



1. CALL TO ORDER:

Chairman Hinkle called the meeting to order at 7:06 pm

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Members present: Tom Brennan, Jim Ducey, Jere Hinkle, Todd Keszler, Dale Lucas, Nancy Prindle & Jim Warbritton

Additional present: Doug Lammers, Township Zoning Administrator, Jeff Burrell, Target Trucking Joe Maynard, Washtenaw Engineering, Matthew Kuschel & Kendall O'Connor, Township Attorneys and 41 people from public.

Todd Keszler, new Planning Commission (PC) member, introduced himself and told a little bit about himself – he has a construction background, is a project manager and has a lot of experience dealing with Planning Commissions. He feels like he will make a positive contribution to the Commission.

4. APPROVAL OF AGENDA:

Moved by Brennan and supported by Warbritton to approve the agenda with no changes. All ayes, motion carried.

5. APPROVAL OF AUGUST 15, 2019 REGULAR MEETING MINUTES

Moved by Brennan and supported by Warbritton to approve the August 15, 2019 minutes with no changes. All ayes, motion carried.

6. PUBLIC HEARING, CASE #19-07-0009 RENEWEL REQUEST FROM TARGET TRUCKING FOR BOHNE RD GRAVEL PIT, SPECIAL USE PERMIT

Motion by Warbritton and supported by Brennan at 7:12 pm to close the Regular Meeting and open the Public Hearing. All ayes, motion carried.

- A. **TARGET TRUCKING PRESENTATION PROPOSAL FOR SUP** – Joe Maynard presented updated site plans and notes to the Commissioners. He gave verbal updates to the proposed conditions - the mud tracking system at the entrance has been installed, the trees and fence along Bohne Rd would be planted within 90 days and the remaining agreed to fencing within one year.
- B. **PUBLIC COMMENT** – Hinkle requested only new material be presented. Before hearing public comments were made, Warbritton assured the public that all Commissioners had read *all* of the submitted letters and written concerns about the Bohne Rd pit and wanted the public to understand the Commissioners *did* care about this issue. Hinkle stated that after the May meeting, 26 letters or written comments were received by the PC, and after the July meeting, an additional 16 were received, so if anyone had submitted anything in writing, up until the current afternoon, it had been received and reviewed. Lammers, copies of all received correspondence were included in the official file.

Public Comments expressed were related to health issues, noise, property values, questioning lack of sanitation, lack of enforcement, operating in non-compliance with Township ordinances and concrete crushing. Discussion.

Motion by Warbritton and supported by Ducey at 7:56 pm to close the Public Hearing. All ayes, motion carried. Motion by Brennan and supported by Warbritton to open the Regular Meeting. All ayes, motion carried.

7. NEW BUSINESS

A. CASE #19-07-0009 SUP RENEWEL REQUEST FROM TARGET TRUCKING FOR BOHNE RD GRAVEL PIT

- *Warbritton* – Read all of the letters, and read the judge’s ruling for Norvell Rd and the serious conditions expressed were the silica dust and operating under the SUP conditions in our ordinance. He went by the Bohne Road mine and looked over the property.
 - Huge pile of cement is almost gone.
 - He looked at every set back of every house and Target is absolutely operating within the ordinance.
 - He reviewed the size of the pond in relation to the operation and Target is compliant. The pictures are deceiving because a part of the picture is run-off. The pond in the submitted picture is where the dredger is located. When the dredger sucks the sand up and puts it on a pile, it is all wet, there is *no* dust on that sand.
 - Relocating the crusher to have a small crushing operation shouldn’t be an issue.
 - Can’t speak to non-compliance of ordinances, this is the PC, not the enforcement portion. We’re trying to put teeth into the SUP that will cover concerns.
- *Keszler* – He is on the DEQ Storm Water Management, he has a license for that for construction sites.
 - He has been around long enough to know that Bohne Rd used to be dirt. Then it got paved, but not to County specs, it was not made to support the 50 tons in each truck.
 - In order to finish your mining operation – clean it up, put your fence up, plant your trees, do your dust control, mud mat, sweep the roads, patch the roads, put silt fence up around the entire thing. You’re doing everything wrong.
 - Where is the Soil Erosion Commission on this site?
 - The bottom of Lake Michigan is in Grass Lake, that’s why we have all the sand and gravel here. It’s not everywhere, we’re going to have gravel mines here, we have to. We need to fix our roads and build our houses and we need aggregate to do that. But we’ve got to do it right.
- *Prindle* – We need to re-do our ordinance but it won’t impact those SUP’s that are already in place. So, we’re trying to make gravel pits safer and better in Grass Lake, but it won’t cover Bohne Rd
 - The residents of Grass Lake need to pay 75% of road repair – why should we have to pay?
 - How can we say this is not hazardous or disturbing to the existing neighborhood?
 - Not comfortable with the crushing.
 - Not comfortable taking a year to put the fence up.
 - Not comfortable approving for five years.
- *Ducey* – Most of the stuff talked about (Prindle, Ducey, other Commissioners, the public) as requirements or conditions towards approval are already on paper.
 - It’s understood there are health issues associated with dirt and grime
 - Issues exist no matter where you live.

