

Crockery Township
Regular Planning Commission Meeting
March 19, 2013
(Approved)

Chairman Bill Sanders called the March 19, 2013, Regular Planning Commission Meeting to order at 7:31 P.M. Roll-call was taken with Dave Meekhof, Jon Overway, Bill Sanders, Ryan Arends, Rich Suchecki, Nancy Schindlbeck, and Mike Munch present. Z/A Robert Toland and Attorney (for the Township) Ross Leisman were also present for this session.

Agenda Item 2. Approval of the Agenda

Approved as submitted.

Agenda Item 3. Approval of Minutes

The Commission reviewed the minutes from the February 19, 2013, Regular Planning Commission Meeting. Commissioner Ryan Arends made a motion to accept the minutes as written. A 2nd was offered by Commissioner Rich Suchecki. The motion was unanimously approved.

Agenda Item 4. Announcements

None.

Item 5. Communications

None.

Agenda Item 6. Public Comment

None offered at this time.

Agenda Item 7. Action Items

A. Jerry Smith Special Land Use – Pond – Public Hearing.

Documents provided to the Commission for this Public Hearing include; (1) a Planning and Zoning Review by Z/A Toland, dated March 12, 2013, addressed to the Commission, (2) a review by Kevin S. Kieft of Prein & Newhof, Engineers for the Township, addressed to Z/A Toland, dated March 6, 2013, (3) a Township zoning application, with accompanying sketch of pond and relative dimensions, signed by Jerry L. Smith, dated December 21, 2012, (4) a warning letter addressed to the Resident, 12296 Taft Street, issued by Township Zoning Enforcement Officer Eduard Rusticus, dated November 16, 2012, (5) a letter of concern issued by Penney and Dennis Childs 12340 Taft Street, undated, (6) an anonymous letter of concern, undated, and (7) a letter of concern issued by David and Alice Kieft, 18265 120th Ave, dated March 10, 2013.

Mr. Smith has made application for a Special Land Use to clean out and expand an existing pond on his family property, located at 12296 Taft Road, parcel #70-04-09-200-002. Mr. Jerry Smith and Ms. Marie Smith were present during this hearing.

Mr. Toland advised the Commission the clean-out and expansion of the pond was done sometime during 2012. A warning notice was supplied to the property owner and this hearing set to bring the parties involved into compliance.

Mr. Smith advised the pond was originally constructed in the 1960's, when the home was built. The excavated material from the pond was used to provide an elevated home foundation at that time.

Mr. Smith further stated he intended to deepen and expand the pond to provide irrigation for the blueberries on the property, however, he could not manage to create the depth needed with the equipment he was utilizing. Mr. Smith indicated the pond is between four to five feet in depth and the slope naturally occurred and is well within the standard set by the Township. Mr. Smith intends to utilize the excavated material on the property, however, has no immediate plan for distribution of the material. It remains in a 12 foot high pile adjacent to the north side of the pond. Mr. Smith indicates the material pile is screened from the roadway by existing trees.

Public comment was opened by Chair Bill Sanders.

Mr. Tom Mellema inquired if the Commission was aware of the "Generally Accepted Agricultural Management Practices" (GAAMPs) and if a copy was available for this hearing. Mr. Mellema inquired if an agricultural pond might fall under such guidelines. Mr. Mellema questioned whether a permit was needed for clean-out and expansion of a farming pond.

There was some question as to whether the pond could be considered an agricultural endeavor, as Mr. Smith had indicated it turned out not to be suitable for irrigation. The Commission felt the pond could only be maintained as a residential pond under the circumstances.

No further public comment was offered and Public Comment was therefore closed.

After considering the information provided, the Commission felt the pond could be permitted as a residential pond and that the pond did meet the Township standards for construction. Mr. Smith was advised to consult with Township Officials prior to any such work he may do in the future.

A motion supporting a resolution to approve the pond was offered by Commissioner Nancy Schindlbeck. A 2nd was offered by Commissioner Mike Munch. The motion was unanimously approved by the Commission.

