

Pierson Township Planning Commission
21156 W. Cannonsville Rd,
Pierson, MI 49339
Meeting Minutes^ Corrected
Thursday, January 23, 2025

- 1. Call To Order: 7:00 pm
- 2. Pledge
- 3. Roll Call Present: Lecceadone, Sower, Fahner, Maioho, Ericksen, Smith Absent: Dunneback
- 4. Approval of January 9, 2025 Minutes
 Motion: Maioho Second: Ericksen Aye: all
- 5. Agenda Approval
 Motion: Ericksen Second: Fahner Aye: all
- 6. Public Comment:
 Brad Strigle ^Strigle 22199 Kendaville Rd, Pierson concerns over ground water being discovered, and use of dry separator.
 Beth Strigle 22199 Kendaville Rd, Pierson distributed packets and asked for them to be part of township records, citing some case laws and statues.
- 7. New Business - none
- 8. Ongoing Business
 - a. Tri County Gravel Project:

Motion, Conditions and Findings of Fact for
Tri-County Gravel, LLC.
Special Land Use and Site Plan
Request for the Removal and Processing of Sand and Gravel

As Approved by incorporation into the minutes of the January 23, 2025 Planning Commission Meeting.

WHEREAS, based on these findings of fact which demonstrate conformance with the requirements of Section 15.03 – General Standards, Section 15.24 – Removal and Processing of Sand, Gravel, and Other Mineral resources, and Section 17.04 – Standards of Review of the Pierson Township Zoning Ordinance:

On January 23, 2025 Commissioner **Fahner** moved and Commissioner **Maioho** seconded the motion to approve the application from Tri-County Gravel, LLC. For a special land use for the removal of sand and gravel from parcel number 015-004-010-00, located on the north side of Kendaville Road west of U.S. Highway 131, with the following conditions:

- 1. The operation shall be conducted in accordance with site plans dated 1/13/2025 prepared by Exxel Engineering, Inc. and the accompanying project narrative dated 1/14/2025.
- 2. Per the recommendation of Tri-County Gravel LLC all processing/dry screening of materials extracted from the site must occur at least 500 feet from any dwelling.
- 3. Per the recommendation of Tri-County Gravel LLC trucks entering or leaving the site shall not use “Jake Brakes” also known as Compression Release Engine Brakes.
- 4. No materials will be brought onto the site for reclamation unless proof that the materials are not contaminated is provided to the Zoning Administrator.

5. There shall be no excavation within the ground water table.
6. The special land use will be reviewed annually by the Planning Commission at a **public hearing**. This review will include, but not be limited to the following items:
 - a. Review of complaints made against the special land use and how those complaints were remedied.
 - b. A site inspection by the Zoning Administrator and/or other Township designated officials and report of their findings.
 - c. Review of the amount of the financial guarantee for site reclamation.
 - d. Drone overview of the Property completed by the Township.
7. The Applicant must provide an annual report on the progress of the special land use to the Township no later than 15 days prior to Planning Commission's regular **January** meeting. The Planning Commission will review this report as part of their review to determine whether the special land use is operating in compliance with the special land use permit. The annual report must include the following:
 - a. The amount of material removed from the site during the previous year.
 - b. The amount of material removed from the site since the project began.
 - c. Expected completion date of removal operations.
 - d. Expected completion date of reclamation.
 - e. Progress of phasing, reclamation of completed phases and the method used to stabilize reclaimed portion of the site.
 - f. Letter from the Road Commission that the mine and mine traffic is operating in conformance with all Road Commission requirements and agreements.
8. Traffic generated by the use will be reviewed annually. If any traffic conflicts are created between the use and the schools. The Planning Commission will have the authority to place restrictions on traffic generated by the use.
9. The Applicant must provide an escrow in the amount set by the Township to cover the cost of the annual review and inspection of the mine by the Zoning Administrator, Township Planner, Township Engineer, and/or other Township designated official.
10. A financial guarantee for the reclamation of the Property in the form of an irrevocable letter of credit, noncancelable bond, or cash in the amount of \$2,000 for each acre of disturbed, non-reclaimed land must be provided to and approved by the Township prior to the commencement of the use.
11. The special land use is being granted for a period of **seven** years. The special land use will expire on **March 31, 2032**.
12. The Township engineer will engage with an air quality expert to determine what, if any, baseline and annual air quality testing should be conducted, and the Applicant must adhere to all reasonable request.