- Health issues pop up in other communities and other families with the kind of population that we have
 - I can't testify that it's because of the mine, or not because of the mine.
- *Brennan* – Enforcement is one of those issues that hasn't been discussed yet.
 - Newly hired an Enforcement Officer. In the past we haven't had a good way to enforce.
 - Complaints are understandable and valid
 - Compliance with our ordinances haven't been there, and need to be in order to gain renewal.
- *Lucas* – Deals with DEQ, Soil Erosion and construction sites
 - Visually the berms aren't good and could be more appealing – plant the trees
 - Shouldn't take a year to get a fence put up.
- *Hinkle* – If Target is in compliance with local, state and federal laws, and anything we impose, we're obliged to issue the permit.
 - We need to monitor better than it has been in the past and make sure he abides by all the rules.

Sample motions were provided to the Commissioners. On approval sample, conditions were put in place to address a lot of the issues and concerns that have been raised – air, noise and fence issues. If new conditions are imposed and monitored more effectively, it's a change in the right direction to resolve the issues. The alternative is to close the pit in the next five days. Target has been the operator for the last two years.

Discussion -

- One-year vs five-year renewal
 - Give Target the opportunity to make the necessary changes
 - See how the new enforcement aspect affects the operation
 - Gives the PC time to re-do the zoning ordinance and eliminate all the conditions
 - Gives more accountability to the public
 - Is it worth the business expense to make changes and have to annually apply?
 - One-year would not be a continuing thing. After one year with a positive review, then look at a five-year renewal.
- Get rid of crushing
 - Not a requirement from the State
 - Less hazardous
 - Less disturbing
- Fence needs to be put up prior to a year.
 - 30 days for Bohne Rd and January 1, 2020 for remainder
 - Fence where public has direct access and possibly let the natural barrier remain where appropriate.
 - Portion of where fence is to go is currently being farmed
 - The area has a silt fence put in place and inspected by the DEQ with permit obtained
- Mud & dirt on the roads
 - Mud mat has been put in place.
 - Target has tried numerous with JDOT to bond the road so they could operate all year, but County won't let them. (Lammers confirmed he and Supervisor Stormont spoke with the County and the County confirmed they would prefer *not* to have Target bond the road.) They don't want them running on the roads during frost laws.)
- Concrete 90% gone
- Report generation for monitoring activities
 - State reports are all on line and available to public.

- EAGL was out at Target two days ago following up on an email complaint of noise and dust. Lammers said he spoke with the EAGL Air Quality Inspector, Stephanie Weens who monitored the site and confirmed there were no violations. She provided Target (and subsequently Lammers) with a link to a form to get Target's dust control plan in place. Target has already supplied this to them.
- Target has supplied the Township with all the necessary reports and permits, and noted by Ducey that he felt Target has been trying to take past practices and change them for the better. Target has provided documents on file with the State showing equipment verification and that they meet the standards that are required. At the same time, with the new Township Enforcement Officer, the township will be doing a better job of monitoring for compliance.

Attorney Kuschel outlined the necessary decisions the Commission needed to make when discussion was complete.

1. Motion to deny the SUP
2. Motion to Approve the SUP
3. Motion to Approve the SUP with Conditions
4. Motion to Table

Discussion of concrete crushing operation:

- Crushing operation is a wet system and being done and managed appropriately
- New location is a better option for noise and disturbance
- The crushing operation appears to be hazardous to health
- Monitored and licensed by the State
- No benefit to Grass Lake
- No positive aspect to the township, only possible negative aspect
- Not allowed in other townships
- Not an industrial site, clean up what's there and let it be a gravel pit

To make sure that the Commission's decision was accurately captured, Kerschel read through the document that had been prepared for consideration including outlining the public meetings, the finding of fact and the 18 potential conditions that would need to be met in order for the SUP approval. See the attached document for specific information. Recommended by Kerschel to formally motion to approve the SUP with conditions for one year and the 18 conditions in the written motion before the Commission.