B. Millbocker & Sons Excavating – Special Land Use/Planned Mineral Removal – Public Hearing.

Documents provided to the Commission for this Public Hearing include; (1) a Planning and Zoning Review by Z/A Toland, dated March 8, 2013, addressed to the Commission, (2) a review by Kevin S. Kieft of Prein & Newhof, Engineers for the Township, addressed to Z/A Toland, dated March 8, 2013, (3) a Township zoning application, with accompanying volume report, signed by Thomas Rumpitz, dated February 8, 2013, (4) a memorandum issued by Mika, Meyers, Beckett & Jones, commenting on this project, dated March 15, 2013, (5) a soil boring report, provided by Milbocker & Sons, Inc., for parcel #70-04-21-400-016, dated March 19, 2013, (6) an Environmental Impact Statement, provided by Mickey E. Bittner P.E. of Wightman and Associates, Inc., with MDOT attachment, dated February 19, 2013, (7) a Scope of Planned Mineral Removal document, (8) a Standards for Considering Special Land Uses document, (9) an excerpt of the Michigan Zoning Enabling Act, provided by Attorney Leisman, (10) a site plan by Wightman & Associates, 264 Western Avenue, Allegan, MI, by Mickey E. Bittner, #130092-01, dated February, 2013 (Reduced Size), (11) a site plan by Wightman & Associates, 264 Western Avenue, Allegan, MI, by Mickey E. Bittner (sealed & signed), #130092-01, dated February, 2013 (Full Size), (12) a letter of recommendation by Leon Belden, Operations Manager for Aggregate Industries supporting Milbocker & Sons, Inc., (13) a letter of recommendation by Larry W. Brown, P.E., Managing Director for the Allegan County Road Commission, dated February 15, 2013, supporting Milbocker & Sons, Inc., (14) a cover letter by Kyle Ellis of Milbocker & Sons, Inc., dated February 15, 2013, to Z/A Toland briefly outlining

the proposed project, and (15) a letter of concern, issued by Kurt Gillespie, representing the Spoonville Gun Club, dated February 28, 2013.

Millbocker & Sons Excavating have made application for a Planned Mineral Removal Special Land Use permit to excavate fill material on parcel #70-04-21-400-016, located on the northwest corner of 120th and Leonard Road, for use in the M-231 build-out. This parcel is currently owned by Thomas Rumpitz.

On the on-set of this Public Hearing, Commissioner Dave Meekhof requested to recuse himself due to a conflict of interest. Chair Bill Sanders approved the recusal and Commissioner Meekhof left the hearing room for the duration of the Public Hearing.

Mr. Kyle Ellis of Milbocker & Sons, Inc., Mr. Mickey Bittner P.E. for Wightman & Associates, Inc., and Attorney Kenneth W. Vermeulen of Barnes & Thornburg were present to represent the interests of Milbocker & Sons, Inc. during this hearing.

Mr. Toland provided a brief lead-in to this proposed project, indicating this was the second PMR proposed in the Township to support the M-231 build-out. The first (approved) PMR, being located on the Spoonville Gun Club property, will be utilized to support the bridgeworks over the Grand River.

Mr. Ellis provided an overview of the proposed mineral removal, indicating the plan would be carried out in three distinct phases of extraction and reclamation. The material removed would support the M-231 build-out from the north side of the Grand River bridgeworks, working northward and include the material necessary for the Leonard Road overpass. Mr. Ellis also stated a soil and sedimentation permit had been issued for the project. Mr. Ellis is confident Milbocker & Sons, Inc., will be capable of restoring the property so it once again can be farmed. Mr. Ellis further stated the reclamation is also important to Milbocker & Sons, Inc., as they intend to buy the property for the PMR process and resale the land as agricultural property upon completion of the reclamation.

Mr. Bittner explained the site plan, indicating the (excavation) plan would generally follow the existing contours and maintain the three drainage districts found on the parcel. Mr. Bittner explained the measures to be taken to control run-off and protect the topsoil during the extraction. Mr. Bittner indicated the drainage tile installation would be accomplished at the end of the reclamation phase, which Mr. Ellis confirmed, indicating an effective tile pattern could be better judged at that time.

