

CASCO TOWNSHIP PLANNING COMMISSION
REGULAR MEETING & PUBLIC HEARING
JULY 20, 2022; 6 PM
Casco Township Hall

Approved 9-21-22 with correction

Members Present: Chairman Andy Litts, Vice Chairman John Weaver, and Secretary Greg Knisley, Board Representative Dan Fleming, Kelley Hecker, and Ryan Brush.

Absent: Zoning Administrator Tasha Smalley and ZBA Representative Sam Craig

Also Present: SLU Applicant Henry Cisco, and Tim Lubbers sand mine operator and Mike Baker Engineer from Nederveld and approximately 7 interested citizens and Recording Secretary Janet Chambers

1. **Call to Order:** The meeting was called to order by Chairman Litts at 6 PM.
2. **Review / Approval of Agenda:** A motion by Knisley, supported by Fleming to approve the agenda as presented. All in favor. MSC
3. **Public Comment – items NOT on the Agenda:** Dave Campbell said he would like to address the fire pit amendment. Chairman Litts said Campbell could address his concerns later under #8 on the agenda.
4. **Acknowledge / read correspondence received:** NONE
5. **Approval of minutes**
 - a. **6/15/22 meeting minutes:** Postponed until next meeting
6. **Public hearing:** Public Notice published in the South Haven Tribune on July 3, 2022 (Attachment #1) Henry Cisco, V/L 68th Street, 0302-020-002-00, Special Land Use – Removal and process of sand.
Open Public Hearing: The public hearing was opened at 6:07 PM
 - **Applicant present:** Applicant and property owner Henry Cisco, Tim Lubbers who will be operating the sand mine, Mike Baker PE with Nederveld, 347 Hoover Blvd., Suite C, Holland, MI 49423, were invited to present their request.

Baker said they are applying for a SLU for removal and processing of sand on 68th Street between 104^h & 107th. They are requesting to operate for 10 years. Currently the area is zoned AG. They are proposing to gradually return the property back to farmland at a lower level than the current grade. As they mine sand from back of the property to the front, they will remove the top soil and put it aside, back fill the mined areas with clay, dirt (spoils from job sites) and return the topsoil they have set aside.

Lubbers said if they are putting in a septic system or pool, they will dig out existing ground from the job site, bring the removed soil back to the sand pit to use as fill in the areas of the pit they are finished mining. They are proposing a 1 to 10 slope (more gradual than typically done), to allow safe farming as a section is returned to farmland.

Baker said they will remain 3' above the water table. He said they have sent the application to the township. They have contacted the road commission and were told they could use the public roads as long as they meet load limits including seasonal or special limits. He said they have contacted the Fire

Chief of South Haven. The Fire Chief said they would need to have access of active mining areas for fire trucks. Fire truck access would be the same roads used by the dirt moving trucks. The Fire Department requires an address sign be posted. As far as the Drain Commission, it will be a graded shallow bowl so there will be no water runoff onto neighbors. There will be a berm for buffering on 68th Street. They will be mining 1,350,000 cubic yards. When they get to 500' from a residence, they will move the berm to protect the neighbor. There is a flood plain in the northwest corner, which they will not impact. They will stabilize the banks.

Lubbers stated the sand is nice coarse, porous sand which will work great for drain fields.

Baker said the proposed hours of operation will be Monday thru Friday 7 AM to 5 PM; Saturdays 8 AM to 3 PM. There will be no work done on holidays.

- **Correspondence:** none
- **Audience comments – for / against:** Tim Giesler, 6653 107th Ave., asked what the haul route would be.

Lubbers said it would be North on 68th Street, easterly on 107th to 66th Street and over to 109th to freeway.

Tim Giesler asked how many trucks per day?

Lubbers said there would be double bottom trucks. There might be 40 trucks in a day, but that would be a rarity.

Giesler said the roads are not meant for that kind of traffic.

Lubbers said they have found good sand as a natural resource and will make it back into farmland.

Cisco said years ago Bruce Black hauled sand out of there.

Giesler said not on this scale. As a taxpayer Geisler is concerned.