Moved by Brennan and supported by Ducey to approve the application of Case #19-07-0009 to renew Target Trucking's Special Use Permit with the 18 operating conditions contained therein for one year for the property located at 13598 Bohne Rd, Grass Lake, MI 49240.

Discussion of each of the 18 operating conditions. Details as outlined as follows:

- Conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 14, 15, 17 and 18 no amendments
- Condition 10 –
 - Moved by Hinkle, supported by Brennan to change completion of fence along Bohne Rd fence to 60 days with all phases being completed by January 1, 2020. All ayes, motion carried.
 - Moved by Brennan, supported by Ducey to have fence completed as shown on the site plan unless agreed otherwise by adjacent homeowner and Zoning Administrator. All ayes, motion carried
- Condition 11 –
 - Moved by Prindle, supported by Ducey to eliminate paragraph v (processing of broken concrete.) All ayes, motion carried.
- Condition 13 –
 - Moved by Brennan, supported by Ducey to remove the verbiage "broken concrete" from the condition. All ayes, motion carried.
- Condition 16 –

- Moved by Hinkle, supported by Ducey to remove the verbiage in sentence one "yearly" and the last sentence "yearly" and "each year". All ayes, motion carried.

Discussion of Findings of Fact – Item 5 to be amended to include:

- Applicant submitted a Site Plan dated August 22, 2019 that includes a dust control element, an erosion control element, a restoration plan, and a telephone number to report site violations and concerns.
- Recognition of operational concerns and prior compliance supports a one (1) year SUP renewal.
- Recognition of concerns expressed and documentation received from the public regarding Bohne pit operations.

Moved by Brennan and supported by Ducey to approve the revised stated Findings of Fact on the SUP. All ayes, motion carried.

No further discussions or motions to be considered by the Commission.

Moved by Keszler and supported by Warbritton to approve the SUP for Case #19-07-0009 as amended. Roll Call vote, all ayes, motion carried. *(Note that revised Application Approval is attached as part of these minutes.)*

8. **PUBLIC COMMENTS** – Property owner expressed concerns regarding a shallow well, as well as fence and berm and mandated set-backs for each (Answer – no set back requirements for either. Can be on property line.) Question on when the renewal becomes effective? (Answer - immediately now that motion has passed approving the renewal.)

9. **TOWNSHIP BOARD REPORT** – None

10. **OLD BUSINESS**

- a. Rezoning project – Tabled

11. **NEXT MEETING** – Regular meeting on September 19, 2019

12. **GENERALL DISCUSSION** – None

13. **ADJOURNMENT** – Moved by Brennan, supported by Ducey to adjourn the meeting at 10:15 pm. All ayes, motion carried.

Respectfully Submitted,
Diane J DeBoe, Recording Secretary

GRASS LAKE CHARTER TOWNSHIP PLANNING COMMISSION
DECISION REGARDING RENEWAL OF BOHNE ROAD SPECIAL USE PERMIT

Applicant: Target Trucking, LLC, 2149 Fyke Drive, Milford, Michigan, 48381 (“Applicant”).

Subject Property: 13598 Bohne Road, Grass Lake, Michigan, 49240, Parcel ID No: 000-10-23-326-002-33 and 000-10-23-236-002-29 (the “Property”).

Reason(s) for Application: Application for the renewal of a special use permit (“SUP”) for a mineral extraction operation on the Property under Chapter 14 of the Grass Lake Charter Township

Public Meetings: The Planning Commission previously held scheduled meetings on the following dates: May 23, 2019, June 13, 2019 July 18, 2019, and August 15, 2019 to evaluate the Applicant’s renewal application to decide whether the Applicant’s application for renewal for their SUP shall be granted. The Planning Commission also previously held a public hearing on May 29, 2019. The Planning Commission is now holding this public hearing on August 22, 2019 to evaluate the Applicant’s renewal application. The Planning Commission reviewed documents provided by Applicant, the Township Attorney, and correspondences by trusted planners. The Planning Commission then approves this decision for renewal of the Applicant’s SUP.

Findings of Fact:

- 1) The Property is zoned Agricultural.
- 2) Applicant has requested a renewal of its prior granted SUP to continue conducting an extraction operation on the Property, which is a special land use in the AG - Agricultural District. Ordinance, §5.03(O).
- 3) Renewal of a SUP for an extraction operation is governed by the regulations of §14.06 and §14.07(HH) of the Ordinance. See §14.07(HH), which states “[t]he special land use permit . . . shall be renewable only upon reapplication in accordance with the requirements of . . . Chapter [14].”
- 4) Applicant intends to continue conducting extraction activities on the Property.
- 5) Additional findings of fact are discussed in the relevant portions of the Planning Commission’s detailed review below.
 - Applicant submitted a Site Plan dated August 22, 2019 that includes a dust control element, a erosion control element, a restoration plan, and a telephone number to report site violations and concerns.
 - Recognition of operational concerns and prior compliance supports a one (1) year SUP renewal.

