

**Barry County Planning Commission
Meeting Minutes
September 25, 2023**

The meeting was called to order at 7:00 p.m. by Chairperson John LaForge in the Community Room of the Tyden Center located at 121 South Church Street in Hastings.

The Planning Commission members in attendance included: LaForge, Jack Miner, Jack Nadwornik, Joseph Kammenzind, Dave Hatfield, Joyce Snow and Juli Sala. Others in attendance included: Jeffery Castle, Ken Vermeulen, Tony Halloran, James McManus and many other interested people.

Motion by Miner to approve the agenda as printed. Support by Snow.
All ayes – motion carried.

Motion by Hatfield to approve the minutes of August 28, 2023 as printed. Support by Miner.
All ayes - motion carried.

BUSINESS

Special Uses

LaForge explained the procedures of a public hearing.

Case No. SP-8-2023

**Stephannie Castle (Applicant)
Stephannie & Jeffery Castle (Property Owner)**

LaForge recessed the Planning Commission, opened the public hearing and asked Castle to present her request.

Stephannie Castle noted she had a licensed group day care, but she has moved to a new home so she needs a new permit. She said they would like to maintain the group home license for 7-12 children.

LaForge asked if anyone wished to speak in favor of the request. There was no response.

LaForge asked if anyone was opposed. There was no response.

LaForge closed the public hearing and reconvened the Planning Commission.

Miner verified the license allowance. Castle said the license is for 7-12 children.

Miner asked what the hours of operation would be. Castle said 7-5 Monday thru Friday.

Minder asked if Castle would have employees. Castle said she has two employees.

Miner verified the yard would be fenced in. Castle agreed.

Snow asked if Castle would have a sign. Castle said no.

Snow asked if there were any other daycares in the area. Castle said no.

LaForge asked if the school had a daycare. Castle said no.

Motion by Miner to approve Case No SP-8-2023 pursuant to Section 2302 parts 1-7 of the Barry County Zoning Ordinance. Support by Snow.
All ayes – motion carried.

Case No. SP-1-2022

**Michigan Materials & Aggregate Co
(Applicant/Property Owner)**

McManus noted this is a rehearing of the Special Use request because of the new information that was submitted. He noted there will be a public hearing with the rehearing so people can make comment if they choose. He introduced Ron Reddick, the County's attorney.

Reddick noted he had presented information to the Planning Commission previously, and he noted he was available to answer any questions.

LaForge recessed the Planning Commission, opened the public hearing and asked Michigan Materials & Aggregate to present their case.

Ken Vermeulen, an attorney representing the gravel company, noted at a previous meeting, the Planning Commission made a recommendation to approve the request with a stipulation for additional road lanes. He said the Planning Commission could not come up with any very serious consequences, and he noted the Road Commission was ok with the design. Vermeulen commented on the hydrology and noted the ground water in the area is a million acre aquifer, and the gravel operation will be far away from other wells in the area. He noted the hydrogeologic study is based on a worst case scenario, but they will only pump water as needed.

Vermeulen noted the traffic study showed no issues and the housing studies consistently show that home values are not impacted.

LaForge asked if anyone wished to speak in favor of the request. There was no request.

LaForge asked if anyone was opposed.

Don Sklenka said he was adamantly opposed, and he noted no one has spoken in favor of the request. He said the gravel operation will be around for 30 years, which could lead to very serious consequences. He noted the truck traffic will be one truck every two minutes, which will be new traffic on the road. He said Silica dust from the gravel operation will blow onto the neighbors.

Cathy Slagter noted the area is an agricultural area. She said there will be lots of traffic on Miller Road. She was worried the gravel pit will affect her horses, and she is an equine therapist. She said there will be a lot of dust in the area, and her home value will likely decrease.

McManus read letters of opposition from Julie Osgood, Larry Heslinga, Tom Kulpa, Julie Seiter, Wayne Halferty, Christy Tigchelaar, Tom Breznau, and Ken Lutz. He also cited long reports of opposition submitted by Healthy Water Alliance and Pangea Environmental.

Vermeulen rebutted that any comment regarding Silicosis is nonsense. He noted studies have been completed, and the dust from the gravel operation doesn't get to the property line, and there have been no cases recorded in Michigan.

Vermeulen noted the hydrogeologic study was based on a worst case scenario, which will not be met.

LaForge closed the public hearing and reconvened the Planning Commission.

Miner asked about the Upjohn Study. McManus noted that the study was an internal study submitted for the Planning Commission to review.

Vermeulen said the study was a theoretical prediction that there would be a 28% reduction of home value due to a gravel pit, but that did not happen in reality.

Miner asked if the hydrogeologic study was based on Modelling. Vermeulen said the new report was based on slug tests with wells on site.

LaForge asked if the tests were completed by a firm. Vermeulen said NRM (Natural Resources Management) did the study for the Orangeville site.

Nadwornik noted Fishbeck had discussed the well issues at the Hope Twp meeting.

Vermeulen said the ground water flows in multiple directions on the Hope Twp. property, but the ground water flow on the Orangeville Twp. property is consistent.

Snow asked how many wells were tested on the property. Vermeulen said four. Snow asked how far apart the wells were from one another. Chip Tokar, from NRM, noted the wells were equally spaced around the perimeter.