Martin Burrows, 6653 107th Ave., said with all the years of dealing with 107th being in bad condition, now it is finally straightened out. This would demolish it.

Lubbers said it's going to happen. People need sand and with the price of gas, we as contractors are struggling. If a contractor has a contract with the state locked in on a price, they have to find the closest possible place. Digging sand pits to turn into ponds does not have the quality of sand that is classified correctly for state work.

Elizabeth Giesler asked if road repairs will cost the contractor, or it will cost the taxpayers?

Chairman Litts said Casco taxpayers pay for it.

Elizabeth Giesler asked if they had considered other routes.

Lubbers said there are bridges with weight restrictions in other directions.

Litts said that is not totally accurate. The ordinance says nearest public road. 103'd is the nearest public road.

Knisley said that depends on whether you are heading north or south.

Baker said it is longer to Exit 22.

- **Close Public hearing - no further public comment:** 7:17 PM

7. **New Business:**

Discussion & decision -Special Land Use & Site Plan: Litts said the plan is lacking some detail.

Knisley said if anything happened to 107 Ave the sand pit would be dead in the water. With bridges they cannot cross etc. Knisley asked if they have alternate routes in mind if their regular route became inaccessible.

Discussion ensued on other possible routes.

Baker said he will look at other possible routes.

Chairman Litts said the township has a road millage and there is some county funding. The project will be funded by the taxpayers. We need to look at the impact on infrastructure. We need to decide what is in it for Casco as stated in Section 15:03. Litts asked if the applicants read 15:03.

Lubbers said yes, and that is why he hired an engineer.

Chairman Litts said 68th Street north of 109Ave was paved a year ago. The county has a policy that roads need to be up to a higher standard when they are done. Just getting 68th between 107th and 104th ready for pavement was \$1,000,000. Paving the following year was \$170,000 a mile.

Litts read 15:23 DD opening paragraph.

Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resource. In recognition that certain valuable natural resources may exist in the Township which can only be used if extracted from the earth; and recognizing that mineral extraction, by its nature, can present very serious consequences that can be devastating to the environment, the value of property in the community, the health and safety of the people, and the general public welfare; earth removal, quarrying, gravel processing, mining and related mineral extraction businesses and use are only permitted in the Township if the applicant can demonstrate that the value to the public generally of removal of the natural resources substantially outweighs the negative impact of the proposed use upon the public health, safety and welfare. In evaluating a request for approval of such a use in accordance with this Ordinance, the Planning Commission shall balance all the evidence and information submitted to it by the applicant and by others at or before the required public hearing.

Prior to issuing a special use permit, the Planning Commission shall be satisfied the following conditions and limitations are, or shall be, strictly complied with in addition to any other requirements of this or other Township ordinances controlling such operations.

Chairman Litts asked what Casco is getting back?

Lubbers said septic systems require 4' of fill with a 7 to 1 taper. Most mound systems require 1,200 yards of sand. Most houses on the east side of Blue Star are on septic systems. Lubbers said he has put in a lot of mound systems and needs a lot of aggregate. Not all sand works for septic systems. Fine sand does not leach out. The proposed location is nice coarse sand.

Weaver asked how many septic systems Lubbers has done in Casco?

Lubbers said on average Allegan County has 20 to 25 systems a year.

Weaver asked where he is getting the sand now?

Lubbers said he goes to Chicora for sand or if someone is digging a pond or something. It is kind of spotty. He has been getting sand from DeBest.

Knisley asked about the benefit to Casco. We are looking at potential peril. The sand is leaving the township. Knisley suggested there could be a percentage of the profit for Casco Township to save for repairs.

Lubbers said years ago in Laketown they had a 15¢ per yard fee that went to the township. They could cut a check monthly to avoid a big payment at the end.

Litts referred to Section 15:25 E.

- e. Road improvements or road maintenance in the Township which may be required shall be specified and how the applicant intends to reimburse the Allegan County Road Commission and the Township.

Lubbers said that is what the bond is for. Videos can be taken of the road condition at the beginning and when the project is done.

Chairman Litts said the roads are not built for that kind of traffic.

