



1 **PLANNING COMMISSION WORKSHOP MINUTES – July 12, 2022**

2
3 **CALL TO ORDER/ROLL CALL**

4
5 Chair Corfman called the Planning Commission meeting to order at 5:00 p.m. and
6 Secretary Loeks called the roll. The following Commissioners were present: Chair
7 Corfman, Vice Chair Davis, Secretary Loeks, Treasurer Roberts, Mrs. Buckham, Mr.
8 Eavey, and Mr. Matson. No Commissioners were absent. Also present was Interim
9 Planner/Zoning Administrator Julie Johnston, Planning/Zoning Assistant Jennie Miller,
10 Dan Balkema and Don Beagle representing Aggregate Resources, and residents.

11
12 **CITIZEN COMMENT ON NON-AGENDA ITEMS**

13
14 Chair Corfman asked if there were any residents interested in speaking. There were none.

15
16 Chair Corfman then asked if there were any citizens on Zoom interested in speaking.
17 Planner Johnston stated there were no participants online.

18
19 **SET AGENDA**

20
21 Chair Corfman reviewed the agenda and asked if there were any additions or corrections.

22
23 **Motioned by Secretary Loeks, seconded by Vice Chair Davis, to accept the agenda**
24 **as written. The motion carried unanimously.**

25
26 **MINUTES – June 28, 2022, Meeting**

27
28 Chair Corfman asked if there were any changes or corrections to the minutes.

29
30 **Motioned by Mrs. Buckham, seconded by Mr. Matson, to approve the June 28, 2022,**
31 **minutes as written. The motion carried unanimously.**

32
33 Chair Corfman moved on to the next agenda item.

34
35 **NEW BUSINESS**

36
37 There was none.

38
39 **OLD BUSINESS**

40
41 **PC #22-13 – Aggregate Resources - Special Exception Use Public Hearing**

43 **Motion by Secretary Loeks, seconded by Chair Corfman, to remove Aggregate**
44 **Resources from table. Motion passed unanimously.**
45

46 Planner Johnston gave a brief overview of the request, stating Aggregate Resources, is
47 requesting Planning Commission approval to extend their existing special exception use
48 for an extraction operation located at 8964 Paw Paw Lake Drive. Their current approval
49 expires on December 31, 2024, and they are requesting an extension until December
50 31, 2027. In addition, the applicant would like to change their reclamation plan from
51 three smaller ponds totaling 14 acres to one large lake totaling 26 acres. The original
52 application for this operation was approved in 2008. Some changes to the reclamation
53 plan occurred in 2009/2010. In November of 2017, an extension to the operation was
54 approved, requiring the extraction operation to cease in 2024 and the reclamation plan
55 to be put in place. As this is an existing approved special exception use, the staff review
56 is focused on the extension and the change in the reclamation plan.
57

58 Planner Johnston noted there is one area of concern that needs to be addressed and
59 that is the surety bond for the extraction operation. The Zoning Ordinance requires a
60 surety in the amount of \$10,000 per acre for the areas of extraction from the previous
61 year and current year. This surety can be reviewed each year and altered based on the
62 amount of acreage included in the extraction operation. A surety was never provided to
63 the Township. She then outlined her recommended conditions of approval from the staff
64 report.
65

66 Chair Corfman asked if the applicant wished to speak.
67

68 Mr. Don Beagle, Landscape Architect for Aggregate Resources, stated the proposed
69 change to the restoration plan involves the creation of one larger pond (26 acres) instead
70 of the 3 smaller ponds that total 14 acres. The larger lake concept may allow a connection
71 to the existing lake in Prairie Ronde. We believe that the larger lake would yield a more
72 marketable residential project as opposed to the 3 smaller ponds. The current plan has
73 residential lots that range in size from 2.2 acres to 2.5 acres. These lots are smaller than
74 the current Agricultural zoning minimum lot size of 3 acres. This zoning change would
75 require Aggregate Resources to modify the final land use plan to obtain the necessary
76 permission to develop these lots. Overall, we feel the change would be a win for the
77 ultimate residential development and the Township.
78

79 Chair Corfman asked if the Commission had any questions of the applicant.
80

81 Mrs. Buckham asked if the pond would be spring fed.
82

83 Mr. Dan Balkema stated they plan to excavate down to the aquafer so it can be spring
84 fed. Aggregate Resources has 12 plus years of water quality levels and modeling to
85 provide a good understanding of what is going on with hydrology.
86

87 Chair Corfman asked how long it would take to excavate down to the aquafer level.
88

89 Mr. Balkema stated they are already close to the water level along the east side of the
90 excavation. Only about 1 to 2 feet above. The intent is to continue excavation in the
91 northwest and then excavate back east towards Prairie Ronde and the existing lake
92 Aggregate Resources calls Lake Louise.
93

