

**AMENDED**  
**Barry County Planning Commission**  
**Minutes**  
**August 27, 2018**

The meeting was called to order at 7:00 p.m. by Clyde Morgan in the Community Room of the Tyden Building located at 121 South Church Street in Hastings. The Planning Commission members in attendance included: Morgan, Levi Bolthouse, Jack Miner, Joyce Snow, Ben Geiger, Robert Vanderboegh, and Jack Nadwornik. Those also in attendance included: Barry County Planning Director James McManus, William Sowle, Warren Menck, and many other interested people.

Motion by Geiger to approve the agenda as printed. Support by Snow. All ayes - motion carried.

Motion by Geiger to approve the Minutes of July 23rd, 2018 as written. Support by Vanderboegh. All ayes - motion carried.

**BUSINESS**

Morgan explained the procedures of a public hearing.

**Rezoning**

**Case No. A-2-2018**

**Under Article 11, Section 1102-  
Rural Residential - Special Land Uses**

**Add: "Adult Foster Care Facility",  
subject to Section 2307**

Morgan recessed the Planning Commission, opened the public hearing, and explained the text amendment.

McManus noted the request is to include Adult Foster Care Facilities as a Special Use in the RR classification. He noted there are a couple of active facilities in that district that need licensing including one on the agenda for this meeting. He noted the Planning Commission had already included nursing homes in the district, but the state licensing may have different criteria.

Morgan asked if anyone wished to speak in favor of the request. There was no response.

Morgan asked if anyone was opposed. There was no response.

Morgan closed the public hearing and reconvened the Planning Commission.

Motion by Vanderboegh to recommend approval of text amendment A-2-2018 to the Barry County Board of Commissioners. Support by Miner. All ayes - motion carried.

### **Special Uses**

**Case No. SP-10-2018**

**William Sowle (Applicant)**  
**Sowle Real Estate/William Sowle**  
**(Property Owner)**

Morgan recessed the Planning Commission, opened the public hearing, and asked Sowle to present his request.

Sowle said he has purchased the adult foster care facility and he needs to update his license. He said the use of the facility would be the same with the same conditions. He noted he did not know he had to get a transfer approval.

Morgan asked if anyone wished to speak in favor of the request. There was no response.

He asked if anyone was opposed. There was no response.

Morgan closed the public hearing and reconvened the Planning Commission.

McManus distributed a decision sheet with the original stipulations. He said the driveway was okay, but he had no way to determine how service was paid for. He noted transferring special use approvals to a new owner requires Planning Commission approval.

Miner asked if payments were an issue. Sowle said he was not sure if local government could dictate how pay was received.

Miner noted the garbage area needs to be enclosed.

Snow verified Sowle understood the stipulations. Sowle agreed.

Geiger noted that there are new laws regarding emergency notifications and asked if Sowle was able to manage the facility in compliance with the new laws. Sowle said he was able to care for the patients in a safe manner. He noted he has added cameras and alarms, and he said the number of emergency calls has gone down.

Vanderboegh asked if Sowle owned any other facilities. Sowle said no.

Snow noted she walked into the facility without a check. Sowle said the doors are open during normal working hours.

Morgan asked if people could walk out. Sowle said they cannot have a locked facility. He noted the doors get locked after 8:00 p.m. He said there are two staff on duty at all times.

Morgan was concerned about dementia patients walking out.

Geiger noted adult care facilities are very regulated.

Miner asked if Sowle would let Planning & Zoning know if the government pay issue needed to be adjusted. Sowle asked why pay was an issue. Miner noted they were concerned about the financial viability of the site.

McManus noted they were also concerned with the type of clientele, since it was a rural residential area. Sowle noted they are not equipped to handle rehab cases.

McManus noted Sowle could ask for a rehearing in the future if the stipulations became an issue.

Motion by Geiger to approve Case No. SP-10-2018. Support by Vanderboegh. Roll call vote taken: 7 ayes - 0 nays - motion carried. Special Use Transfer Permitted.

**Case No. SP-11-2018**

**Carla Reid-Christle (Property Owner)**

Morgan recessed the Planning Commission, opened the public hearing, and asked Reid-Christle to present her request.

Warren Menck, who is operating the gravel pit, said he would like to continue the operation that has been there for years. He said he was looking to expand and remove the hill behind the house. He said he is currently mining and washing stone on site, and he may want to add a crusher later. He said the main area will be the five acres near the existing pond.

Reid-Christle said she wants the hill behind the house removed. She said they have had a small amount of mining every year. She said the pit has been there for over 50 years in the family.

Morgan asked if anyone wished to speak in favor of the request.

Mike Chamberlain said the pit has been there since 1964. He noted the roads in the area were constructed with material from the pit. He noted he received a flyer in the mail.

John Crookston noted the pit was hardly noticeable. He said people have private property rights.

Bob Goldsworthy said he was in favor of the request and asked who created the flyer. No one responded.

Morgan asked if anyone was opposed.

Rebecca Jones said she was concerned about the noise.

Diane DeKoster asked if due diligence has been completed. She questioned if the water would cause the lake to drop. She asked if the road would be upgraded. She noted another pit on Kellogg School Road had been stopped years ago. She was concerned with the pit enlarging.

Phyllis Leroy noted the driveway was on a curve which could be hazardous.

John Yonker said he used to live near a gravel pit. He asked if they had a current permit. He asked about what the hours of operation would be. He asked how much digging would occur. He asked about road signage.

Wes Knollenberg questioned if the use was a proper fit. He asked if the groundwater level would be impacted. He asked if any fuel tanks would have secondary containment. He asked about the reclamation of the site and if there was a detailed plan. He asked about noise and dust control as well as the hours of operation. He asked about the driveway location and if any berms or fencing would be installed.

