

**Barry County Planning Commission
Meeting Minutes
November 27, 2023**

The meeting was called to order at 7:00 pm 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. Those also in attendance included: Ken Vermeulen, Steven Stutzman, James McManus and many other interested people.

For the agenda, McManus asked to add "Setting the date for Nashville rezonings" under Other Business. Motion by Miner to approve the agenda as corrected. Support by Hatfield. All ayes – motion carried.

Motion by Sala to approve the minutes of October 23, 2023 as printed. Support by Snow. All ayes - motion carried.

BUSINESS

LaForge explained the procedures of a public hearing.

Special Use

Tabled	Case No. SP-1-2022	Michigan Materials & Aggregate Co (Applicant/Property Owner)
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Motion by Miner to take Case No. SP-1-2022 off the table. Support by Sala. All ayes – motion carried.

LaForge asked if the Planning Commission had any questions.

Kammenzind noted there were concerns about traffic. He asked how many trucks would be there per day. Austin Fisher from Stone Co said there could be 150 trucks per day.

Sala noted it was suggested at the previous meeting that the hours of operation should be from 7:30 am – 7:00 pm M – F and 7:30 am – 2:00 pm Saturday. Vermeulen said starting times of 6:00 or 7:00 is more typical. He noted trucks could be staged before operations start.

Snow said the starting time stipulation was based on school bus routes.

Sala verified that 7 million tons of gravel were expected out of the pit. Fisher agreed. Sala verified that total was only from the Orangeville property. Fisher agreed.

Sala calculated that the total volume would equate to 4 years of use if the pit operated at full steam. Sala noted the expected time of use in the previous meetings was stated to be between 20-30 years. Vermeulen said the pit will last for more than 5 years but less than 50.

LaForge stated that 150 trucks equal 300 trips per day. Fisher agreed.

Sala asked if the clay lining of the ponds would be intentional. Vermeulen said it will be a natural effect of washing the stone.

Sala noted the well use was up to 1 million gallons per day to fill the ponds. Fisher agreed. Sala estimated the volume of the ponds to be 12-13 million gallons. Sala asked if any infiltration tests had been done. Fisher said no.

Vermeulen noted the water use is cyclical and noted any water that is infiltrated replaces what was pumped.

Sala noted if the neighboring wells are affected by the mining, they must be replaced. Vermeulen agreed.

Sala commented on possible stipulations. He said the starting time could be 7:30 am on school days but earlier in the summer. He said the site should have dust control monitoring at the property line. Vermeulen said that has been done before.

Sala noted any complaints about dust would use county resources. Vermeulen noted EGLE also does inspections. Sala asked if Stone Co would be amenable to dust control. Vermeulen said yes.

Sala asked if sound control could be considered. Vermeulen noted other sounds can impact monitors. Vermeulen said he has taken Planning Commission's to active sites to verify the sound.

Sala said a deeper dig will lessen the sound.

Sala asked about a reclamation plan. Fisher wasn't sure if one was completed. McManus said the intent was to grade the slope and stabilize the property for pasture.

It was noted the submitted site plan was also the restoration plan.

Sala cited the ordinance requirement for a 1:3 slope.

Sala asked about any tree removal. Fisher said there was another 30 acres of scrub to be removed.

Sala asked if Stone Co would be planting trees. Fisher said no except on berms during the project.

Sala asked about any specific ordinance requirements.

McManus said no and that a pasture is an acceptable reclamation goal.

Sala asked if the berms would have additional trees. Fisher said yes.

Sala summarized the request and noted the question of need had been answered. Vermeulen noted the gravel borings indicate the site has resources.

Sala noted that many studies have been submitted to verify that there are no very serious consequences. Vermeulen noted he had Van Stensel amend his property value study to include the proposed property, and the study shows no significant decrease in property value.

Sala and Vermeulen discussed the North Star - Watson Twp., court case.

Snow stated the state Chamber of Commerce has indicated there is a statewide need for gravel.

Sala commented that the Watson Twp., case did not overturn the Upjohn Study, but it seemed to indicate that a decrease in property value by itself may not qualify as a very serious consequence.

Sala asked if Stone Co was currently in litigation for gravel pits. Vermeulen said yes in Sharon Twp.

Sala said he checked with the road commission, and they verified Miller Rd has a lot of asphalt with a gravel base.

Sala asked if Stone Co owned their own trucks. Fisher said no, but they do have a few asphalt trailers.

Nadwornik questioned the hydrogeologic report. He said Hope Twp. used an engineer that thought there could be issues. He said he would like to verify that study. He asked if all of the monitoring well data was not used.