- Recognition of concerns expressed and documentation received from the public regarding Bohne pit operations.

APPLICATION REVIEW

Planning Commission Decision: Based on review of the general standards for issuance of a special use and the specific standards governing mineral extraction operations, the Planning Commission approves Applicant's request for a renewed SUP. As authorized by the Township Zoning Ordinance, the Planning Commission may impose conditions upon the approval or renewal of an SUP. Consistent with such authority, the Planning Commission imposes the following conditions upon Applicant as conditions that must be satisfied while extraction operation is in progress on the Property ("Conditions").

A. *Conditions:*

1. Applicant shall amend the prior approved Site Plan to ensure compliance with these Conditions and obtain approval of said Site Plan from the Planning Commission.
2. At no cost to the Township, Applicant shall obtain and submit an independent third-party expert's detailed Restoration Plan for review and approval by the Planning Commission which shall comply with the conditions set forth under §14.07(HH)(13) of the Ordinance as well as these Conditions. The Restoration Plan shall include the number of acres that have been mined, currently are mined, and those acres on the Property that will be mined during this renewed SUP. This Restoration Plan shall then evaluate Applicant's proposals and propose a performance guarantee that is sufficient to ensure that the Township can restore the Property to the extent that the Applicant fails to otherwise do so. The Restoration Plan shall also include how the topsoil will be preserved, details on grading of the slopes, and the proposed landscaping to be used for the restoration phase of the project once the extraction operation has ceased. If the Planning Commission does not approve this independent review, it may hire its own expert at the cost of Applicant to determine restoration costs, which shall be binding on Applicant.
3. Applicant shall post a performance guarantee in the amount proposed by the third-party expert's Restoration Plan, as approved by the Zoning Administrator, in the form of a bond for restoration costs of the property in accordance with the Restoration Plan. Appropriate certification that said bond exists must be provided to the Township within 30 days of approval of the renewal of the SUP. The bond shall always remain in place during the time in which the renewed SUP continues to remain valid and operative, and shall not be fully released until written certification of the Zoning Administrator is provided demonstrating that the restoration is complete and in compliance with the Restoration Plan.

4. In the event the Applicant chooses to discontinue operations on the Property, Applicant must obtain written approval certifying that the final restoration of the Property is complete by undergoing a separate site plan approval. Applicant shall obtain this site plan approval before 75% of the available materials on the Property have been extracted or upon a subsequent renewal of this SUP, whichever is first.
5. Mine operations (extraction, etc.) must be completed within 1 year from the date of the SUP approval, unless this SUP is subsequently renewed by the Planning Commission and additional Site Plan approval is granted.
6. Applicant shall accept continuing responsibility to ensure that no erosion or alteration of existing drainage patterns will occur due to the existing or future extraction operations, and shall agree to be solely responsible for remedying these issues if they occur.
7. Measure(s) to be taken by the Applicant to ensure that erosion or drainage patterns are not altered shall be included in the Site Plan to the satisfaction of the Planning Commission.
8. All trucks entering or leaving the Property shall comply with all weight requirements imposed by the MDOT.
9. Applicant shall submit for review by the Planning Commission additional documentation, including but not limited to permits or testing reports, specifically addressing environmental concerns related to day-to-day operations of the Property (including non-mining activities), including findings on whether these activities will cause pollution, erosion, altered drainage patterns of water, odor, smoke, fumes, dust, noise, and impact to wetlands. Documentation subject to review shall include, but is not limited to:
 - i. Reports generated by any federal or state agency of plant monitored activities;
 - ii. Permits or reports which include the proposed expanded area of the mining operations;
 - iii. Reports concerning air quality testing, noise levels generated by the mining operations, water testing results for chemicals, oils, and other chemicals used in day-to-day operations (ground and surface).
10. Applicant shall erect a woven wire (min. 14 gauge) fence not less than six (6) feet in height around the Property as shown in the Site Plan, unless agreed otherwise by adjacent homeowner and Zoning Administrator. The fence shall be adequate to deter/prevent trespassing. Areas where the fence will be installed must be shown on the Site Plan. The fence may be completed in phases, but all fencing must be completed by January 1, 2020, and the fence along Bohne Road being erected within 60 days of the date of approval of this SUP.
11. All extraction operations (including, but not limited to, parking or staging trucks outside the Property, warming up equipment, etc.) shall occur according to the following schedule and restrictions:
 - i. Monday through Friday, 7:00 a.m. to 6:00 pm.
 - ii. Saturday, 7:00 a.m. to 2:00 p.m. Saturday operations shall be for 'load-out' only