Scott Denny worried that it cannot be stopped. He said the noise is an issue. He noted there are fish in the pond next to the pit. He said his property will be devalued. He said the driveway is an issue and asked that it be moved to the other location next to the house. He asked about installing a berm. He asked about limiting the hours of operation. He expressed concern about the impacts on Augusta Creek.

Kathy Novellian asked if any fencing would be installed.

Larry Reardon said noise was an issue, and he was concerned about any environmental degradation.

McManus read letters from John Madden, Dee Morris, Bob and Carol Price, and Kate LeVan regarding the request.

Reid-Christle rebutted by saying there are three ponds on the property, and they have nothing to do with the lake. She noted she has stocked the pond with fish. She said that no one has wandered into the area. She noted there are 15 acres total with most of the hill behind the home. She said there will be no parties in the pit, and the area used to be farmed. She questioned where the noise was coming from as Menck had not been in the pit for weeks.

Menck said he has a state mining license, and he has complied with all of their rules. He noted he has constructed berms in the areas where the trees have been removed. He noted the driveway that he is using has been there for years, but he has been trying to change it. He noted the warning signs are 500 feet from the drive. He said there is no electricity on the site to have electronic signs. He said the pond will be limited to five acres, and about seven acres of the 15 total can be mined. He said the mine area will become a pasture, and he noted most of the digging will be behind the house. He said Goldsworthy will be the only impacted neighbor.

Morgan closed the public hearing and reconvened the Planning Commission.

Bolthouse asked if Menck had seen the ordinance standards. Menck said yes. Bolthouse verified that 15 acres would be mined. Bolthouse asked about the secondary drive. Menck said it goes to another property. Bolthouse said they would have to follow the greater-than-five-acre standards.

Snow asked about the work area. Menck described the mining area and noted most of it will be behind the house.

Snow asked about timing. Menck said he had a five-year lease.

Snow said she was aware that the pit had been in existence, but she did not know it was active.

Geiger asked if Menck was leasing the property to mine for his own use. Menck said yes and said he had 30 years of experience.

Geiger noted the pit will have an impact on neighboring properties and asked what the hours of operation would be. Menck said he works from 7 a.m. - 8 p.m. Monday through Friday, but noted he has another business so he is not always there.

Geiger asked about the noise issue. Menck said it is not from his pit as he does not have a crusher on site.

Geiger asked if there would be a headlight issue to the house. Menck said no.

Vanderboegh asked if Menck would use the product for his own business. Menck said yes but noted he does sell product to others.

Vanderboegh asked about a crusher. Menck said he does not have one on site and noted they are expensive. Menck said he might get a crusher company to come in once a year.

Vanderboegh noted the pit was already in a hole. Menck agreed.

Vanderboegh verified that Menck would only work during daylight hours. Menck agreed.

Vanderboegh asked when processing would be completed. Menck said 6 p.m.

Morgan noted the Planning Commission had reviewed many gravel pits.

He noted the bells on the trucks are required. He noted that the Planning Commission is concerned about moonscapes being left behind. Menck said he was trying to flatten the surface. He said he would not go lower than the current level.

Morgan noted noise and hours of operation are concerns. He also expressed concern about the drive.

McManus read an excerpt from the Michigan Zoning Enabling Act about very serious consequences and noted there are very few locations in Barry County that meet the criteria. He noted the previous pit denial on Kellogg School Road was done before this law went into effect, and there were environmental issues on-site. McManus said there was some debate about the historical use of the pit, but he said the area behind the home would be an expansion and needed a review and approval by the Planning Commission.

Miner verified the size of the work area and said a formal site plan would be required. He noted water runoff control and dust control needs to be included. He also wanted to see how noise would be controlled and where truck traffic would be routed. He asked about the hours of operation. He asked that fencing, berms, and reclamation plans be included on the plan.

Reid-Christle said it will become a pasture. She noted the locust trees will be removed, and there is very little topsoil on site.

Morgan noted a 1:3 slope is usually required and they also have a 50 feet setback requirement. Menck said he was aware of that and noted he has constructed a berm on site.

Morgan asked if Menck could continue if the case was tabled. McManus said he could still use the historical area.

Morgan recessed the Planning Commission at 8:30 p.m.

Morgan reconvened the Planning Commission at 8:40 p.m.

Miner said it was okay to work the old area, but a good site plan needs to be completed.

Motion by Miner to table Case No. SP-11-2018 for up to 90 days in order to submit a detailed site plan. Support by Snow. Roll call vote taken: 7 ayes - 0 nays - motion carried.  
Special Use request tabled.

### Farmland Agreement

**#18-11**

**Richard & Pamela Palmer**

Motion by Geiger to recommend approval of #18-11 to the Barry County Board of Commissioners. Support by Nadwornik. All ayes - motion carried.

### Plan Reviews

McManus noted Martin Township had created a new plan, but it had minimal impact on Barry County. There were no comments.

McManus noted Pennfield Township had sent a notice advising the County of their intent to plan. No action was required.

McManus noted Yankee Springs Township had submitted a plan for review. He noted Yankee Springs is truly an Open Space Community, so development locations are a priority. He noted he was pleased to see the area of Patterson Road north of M-179 Highway planned for development. He questioned the likelihood of the Mixed Use Plan along M-37 in Section 1 being achieved because the farms have been included in PA116 approvals.

Geiger suggested that Broadband be included in the plan and noted the state has passed new legislation prioritizing its implementation.

McManus said he would send a letter to Yankee Springs Township.

Motion by Nadwornik to adjourn. Support by Miner. All ayes - motion carried.

Meeting adjourned at 9:00 p.m.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Joyce Snow".

Joyce Snow, Secretary