Vermeulen stated one well on the Hope property hit a perched water table. He said there were no issues with the Orangeville property.

Sala asked if the monitoring wells will remain in place during the operation. Vermeulen said yes, except for those in areas where digging is happening. Vermeulen said it is a large aquifer.

Sala asked if they track the pumping. Vermeulen said no.

McManus commented that the submitted site plan shows 10 phases. He said Stone Co will need a separate site plan review to mine in front of the identified phases.

Sala noted the steep slope at the boundary is not identified. Vermeulen said they will contour at that point in the future.

Sala asked what the road grade would be. Vermeulen said 10%.

Motion by Sala to approve SP-1-2022 pursuant to Section 2302 parts 1-7 of the Barry County Zoning Ordinance with the following stipulations.

- 1) Hours of operation will be 7:30 am – 7:00 pm M – F and 7:30 am – 2:00 pm Saturday.
- 2) Install one or more dust monitors for one season and have data available for the Planning Department.
- 3) Install sound monitors for one season and have data available for the Planning Department.
- 4) Maintain monitor wells toward the perimeter of the project.
- 5) Submit a reclamation bond.

Nadwornik suggested that the pit access go to Hayward Rd to Norris Rd.

Sala said that the Road Commission should decide that.

Nadwornik noted it was a safety issue.

Sala clarified that the trucks would avoid using Guernsey Lake Rd and Otis Lake Rd and could avoid going through Delton if they use Hayward Rd. Nadwornik agreed.

McManus noted that route had been suggested, but Stone Co was concerned the road could not support the trucks.

Sala said the road could be widened.

McManus suggested that two motions be made; one for the Special Use and one for the Site Plan Review. He noted the access issue is more of a site plan consideration.

Nadwornik asked that a board member be present when Stone Co and the Road Commission discuss access on Hayward Rd.

Ron Reddick, county attorney, agreed that two motions could be done. He suggested including language stipulating no work on legal holidays and having a minimum duration of the permit be for 5 years.

Vermeulen noted the hours of operation must use traditional mining hours. Reddick added to have the extension applied for 90 days in advance.

Sala amended the motion to include the following stipulations.

- 1) Hours of operation will be 7:00 am – 7:00 pm M – F and 7:00 am – 2:00 pm Saturday, except any legal holidays.
- 2) Dust monitoring for one year and have data available for the Planning Department.
- 3) Sound monitoring for one year and have data available for the Planning Department.
- 4) Maintain monitoring wells toward the perimeter of the project.
- 5) Submit a reclamation bond.
- 6) The permit be valid for 5 years and that a rehearing application be submitted 90 days before the permit deadline.

Support by Snow.

Roll call vote taken: 6 ayes – Nadwornik – nay. Motion carried. Special use approval with stipulation.

LaForge recessed the Planning Commission at 8:20 pm.
LaForge reconvened the Planning Commission at 8:25 pm.

The Planning Commission continued reviewing the site plan for Stone Co.

Nadwornik suggested one entry for trucks from Hayward Rd to Norris Rd subject to Road Commission approval.

McManus noted the Planning Commission can only regulate the access locale.

Nadwornik said he would like one member of the Planning Commission at the meeting with the Road Commission to discuss the access point.

Vermeulen noted they may have to reorder the phases if the access point is moved.

“Motion by Nadwornik to approve the site plan on the condition that the access drive to the mining operations shall be moved from Miller Road to Hayward Road only, and that the Applicant use all of its best efforts to secure approval from the Barry County Road Commission for such access to Hayward Road. The Applicant shall include at least one member of the Planning Commission in any and all meetings with the Road Commission that

are convened for this purpose. If Road Commission approval for the Hayward Road access point is obtained, the Planning Director shall have the authority to administratively approve minor changes in the site plan that are necessary to accommodate this change, including, but not limited to, changes to the phasing plan. If the Road Commission does not approve the Hayward Road access point, then the original site plan, showing the access drive onto Miller Road, shall be deemed to be the approved site plan.”

Support by Hatfield. Roll call vote taken. 7 ayes – 0 nays – Motion carried. Site Plan approved with stipulations.

Case No. SP-10-2023

**Steven Stutzman
(Applicant/Property Owner)**

LaForge recessed the Planning Commission, opened the public hearing and asked Stutzman to present his request.

Stutzman said he is a logger, and he would like to have and use a sawmill in the fall and spring. He said he may do a few custom orders, but it will be a small operation.

Hatfield asked if Stutzman would process logs for other people. Stutzman said yes.

