

DISCUSSION OF MINING ORDINANCE

We, the undersigned, being the record owners of lands in Yankee Springs Township, Barry County, Michigan whose property would be negatively impacted by the proposed gravel mining project planned for parcel 16-005-006-50 do petition the Yankee Springs Township Board of Trustees and Planning Commission to amend the township gravel mining ordinance in such a way as to not allow gravel mining on residentially zoned land or land surrounded or adjacent to land zoned for any form of residential use or whose use is residential regardless of the zoning classification. We also petition for the rezoning of the parcels in residential use near this proposed project (including parcel 16-005-006-50) from agriculture to rural residential.

Mr. Fiala made a special request that an informal poll be taken among the group present with a show of hands for those who support the petition just read. It appeared to be an overwhelming majority (if not all) of the guests present raised their hands.

Mr. Fiala thanked the guests for coming and showing their interest and suggested that the PC allow for several representatives to speak for the group at this early stage in the process.

Motion by Fiala with support from Knowles to have a couple of representatives speak at this time.

Discussion: Mr. Frągmanski feels if they want to speak they should be allowed to express their opinion.

I 207

6 AYES; 1 NAY. MOTION CARRIED

Catherine Durocher, 11958 Bowens Mill Rd. Catherine can attest to the negative effects that mining operations have because she lives across from the current mining on Bowens Mill Rd and Payne Lake Rd. The mining never seems to end. Trucks are noisy and constant, it always smells like diesel, they can't open their windows, the road is a mess, and the traffic is a problem. This new proposed project is larger, and Bass Rd cannot handle the traffic. She feels that subjecting people to that is wrong. It has deflated their property value. She urges the PC to rezone the Bass Rd property and to amend the ordinance so that people won't have to live next to a mine. There are also worries about the effects on the lake.

Ms. Bush thanked Catherine for sharing with us.

Mike Cunningham, Heritage Bay Dr. Mike wrote the language in the petition and states that there is no organized group here, just interested people. Mike has turned in 100 signatures and has more to turn in tomorrow. The township board adopted a moratorium on accepting gravel mining permits for a one-year period at a special meeting in April 2025 to allow the planning commission time to make needed changes to the existing mining ordinance. Prior to the moratorium, a proposal for mining had been made in March of 2025 for a property on Bass Road.

Gravel mining had already been happening at the corner of Payne Lake Road and Bowens Mill Road for the past 4 or 5 years without even requesting a permit because the ordinance did not adequately define what constituted gravel mining. The township is using a revised county gravel mining ordinance as a starting point to update the township ordinance. As a reminder, the township can and should have an ordinance that fits our unique township. I have heard that our ordinance should be consistent with the county ordinance and compliant with state rules. I DO NOT BELIEVE THAT THIS IS ENTIRELY TRUE. We spend a lot of money to do our own planning and zoning. The point in planning and zoning is to be different where needed. Yankee Springs is a residential township with a geography also suited for recreation. Not commercial and industrial. The revised county ordinance does not seem to allow mining in any residential zoning areas. This is good. I would

MINUTES

Page 2 of 7 PC

APPROVED: _____

Regular PC Mtg.

August 21, 2025

suggest going further and not allow it on land whose current or future planned use is residential in the township regardless of its current zoning.

A crucial part of planning and zoning is determining what zoning is appropriate for each parcel. When the use of land changes from agricultural to residential, it seems that the zoning is not always changed, and as a result, there are many parcels whose use is residential that are still zoned as agricultural. I think the township should at least once each year, use building permit and other data to consider rezoning properties whose use does not match the zoning. I have asked the township to rezone the properties near the proposed gravel mine from AG to Rural Residential since the land is used for residences. The proposed Bass Road mining property is currently still being farmed. When the property is not to be farmed anymore it should be rezoned to rural residential as the future land map indicates. Gravel mining should not be allowed.

Changing the ordinance and keeping zoning up to date are both needed to protect residential use of land in the township and to identify where mining can properly be done since the ordinance relies on the zoning of the land near proposed projects.

Please change the ordinance, and zoning, such that gravel mining is not allowed near the residences surrounding the proposed Bass Road project, and in similar areas of Yankee Springs Township.

