

ROBINSON TOWNSHIP PLANNING COMMISSION
June 25, 2019

The special meeting of the Robinson Township Planning Commission was called to order at 7:30 PM at the Robinson Township Hall.

Present

Shawn Martinie
Travis Vugteveen
Bill Maschewske
Rich Sibley
George Schippers
Steve Young

Absent

Lydia Brown

Also present were Zoning Administrator Brian Werschem, Township Attorney Ron Bultje, Phil Johnson of Resource Planning and Design representing the South Cedar Site Earth Change renewal and modification application, Mark Sloothaak, operator of the South Cedar Earth Change Site, John Quiring, and four additional members of the public. The attendance sheet is attached.

A motion was made by George Schippers and seconded by Rich Sibley to approve the agenda. The motion carried unanimously with one member absent.

A motion was made by Rich Sibley and seconded by George Schippers to approve the May 28, 2019 Planning Commission minutes with corrections of Metra to Metro on page one and NCRS to NRCS on page 3.

The motion carried unanimously with one member absent.

Non-Commission Member Inquiries – None

Reports and Communications

Travis Vugteveen reported the following from the Township Board.

1. A NOCH report was given by Eric Hayward.
2. Two requested no wake zones on the Grand River were denied.
3. A proposal from PCI for inspections was reviewed.
4. The Zoerhof Class A Earth Change request was approved.
5. The S and M Gravel and Clark Farm Class B Earth Change renewal applications were approved.
6. The Planning Commission was given approval to proceed with a Zoning Ordinance amendment regarding lot splits in the A-1 District.

7. Minor revisions were requested to the PCI proposed contract for inspections.

Announcements -- None

Old Business

The Public Hearing for the South Cedar Site Class B Earth Change renewal and modification application was continued due to noticing issues noted in the May 28, 2019 Planning Commission minutes.

A motion was made by Travis Vugteveen and seconded by George Schippers to untable the proceedings for the South Cedar Earth Change Site renewal and modification application. The motion carried unanimously with one member absent.

An introduction to the public hearing was given by Chairperson Martinie and the public hearing notice was read by Secretary Maschewske. The public hearing was declared open and the rules of procedure were reviewed by Chairperson Martinie.

A presentation was made by Phil Johnson representing Construction Aggregates Corporation and S and M Gravel. Mr. Johnson noted the site is currently approved for a 38 acre lake. Since last month, they now have an EGLE permit for the requested 134 acre lake. The floor level of the expansion of the lake will be slightly higher than the existing lake. The modification to the application does not increase the area mined, however, it does increase the area to be mined into the water table.

Questions from the public were requested.

Greg and Tammy Hutcheson – Inquired about work hours.

Chairperson Martinie – There will be no change to the work hours, equipment, or processes.

Zoning Administrator Werschem – Noted the site is currently close to being mined to the permitted limits after almost 40 years of mining.

Greg Hutcheson – Does the mining amendment alter the Master Plan.

Chairperson Martinie – The applicants must have an end use following mining. They are planning on residential lots.

There were no further comments from the public.

A motion was made by Rich Sibley and seconded by George Schippers to close the public hearing.

The motion carried unanimously with one member absent.

Bill Maschewske – How far is it from the mine floor to the water table in those areas already mined above the water table?

Mark Sloothaak – Approximately one foot.

Bill Maschewske – Did mining too deep and a rising water table result in the decision to expand the lake?

Phil Johnson – Mining proved to be the best use of the property. This will result in less residential development but more mining.

The factors for considering applications from the Robinson Township Earth Change Ordinance, Article V, Section 3 (a) were reviewed and determined to be met. Responses are as follows referencing the criteria in this section.

1. The zoning of the proposed site – M-1 Mining.
2. Its proposed reclamation in a manner consistent with the Robinson Township Land Use Plan – The plan is residential development. See the May 28, 2019 Planning Commission minutes.
3. The character of the person in respect to the person's honesty, integrity, and financial responsibility – Acceptable.
4. The person's ability to comply with this Ordinance and the probable terms and conditions of a permit, if issued – No concern.
5. The size, nature, and character of the proposed Earth change activity – No change.
6. The scope and duration of the proposed Earth Change activity -- The duration will be extended by using the existing processes.
7. The proximity and effect of the proposed Earth Change activity with respect to adjoining properties and the surrounding neighborhood – There will be no change to the proximity and minimal effect on adjoining properties except the duration of the project.
8. The relative need or necessity of the proposed Earth Change activity in relation to other possible uses of the property – There is a market need for the material.
9. The impact of the proposed Earth Change activity on the environment – No change except there will be more water.
10. All pertinent things concerning the health, safety and general welfare, and the preservation of natural and environmental resources and the prevention of nuisances and hazards – No change, but more lake.
11. Shall exercise a reasonable and sound discretion in the premises – No concern.

A motion was made by Rich Sibley and seconded by George Schippers to recommend to the Township Board approval of the renewal and amendment of the amended and existing Class B Earth Change permit for the Construction Aggregates Corporation South Cedar Site. This recommendation is based upon compliance with the factors in Article V, Section 3 of the Earth Change Ordinance, the verbal report of compliance from the Zoning Administrator, and subject to all previous conditions as amended by this renewal and including the following additional conditions.

1. The applicant will provide a new well to replace any existing shallow well in the area that is negatively impacted by the project.
2. Hours of operation shall be the same as previously approved.
3. Incorporation all previous conditions, as amended by this application.
4. Compliance with all representations made by the applicants in the approval process.
5. Compliance with the application.
6. Compliance with all applicable Federal, State, County, and Township Ordinances.

A roll call vote was taken.

Rich Sibley – Yes

George Schippers – Yes

Bill Maschewske – Yes

Shawn Martinie – Yes

Steve Young – Yes

Travis Vugteveen – Yes

The motion carried unanimously with one member absent.

At 8:35 PM., the public hearing was held for the Crossroads Acres LLC public hearing for a Special Use to allow migrant housing. An introduction was given by Chairperson Martinie and Secretary Maschewske read the public hearing notice. The public hearing rules of procedure were reviewed briefly and the hearing was declared open.

Luke DeHaan, representing Crossroads Acres LLC, stated that the intention is to convert a single family residence on parcel no. 70-08-31-100-011 into migrant housing. The housing would be occupied approximately 10 weeks per year. They also plan to convert an outbuilding into a bath house.

Zoning Administrator Werschem – Noted that no written comments were received from the public and the applicants have approval from the Department of Agriculture.

There were no comments from the public.

A motion was made by Travis Vugteveen and seconded by Rich Sibley to close the public hearing.

The motion carried unanimously with one member absent and the public hearing was closed.

Chairperson Martinie – Inquired how many residents the housing could accommodate.

Luke DeHaan – Approximately 40. The Department of Agriculture requires 100 square feet of living space per resident.

Chairperson Martinie – Wants to look at the Site Plan and get an explanation of all the missing information.

The required data from Section 31.7 of the Zoning Ordinance was reviewed in detail due to the lack of information in the application. The responses below in A. through CC. follow the requirements in Section 31.7 of the Zoning Ordinance.

- A. Acceptable.
- B. All information included but difficult to interpret.
- C. Topography somewhat included but not complete.
- D. Bill Maschewske – Is the driveway off 144th Ave. part of this property? Luke DeHaan – Yes. Remaining information acceptable.
- E. Since this section was deficient, the applicant stated that all surrounding property is zoned Agricultural. The parcel to the South is a residence and not a farm. All surrounding uses are agriculture except the parcel adjacent to the South which is residential.
- F. To provide sufficient information, the applicant stated that the existing residence on the subject property is approximately 4500 square feet and has seven bedrooms. It will be used primarily as is with little modification.

Chairperson Martinie – Noted that the Planning Commission needs more information and the submitted information should follow the requirements of the Zoning Ordinance. The Planning Commission questioning the applicant is a difficult way to obtain and document information for the application.

Zoning Administrator Werschem – Most of the features of this project are existing and not new.

Chairperson Martinie – Noted that there are no elevations or pictures of the buildings provided.

- G. Bill Maschewske – Will there be designated parking? Luke DeHaan – There will be no more than five vans for the 40 people and there is an existing parking area at the roundabout.
- H. Response is adequate and there will be no significant alteration to the topography or vegetation per the applicant.
- I. The existing well and septic systems are not adequate for migrant housing. A new 1000 gallon pump tank is required that will then be connected to the existing septic system. The electric power is overhead from 144th Ave. and enters the south side of the house underground through the woods. Electric power then runs from the house to the barn.
- J. Response acceptable.
- K. Not applicable.
- L. Acceptable.
- M. Not applicable.
- N. The aerial photograph marginally meets the requirements.
- O. No new screening will be installed.
- P. The site is not licensed for children. Not applicable.
- Q. Not applicable.
- R. There will be a new wall pack light on the outside of the bath house.
- S. The trash receptacle will be screened by the existing trees.

- T. There will be no chemical storage per the applicant.
- U. Acceptable.
- V. The applicant stated that Crossroads Acres LLC is the owner and this was confirmed by Zoning Administrator Werschem. No written documentation was provided.
- W. No information is provided for this section. Submission of written responses to these requirements will be required prior to Township Board review.
Travis Vugteveen – Do all residents work for Crossroads Blueberry Farm? Luke DeHaan – Yes.
- X. The applicant stated the project will be complete within several weeks of approval. Mr. DeHaan also stated that the majority of the residents are single men, frequently from Guatemala.
- Y. Acceptable – No impact since occupancy will only be about 10 weeks during the summer.
- Z. There are no new proposed buildings.
- AA. Not applicable per the applicant.
- BB. The buildings are already owned.
- CC. No additional questions identified, however, the submission of the well permit will be a second condition as part of the recommendation.

Next the Standards for Site Plan Review from Section 31.8 of the Zoning Ordinance were considered. Only the responses are recorded.

- (A) The application is consistent with current Agricultural Zoning.
- (B) Not applicable.
- (C) The project will use a single driveway with a total of five vehicles estimated. The current parking area is adequate and existing.
- (D) Not applicable.
- (E) There will be minimal impact.
- (F) Not applicable.
- (G) No change.
- (H) Not applicable.
- (I) A septic permit is provided.
- (J) Electricity is underground and existing.
- (K) Existing.
- (L) Existing.
- (M) Not applicable except a well permit will be a condition of the recommendation.
- (N) Not applicable.
- (O) There will be no exterior change to the buildings.

(P) Not applicable.

Next to be reviewed were the Special Use Criteria in Section 32.5 of the Zoning Ordinance. Only the Planning Commission responses are shown.

- A. Existing and no negative impact
- B. No change except a potential increase in noise.
- C. The population will be increased on a seasonal basis, however, the use is consistent with the Agricultural Zoning.
- D. Minimal impact.
- E. A septic permit has been issued by the Ottawa County Health Department. A well permit will be a condition of the recommendation.
- F. Consistent with Agricultural uses and zoning.
- G. Acceptable – no increase.
- H. Meets requirements.
- I. Acceptable and meets requirements.
- J. Compliant.
- K. See answers to Section 4.5.
- L. Not applicable.

Section 4.5 of the Zoning Ordinance was reviewed next compared to the application. Once again, only the responses are included.

- A. Compliant.
- B. The residents will work on the applicant's farms and within a five mile radius of the proposed housing. Meets requirements.
- C. Compliant per applicant statements.
- D. Compliant per applicant statements.
- E. Compliant.

A motion was made by George Schippers and seconded by Rich Sibley to recommend to the Township Board approval of the Crossroads Acres LLC Special Use and Site Plan applications for migrant housing and the conversion of existing buildings on parcel no. 70-08-31-100-011 based upon compliance with Sections 4.5, 31.8, and 32.5 of the Zoning Ordinance and with the following conditions.

1. Compliance with all representations of the applicant, both written and verbal in the application and the application process.
2. Compliance with all Federal, State, County, and Township Ordinances and MDARD.
3. Submission of the well permit from the Ottawa County Health Department and the Site Plan application requirements of Section 31.7(W).

A roll call vote was taken.

Rich Sibley – Yes

George Schippers – Yes

Bill Maschewske – Yes

Shawn Martinie – Yes

Steve Young – Yes

Travis Vugteveen – Yes

The motion carried unanimously with one member absent.

Luke DeHaan – Expressed his dissatisfaction over the delay in the review and approval process caused by the scheduling of a public hearing for the Special Use at the Planning Commission level that was not required. The applicants had hoped to be using the subject migrant housing almost immediately.

Township Attorney Bultje outlined the following options.

1. Request a special Township Board meeting.
2. Be compliant and wait for the next Township Board meeting.
3. Rely on the MDARD permit without Special Use approval. This option cannot be approved by the Township.

A motion was made by Travis Vugteveen and seconded by Steve Young to pay Planning Commission salaries for the month of June 2019 (one meeting, 6 members present).

The motion carried unanimously with one member absent.

A motion was made by Travis Vugteveen and seconded by Rich Sibley to schedule a public hearing for July 23, 2019 for an amendment to Section 6.4 of the Zoning Ordinance.

The motion carried unanimously with one member absent.

A motion was made by Travis Vugteveen and seconded by Steve Young to adjourn the Planning Commission meeting at 10:15 PM.

The motion carried unanimously with one member absent.

Respectfully submitted,

Bill Maschewske, Secretary
Robinson Township Planning Commission

Attachments: Attendance Sheet



SIGN IN SHEET
Special Meeting of the
Planning Commission
June 25, 2019 at 7:30 pm

PRINT NAME

SIGNATURE

JOHN QUIRING

John Quiring

Greg & Tammy Hutcheson

Greg & Tammy Hutcheson

Luke DeHoon

Luke DeHoon

Mark Stathack

Mark Stathack

Phil Johnson

Phil Johnson