Findings of Fact

Special Land Use Standards of Review

Section 15.03. General Standards. To approve a special land use, the Planning Commission (or the Township Board, if the Township Board is the approving body) must find that all the following general standards are satisfied, in addition to any applicable standards set forth in this Ordinance for particular special land uses:

(a) *The special land use shall be established, laid out and operated so as not to have a substantial adverse effect upon adjoining or nearby lands or any of the uses thereof.*

Findings: Along the west property line of the Property there is a residential development containing a total of 24 residential lots with eleven of the residential properties directly

abutting the Property. The Applicant has proposed a 50-foot-wide buffer area containing a four to six-foot-high berm, with the berm being seeded. Additionally, a portion of the existing trees within the buffer area will be preserved.

Further, based on the reports referenced in the Applicant's narrative, it does not appear that the use will have an adverse effect upon air quality or home values.

Given the above findings, this standard is met.

(b) The special land use must not have an adverse effect on water and sewer services, storm water drainage, road capacity and volume of traffic and traffic safety and circulation.

Findings:

Water and Sewer Services: Per the review letter from the Township's Engineer dated 12/2/2024, it does not appear that the proposed use will impact well or septic systems on neighboring properties.

Storm water drainage: Pending the Township Engineer's review of the updated site plans, the proposed use does not appear to have an adverse effect on storm water drainage.

Traffic: Per the emails from the Montcalm County Road Commission dated 12/12/2024 and 1/10/2025, the proposed truck route and alternative truck route have been approved. Additionally, the project narrative depicts the routes and the times they will be used.

Given the above findings, this standard is met.

(c) The special land use must not have an adverse effect on police and fire services and other public safety and emergency services.

Findings: The applicant has received a temporary address for the Property to ensure that if an emergency does occur on the Property, emergency responders can quickly respond. Additionally, the Applicant will ensure that emergency responders can open the gate on the Property. As such, it does not appear that the use will have an adverse effect on police, fire, public safety, or other emergency services. Given this, this standard is met.

(d) The special land use must not have an adverse effect on the need and demand for public services and the protection and preservation of natural features and natural resources.

Findings: It does not appear that removal of gravel and other natural resources will have an adverse impact on the demand for public services such as public water, sanitary sewer, storm sewer, police services, fire services, or other emergency services. Additionally, per the Township Engineer's letter dated 12/2/2024, there are no wetlands on the Property that would restrict the Applicant from altering the land. Given this, this standard is met.

(e) The special land use shall not have an adverse impact upon other pertinent land use factors including but not limited to the view from adjacent and nearby lands; off-street parking and loading; refuse removal and similar services; control of noise, glare and vibration; signs; outdoor lighting.

Findings:

View: The Property is situated between a residential development and U.S. Highway 131. Additionally, regardless of the removal of natural resources the Applicant has the right to remove trees and make other alterations to the Property. Given this, the proposed alterations

that will be made as part of the proposed special land use will not have an adverse impact to views from nearby lands.

Off-street parking and loading: All parking and loading resulting from the proposed special land use will occur on the Property. As such, the proposed use does not appear to have an impact on off-street parking and loading.

Refuse removal and similar services: It does not appear that the proposed use will create a need for refuse removal or other similar services.

Control of noise, glare and vibration: As previously stated, the Applicant has proposed a 50-foot-wide greenbelt, the preservation of a portion of the existing trees within the greenbelt, and a four to six-foot tall berm that will be seeded and constructed at least 50 feet north of extraction activities.

Signs & Outdoor Lighting: No signs or outdoor lighting has been proposed as part of the special land use.

Given the above findings, this standard is met.

(f) The special land use shall have safe and reliable facilities for the collection and disposal of sanitary sewage and the providing and distribution of water supply. In the discretion of the Planning Commission, water supply and sewage disposal plans shall be submitted for review by the Township's consulting engineer. The special land use shall be consistent with the intent and purposes of this Ordinance and the Master Plan.

Findings: The proposed special land use does not require sanitary sewer or water supply facilities. Given this, this standard is met.

Section 15.24 – Removal and Processing of Sand, Gravel, and Other Mineral Resources

Findings: Per Fresh Coast Planning's review, Moore + Bruggink Consulting Engineer's review, the Planning Commission's preliminary review of the project at their December 5, 2024 meeting, Public Hearing and further review by the Planning Commission at their January 9, 2025 meeting, and final review by the Planning Commission at their January 23, 2024. The application was found to be complete and meet all of the standards contained in Section 15.25 of the Pierson Township Zoning Ordinance.