Tim Giesler, 672 66th Street, said the route is currently a bike path.

Chairman Litts said 107th is paved and has a 40-year-old base. It will not tolerate the trucks.

Lubbers said winter has more impact on the roads. He said the township could restrict any hauling during the winter weight restriction times. During weight restriction times they still haul but are restricted to lower weights.

Knisley said Lubbers mention getting Road Commission approval. Would you have to address changes in the routes with the Road Commission?

Baker said he already talked to the Road Commission when they submitted the application.

Chairman Litts said Casco would need a written statement from the Road Commission as to the impact on the roads.

Baker said they are all public streets. Miners have to meet load restrictions and all special restrictions which are posted.

Chairman Litts asked if the Road Commission offered an opinion on whether roads will tolerate the traffic.

Baker said he can get that information. There are all different classes of roads. 109th does not have restrictions.

Weaver asked about the benefit to the township. He said he does not see the benefit.

Ken Dewitt, 628 68th Street, said it is a dirt road. There are two culverts on the dirt road. Last time a culvert went out it took a year to get it repaired. They had to go the other way. There are two culverts: 1 five ft., and 1 three ft. culvert, ¼ mile south of 107th. One is at a ravine where there is a creek. Another culvert is a county drain farther up the road. For a year had to go the other way.

Baker said culverts are designed for weight. Flooding is what damages culverts.

Fleming said he doesn't agree that when somebody wanting to use their private property, even though it is hard on the roads, it has to be a benefit to the township. To him that is upside down. This is probably the best opportunity Cisco will ever have to put his land to the best use. People say mineral extraction will destroy the township, revetments destroy the township., STRs will destroy the township. We need to keep it in the context of real life. Fleming read through the ordinance and took notes. Fleming said we need to note what in this ordinance needs to be changed.

Knisley said the use of property is not the issue. We need to look at what the cost to the township is. The road's increase use and threat of it costing the township more. The trucks are bigger than most semis. Is the PC going to allow this up to a certain limit?

Tim Giesler said 107th is not a major road.

Chairman Litts asked how Baker determined there is 1.35 million yards of sand.

Baker said he took ground surface and depth to determine how much sand there is. To determine the ground water depth, he took an average of well logs in the area and a spot where they dug down on the site.

Knisley said one well log is 12'.

Baker said the 12' well is an anomaly. Five hundred ninety-nine feet (599') was average and we stop 3' above that.

Knisley said the property is hilly, average 20' to 35' above that 599', gives you a big bowl. If that fills with water, might it affect the ground water?

Baker said the excavation will stop high enough above the water level. Water runs off or soak into ground. It drains, so it won't run off onto neighbors. It will have to soak into sand.

Chairman Litts asked the elevation of the river.

Baker said he does not have that information, but it is significantly lower. Baker will get the elevation of the river.

Chairman Litts questioned the ground water level accuracy. A lot of this information is close to 20 years old. In 2005 the lake was in a different position.

Baker said they will stop 3' above the high water table, regardless of how much sand they get.

Chairman Litts said the ordinance states in 15:27 3 c and d the mining will not be closer than 200' from an adjacent property line, right of way or easement. This mine needs to shrink in size.

Chairman Litts asked how they came up with 10 years?

Lubbers said in order to get all of the sand out in 10 years you must move 135,000 yards of sand per year. Lubbers said Henry Cisco wants to make so much money to take the sand out of the property. We may need to review it and extend it. If it takes longer, sand doesn't go bad.

Hecker asked about the amount of sand they will be taking out per year if it is operated only 7 months a year (if Casco restricts from hauling during winter weight restriction times).

Lubbers said 135,000 yards / year is probably overachieving.

Dave Campbell, 7174 Ferndell Ave., said we are working with a lot of assumptions. We need to determine what kind of refund we want and work our way up from there.

Chairman Litts asked who is going to be monitoring when you reach the point of 3' over the water table and who will be responsible.

Chairman Litts said Casco can ask for a pot of money to fund a person to monitor.

Hecker asked Lubbers how monitoring is generally done.

Lubbers said the engineer sets the limits and we follow the rules.