John Trygier, Barlow Lake Rd. John asks the PC to consider a mining ordinance for the entire township, not just this specific case. John suggested considering the ordinance regulating landfills and waste disposal. We don't want this mining. John offered 7 recommendations for consideration by the Board:

1) Review the current Township Zoning Ordinance 4.5.Q regulating sanitary landfills and solid waste disposal. He cites similarities of operation in removing and placement of materials on a location of land, both having concerns with trucks, noise and vibration, heavy equipment operations, dust and debris and traffic.

2) No mining operation shall be permitted closer than 1000 feet to any residence or within 500 feet of any resident district, whichever is greater (4.5.Q.4b).

3) No mining operation shall be permitted closer than 500 feet to adjacent public rights-of-way (4.5.Q.4.c).

4) Add ordinances for processing structures for on site mining processing relating to location not being closer than 500 feet to property boundary or 1000 feet of a residence (4.5.Q.5).

5) Add ordinances for mining hours of operation similar to those in 4.5.Q.3 to recognize Yankee Springs as a large tourist area and no on-site operation on Sundays or legal holidays, hours of operation 7:00 am to 5:30 pm unless the mining is within 500 feet of resident district or 1000 feet of a residence -then hours shall be between 8:00 am and 5:00 pm.

6) Add ordinances for sound barriers, dust and vibration controls and requirements to clear roads of any debris, dirt or dust generated from traffic leaving the site or damage to the road be the responsibility of the mining operation (4.5.Q.11).

7) Add ordinances for protection of any onsite state regulated wetlands, ponds or lakes within 1000 feet of the mining operation. Additionally require an evaluation and impact study of the below grade aquifer when a site has state regulated wetlands. Additionally, any DNR or EGLE studies shall be completed prior to any permit public hearing for mining consideration.

Finally, the revised ordinances should be specific and detailed when regulating a mining operation for consideration in Yankee Springs Township to protect the natural beauty of the township and the property owners. We're about protecting the beauty and people of this township. John also expresses that he doesn't agree with the rezoning aspect of the petition because if you change it to Rural Residential, you open it up to one acre parcels going in versus right now, it's agriculture which requires three acres, so we could end up with 30-40 houses going in on the same property that is now

MINUTES

Page 3 of 7 PC

APPROVED: _____

Regular PC Mtg.

August 21, 2025

limited to about 10. He did sign the petition in spite of this because he doesn't want to see the mining.

Tracie and Jason Makowski, of 1554 Heritage Bay Drive and 1262 Manitou Lane submitted a letter to the PC which Ms. Bush read. The letter expresses their strong opposition to the proposed gravel mining project for the 45 acre property located on Bass Road. This site is adjacent to their home on Heritage Bay Drive. The reasons stated for their opposition are: Traffic and Road Safety, Quality of Life and Property Values, Noise Pollution, Environmental Concerns, Air Quality and Chemical Exposure, and Erosion and Hill Instability. The letter further states that the project conflicts with the current land use patterns and runs counter to the Yankee Springs Township's Master (Land Use) Plan, most recently updated in 2019. They respectfully urge the Township Board and Planning Commission to reject this gravel mining proposal and move to rezone the surrounding parcels to "Rural Residential" or "Single-Family Residential", in line with both existing neighborhood use and the Master Plan's stated goals.

Discussion:

- Ms. Bush explains to the group that tonight we will discuss a plan for moving forward, to include working on and developing the mining ordinance, making sure that it fits the entire township. The concerns that have been stated make sense to the members of the PC and will be taken into consideration.
- Mr. Beukema states that we haven't heard back from the attorney on the Barry County draft that we had sent to her requesting her feedback.
- Mr. Fiala spoke with the Michigan Township Associations' attorney today and it is noted that mining is a hot topic in many locations. We will be looking at a sample ordinance from Texas Township (near Kalamazoo) for consideration. Mr. Fiala recommends a group of 3 people to work with Joe Shea (retired attorney and zoning administrator) to meet with the lawyer and new planner that has been retained and bring back a report to the next PC meeting with a strategic plan and proposed timing for moving forward.
- Mr. Knowles states that we share the same end goal with the public. How we get there, he doesn't know, and also has reservations about changing property zoning.
- Mr. Fiala notes that we need to put considerable work into the Master Plan for the entire area of zoning issues based on the feedback here.