- with no processing of material.
 - iii. No extraction or processing operations shall occur on Sunday.
 - iv. No extraction or processing operations shall occur (and the Property shall be closed) on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Eve Day, Christmas Day.
 - v. Parking and staging of trucks shall be allowed on the Property, but may not take place on Bohne Road to ensure the safety of travelers.
- The Applicant shall notify and obtain approval from the Township for any essential extraction operations that would occur contrary to these stated operating hours and/or days.

12. Applicant must take measure to ensure that the extracted material and dust are not spread to nearby properties or the Township's roads. Applicant must control the dispersion of dust from any areas on the Property where material is extracted, processed, stored, or loaded. Measures shall include, but are not limited to, spraying down excavation areas and storage piles, sweeping of the entrance onto Bohne Road maintaining a mud mat at the entrance to Bohne Road, and treating or brining on-site access roads and loading areas to control the spread of material to nearby properties. Applicant shall include in the Site Plan the location and a detailed plan of where and how these requirements will be satisfied.
13. Applicant shall not import and/or store more than 5,000 – 7,000 cubic yards of foreign material, annually. Only earthen materials may be brought onto the Property. All material brought on the Property for storage or processing must be accompanied with certification to ensure the material is not contaminated. Applicant shall maintain a log containing the following information relating to each received load of imported material: the source of the material, amount, date of importing, and the certification. The complete log shall be provided for the compliance review or upon request by the Township. Storage and processing of all imported material shall be only in the area indicated on the approved Site Plan. Importing and processing of material at the Property will not be allowed once the native material on the Property has been depleted and the extraction operations at the Property cease.
14. Applicant shall provide a public telephone number for citizens to make complaints, and must make reasonable efforts to address any complaints received by this number. Applicant shall post the number so that it is easily accessible to citizens without requiring them to enter the Property. Applicant must document all complaints and document any action taken in response to such complaints, and provide quarterly reports to the Planning Commission detailing the number of complaints received, the nature of the complaints, and the efforts made to address those complaints and prevent similar complaints in the future.

15. Township officials shall be allowed to enter the Property to inspect the Property to ensure compliance with the SUP.
16. The SUP shall be renewed and approved for one (1) year with a compliance review by the Township. The compliance review shall include, but is not limited to, the following: a review of all complaints and steps taken, if necessary, to remediate the complaints, submission of all permits obtained/renewed, submission of reports for any inspections conducted, review of the log maintained for imported material, an overall review of Property operations as it relates to the Operating Conditions for the mine included on the approved Site Plan, review of all violations (zoning violations and any failure to comply with the said Operating Conditions of the mine). Applicant must provide all material requested for the compliance review within 7 business days of the permit anniversary (approval) date for which the permit is valid.
17. Any violation of these Conditions shall constitute a violation of the Ordinance and may result in the penalties and civil fines already established by the Township for Ordinance violations.
18. Failure to satisfy any of the forgoing Conditions may constitute grounds for the Planning Commission to consider invalidating, revoking, or terminating the SUP §14.05 (E)(2).

Roll Call Vote of Planning Commissioners:

Chairman Hinkle	Yes
Commissioner Ducey	Yes
Commissioner Brennan	Yes
Commissioner Keszler	Yes
Commissioner Lucas	Yes
Commissioner Prindle	Yes
Commissioner Warbritton	Yes

Signature of Planning Commission Chair (or authorized Planning Commissioner):

The Planning Commission Chair certifies that a majority of the entire Planning Commission membership voted to approve the above decision.

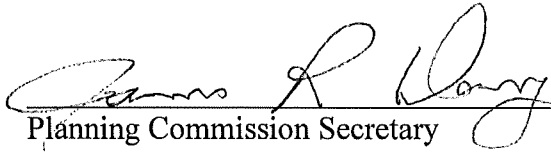


 Planning Commission Chair/Authorized Commissioner

Dated: August 22, 2019

CERTIFICATION

I, the duly acting Secretary of the Grass Lake Charter Township Planning Commission, certify that on this date I witnessed the signature set forth above and attest to the accuracy of this Decision, which was approved by the Planning Commission at a duly scheduled meeting on August 22, 2019.



Planning Commission Secretary

Dated: Aug 22, 2019