Knisley asked how they track the number trucks or yards shipped in each day.

Lubbers said we do billing for it and keep track.

Hecker asked how they determine when they are within 3 ft. of the water table.

Baker said an escrow could be deposited for the township to use for inspectors or a Geo Tech Engineer could confirm they are 3' above the water. He asked if Casco has engineers that work from the municipal side.

Chairman Litts invited any questions from the audience.

Hecker asked how much area will be actively mined at a time.

Lubbers said there could be 10 acres in a section.

Chairman Litts said section 15:24 lists items that need to be provided. The thing lacking is the reclamation plan. The plan does not show what the final product looks like.

Baker said it will be AG, ready to be farmed.

Litts said we need some sort of drawing we can agree to. For us to say you have a reclamation plan we need a cross section of the reclamation showing how much clay and topsoil there will be. You have a beautiful cross section of the mining; we need a cross section showing what goes back in.

Baker said it will be just like it is now, but the grade will be lower than it is now.

Chairman Litts said from our prospective we need a detailed explanation or drawing of what it will be like when completed. It needs to show how deep you will be going, how much is clay, how much of topsoil, etc. If we are charged with holding them accountable, we need to know what we are holding them to.

Baker said they will be removing the topsoil, stabilizing it, and the topsoil will be respread.

Litts said we need a minimum depth of topsoil and what the plan looks like.

Weaver asked who would inspect to be sure it is suitable for AG.

Fleming said if you add clay and mix it with sand it will hold water better than the sand did.

Continuing on with 15:03 DD with commissioners noting any concerns:

1. *Application.* An application for removal or processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources must be submitted for Planning Commission review and shall include the following:
 - a. The size of the property from which the topsoil, sand, gravel, or other such materials are to be removed. **The project is 80 acres.**
 - b. A written legal description of all of the lands proposed for the use. **Provided.**
 - c. Ten copies of the plan and all supporting documentation for mineral removal and reclamation shall be provided. The plan for mineral removal and reclamation will be drawn up and sealed by a registered professional engineer in the State of Michigan. The plan should include, in addition to materials required by Chapter 17,
 1. A north arrow, scale, and date. **Provided**
 2. Shading indication of the extent of land area on which mineral removal operations and activities will take place. **Yes**
 3. The location, width and grade of all easements or rights-of-way on or abutting the lands. **yes**
 4. The location and nature of all structures on the lands. **No structures on property**

5. The location and direction of all water courses and flood control channels and wetlands which may be affected or are likely to be affected by the mineral removal. **Flood plain is on map – Knisley asked if they might get close to any of the water**
6. A map showing the access route between the subject lands and the nearest County primary road and a complete map of the proposed haul route. **This will require further discussion. 103rd is the closest route, but there is a bridge. The infrastructure is not set up to do this.**
7. The maximum amount of topsoil, sand, gravel or other such materials which are to be removed, moved, deposited, or relocated from the whole site; and the total amount of material to be removed, moved, deposited or relocated per year, along with the purpose of such removal. **Lubbers said there would be 8” – 12” of topsoil removed**
8. Typical cross-section showing the estimated extent of overburden, estimated extend of mineral material location in or on the land. **Provided**
9. All phases of mineral removal and reclamation, beginning site topography, ending site topography, after all reclamation at a minimum of two-foot intervals and its relationship to adjoining lands. **A detailed reclamation landscape plan shall be included.**
10. Geological & engineering survey and data prepared by a geologist or civil engineer licensed by the of Michigan, indicating:
 - a. The level of water table throughout the planned mining area for which the permit is sought. **Discussion ensued about the accuracy of the water level. Did they do a geologic estimation of the site?**

Fleming asked where the well logs are located.

Litts said one is at Hawks Head.

Baker said they went in a circle and took an average. Baker said Casco could make it a contingency upon approval, to check 3 locations on site to find the high-water table and could be approved by whoever Casco wants to confirm it. They would prefer not to go through the cost unless the project is approved. Up until now they have used available data to estimate.

Litts said according to the ordinance, they should have the information with the application.

