and wildlife near a gravel mining site. Furthermore, most old pits are not properly rehabilitated. Of course, each pit or quarry has unique characteristics and impacts, but every pit or quarry will degrade the natural environment. See Winfield, M and A. Taylor. *Rebalancing the Load: The need for an aggregates conservation strategy for Ontario*, 2005. The Pembina Institute, pgs. 8-9.

Furthermore, open gravel mining presents significant health risks. In Michigan as of 2016, there were 413 active mines of which 366 were surface sand and gravel operations. From 1-1-2015 through 2-20-2018, according to the Mine Safety and Health Administration (MSHA) on-line Mine Data Retrieval System (MDRS), 213 of mine locations in Michigan had at least one silica air measurement above the current allowable level of 0.05 mg/m³, which indicates a risk to miners of silicosis, and the other conditions associated with exposure to silica including COPD, lung cancer, rheumatoid arthritis, scleroderma, chronic renal failure and active tuberculosis. Source: Michigan State University, College of Human Medicine, Occupational and Environmental Medicine, Project Sensor News. Fall, 2018.
<https://oem.msu.edu/images/newsletter/ProjectSensor/v29n4.pdf>

Despite the clearly documented adverse impact that gravel mining has on the environment and public health the Impact Report submitted in support of the application, by its author’s own admission simply excludes these factors in reaching its conclusion regarding property valuation. Under these circumstances, the Planning Commission should deny the application. In the alternative, the Commission should defer any decision until the applicant provides a full impact report that specifically includes an assessment of the potential environmental and health impact of the proposed mining operations and how these factors may influence property values in the vicinity. Furthermore, the Commission should insist that this report be prepared by someone other than Mr. Van Stensel as he has acknowledged that he is not qualified to make such an assessment.

Likewise, Section 3.13 (e) of the zoning ordinance states that “[u]ses by special permit shall not be significantly more objectionable to nearby properties by reason of traffic, noise, vibrations, dust, fumes, odor, smoke, glare, lights, or disposal of waste than the operation

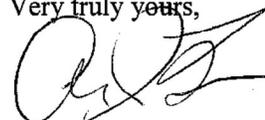
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of any principal permitted use, nor shall the special use increase hazards from fire or other dangers to either the property or adjacent property.” The Applicant has failed to demonstrate compliance with this requirement.

Finally, the commencement of gravel mining operations on the subject property and the corresponding heavy truck and equipment traffic on the adjacent roads will send a clear signal to residential developers that this area of the township is becoming somewhat industrial in nature and should be avoided for residential development. This will reduce the desirability of vacant land adjacent to the subject property for residential development, including but not limited to my client’s parcel.

In summary, the Applicant has failed to demonstrate that the proposed use of the property satisfies the requirements for a special use permit in an Agricultural District. Therefore, the application should be denied.

Very truly yours,

A handwritten signature in black ink, appearing to read 'A. J. LeVasseur', with a long horizontal line extending to the right.

Arthur J. LeVasseur

AJL:dmm

Mrs. Wethington asked Mr. Schenk about the Colfax Twp. property that was a pit, and Mr. Schenk stated that Rieth-Riley had purchased that parcel about a year ago, planning to redevelop it along with this parcel.

Laura Monahan of 15600 – 180th Avenue asked about the hours of operation for crushing and processing. Mr. Schenk stated that the processing operation occurs sporadically to build up stockpiles of materials and then it ceases until the stock is depleted.

Mr. Schenk responded to a question from Mr. Hamelund about noise levels during the crushing operations, and he replied that they still need to meet the 75-decibel level at the property line while crushing is going on.

Robert Maguire of 15059 -180th Avenue gave Rieth-Riley credit for the plan they presented, as opposed to a different company that received a mining permit earlier. He feels that Rieth-Riley is honest. He feels that this decision will be difficult. He told the Commission that they have a responsibility to consider this decision carefully.

Mrs. Wethington asked if there were any more comments, and hearing none, closed the public hearing at 8:44 p.m.

VII. OTHER BUSINESS: SUP 18-003 - Rieth-Riley Gravel Mining Permit.

Discussion began based on the information that was presented during the public hearing and delivered to the Commission by the Applicant and by the Township's engineer. Mr. Hampson asked if there was any state law that needed to be considered in the decision-making process. Mr. Mason replied that the Zoning Enabling Act has language that requires a mining operation to be approved unless it can be shown that "very serious consequences" will result. Mr. Hampson explained that very serious consequences are beyond normal or even serious consequences that would occur normally. Mrs. Davis asked about the engineer's report, and Mr. Mason advised that Progressive AE reviewed the mining application and found it that Rieth-Riley met all the requirements of the mining ordinance language.

Mrs. Wethington began by reviewing the SUP questions from the ordinance 153.130 (C).