Motion by Fiala with support from Frigmanski to form a subcommittee of 4 people, consisting of Joe Shea (Zoning Administrator), Shana Bush (PC Chair), Larry Knowles (BOT) and Frank Fiala (PC Secretary), to work on specifics of a new Mining Ordinance.

ALL AYES. MOTION CARRIED

Ms. Bush also recommends a special meeting where the PC can hear from township residents in a more informal way before they move to finalize the ordinance. This will probably not take place before the next PC meeting, but this should be done before they finalize the new ordinance.

The PC notes that there is some urgency to get this to the attorney and planner for their input so that we can get this scheduled - hopefully before the snowbirds leave Michigan.

Ms. Bush states that this is how we will proceed: We will start with the newly formed Committee and hope to share more information with the public before the September PC meeting. A special town hall meeting will then be planned for sharing information and receiving input.

PUBLIC COMMENT: (Non-agenda matters) - (Limit to 3 minutes per person-Additional comments under item 11)

MINUTES

Page 4 of 7 PC

APPROVED:___

Regular PC Mtg.

August 21, 2025

**PUBLIC
COMMENT**

Charlene Silliman, 1640 Heritage Bay Dr. Charlene speaks against the proposed mining. She urged the PC to consider potential lung conditions from gravel mining. She states that more information is needed as to the mining planned. What kind of mining is it that will be done? Crushed mining? Washed gravel? What are they going to do with the excess?

David Potgeter, Manitou Lane. Mr. Potgeter states that the PC needs to answer important questions as they consider mining, such as: How many cubic yards are they going to remove? (based on plans submitted it is 675,000 cubic yards and 20 feet deep - answer from John Trygier in the audience.) How many truck loads will it take? How many trucks per hour? He owned a mining operation at one time, and it's very tough and it's very hard. The owner knows how much gravel is there, and how much he will get out of it. Is it a Class C road or is it a Class A road? Does the PC know the answers to these things? When he gets done with the 5 years, will he file for an extension? Also, concern was expressed about the depth of the pond being dug (a different site) in which they brought in a cable crane for digging. Does the PC know how deep that pond is?

Jill Trygier, 1169 Barlow Lake Rd. I circulated petitions around the southern half of Barlow Lake. The single biggest question and concern is how will this affect the aquifer. How deep will they go? Will they affect the aquifer? Nobody knows. I don't think the developer knows. That is a huge concern for those on Barlow Lake because it could cause damage that would destroy everything we've ever invested in. This is a critical piece of information that has to be known, regulated, and enforced.

Jared Nichols, 430 Payne Lake Road. I'm adding to the comment about the aquifer. This not only affects Barlow Lake, but the watershed for Barlow, Bowens Mill, Payne and Gun Lake. It's not if you hit water, it's based on pressure. You need to consult a geologist. It's much bigger than Barlow Lake.

Dave Laansma, Precinct Delegate. Dave thanks the PC members for taking time to deal with this complex subject. The mining operators know how to infringe on ordinances unless it's clearly written and enforced. He recalls difficulty in the past getting the ordinances interpreted properly or enforced. He applauds the public for being there tonight.

Robin Laansma, Precinct Delegate. Robin shares her experience and states that when they mined gravel next to their residence in 1999 and early 2000's, they violated everything. There was mining on both sides of Payne Lake Rd. They were not allowed to go down to the water level. Now someone is digging a pond and she expressed concern for the depth of the pond (on the East side of Payne Lake Rd). She felt the Planning Commission and the Township Board were not supportive of the residents in the past. She totally opposes mining.

APPROVAL OF MINUTES: Regular Meeting of June 19, 2025
Motion by Knowles with support from Beukema to approve the minutes of the Regular PC Meeting of June 19, 2025 as presented. All AYES. MOTION CARRIED

INQUIRY ON CONFLICT OF INTEREST:

ROLL CALL: F. Fiala asked the PC members present if there was any conflict of any PC member with the agenda of requests and as modified this evening.
All PC members noted: NO conflicts. No: 7, Yes: 0.