94 Mrs. Buckham asked for clarification about Lake Louise. Mr. Balkema indicated Lake
95 Louise is the name they use for the lake that straddles Texas Township and Prairie
96 Ronde. Chair Corfman stated this other lake is large, at around 35 acres.
97

98 Mr. Balkema stated that the borings indicate about 20 feet of gravel in this area and then
99 it turns to sand. They want to excavate the gravel and then establish the reclamation plan.
100

101 Chair Corfman asked about the States involvement due to the size of the lake and the
102 anticipate needed permits.
103

104 Mr. Beagle stated that the Inland Lakes and Streams division will be involved in this
105 project, and they plan to start their interaction with them immediately. They do not
106 anticipate the need for new monitoring wells due to the years of data already collected.
107

108 Treasure Roberts asked Mr. Balkema about the needed surety bond. He stated they have
109 no problem providing the surety and are used to that requirement. He continued that they
110 would bond for the whole acreage, and then reduce each year as the reclamation occurs.
111

112 Mr. Matson confirmed on the number of anticipated years to finish project. Mr. Balkema
113 stated the goal is to finish 2027.
114

115 Mr. Eavey asked about the planted alfalfa noted on the site plan.
116

117 Mr. Beagle stated this is an interim step to stabilize the soils and provide a natural
118 appearance until the residential development occurs.
119

120 Chair Corfman asked if there were any further questions. Hearing none, he asked for a
121 motion to open the public hearing.
122

123 **Motioned by Secretary Loeks, seconded by Vice Chair Davis, to open the public**
124 **hearing. The motion passed unanimously.**
125

126 Chair Corfman asked if there were any residents interested in speaking.
127

128 Mr. Craig Runk of 10988 Paw Paw Lake Drive, outlined his main concern is the adjacent
129 wetlands, and the prairie fen created by the east branch of the Paw Paw River watershed
130 located to the south and west of this area. Protection of these habitats are very important,
131 specifically to support species of butterflies. An environmental study was conducted when
132 this project was originally approved, but he wondered if it had been updated based on the
133 new reclamation plan. Mr. Runk indicated his respect for Aggregate Resources as a
134 responsible mining company, but this is the 3rd extension requested. Originally this was

135 supposed to be a 7-year project, and with this extension we are closer to 20 years. He
136 would like to see this project brought to conclusion.

137
138 Chair Corfman shared that Daniel Burton of 5633 Quail Hollow provided a letter to the
139 Planning Commission which reiterated many of the points provided by Mr. Runk, including
140 the health of the prairie fen. This letter was shared with the Commission by email, as well
141 as a hard copy at the dais.

142
143 Deborah Duncan, 1454 North Eagle Lake, wondered about the anticipated depth of the
144 new lake and if it was going to be an all sports lake. She also asked if it would be included
145 in the new riparian district under discussion.

146
147 Chair Corfman asked if there were any citizens on Zoom interested in speaking. Planner
148 Johnston stated there were no online participants.

149
150 **Motioned by Secretary Loeks, seconded by Mr. Eavey, to close the public hearing.**
151 **The motion passed unanimously.**

152
153 Chair Corfman asked Mr. Balkema to confirm the size of the lake. He stated it will be
154 approximately 56 acres once it is connected to Lake Louise.

155
156 Secretary Loeks indicated he thought the development should become a part of the new
157 riparian district. Treasurer Roberts agreed.

158
159 Treasurer Roberts requested verification on the truck route. Mr. Balkema stated the route
160 has always been 4th street to U Avenue. The drivers have been instructed not to take Paw
161 Paw Lake Drive to the west, but sometimes that happens. Mr. Balkema indicated they
162 want to be good neighbors so to please let him know if there are issues.

163
164 Hearing no further discussion, Chair Corfman asked for a motion.

165
166 **Motioned by Secretary Loeks, seconded by Mrs. Buckham, to approve the special**
167 **exception use and reclamation plan with the following conditions:**

- 168
169 **1. The plan set (existing conditions plan, SESC plan, landscape plan, and notes**
170 **page) approved as part of the 2017 extension are incorporated as a condition**
171 **of this approval.**
172
173 **2. The mining operation is extended until December 31, 2027, which is an**
174 **additional three years past the previous approval of December 31, 2024.**
175
176 **3. The appropriate financial guarantee will be provided based on the acreage of**
177 **the previous 12-months of excavation and the acreage of the next 12-months**
178 **of excavation.**

179

180 **4. The appropriate state and federal approvals needed for the revised**
181 **reclamation plan will be provided.**

182
183 **The motion passed unanimously.**

184
185 Chair Corfman moved on to the next agenda item.