LaForge asked if it would be a full time job. Stutzman said not likely.

Nadwornik asked if it would be housed in a hoop building. Stutzman said yes.

Kammenzind asked how the logs would be transported. Stutzman said by trailer.

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 asked what type of sawmill would be used. Stutzman said diesel.

Miner asked where the logs would be stored. Stutzman said in the building.

Miner asked what would be done with the sawdust. Stutzman said he would use it or sell it.

Miner asked about the wetland. Stutzman said the building and mill will be above the wetland.

Snow asked how many logs would be sawed. Stutzman was not sure. Snow asked what hours and days Stutzman would work. Stutzman said he would only work on Saturdays during logging season. He said that in the spring and fall, he would work 5 days a week, and he would like to work 7:00 am – 8:00 pm if possible.

Snow asked if he would have employees. Stutzman said no, just family.

Snow asked if he would have a sign. Stutzman said no.

Snow asked how many trucks would come to the property. Stutzman said at most 3 per week.

Sala asked if a detailed site plan was required. McManus noted it could be, but he said this could also be a home occupation so he did not require it for submittal.

Sala asked if the wetland was regulated. McManus said no.

Stutzman said the building will be outside of the high water area.

Snow asked if using the sawmill was his career. Stutzman said logging is his primary occupation and said he would use the sawmill during his down time.

Stutzman said there would be no public traffic. He said the lumber is sold and shipped.

Nadwornik verified that Stutzman would not be sawing all of the logs from his logging business. Stutzman agreed.

Nadwornik asked how big of a building will be built. Stutzman said he would like a 30 x 80 building.

Snow said the hours seem excessive. Stutzman said he would only work from 7:00 am to 4:00 pm during the fall and spring. He said custom orders could be done after hours.

Sala asked if Stutzman would work after hours every day. Stutzman said no.

Nadwornik said noise in a hoop building can be excessive. He said 8:00 pm may be too late to work. Snow said Stutzman said he would not work every day.

Sala said the noise level cannot exceed 60 decibels at the property line. Nadwornik said the noise level should be measured during cutting.

Snow asked what Stutzman meant by spring and fall. Stutzman said spring was late March and April while fall was November and December.

LaForge questioned how the Special Use would be used in the summer.

Hatfield suggested limiting the late hours to one day per week.

Snow asked about the number of employees. Stutzman said none, only two family members.

Motion by Hatfield to approve Case No. SP-10-2023 pursuant to Section 2302 parts 1-7 of the Barry County Zoning Ordinance with the stipulation that the hours of operation be 7:00 am – 4:00 pm Monday – Saturday with a 4 hour extension to 8:00 pm one night per week. Support by Kammenzind. Roll call vote taken: 6 ayes – Snow nay – motion carried.

Special Use approved with a stipulation.

MASTER PLAN REVIEWS

Gun Plain Township

McManus noted the plan does not cause any conflicts with Barry County's goals and objectives. He noted most of the growth for the township is directed around Plainwell and toward US 131.

Hatfield suggested writing a letter to let them know it was reviewed.

Village of Nashville

McManus explained that Nashville received a grant to complete a Master Plan update even though the county will be assuming its Planning and Zoning Administrative functions. He noted the plan identifies 3 possible development locations and mentions housing diversity. He noted there was an economic development component that will need to be managed locally.

LaForge suggested having a Nashville Planning Commission member go to a Parks and Recreation meeting, which is usually on the 4th Thursday of the month.

REZONING DATES

McManus noted the Village of Nashville has a March 1, 2023 date to transfer the administration from the village to the county. In order to achieve that goal, the public hearing for the new zoning maps need to be completed in January.

Motion by Hatfield to set January 22nd, 2024 as the date for the public hearing for the Nashville Zoning Maps. Support by Nadwornik. All ayes – motion carried.

Public Comment

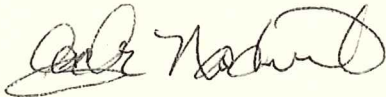
McManus distributed emails from Don Sklenka, Healthy Waters Alliance, Larry Heslinga, Kathy Slagter, Mike Wilczynski and John Schumacher regarding the gravel pit.

Larry Heslinga thanked the Planning Commission for trying to move the access of the gravel pit to Hayward Rd. He also suggested adding some strength to the ordinance.

Marilyn Drew said traffic counts on Miller Rd should be done on Friday afternoons into summer season.

Motion by Snow to adjourn. Support by Hatfield. All ayes – motion carried.
Meeting adjourned at 9:15 pm.

Respectfully submitted,



Jack Nadwornik,
Secretary