Public comment was opened by Chair Bill Sanders.

Mr. Ellis, Mr. Bittner, and Attorney Vermeulen fielded questions and comments, in an open forum, from the public during the initial phase of public comment.

Mr. Charles Gould, MSU Extension Office, indicated disturbed soil will affect the agricultural yield for as much as 10–15 years. Mr. Gould advised extensive crop root systems have a hard time developing in compacted soil and would likely prevent traditional crops, such as corn and alfalfa hay from establishing themselves successfully.

Mr. Kurt Gillespie spoke out against the project as he felt the agricultural value of the property would be lost as a result of the PMR. He felt the project was counterproductive for the Township.

Mr. Stan Scott also spoke out against the proposal, his main concern being the protection of agricultural land, as did Mr. Jack Fisher.

Board Member Gordy Constantine questioned the proposed contours as they apply to proper drainage, feeling they were not sufficient to create adequate drainage. Mr. Constantine further questioned what impact this proposal would have on Leonard Road traffic.

Mr. Jim Erhorn, who formerly owned and farmed the parcel, stated he believed it would be hard to judge the yield of the property after reclamation as so many variables affect crop production. Mr. Erhorn felt the land could be reclaimed in a manner that might make it easier to farm in terms of tilling the soil.

Ms. Miriam Stalzer expressed concern regarding drainage issues that may affect her property from both this project and the overpass construction. Ms. Stalzer worried the tile might increase the volume of water flow throughout the current drainage, causing erosion or flooding.

Mr. Ellis indicated, although the equipment is large, the tire design creates less compaction than a pick-up truck would and that the tile installed would not be the cause of flooding. Mr. Ellis explained a tiled field first sheds the surface water, followed by the water that filters into the drain tile, which helps to control run off.

Attorney Vermeulen advised the “is it reasonable” standard should be applied to the mineral extraction and that arguing crop yields alone would not likely supersede the public need in this case. Attorney Vermeulen further indicated, however, he did believe the land could be restored to its agricultural state.

Chair Bill Sanders suggested a five minute break at this point in the proceedings (8:52 P.M.)

Call back to order at 9:10 P.M.

Township Supervisor Leon Stille had concerns regarding the proposal indicating the recovery of the land would take far to long to bring it back to a productive agricultural state. Supervisor Stille indicated this proposal seems to be a matter of convenience and profit.

Mr. Tom Mellema also questioned the ability to restore the parcel to an agricultural state. Mr. Mellema further supported Mr. Gould's position regarding disturbed soils, indicating that excavation process would destabilize or damage the micro biology of the soil, which would take years to recover. Mr. Mellema advised simply replacing the topsoil over the excavated ground will not restore the viability of the land.

There were many exchanges of positions and opinions during the public comment section.

After all interested parties were heard, Chair Bill Sanders closed the public comment portion of the hearing.

The Commission indicated they had a number of concerns and questions regarding this PMR proposal. The Commission felt it was best to allow some time to absorb the information provided and discussed during this hearing. In keeping with this position **a motion** was made by Commissioner Mike Munch to table the discussion until the March 26, 2013, Special Planning Commission Meeting, where further information could be obtained and questions could be properly formulated by the Commission. A 2nd was offered by Commissioner Rich Suchecki. The motion was unanimously approved.

Commissioner Dave Meekhof returned to the meeting.

Agenda Item 8. Presentations.

None.

Agenda Item 9. Discussion Items

A. Master Plan.

The Commission hopes to continue the Master Plan discussion at the March 26, 2013, Special Planning Commission Meeting.

Agenda Item 10. Adjournment

A **motion** to adjourn was made by Commissioner Nancy Schindlbeck at 10:35 P.M. A 2nd was offered by Commissioner Ryan Arends. The motion was unanimously approved.

Respectfully Submitted,
Jon C. Overway, Secretary
Crockery Township Planning Commission

Next Meetings: Regular Session - April 16, 2013
 Special Session - March 26, 2013