

## THORNAPPLE TOWNSHIP PLANNING COMMISSION

Regular Meeting, March 27, 2023.

1. Call to Order:

- a. The meeting was called to order by Chairperson Tom Kilgore at 7:00 PM at Thornapple Township located at 200 E. Main St. Middleville, MI 49333.
- b. Present: Tom Kilgore, Linda Gasper, Sandy Rairigh, Bryan Finkbeiner, Liz Hansson, and Craig Wandrie.
- c. Also Present: Todd Boerman, Nathan Mehmed, Jeff Sluggett, Eric Schaefer, Elaine Denton, Amy Brown, Phil Wenger, Alyssa & Nick Tape, Dennis Postema, Danelle Hoskins, James Dykema.

2. Approval of Agenda:

**MOTION** by Gasper, **SUPPORT** by Wandrie to approve the agenda as amended with 5a. New Business – Resignation letter from Elaine Denton. **MOTION CARRIED** with six yes voice votes.

3. Approval of Minutes:

**MOTION** by Gasper, **SUPPORT** by Rairigh to approve the February 27, 2023, meeting minutes with corrections to typos as marked and attached exhibits. **MOTION CARRIED** with six yes voice votes.

4. Citizen Comments:

- a. Danelle Hoskins – Stated she had previously voiced her concerns both in person and in writing regarding the proposed operation at N. Payne Lake Rd. Hoskins said she has provided evidence that show the very serious consequences that would result from opening a mine so close to a populated residential area. Her understanding is that one of the items for a delay in the decision has been an analysis of property value changes. She suggests that an inadequate amount of time exists to properly evaluate the impact without reliance on preexisting studies. Professor Diane Hite, a widely published economist, completed a study of the effects of gravel mining on nearby residential values. Her findings were based on a three-year span and found a statistically significant effect of distance from a gravel mine on home sale prices (including controls for other inputs of value in the properties.) Her study indicated that the closer a house is to a gravel mine, the greater the loss of value to that house. This study alone should be sufficient evidence that either a much more detailed and current analysis is needed or that there is not sufficient proof that property value would not be negatively ~~effected~~ affected. In which case, this permit should be denied. Hoskins hopes the commissioners seriously consider the consequences this will have on the N. Payne Lake Rd. neighborhood. Gasper asked Hoskins where the study was done and when it was done.

Hoskins replied that it was done in Ohio in the early 2000's. Hoskins asks the commissioners to obtain a more detailed and current analysis.

- b. Nick Tape – Thank you to the commissioners and he wanted them to know he appreciates all the effort they put into this decision, which ever the outcome.

5. New Business:

- a. Resignation Letter from Elaine Denton – Kilgore stated that he had received a letter of resignation from the Planning Commission as Denton had accepted an appointment by the township board to be the interim Clerk. She ~~can not~~ cannot serve on the Planning Commission at this time. Kilgore stated that the vacant position on the Planning Commission would remain open at this time. Gasper asked if a motion to accept the resignation was needed. Sluggett replied no, that would take place at the township board meeting.

6. Unfinished Business:

- a. Special Use #159/Mineral Extraction – Busch Drive Concrete LLC. Kilgore explained that a tentative conditional approval was granted at the February 27, 2023, Planning Commission meeting (at which Kilgore wasn't present) based on an easement being obtained. He asked for verification that the easement has not been obtained by the applicant. Brown confirmed for Kilgore that it hadn't been. Finkbeiner asked if Dykema or Postema could confirm that the easement wouldn't work. Dykema stated that it was correct, they couldn't secure an easement through the Lettinga and Wenger property to Patterson Rd. Therefore, they went back to the BCRC and even though the right hand turn was already safe, they did everything they could to make the right hand turn even safer as explained in the letter from their legal counsel. Although this isn't the most preferred route, it was legal to travel N. Payne Lake Rd. to Bass Rd. so they didn't need to obtain the most preferred route.

Commission Questions and Deliberation:

Kilgore asked commissioners if they would like to amend the conditional approval passed during the February 27 meeting and approve the permit without the easement or if they would like to make a motion to deny the permit based on very serious consequences. Kilgore stated that he felt the commissioners could agree that the standards of the ordinance had been met. Kilgore asked the commissioners to consider whether there are very serious consequences or if they can approve it with conditions. He asked for comments.

Rairigh stated that she didn't think all the conditions of the ordinance had been met.

Finkbeiner said that property values could be one of those conditions that could have very serious consequences. Finkbeiner said they didn't receive a lot of information on that, but property values have got to decline if a 40-acre wooded property is turned into a mine and the road is turned into a hauling route ~~then the property values would decline~~. Finkbeiner said that property values have gone crazy over the last few years in the rural residential area in Barry County. He also stands by his comments about BCRC and what they said about how they can handle things.

Rairigh said that those who live on gravel roads in Thornapple Township, know from experience, that BCRC can't keep up with the road conditions and these are roads that don't have that level of truck hauling on them that this would.

Gasper agreed. She stated that at the last meeting they had made a motion to tentatively approve the special use permit but now she would like to amend the previous action from the February meetings, due to the lack of an easement to provide access to Patterson Rd. She would like to make a motion to deny Special Use #159/ Site Plan #119 based on all the reasons contained in ~~set forth from~~ the entire record from the last several months of meeting and since an approval would cause very serious consequences as set out in the Michigan Zoning and Enabling Act. Those conditions of very serious consequences include the relationship of extraction and associated activities with land uses and mining operation in a residential area. The mine is not suitable and would impact the existing land uses in the vicinity of the property. The impact would be negative on the property values in the vicinity of the mine and along the proposed hauling route serving the mine, which is based on credible evidence. Commissioners have insufficient proof that this would not impact the property values in a negative way. In fairness to the property owners on N. Payne Lake Rd. the Planning Commission needs to act ~~in accordance~~ accordingly. The most serious consequence is the impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property. Gravel roads are not safe to walk on. The speed limit is 55 mph and people drive that ~~on a gravel road~~ and they do that because they can, but not because it is safe. Therefore, Gasper believes the mine would have a very detrimental impact on pedestrian and traffic safety on N. Payne Lake Rd.

**MOTION** by Gasper, **SUPPORT** by Rairigh to deny Special Use #159/ Site Plan #119 Mineral Extraction – Busch Drive for all the reasons as stated on the record from the last several months of meetings and because approval would result in very serious consequences as set out in the Michigan Zoning ~~and~~ Enabling Act as set forth this evening.

**Roll Call Vote:** Finkbeiner- Yes, Gasper- Yes, Hansson- Yes, Kilgore- Yes, Rairigh- Yes, Wandrie- Yes. **MOTION CARRIED** with six yes votes and zero no vote.

7. Committee Reports:

a. none

8. Administrator’s Report:

- a. Zoning Activity Report – Included in the packet, no questions from commissioners.
- b. Code Enforcement Report - Included in the packet, no questions from commissioners.

9. Adjournment:

**MOTION** by Finkbeiner, **SUPPORT** by Gasper to adjourn at 7:20 PM **MOTION CARRIED** with six yes voice votes.



Sandra Rairigh, Secretary



Recording Secretary

Approved 5-22-2023