

BLENDON TOWNSHIP

PLANNING COMMISSION MEETING MINUTES

11-1-16

1. At 7:00 pm Vice Chair Rick Lamer called the meeting to order.
2. Paul Blauwkamp offered the invocation.
3. Roll call: Present; Jim VanderVeen, Rick Lamer, Jeff DeWind, Paul Potter & Paul Blauwkamp. Absent with notice; Ron Wind & Mark Leathead
4. Attendees:
 - Andrew Moore, Planning Consultant
 - Kurt Gernaat, Zoning Administrator & Fire Chief
5. Approval of the Agenda
 - Motion by Jim VanderVeen, supported by Paul Blauwkamp to approve the agenda.
 - Motion carried.
6. Approval of the minutes of the October 4th, 2016 Planning Commission meeting.
 - Motion by Paul Potter, supported by Paul Blauwkamp to approve the minutes from the October 4th, 2016 planning commission meeting.
 - Motion carried.
7. Opportunity for public comment – No comments from the public were heard.
8. New Business –
 - a. Public Hearing -- SLU request by Bouwkamp Builders to Mine Sand from parcel 70-13-09-300-012
 - Kurt Gernaat read the public notice.
 - Rick Lamer Recused himself from the meeting due to a personal conflict of interest.
 - Secretary Jim VanderVeen took over the meeting.
 - The applicant stated their request
 - Secretary VanderVeen opened the public hearing
 - No comments regarding the SLU were heard
 - Secretary VanderVeen closed the public hearing
 - Township Planner Andrew Moore gave his comments on the matter.
 - The planning commissioners discussed the SLU request.
 - Motion by Paul Blauwkamp, supported by Jeff DeWind to approve the sand mine SLU for parcel #70-13-09-300-012 with the following conditions:

1. *The applicant shall obtain and provide the Township with copies of all applicable permits obtained from the MDEQ, Ottawa County Soil Erosion and Sediment Control Office, Ottawa County Water Resources Commissioner, Ottawa County Drain Commission and Ottawa County Road Commission, and any other applicable permits.*
2. *The following standards shall apply to the creation or cleaning for ponds:*
 - a. *The Zoning Administrator shall utilize the standards of Section 13.05.19 for review and approval. A decision of the Zoning Administrator may be conditioned upon the applicant receiving approvals from the Ottawa County Health Department, Water Resources Commissioner, and/or Michigan Department of Environmental Quality, if and when applicable.*
 - b. *The applicant shall adhere to the applicable Operations Standards, as determined by the Zoning Administrator, in Section 13.05.19 (g) items 1-30.*
3. *No natural resource extraction activities shall be conducted within the required fifty (50) foot setback.*
4. *No earth materials excavated from this site shall be removed from the premises.*
5. *The location of the gravel driveway extending from 80th Avenue, as shown on the site plan, shall be used as the ingress and egress drive into the site and this location shall be approved by the Ottawa County Road Commission prior to it being utilized. The applicant shall furnish the Township with a copy of said permit. No other access shall be constructed.*
6. *The operations shall take all reasonable steps to minimize airborne materials. This includes dust control, minimizing stockpile areas and stockpile height of 20 feet, and strategically placing these stockpiles in areas that can avoid high winds and areas that may blow into neighboring properties. Any stockpiles over 20 feet in height shall be covered over at least 50 percent of their height except when actively in use, and shall be covered between the hours of operation permitted above.*
7. *The driveway shall be maintained daily in a mud and dust free condition to minimize dust, dirt and mud accumulations and not produce a public nuisance.*
8. *Trees shall not be removed, moved or altered outside of the excavation area and within a phase in which excavation activities have not commenced. Trees within the excavation area may be transplanted to other areas to buffer the excavation area from adjacent properties.*
9. *Earth removal and the resultant grading shall be as shown on the site plan. The slopes of the pond bank shall be as illustrated on the site plan dated September 2, 2016. Further, the mining/excavating activities shall be conducted in accordance with the site plan and project narrative titled "80th Avenue Excavation Special Land Use", prepared by Bouwkamp Builders & Nederveld Inc. and dated September 2, 2016.*
10. *The owner/operator shall file with the Township Zoning Administrator the name and telephone number of the person designated by the owner/operator to act on behalf of the owner operator, who will be held responsible for resolving any and all complaints related to this operation. When the owner/operator receives a complaint, he or she shall file a report with the Zoning Administrator regarding the nature of the complaint and the resultant action of the owner/operator.*
11. *No use of lighting in connection with the excavation activity shall occur on the site.*
12. *The owner/operator/applicant and subsequent assigns, hereby agree to take full remedial and financial responsibility for any impact on nearby water supply wells, as determined by the MDEQ.*
13. *Additional signs shall be posted at the entrance to the operation for the duration of the excavation process identifying rules for, hours of operation or other appropriate messages intended to protect the public health, safety, and welfare. This sign shall also*