NEW BUSINESS:

MINUTES
Page 5 of 7 PC
APPROVED:___
Regular PC Mtg.
August 21, 2025

**APPROVAL OF
MINUTES**

**INQUIRY ON
CONFLICT OF
INTEREST**

NEW BUSINESS

SEU 25-07-08 PARCEL ID 16-370-018-00, 12747 Whispering Pines Drive #18 Wayland, MI 48182-3448. A request by Jacqueline Garn, the property owner for a special exception use permit to operate a commercial Short-term rental pursuant to the Yankee Springs zoning Ordinance Article X short Term Rentals

Public Hearing

Motion by Fiala with support from Knowles to open the public hearing at 7:49 pm.

Discussion from the Board - none.

No comments.

Motion by Knowles with support from Frigmanski to close the public hearing at 7:40 pm.

Discussion: This looks similar to the other SEU permits they have granted.

Motion by Knowles with support from Craven to approve SEU 25-07-08 as presented.

6 AYES, 1 NAY. MOTION CARRIED.

OLD BUSINESS:

Discussion of the Master Plan.

PC members received a print copy of the Analysis section of the Master Plan. Ms. Bush has made several changes and the group expresses thanks for her good work. She encouraged the PC members to go through this section and bring any suggestions or changes to her and the committee.

Next Steps: Public Input is needed. A special Open House is suggested for public input to the Master Plan. The public Survey is available on the website with the summary of the responses. At the Open House attendees will be allowed to ask questions and interact with PC members. Input will be encouraged from residents. Sept. 20, 2025 is the proposed date, from 9 - 11 am.

OTHER SUCH BUSINESS AS MAY PROPERLY COME BEFORE THE PLANNING COMMISSION

- The MTA training is recommended for PC members.

PUBLIC COMMENT: (3 minute limit)

John Trygier, Barlow Lake Rd. John suggested that holding a workshop for input and discussion of mining would be great. He looked at the plans (he is an engineer), and has come up with figures that it would take almost 9 years to move the proposed material out of there. Gravel right now is a premium, and John estimates a 6-7 million dollar value for this project. The PC needs to balance this mining operation on Bass Rd with the whole township, because if it can happen here right next to residences, it can happen anywhere.

Mike Cunningham, Heritage Bay Dr. Mike is glad the PC has been able to hear from a large number of people today at the beginning of this process. He is glad the PC got to see this output. Mike is not a fan of subcommittees, and feels if it is a subcommittee it should be with PC members only and not people from the outside. Subcommittee meetings are not public. He would like the whole PC to be part of the process in public meetings. Also, there has been no legislation passed by the state yet on this subject (to his knowledge), so please do what is right for the township.

Dave Laansma, Precinct Delegate. Two brief comments. First regarding rank choice voting in the State of Michigan. If you see this petition, he asks that you do not sign it. Our State Rep. Smit has

MINUTES

Page 6 of 7 PC

APPROVED:___

Regular PC Mtg.

August 21, 2025

PUBLIC HEARING

**Approval of SEU
25-07-08: Parcel
ID: 16-370-018-00**

OLD BUSINESS

**Discussion of the
Master Plan**

**Other Such
Business As May
Properly Come
Before the
Planning
Commission**

**PUBLIC
COMMENT**

introduced legislation to stop this. Secondly, he has a petition supporting citizenship verification for Michigan voters.

Public Comment closed at 8:09 pm.

Additional Comment: None

ADJOURNMENT:

Motion by Knowles with support from Fiala to adjourn the meeting at 8:10 pm.

All AYES. MOTION CARRIED.

Approved by: Frank Fiala 9/18/25
Frank Fiala, Planning Commission Secretary Date

Respectfully submitted by
Diane Dykgraaf, Recording Secretary
August 21, 2025

MINUTES
Page 7 of 7 PC
APPROVED: _____
Regular PC Mtg.
August 21, 2025

**MEETING
ADJOURNED**