- b. An opinion as to each and every effect on the water table and private wells of property owners within the reasonable anticipated area of impact during and subsequent to the operation. **Litts asked if Baker is signing and stamping his work. Baker said he has submitted the plan with his name on it.**
- c. Benchmarks as to water table.
- d. Quality of surface water, ground water and watershed anticipated to be impacted during and subsequent to the operation to the geographical extent reasonably expected to be affected. **Lubbers said they would not have an effect on the water.**

- e. An opinion whether the exposure of subterranean waters or the impoundment of surface waters, where proposed, will establish a stable water level at the level or levels proposed as part of the operation, and that the same will not interfere with existing subterranean water or cause any harm or impact to the general public. **Baker said this is not applicable. They are not exposing water. A geologist will see a line after white sand and will know when they are three feet from water.**
 - f. A detailed plan for the disposition by controlled flow or controlled drainage of any excess water into existing drains or water courses or drains or water courses to be established. **N/A**
 - g. Any measures which the applicant proposed to take to ensure public safety, the exclusion of children and other trespassers from the premises and the lateral support of surround land and structures. **They are proposing "no trespass" signage.**
 - h. Road improvements or road maintenance in the Township which may be required shall be specified and how the applicant intends to reimburse the Allegan County Road Commission and the Township. **They do not have a plan to reimburse – needs further discussion**
 - i. A cost reimbursement and escrow account estimated to assure the Township adequate resources for inspections, monitoring and enforcement, including reasonable fees for attorneys, engineers and / or other experts, to ensure compliance with this Ordinance shall be provided. **They are proposing \$1,000 escrow. That does not go far – needs discussion**
 - J. An end use plan for each mining site, which plan shall indicate a use or uses for the mining site when mining has been completed and the site has been restored. Each use indicated in the end use plan shall be compatible with the Master Plan. **The plan is to bring it back to AG use.**
 - h. Other permits are required as a re-condition, including:
 - (1) A soil erosion and sedimentation control permit from the Allegan County Drain Commission. **Baker said he will pull permit if approved.**
 - (2) If applicable, a permit from the State of Michigan under Part 301 of the Natural Resources and Environmental Protection Act to create an inland lake. **NA**
 - (3) Any required National Pollution Discharge Elimination System (NPDES) permits. **Lubbers said this is only necessary if more than 5 acres. He said the plan is to only have 5 acres active at a time.**
2. *General Review Standards* When reviewing such an application, the Planning Commission shall consider the following general standards:
- a. The effect of such removal on adjoining property and on properties along the haul route in the Township and neighboring townships. **Hecker said she is concerned about the traffic.**

Discussion ensued on length of time, bike paths and narrow roads, number of big rigs.

Lubbers said Casco could set a speed limit for the trucks like 35 miles per hr., or 35 miles / hr. during weight restrictions. Lubbers added people call and complain that trucks are going 100

miles per hour when in fact they are not speeding. When you see the big trucks, they appear to be moving faster than they are.

Knisley said there would be no enforcement. State laws do not enforce local agreements.

Lubbers said he could post a speed limit at the exit of his site and maybe ½ would abide by it. Currently there are 3 or 4 homes near the site.

Fleming said it is difficult to figure one person's annoyance with another person's rights.

Lubbers said sand is not a renewable resource. At a certain point the resource is needed. Mining is necessary to support a community. Lubbers said he gets it. He would not like it if he lived on a haul route.

Hecker asked what the consequences would be if they did dig into the water table.

Litts added they could be sitting in a bowl and hydraulic oil could leak on the ground. There would only be a 3' buffer above the water table.

Litts asked if they put in 20 septic systems a year. This would be a positive for Mr. Cisco.

Lubbers said he has been at meetings where there are 100 cars in the parking lot objecting to a sand pit. There are very few citizens here in objection.

Hecker said there needs to be a benefit to the public. They need to have a source for sand. Maybe there are 20 families in Casco who benefit, but there is benefit to the larger community surrounding Casco.

Fleming said if we allow it, we're allowing someone to use their property with restrictions. If we deny it, that means 7 people sitting around a table can shut somebody down on a whim. Also, we try to avoid creating swampy area, and on the other hand are trying not to destroy wetlands.

- b. The consideration of adverse effect upon property values adjacent to the sand mine and properties along the haul route as a criterion in limiting permits under this ordinance.
- c. The effect of such removal in causing a safety hazard, creating erosion problems, or altering the groundwater table.
- d. The potential for such removal to cause the creation of sand blows, stagnant water pools, swampy areas, landslides, erosion, bogs, vibration, glare, noise, or any other type of injurious condition on the removal site or adjoining properties and haul route.
- e. The effect of such removal on the environment and the natural topography and the potential contamination / destruction of any natural resource.
- f. The potential damage to creeks, rivers, water bodies, and wetlands. **If we got down in the water table, we could have contamination.**

g. Potential traffic congestion, road damage and problems because of trucks or other vehicles utilized to haul and transport the materials removed. **This refers to traffic. Knisley asked if the roads used for the haul route are easy for cars to pass.**

Brush said on 107th near 66th, cars fly over that hill. He has had close calls when driving big rigs.

h. Approval by an independent Michigan registered professional engineer is a precondition to site plan and permit approval. **Brush said he would be more comfortable with an independent professional engineer approving as a precondition to site plan and permit approval.**

i. Any other factor(s) which may bear on the public health, safety or general welfare in the particular situation.

3. *Nuisance abatement* Each application for removal or processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources shall also meet the following nuisance abatement requirements.

a. The Planning Commission shall limit the allowable hours and days of operation. The amount and frequency of material removed per year shall also be limited. **Proposed hours of operation are M-F 7 AM to 5 PM, Saturday 7 AM – 3 PM, No holidays**

Weaver went back to a previous conversation and asked where 10,000 yards per year came from. He asked if lowering that would be a showstopper.

Lubbers said that would be optimistic to think they would haul 10,000 a year.

Weaver said we have to assume the highest number.

b. No business or industrial buildings, structures or machinery of a permanent nature shall be erected, except where such building is a permitted use within the zoning district in which the extraction activity is located.

c. No mineral stockpiles, machinery storage, or parking of trucks, vehicles and equipment shall be located within 500 feet of a residential zoning district boundary or within 200 feet of any adjacent property. No processing equipment shall be located within 500 feet of any property line, right-of-way, or easement. **They plan to have a pickup on site for the loader operator to carry fuel in.**

d. No cut or excavation shall take place within a minimum setback of 200 feet of any property line, right-of-way, or easement. Berms shall be set back a minimum of 25 feet from any property line, right-of-way, or easement. Berms shall be set back a minimum of 25 feet from any cut or excavation. The Planning Commission may require greater setback distances for cuts or excavation, for machinery, storage, or parking of equipment or limits of excavation where site is located within 200 feet of any residential or commercial zoning district. Operations and activities for the mining and removal of sand shall take place only in the area shown on the site plan. **Litts said the plan is too wide. It needs to be revised.**

Baker said he though the PC might have the authority to change the side setbacks.

Litts said the ordinance says, “shall not be within 200’ of any property line”. We must go by the ordinance.

e. All of the operation shall be fenced in with a chain link or uniformly painted wood fence at least six feet in height and entrance to the mine shall be gated and locked. “No Trespassing” signs shall

be posted at regularly spaced intervals, no more than 200 feet apart, along the fence. **They are not proposing a fence. The noise abatement says SHALL. You must have a fence and no trespassing signs shall be posted every 200 ft. Possibly fencing the area where you are working would be adequate.**

- f. Measures as determined by the Planning Commission shall be taken to minimize the nuisance of noise, blowing sand, dust, smoke, fume, glare, year around visual impact, and vibration to adjacent property owners, passerby, and the community. Such measures may include limitations upon the practices and methods of stockpiling excavated material upon the site. Such measures may also include, but not be limited to:
 - (1) Overall site landscaping including evergreen screening, berms, fencing (snow fence, silt screen, solid wood fence, etc.)
 - (2) Screening shall be provided on any side adjacent to a residential or agricultural zoning district or any road right-of-way.
 - (a) Acceptable screening methods are raised earth berms with perennial plantings, coniferous trees with sufficient rows and depth to provide 80% solid visual screening barrier at the time of planting, or natural topography.
 - (b) Coniferous trees shall have a minimum height above the root ball of six feet at the time of planting and any loss or die-out of plantings shall be promptly replanted.
 - (3) Trees, herbs, grasses, and forbs within the setback area or which are part of buffer zones already existing on-site will not be removed and fugitive sand shall be kept out of these areas by whatever means necessary (snow fence, silt screen, etc.) to prevent die-out.
 - (4) Fugitive sand shall be kept out of the areas of existing trees, herbs, grasses, and orbs prior to the mining of that phase by whatever means necessary (snow fence, silt screen, etc.) to prevent die-out.
- g. Noise from operations shall be limited to 60 decibels at the property line as monitored using a sound pressure meter ANSI S1.4. Type 2 or better accuracy. **Lubbers said they can keep noise level limited to 60 decibels at the property line.**
- h. Silica levels, dust & dirt control shall be monitored using US Environmental Protection Agency standards
- i. No mineral materials, whether natural or artificial, shall be brought to the site for processing, storage, or disposal. **Hecker said they will be bringing in soils for reclamation.**
- j. On-site lighting shall be restricted. **There will be no lighting. Operation will be during daylight hours.**
- k. The PC shall establish the frequency and routes for truck movement to and from the site in order to minimize wear on public roads and to prevent hazards and damage to residents and properties in the community. All truck operations shall be directed away from residential roads and utilize County primary roads wherever possible. **Litts said we will have to discuss this one.**
- l. Roads within the area of operation shall be provided with a dustless surface, graded, and maintained free of potholes and ruts. The mine access road shall be hard surfaced to County Road standards for a min. distance of 200 feet and min. width of 24 feet from its intersection with any

abutting perimeter road, with additional width and skirting at the entrance to minimize dust, mud and debris being carried onto the public road. The ingress and egress shall be properly maintained and clean in appearance. **Litts said you will have to put in pavement.**

Lubbers said it makes no sense to pave when you are coming off a gravel road.

- m. The PC may require an environmental impact statement, engineering data, or other additional information concerning the need for and consequences of the extraction if it is believed that such extraction may have an adverse impact on natural topography, drainage, wetlands, rivers, creeks, water bodies, floodplains, or other natural features.

Hecker said she would be more comfortable with independent professionals if there is a danger of negative impact.

4. Administration and enforcement

- a. A special use permit approval shall be effective for a period of one year only unless some to shorter term shall be stated in such permit. Upon reapplication and performance review, the permit may be re-approved by the PC for an additional one year upon finding that all requirements of this Section and all conditions of the original approval have been complied with. **Litts said the PC cannot grant a 10-year permit.**
- b. Township employees are permitted to come upon the mine site premises at any reasonable time for the purpose of inspection, monitoring, or administering the Ordinance.
- c. Any change in the natural contour of the land, both during mining operations and at the time of abandonment, shall be maintained as safe to all trespassers and any other persons having reason to be within the area of activity.
- d. Only that mining, moving, processing, loading, and transportation equipment which has been authorized specifically through the permit process of this ordinance is permitted on a mining site or on the haul route. If the permittee wishes to add mining, moving, processing, loading or transportation equipment after a permit has been issued pursuant to this Ordinance, the permittee shall notify the Zoning Administrator in writing at least 30 days prior to the planned placement of the equipment. The Zoning Administrator shall refer the request to the Planning Commission for approval or disapproval. In the event the Zoning Administrator refers an equipment placement request to the Planning Commission, the permittee shall not install the proposed equipment unless the Planning Commission authorizes the installation.
- e. Quarterly and annual operation reports, including loading data, shall be required, prepared by an independent Michigan registered professional engineer and submitted to the Zoning Administrator and Planning Commission to verify compliance with the conditions of the special use permit. Reports shall state actual quarterly and annual removal of mined material; the number of vehicles that have left the site with loads of mineral material and quantity of mineral material removed, expressed in cubic yards; the nature and results of mining operations and reclamation during the previous year; and the current status of operation on the site. Such a report shall also be prepared and submitted at the time of closure of all operations, and in the final report, all final grades on the site shall be shown, together with other information required by the reclamation provisions of a special use permit.