Site Plan Standards of Review

Section 17.04. Standards of Review. The Planning Commission shall approve a site plan if it determines that the plan complies with the requirements of this Ordinance; is consistent with the intent and purposes of the ordinance; will be compatible with adjacent land uses, and the natural environment and capacities of public services and facilities; and will be consistent with the public health, safety and welfare. In addition, the site plan shall comply with the following standards:

(a) Building Permit. Where a site plan has been approved for any use, any building permit issued shall provide that the development be completed in accordance with the approved site plan. A failure to conform with the site plan shall be a violation of this Ordinance, and if necessary the Township may issue a stop work order under Section 17.04(f).

Findings: The applicant is aware that they must adhere to all Zoning Ordinance requirements and any conditions of approval placed on the use.

(b) Traffic Circulation. The number, location, and size of access and entry points, and internal traffic and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site, and circulation within the site. In reviewing traffic circulation features, the

Planning Commission shall consider spacing and alignment with existing and probable future access points on nearby properties and may require that provision be made for shared access with adjacent properties.

Findings: The proposed driveway and truck routes have been reviewed and approved by the Montcalm County Road Commission. Further the Applicant has provided an alternate truck route that will be used during school unloading and loading times. As such, this standard is met.

(c) Storm Water. Storm water detention and drainage systems shall be designed so that the removal of surface waters will not adversely affect neighboring properties or public storm water drainage systems. All aspects of storm water control measures shall be subject to the approval of the Township Engineer and the Montcalm County Drain Commissioner.

FCP Response: Per the Township Engineer's review of the site plans, this standard is met.

(d) Landscaping. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing unnecessary tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas. The Planning Commission may require that landscaping, buffers, or greenbelts be preserved or provided, to ensure the proposed uses will be adequately buffered from one another and from surrounding property.

Findings: In the project narrative the applicant has stated the future use of the land is intended to be a housing development. This has been further depicted in the Final Use and Site Rehabilitation Plan provided by the applicant. As such, the landscape appears to be preserved in its natural state, insofar as it is practicable. Additionally, as previously stated, the proposed greenbelt appears to adequately buffer the use from surrounding properties. Given the above findings, this standard is met.

(e) Screening. Where commercial uses abut residential uses, appropriate screening consisting of attractively designed, fencing or screening, or equivalent landscaping, shall be provided so as to shield residential properties from noise, headlights, and glare, and from the view of trash receptacles, dumpsters and similar outdoor, utilitarian uses, common to commercial activities.

Findings: It appears that this standard applies to the end use of a proposed site plan. As the proposed end use is not a commercial use, this standard does not appear to apply.

(f) Lighting. Outdoor lighting shall be designed so as to minimize glare on adjacent properties and public streets.

Findings: The Applicant has not proposed any outdoor lighting. As such, this standard does not appear to apply.

(g) Exterior Uses. Exposed storage areas, machinery, heating and cooling units, service areas, loading areas, utility buildings and structures, and similar accessory areas shall be located so as to have only a minimum negative effect on adjacent properties, and shall be screened if reasonably required to ensure compatibility with surrounding properties.

Findings: The proposed storage and screening area is located in the southeast portion of the Property. It appears that the storage and screening area has been located as far away from the residential development as possible. Given this, this standard is met.

(h) Utilities. Water supply and sewage disposal facilities shall comply with all Township and County requirements.

Findings: No water supply or sewage disposal facilities are proposed as part of the proposed use. As such, this standard does not appear to apply.

(i) Signs. Signs shall comply with the sign provisions of this Ordinance.

Findings: No signs have been proposed as part of the proposed use. As such, this standard does not appear to apply.

(j) Parking and Loading. Off-street parking and loading facilities shall comply with Chapter 19.

Findings: There are no minimum off-street parking facilities for the proposed use. Additionally, it appears that the Applicant has provided sufficient room to ensure that all loading activities for the proposed use will occur on the Property and will not impact any public areas off of the Property. Given this, this standard is met.

Ayes: Ericksen, Fahner, Maioho, Smith, Lecceadone Abstain: Sower

Nays: ^None

Absent: Dunneback

Approved by the Pierson Township Planning Commission January 23, 2025.

b. Master Plan Update: in for review

c. OSPUD Discussion: Public Hearing for February ^27, 2025 at 7 pm

9. Adjourn: 8:50 pm

Motion: Sower

Second: Smith

Tyler Lecceadone, Chairperson

Pierson Township Planning Commission