1. The nature, location, and size of the special use shall not change the essential character of the surroundings area, nor disrupt the orderly and proper development of the district as a whole. The use shall not be in conflict with, or discourage the adjacent or neighboring lands or buildings.

The members discussed whether the essential character will be changed and whether they can prove that very serious consequences will occur. It is temporary in nature and these are huge conflicts. The berm and setbacks are meant to minimize the change. It is allowed by SUP. The end result will be positive.

2. The special use shall not diminish the value of the land, buildings or structures in the neighborhood.

The commission members acknowledged that the information Rieth-Riley provided supported the fact that the property values most likely will not be affected negatively.

3. The special use shall not increase traffic hazards or cause congestion on the public highways or streets of the area. Adequate access to the parcel shall be furnished.

The Commission asked how many trips will be entering and exiting on an average day. Mr. Schenk stated that there would be 25 trips per day for about seven month of the year.

4. The water supply and sewage disposal system shall be adequate for the proposed special use by conforming to State and County Health Department requirements, and the special use shall not over-burden any existing services or facilities.

Not Applicable. No water or sewer will be used on site. Portable toilet facility will be provided.

5. Uses by special permit shall not be significantly more objectionable to nearby properties by reason of traffic, noise, vibrations, dust, fumes, odor, smoke, glare, lights, or disposal of waste than the operation of any principal permitted use, nor shall the special use increase hazards from fire or other dangers to either the property or adjacent property.

Mrs. Davis asked about request for noise monitoring and Mr. Mason advised that the ordinance provides for township requested monitoring once per month at the operator's expense.

6. The Planning Commission may require that the premises be permanently screened from adjoining or contiguous properties by a wall, fence, plant screen and/or other approved enclosure when deemed necessary to buffer the surrounding uses from objectionable noise, light, etc., created by the special use.

Provided for by the fence and the berm.

7. The special use shall be consistent with the intent and purpose of this Ordinance and with the intent of the Land Use Plan for Big Rapids Township. The special use shall be compatible with the natural environment and shall not be inimical to the public health, safety and general welfare.

Reclamation plan is in place and provides for residential usage, which is consistent with the master plan

The Commission members reviewed the zoning ordinance language for the Mineral Mining ordinance licensing procedure. Fence and berm were discussed. Mr. Sweppenheiser asked if any of the adjacent property owners preferred something other than a berm for screening. Conifer trees were mentioned, and could be planted after the berm is removed. Mr. Monahan wants some type of wind protection for snow issues with his driveway. Mr. Hamelund wants the berm to be as high as possible. It was mentioned that when the reclamation occurs, any trees planted now would probably be lost. Discussion continued about the property line, the location of the berm and the potential placement of trees. Mr. Monahan is concerned for his driveway only after the berm is removed. Mr. Schenk agreed that a row of shrubs could be planted during restoration after the berm is removed. Mr. Sweppenheiser suggested that the recommendations from Progressive AE be included in the conditions for approval. The remaining discussion was based on the review of the engineer's report.

Mr. Sweppenhiser moved to approve SUP 18-003 at 18220 Taft Road with the following requirements.

1. The project shall conform to all the requirement of the Big Rapids Township Mineral Mining Control Zoning Ordinance.
2. The applicant's SUP Application, Project description narrative, M-20 Big Rapids Impact Study and the three engineering drawings for the project shall be referenced as exhibits to the permit.
3. All permits required for the project shall be obtained and copies submitted to Big Rapids Township prior to the beginning of any work on the project.
4. All recommendations provided within the Progressive review letter dated November 5, 2018, specifically the bond for reclamation and revegetation with the inclusion of coniferous shrubs and or trees to be planted on the east side of the property at reclamation.

Mr. Cook seconded the motion. There was no further discussion.

Mrs. Wethington asked for a roll call vote:

Mr. Hampson	Yes
Mr. Sweppenheiser	Yes
Mrs. Davis	Yes
Mr. Cook	Yes
Mr. Oliver	Yes
Mrs. Wethington	Yes

The motion passed unanimously with six ayes.

Mrs. Wethington asked if there was any other business. Mr. Mason informed the members that the Woodward property clean-up was progressing well and the contractor that was awarded the project is expected to start before the end of the week. The Aldi project is going to the ZBA on November 20, 2018 for a dimensional variance. Mr. Sweppenheiser thanked the staff for getting all the information out to the members early because there was so much information to review.

VIII. ADJOURNMENT:

Hearing no further business for the Planning Commission, Mrs. Wethington adjourned the meeting at 9:31 p.m.

Motion to approve the Planning Commission minutes of November 13, 2018 by: Mr. Cook. Seconded by: Mrs. Davis. Roll call vote carried with five ayes.

Brent R. Mason, Recording Secretary
BIG RAPIDS CHARTER TOWNSHIP
PLANNING COMMISSION

December 11, 2018
Date Approved