Nadwornik asked which way the ground water flowed. Tokar said to the northwest.

Sala asked if one million gallons/day required a permit. Vermeulen said no and noted that two million gallons per day is the permit minimum.

Sala asked where the 5 foot drawdown occurs. Vermeulen said toward the north property line.

Tokar said all the wells showed a 5 foot or less drawdown.

Sala questioned why the map does not go below 5 foot. Tokar said natural seasonal variations can show lower water tables.

Sala asked if NRM could show smaller drawdowns. Tokar said yes, it is based on the client's request. Sala asked if 5 foot was the standard.

Vermeulen commented that well screens and pumps are further below the surface of the water than 5 feet.

Sala asked what the actual use would be. Vermeulen said they could not say because they were unsure about the recharge and infiltration rates.

Hatfield questioned if it was common for applicants to select contractors for studies. McManus noted previous gravel pit applications did not require the studies, but he noted future requests will. He said he picked the traffic study consultant.

Sala noted the applicant usually hires the consultants.

Sala noted some of the data was from 2009.

Vermeulen noted limestone quarries will dewater below base level which affects wells in those areas. He said this site will not have any dewatering activities. He noted StoneCo will replace any wells if necessary, but any impacts will be minimal. He also noted there are other aquifers to use if needed.

LaForge asked how long the pit will be in operation. Vermeulen said 30-50 years. LaForge questioned if the impacts would change if the variables changed due to climate changes.

Vermeulen noted on average evaporation is equivalent to precipitation. He said climate change is in essence a rounding error.

Miner noted the Bratcher report was for Sharon Twp. Vermeulen said they have not done a study for Orangeville Township, but he noted all of the studies are similar.

Miner noted there are other gravel pits in the county, and he asked if the property values around them have increased at the same rate as the rest of the county.

Nadwornik suggested tabling the request so the new members can review all of the documents.

Motion by Nadwornik to table Case #SP-1-22 so the Planning Commission members can review all of the documents. Support by Snow.

Discussion on the motion:

Miner noted the conditions have not changed.

Sala asked what the original approval was. LaForge noted the Special Use was approved with a stipulation. McManus noted the stipulation was for off-site improvements which could not be enforced so additional hearings were held.

Sala questioned what very serious consequences could be. Reddick noted mining is a unique request due to the fact that gravel is located where it is. So the legislature enacted the very serious consequences clause into the law. The law dictates that an application for gravel cannot be denied unless there are very serious consequences associated with the project.

Reddick noted the level of consequence can vary depending on the public interest in the material. He noted the public interest in the material is more of a governmental interest than public support. He noted that has only been one case that very serious consequences were found to deny a request, and the community cited school bus stops, noise, significant property value decrease, and impacts on a planned PUD.

Reddick noted the small amount of drawdown, the lack of credible evidence regarding silicosis and the other concerns do not qualify as very serious consequences.

Reddick noted the county can have their own consultants if they question the submitted documents. McManus noted he selected the consultant for the traffic study.

Vermeulen noted very serious consequences has to be something unique such as a one lane bridge or an existing hospital.

Reddick noted some aspects of a gravel pit can be regulated.

Sala stated it is difficult to find very serious consequences for this parcel.

Roll call vote taken on the motion:

Miner, Kammenzind, Nadwornik, Hatfield – ayes

Snow, LaForge, Sala – nay

Motion carried – SP-1-2022 tabled until November 27, 2023.

LaForge recessed the Planning Commission at 8:20 pm.

LaForge reconvened the Planning Commission at 8:25 pm.

Vermeulen commented that any consequence that can be abated through regulation is not a very serious consequences.

Public Comment

Bob Norton commended the Planning Commission and told them to keep asking the questions.

Don Sklenka noted the meeting is not a courtroom.

Paul Gunther said a denial will fail in court. He suggested that the Planning Commission approve the permit for a company with a good track record.

Sue Boyer said the area is a lake community, and noise from gravel pits can travel.

Marilyn Breu said she lives on a dirt road and asked if the traffic study included that information.

Gary White noted the original motion was rescinded. He asked if any of the Planning Commission members reached out to the Road Commission regarding the drive.

White continued and noted the Master Plan is being questioned. He said the acreage dedicated for potential solar farms is too high.

Jeff Kresnak said the county attorney was spot on in that there are no very serious consequences for the gravel pit.

Joel Ibbotson noted the solar panel section of the Master Plan needs to be reviewed. He said solar panels affect property values. He asked that the solar fields not be called solar farms. He noted people should not have to purchase sunlight.

Sonie Harrison said many people were against solar fields. She asked to change the Master Plan.

Kalin Rhodes said solar farms will affect housing, and they are not right for Barry County.

Vickie Beatty said 15,000 acres of solar fields is equal to \$12,000,000 of farmland.

Will Beatty questioned why Environmental Impact studies are not required for new solar projects.

Charles Hirtsler said there is lots of energy from a field as well as noise. He noted other projects need permits.

Motion by Snow to adjourn. Support by Miner.

All ayes – motion carried

Meeting adjourned at 9:00 pm.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Jack Nadwornik", written in a cursive style.

Jack Nadwornik,
Secretary