Chairman Litts said every ounce of dirt must be recorded.

5. Revocation

- a. A special use permit granted by the Planning Commission under this Section may be revoked if any of the following conditions exist.
 1. The permittee operates in any manner inconsistent with the statements in the application or any amendment thereto or fails to comply with any special requirement which the Planning Commission may order set forth in the permit to protect the public health, safety, and welfare in the special circumstances of the situation.
 2. If it shall at any time appear that any of the findings set forth in this Section could not be made if the matter were then before the Planning Commission for decision.
 3. The operation fails to provide accurate and timely operational reports. **Chairman Litts said, basically this means we have to be aware of what is going on.**

Lubbers said they would be filling in behind the mining area as they mine.

Knisley asked Lubbers if they would be working in the winter.

Lubbers said Casco might limit winter work during load limits. Not much is being hauled during the winter anyway.

Knisley said the ordinance is trying to address safety. If there are holes in the banks, cliffs, etc., the purpose of a fence is for safety.

Litts said they should have a proposal of how they will manage fencing, as far as what is being farmed and what is being actively mined.

Lubbers said he has a guy that does 2 ft. tall silt fencing. They could fence with silt fencing from the wood line to the driveway. It might be a 3-year process where he moves the silt fence as the land is returned to farming.

Hecker listed some items Commissioners thought needed to further address:

- Detailed reclamation landscape plan per 15:015:033DD 6b
- Methodology to determine water table depth
- The plan needs to state signage per 15:03 1 c 10 (d). No trespassing every 200'
- Compensation coming back to the township
- Item F to be determined
- Section 15:03 2 concerning effect on neighbors and road damage
- Safety on 68th and 107th. Possible need for sign
- Bicyclists
- 15:03 H an independent engineer's approval
- 15:03 3 d the 200' setback all around is a shall and must be revised on plan
- 15:03 3 e calls for a 6' fence all the way around

Weaver said there would be thousands of trucks a year and paying for the road is a concern.

Fleming said we need an expert opinion on this.

Litts said he will check into getting an expert.

Weaver asked if Casco should consider setting a limit on the number of trucks per year and how would that be enforced.

Brush said the US Department of AG will need to check to see that the reclaimed land is farmable. You cannot commercially farm just any piece of ground. It must be approved.

Litts said there are many things that need to be discuss before taking a vote. Further discussion is postponed due to significant changes in the plan, time to check with other resources and time to discuss concerns with the Supervisor.

Further discussion and possible vote postponed until the next meeting. If there are significant changes in the plans a notice of public hearing may have to be posted.

Motion by Fleming, supported by Litts to table discussion until the next meeting. All in favor. MSC.

8. Old Business:

- a. **If time allots, continue text amendment discussion:** Dave Campbell said Fire Pits are not only covered in Section 3.43. Fire Pits are also covered in 3.39 A4 and nonconforming lot section 3.28 B5. Bultje put together the short-term rental ordinance, and fire pits are also in that ordinance. Campbell's other concern is the setbacks from buildings with various burning apparatuses. Fifteen-foot setbacks from property line is good because buildings are 10' from the property line, adding up to 25 ft. (Firepit draft Attachment 3)

Knisley asked if Casco needs to run anything by Bultje for the sandpit.

- b. **Any other business that may come before the commission:** None

9. Administrative Reports: Not done due to time. Zoning Administrator report (Attachment #4)

10. Adjourn: Meeting was adjourned at 9:20 PM

Attachment 1: Notice of Public Hearing, South Haven Tribune, July 3, 2022
Attachment 2: Application Cisco SLU and supporting information (20 pages)
Attachment 3: Draft of Firepit amendment
Attachment 4: Zoning Administrator report

Next meeting date Wednesday, August 17, 2022, 6 PM

Minutes prepared by Janet Chambers, Recording Secretary