186
187 **B. Riparian Ordinance Review**

188
189 Planner Johnston provided an overview of the materials in the Planning Commission
190 packet, which included the previous work done on the riparian ordinance and the existing
191 zoning requirements for riparian lots.

192
193 Treasurer Roberts asked if any criteria were established for determining what properties
194 would be included in the district other than the draft map previously created? Criteria will
195 be needed moving forward on when properties should be added to the district.

196
197 Planner Johnston reminded the Planning Commission that because the ordinance is an
198 actual zoning district, any property included in the district would have to be rezoned.
199 Establishing criteria for when a property should be included is important, but you have to
200 take the next step and actually complete the rezoning. This is different than an ordinance
201 that regulates through language that says, "any property that touches water."

202
203 Chair Corfman stated that is the challenge. How much of the property has to touch the
204 water for it to be included? And would it be the whole parcel? For example, Mud Lake has
205 large single owner properties that touch the lake, but the vast majority of the parcels do
206 not.

207
208 Secretary Loeks wondered if language could be written where only a certain portion of
209 the parcel is rezoned from the water's edge. Planner Johnston reminded the Commission
210 that the current Zoning Ordinance has a regulation for dual zoned properties. The largest
211 zoning district on the property would prevail, which may negate the requirements of the
212 riparian ordinance. We would have to alter this requirement if we decided to go this route.

213
214 Mr. Eavey was concerned with ensuring properties owners who may be included in the
215 new district are informed and can provide feedback on the draft ordinance. If we rezone
216 the property after the ordinance is adopted, they cannot weigh in on the development of
217 the ordinance.

218
219 Mr. Steve Bosch, Township resident in attendance, questioned if we are going down the
220 right path and suggested an overlay might be a better approach. Rezoning all the lake
221 and potential waterfront properties could be very difficult to accomplish. Many other
222 communities, like Gun Lake, have utilized an overlay.

223
224 Planner Johnston reminded the Commission of the conversation around a zoning district
225 or an overlay. The Commission decided on the district so it would be similar to the other

226 ClearZoning districts in the ordinance. However, an overlay may be the better approach
227 to manage new water features, like Aggregate Resources, in the future. The overlay could
228 have language the defines what properties would be included. A zoning district would
229 require the Township to rezone the properties.
230

231 Planner Johnston went on to say that the current ordinance only provides clear setback
232 language for lakes that have an ordinary water elevation defined. The ordinance title
233 states it is for all properties that touch a lake, river, or stream, but only certain lakes have
234 established ordinary water elevations. What do we do when property develops on one of
235 the other water bodies in the Township?
236

237 Secretary Loeks stated we need to provide protection to the outliers where elevations
238 have not been established. Treasurer Roberts agreed.
239

240 Chair Corfman thought that after this discussion maybe an overlay would be more flexible.
241 Mr. Eavey stated that from his perspective an overlay would be better.
242

243 Planner Johnston indicated that she would need to do some research and talk to Attorney
244 Homier to see if there is a way to do an overlay that does not specifically identify
245 properties included in the overlay.
246

247 Secretary Loeks felt a zoning district was clearer and more concise for the layman on the
248 street. An overlay is more difficult, especially if it is not mapped.
249

250 Planner Johnston stated she would research other communities in the area to see how
251 they approach this problem. Mrs. Buckham thought their input would be important,
252 especially some pros and cons of the ordinance they developed.
253

254 Mr. Eavey asked if we could request Prein and Newhof provide a general cost or level of
255 effort to establish ordinary water elevations for other lakes and ponds in the Township.
256

257 Planner Johnston stated she would reach out to neighboring communities on their
258 ordinances and would ask Township Engineer Tom Wheat to weigh in on the work to
259 establish an ordinary water elevation.
260

261 **COMMISSIONER COMMENTS**

262

263 Chair Corfman informed the Commission that Prairie Ronde submitted a letter of intent to
264 prepare a new master plan. He also stated that there was again nothing for the Zoning
265 Board of Appeals.
266

267 Hearing no further Commissioner comments, Chair Corfman moved on to citizen
268 comments.
269

270
271

272 **CITIZEN COMMENTS**

273

274 Chair Corfman asked if there were any citizens interested in speaking. There were no
275 citizens in the Board room or on Zoom, so he asked for a motion to adjourn.

276

277 **ADJOURN**

278

279 **Motioned by Mr. Matson, seconded by Mr. Eavey, to adjourn the meeting. The**
280 **motion carried unanimously.**

281

282 The meeting adjourned at 6:30 p.m.

283

284 Submitted:

Approved:

