

Springfield Township  
Planning Commission – Business Meeting  
Minutes September 17, 2012

Call to Order: Chairman Baker called the September 17, 2012 Business Meeting of the Springfield Township Planning Commission to order at 7:30 p.m. at the Springfield Township Civic Center, 12000 Davisburg Road, Davisburg, MI 48350.

Attendance:

Commissioners Present:

Dean Baker  
Ruth Ann Hines  
Dave Hopper  
Bill Leddy  
Kevin Sclesky  
Neil Willson

Commissioners Absent

Staff Present

Collin Walls, Supervisor

Consultants Present

Brian Oppmann, Planner

Approval of Agenda:

**Commissioner Willson moved to approve the agenda as presented. Supported by Commissioner Hines. Voted yes: Baker, Hines, Hopper, Leddy, Sclesky, Willson. Voted no: None. Absent: None. Motion Carried.**

Public Comment:      None

Consent Agenda:

**1. Minutes of the June 18, 2012 meeting**

**Commissioner Hopper moved to approve the minutes of the June 18, 2012 meeting as presented. Seconded by Commissioner Leddy. Voted yes: Baker, Hines, Hopper, Leddy, Sclesky, Willson. Voted no: None. Absent: None. Motion Carried.**

Public Hearing:      None

New Business:      None

Old Business:

1. Mining and Extraction Ordinance – Update/Discussion

Brian Oppmann stated that Dick Carlisle has been working with Collin Walls on this item. He stated that the intent behind this new ordinance is to make mining and extraction a Special Land Use and to update language to be consistent with some State law changes that have occurred. It would be a Special Land Use in any of the non-residential zoning districts. It would also have to meet the general code of ordinances, mining control, which is similar to the approach of Holly Township. Holly requires them to come before the Board once a year for renewal of the mining permit. One of the proposed sections of the draft, D.4, requires the applicant to demonstrate to the Township that the land is suitable for mining. This addresses the changes to the law. There are standards typical to mining operations including environmental concerns and access drives.

Collin Walls stated that the strikeouts on the document provided to Commission members resulted from his comments and had to do with access. His concern with limiting the access to paved road with 120 or greater right-of-way which is only Dixie Highway. The initial draft only limited the primary access to the paved roads so that was changed to all access. They are still waiting on the provisions from Greg Need to determine if anything in the Zoning Ordinance can be removed because it will be in the other ordinance. They should pay close attention to the end of paragraph B which lists the zoning districts where they cannot do mining. According to this paragraph multiple offices, commercial and industrial would be acceptable.

Commissioner Hines stated that she would not want it allowed in multiple.

Collin Walls stated that this should be part of the discussion as to whether or not it can be allowed in these transitional zones.

Commissioner Hines stated that she does not believe that they would want it in these transitional areas because of the proximity to residential areas, only commercial or industrial.

Chairperson Baker asked if they were bound by the State language relevant to this as to the zoning limitations that they can place on it.

Mr. Oppmann and Mr. Walls replied no.

Commissioner Hines asked if they wanted to mine Dave Field's farm, they would have to get it rezoned first.

Mr. Oppmann answered yes.

Commissioner Baker concurred with Commissioner Hines and stated that OS-Office Service would be a zoning district that they should add to the prohibited list since this is usually a transitional zone.

Commissioner Hopper stated that they should add RM too because it is transitional. He asked Mr. Oppmann if you could add provisions that the lot had to be a certain size.

Mr. Oppmann stated that he does not know how the law reads but they need to be careful because if someone can demonstrate that they have rights to make a profit and they have a right to mine. He stated that White Lake and Oxford have both small and large mines.

Commissioner Hines asked if they were required to grant a rezoning.

Mr. Oppmann stated that it would not be required to grant a rezoning. It would be a Special Land Use; if the applicant meets all of the provisions, the Township will have to consider it. He stated that a rezoning is treated differently and they would have to look at the Master Plan. He stated that the first hurdle would be the rezoning.

Mr. Oppmann stated that there are a number of factors that would go into the rezoning and he does not know if the mining would be considered because they could hang their hat on the Master Plan. The first hurdle would be rezoning when they look at spot zoning and the Master Plan. If you grant a rezoning to light industrial or commercial, it opens up a can of uses.

Commissioner Hines stated that we are eliminating the extractive district and we are allowing them use after it is rezoned. She asked if they had to do that.

Mr. Oppmann stated that the special land use was a cleaner way to handle the process because with the special land use you can put a specific condition in there that they have to come back every year to renew their special use permit and that way you can make sure that they follow the standards. They should have a reclamation plan, approved access drives that are on paved roads, etc. He stated that the special land use is a better approach than the rezoning.

Commissioner Hines asked if there was property in the Township zoned extractive.

Supervisor Walls responded yes; two current properties are zoned extractive.

Commissioner Hines stated that they would have map changes if they choose this route.

Mr. Oppmann stated that they need to look at the Master Plan and see how it addresses extractive districts in future land use. When they review the Master Plan next, they may want to identify some areas that are extractive areas for this type of operation, but this is a year or so from now.

Commissioner Sclesky asked if this amendment addresses the state regulation changes and if this puts us in compliance.

Mr. Oppmann replied yes.

Commissioner Sclesky stated that there was a community in northern Michigan that put language in their zoning ordinance that protected them against a mining and extracting company coming into their community and he wondered if this language has been added to our ordinance with this amendment.

Mr. Oppmann replied that this was the case that brought on the change in the State regulations and this is addressed in D.4. It represents State Law compliance.

Commissioner Sclesky asked what the reasoning was to putting water test wells on property.

Mr. Oppmann replied that with any gravel pit they need to determine the actual ground water is and at what depth because you will mine until there is almost water. This would help determine how much of the property could be mined.

Commissioner Baker added that it was an economic evaluation.

Mr. Oppmann replied yes.

Commissioner Baker summarized that at present there was an extractive district and as they move forward to adoption of new language there will be a means by which entrepreneurs can evaluate the availability of portions of the Township to be profitable in the mineral extraction process provided that they are focusing on areas that are permitted through a Special Land Use provisions in the Ordinance. They will then go back and address the properties that currently have that extractive designation and they will function as they have been, although their zoning will have changed.

Mr. Oppmann stated that this may involve signing some type of agreement. If the General Code changes, they are going to have to conform to the changes. If the General code changes the Township has the ability to bring them into compliance quicker, however this would be a Township Attorney decision as to how to handle the current operations.

Supervisor Walls stated that one of the areas is vacant and has not operated as a pit in many years; this is Valentines. The other is Holly Sand and Gravel off of Tindall Road and most of activity there is processing the material that comes from the property located in Groveland. This property has had a consent agreement on it and proposed reclamation plan for decades. The Township has had no oversight over these operations; they send in their permit fee on an annual basis.

Mr. Oppmann stated that many of the operations in Michigan have the same consent agreement tied to a reclamation plan specific requirements as to access routes, processing information, etc.

Commissioner Baker asked for further details on the annual permitting process.

Mr. Oppmann stated that they could attach particular stipulations to the Special Land Use so this is something that the Township Board or Planning Commission.

Commissioner Baker asked if this was an administrative role or would they need to come before the Board.

Mr. Oppmann replied that they could do either. He stated that in Holly Township it is handled administratively and also Oxford is handled the same way.

Commissioner Baker stated that because of the longevity of the operation, he liked the idea of someone coming back to the Township, administrator or other Board.

Mr. Oppmann stated that some companies have an inspections process on an annual basis determining total property mined and timetable of land use. This is something that they could discuss going forward. This discussion of the operation could be held with the Supervisor, but it would give the Township an idea of the current operations at the site.

Commissioner Sclesky concurred. Commissioner Baker concurred.

Commissioner Hines stated that #5 identifies the percentage of the property that can be mined. She asked if that meant that they would have to start reclaiming.

Mr. Oppmann answered yes; they have to have an established reclamation plan.

Supervisor Walls stated that the old mining operations placed the spoils and now the good gravel underneath is worth enough to take the time to get it out. In Holly, there was some reclamation but he has not visited the site in many years.

Mr. Oppmann stated that Groveland probably has the reclamation plan because this is where the true mining is taking place.

Commissioner Willson stated that one of the biggest disruptions associated with this type of business is the transportation of the product; the trucks that travel down the rural roads. He asked if this gives them the latitude to control the number of trucks that travel and the hours that they actually move. He stated that in neighboring communities this is an issue for the residents.

Mr. Oppmann stated that #4 on the last page addresses this. They would have the latitude during the Special Land Use to call out the hours of operation.

Commissioner Willson stated that they also have to treat them like any other business, but can they restrict their hours.

Mr. Oppmann stated that they have to evaluate this based on an individual basis.

Commissioner Willson stated that they would have a severe reaction from any residential community that will be close to the proposed mining operation.

Supervisor Walls asked if hours of operation included hauling operations.

Mr. Oppmann stated that they would have to discuss this further and how they would handle it. The trucks could arrive at 6:00 AM, even if they are not open

Commissioner Hines asked if they had their own haulers.

Supervisor Walls stated that most do not have their own haulers; they are independent contractors.

Mr. Oppmann stated that they can control when the gates open, not when the haulers transverse the roads.

Commissioner Hopper stated that he didn't know if they wanted to put specific hours in this document.

Mr. Oppmann stated that they can control this in the Special Land Use.

Commissioner Leddy asked if this was eliminated the old section #15, Extractive.

Supervisor Walls answered yes, in the Zoning District. The Operational Standards in the General Ordinance is what Greg Need is working on. He suggested that the court case did not say that you could not control or limit their operation. They couldn't deny them if they could prove the market information. He suggested that they figure out what are the standards that would make it acceptable and then run with it. He concurred with Commissioner Willson regarding a mining operation on the west side of the Township. One advantage is they have an alternate route now to I-75 instead of through Davisburg.

Commissioner Sclesky stated that when this was considered, they were considering putting I-275 through Springfield.

Supervisor Walls concurred.

Commissioner Baker summarized that Supervisor Walls was saying to be specific on the hours of operation.

Supervisor Walls agreed.

Commissioner Sclesky asked if they could add the most direct route to the expressway.

Supervisor Walls stated that the most direct route might be gravel roads.

Commissioner Willson stated that they didn't have the responsibility to determine every route.

Commissioner Hopper stated that they wanted in to be clear in the ordinance that if a mining operation does come, they could use these requirements to get specific with the Special Land Use regarding transportation routes. They might have to provide road analysis and traffic reports.

Commissioner Willson stated that they should be able to exert reasonable control on the mining operation itself. It seems strong in mining control, but weak when considering transportation control.

Mr. Oppmann stated that they shouldn't assume that all mining traffic is going to I-75; this is not always true. The General Code Ordinance dictates the operation and they should provide that once they get it back from Greg Need.

Supervisor Walls stated that even though typical General Ordinance amendments just go to the Township Board, this one should be shown to the Planning Commission too because if not, there will be a huge disconnect.

Mr. Oppmann concurred.

Commissioner Hopper stated that this is why they were working on these together.

Mr. Oppmann stated that he would incorporate the Commission's comments into the draft and bring it back for the next meeting.

## 2. Dixie Corridor Meeting – Follow Up

Commissioner Hopper stated that it was a productive meeting. It was run by Dick Carlisle and he will be compiling all ideas and reporting back to both Boards. Everyone was unanimous that they need to move forward and get the changes to the Master Plan. There were some options to the sewer issue and it was the general consensus that the Township does not want to own a sewer system for the developer, but there are those two large properties on Dixie that they need to plan for. They considered creating an overlay district to cover these properties. They will continue to look at the 425 Agreement for the piece on the south side.

Supervisor Walls stated that Dick's approach helped keep the discussion positive and he has started to work with firms that have the expertise to put together options and costs for sanitary system which drives everything. They do not plan to have a typical municipal

system, but they will have the process and the mechanism that a developer would follow and that would be able to be integrated. They proposed a large-scale and modular system.

Commissioner Baker asked if there was any discussion of mixed land use.

Supervisor Walls stated that it was mentioned because it would have impacts on the sanitary needs.

Commissioner Sclesky stated that it was brought up that the draft was rough and the meeting was for everyone to unite and move forward.

Commissioner Hopper stated that the goal was to get it into the Master Plan.

### 3. Wireless Co location – Report

Mr. Oppmann stated that the Commissioners were given a memo addressing the change in State Law in reference to Wireless Co-location. It regulates what a Co-location is and what would be required. It should be a permitted use of the property and a new tower could be a Special Land Use. This is basically how we have operated before but what really changed are the time frames for submission and approval, it was accelerated. He stated that if someone submits application for a co-location, they would submit it to the Township and they would have 14 days to decide whether the application is complete. If it is not complete, this must be put in writing back to the applicant. If it is complete, it can be handed to the appropriate body to approve it. He stated that when you start, the 14 day clock starts clicking and you then have 60 days to get it through the Special Land Use process. Mr. Oppmann stated that it could be a challenge because it has to go to the Township Board, but it can be done. The question is, do they need to amend the ordinance? He stated that the co-locations are already handled administratively by Collin and he doesn't see that anything has to change. For new towers, they are permitted in the C-2 and M-1 districts and do not need Special Land Use but all others require a Special Land Use. He stated that this puts pressure on the administrative staff to make sure that all noticing requirements are met and he does not know the intent of the changes. He stated that they do not need to change the ordinance at this point, but the pressure is on the administration to handle it quickly.

Commissioner Leddy asked if the co-location would come to the Planning Commission.

Supervisor Walls replied no; only new towers that are Special Land uses would come to the Planning Commission and in his opinion, with current processes, they cannot make it in 60 days. The Township Board has to hold a Public Hearing and there are noticing requirements.

Commissioner Willson asked what the ideal time was.

Supervisor Walls stated that the Planner and Engineer turn it around in the 10 day required period that the ordinance requires and the application comes in enough time so

that we still have time to get the agenda prepared and get it out to the Commission. He stated that after the Planning Commission makes their recommendations, he is not sure that they would have adequate time to make the noticing requirements for the Township Board Public Hearing. He stated that if there is enough time, the Township Board is forced with either approval or denial; they cannot table it.

Mr. Oppmann stated that the clock starts when it is determined that the application is complete.

Commissioner Sclesky asked if they could have a Special Meeting and charge the applicant.

Mr. Oppmann stated that they are asking the Clerk's office to prepare a notice and have it ready for the paper's publication process.

Commissioner Hines stated that it is State Law so it really doesn't matter.

Mr. Oppmann stated that the law says that after 60 days, it is deemed approved. It is possible to build into the Fee Schedule that they have to pay for a Special Meeting.

Commissioner Sclesky asked if all of them could be denied to allow time for Township process.

Commissioner Willson stated that he does not think that they would get away with that.

Commissioner Baker stated that they might have to call a Special Meeting because of the Township Board and Planning Commission schedule.

Supervisor Walls stated that this will require the Planner and the Engineer to review it quickly.

Commissioner Leddy stated that they needed to write the Special Meeting charge into the fee.

Supervisor Walls stated that it is.

Mr. Oppmann stated that Collin can use the Special Land Use requirements written into the Ordinance.

Other Business:

**1. Update Priority List**

Commissioners reviewed and updates and revisions to the current Priority List. Supervisor Walls stated that he did meet with the future Supervisor in Independence Township and he is interested in meeting and discussing the 425 agreement.

Commissioners discussed reviewing the Master Plan beginning in 2013 or 2014. Supervisor Walls stated that the Nissan property on Dixie Highway is for sale; it is a PUD. Supervisor Walls stated that the Al Sierra Group still owns the property; the use of the property by Nissan was a violation of the PUD agreement because it was only approved for Saturn.

Public Comment: None.

Adjournment:

**Commissioner Hines moved to adjourn the meeting at 8:46 p.m. Supported by Commissioner Willson. Voted yes: Baker, Hines, Hopper, Leddy, Sclesky, Willson. Voted no: None. Absent: None. Motion Carried.**

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Erin Mattice, Recording Secretary