contain the name and phone number of the person responsible for answering questions or responding to complaints.

14. *The applicant shall defend, indemnify and hold harmless the Township and its officers, Township Board, Planning Commission, employees and agents from and against any and all claims, damages, demands, expenses, liabilities and losses of any character or nature whatsoever (specifically included but not limited to damage to wells or to agricultural crops from the lowering of the ground water table) arising out of or resulting from the construction, maintenance, repair and utilization of the pond included as part of the project. The indemnification obligation shall include the payment of all reasonable attorneys' fees and other expenses of defense. The Township shall give prompt written notice to the applicant of any claim or litigation against the Township relating to the pond. The applicant shall have the opportunity to defend and contest such claim or litigation.*
15. *The applicant and all parties at any time owning or having an interest in the premises shall at no time petition for or otherwise instigate any other legal proceeding under any federal or state statute or other provision of federal or state law which could result in the imposition of an assessment, charge or other financial responsibility on the Township in connection with the pond included as part of the project. Without limiting the generality of the immediately preceding sentence, the applicant and all parties at any time owning or having any other interest in the premises shall at no time petition for maintaining the normal height and level of waters; for maintenance of the pond; or for improvement or development of the pond within the project for fishing, wildlife, boating, swimming, algae or other vegetative controls, or for any other recreational or agricultural use.*
16. *The applicant has designed and engineered the pond included as part of the project. The applicant assumes all responsibility with respect to the adequacy of the pond concerning its design, its adequacy for surface drainage of the premises, its safety with respect to the general public, and all other aspects of the construction, operation and maintenance of the pond.*
17. *The applicant shall provide the Township with written verification from the Department of Environmental Quality and the applicable insurance company or other surety that the Township has been added as an additional obligee to any and all performance bonds filed with the Department of Environmental Quality by the Applicant relative to the sand removal operation which results from the approval of this Project. If all the requirements of the preceding sentence are not met, for whatever reason, the applicant shall file with the Township a performance bond which names the Township as the sole obligee, with the performance bond to be in such amount as is determined necessary by the Township. In either event, any and all performance bonds which list the Township as an additional or as the sole obligee shall insure that the conditions set forth in these findings of fact are met in their entirety.*
18. *All other federal, State and County rules and regulations, as well as those of Blendon Township shall be applicable and enforceable. The applicant shall obtain and submit to the Township all applicable federal, State, County or local permits prior to beginning mining activities.*

- Motion Carried

Rick Lamer rejoined the meeting and took over chairing the remainder of the meeting

- b. Review of the Dozeman Farms SLU
- c. Zoning Administrator's verbal report on Farmhaus Cider, Rush Creek Meadows MHP, and 9441 Henry Ct.

9. Old Business –

- a. Home based business ordinance – Remains tabled for future meeting
- b. Master Plan – Andrew discussed the draft for the Master Plan and putting it into book form for the next meeting.
- c. Review of current bonds

10. Correspondence – nothing

11. Upcoming events

- a. Township Board Meeting – November 17th, 2016
- b. Planning Commission Meeting – December 6th, 2016

Adjourned at 8:07 pm.

Recorded by Kurt Gernaat
Submitted by Jim VanderVeen, Secretary