

**WATERLOO TOWNSHIP PLANNING COMMISSION**

**RESOLUTION RECOMMENDING CONDITIONAL APPROVAL OF  
AGGREGATE INDUSTRIES SPECIAL LAND USE PERMIT AND SITE PLAN**

**RESOLUTION NO. 2021-03-16-01**

At a meeting of the Waterloo Township Planning Commission, Jackson County, Michigan, held on MARCH 16, 2021 at 7:00 p.m., Eastern Standard Time.

PRESENT: W. SCHULZ, R. SCHUMACHER, B. STEENE, C. RICHMOND, G. SLEWIST,  
M. ZWEIFLER, AND L. MORONEY

ABSENT: NONE

The following resolution was offered by G. SLEWIST and supported by C. RICHMOND

**WHEREAS**, on December 13, 2020 Meyer Mineral Company, LLC doing business as Aggregate Industries, Inc. ("Applicant") submitted a Zoning Permit Application to expand its current extraction operations ("Project") to include a portion of Green Road within the Township ("Subject Property"). Green Road/the Subject Property is between two areas of the Township that Applicant has been and currently is mining. The Subject Property is associated with Tax Parcel IDs of 10-01-451-001-00, 10-01-476-001-00, 10-12-200-001-01 and is located within Waterloo Township's ("Township") Secondary Agriculture (A-2) Zoning District. See Applicant Zoning Permit. The affected area of the expanded extraction operations is 17.78 acres on a 200-acre parcel. *Id.*; and

**WHEREAS**, to expand its extraction operation, Applicant is required under the Waterloo Township Zoning Ordinance ("Zoning Ordinance") to obtain a special land use permit ("SLUP") as an Extraction Operation. See Zoning Ordinance, Table 9-2. Moreover, Extraction Operations are subject to other Zoning Ordinance regulations including those within Section 11.21 of the Zoning Ordinance. Such operations are also required to comply with and receive all necessary approvals under the Township's Sand & Gravel Extraction Ordinance ("Extraction Ordinance"), as amended; and

**WHEREAS**, to expand its extraction operations to include Green Road, Applicant submitted a number of materials to the Township under both the Zoning Ordinance and the Extraction Ordinance ("Application"). These include but are not limited to: (1) a Zoning Permit Application; (2) site plan drawings prepared by Fishbeck Engineers (including sheets C301 and C201); (3) a legal description of the affected area; (4) descriptions of proposed actions on the land including hours of operation; (5) the entirety of Applicant's application materials under the Extraction Ordinance dated November 25, 2020 that contain various reports, grading and reclamation plans, graphs, narratives, and explanations of the extraction operations; (6) a January 18, 2021 letter to the Planning Commission related to an emergency road usage plan; (7) a January 15, 2021 letter related to Zoning Ordinance requirements; (8) insurance policy submittals including a submittal received February 26, 2021; and (9) a reclamation bond received on February 12, 2021. All materials submitted by Applicant to the Township are referred to as the "Application" throughout this Resolution; and

**WHEREAS**, Applicant's Application must be considered under Articles 4 and 5 of the Waterloo Township Zoning Ordinance. The Township Extraction Committee has reviewed Applicant's Application and deemed it appropriate to forward to the Township Planning Commission for consideration and review. As required by the Zoning Ordinance, the Waterloo Township Planning Commission held a duly-noticed public hearing on February 16, 2021 and considered input from the public and stakeholders; and

**WHEREAS**, in reliance upon Applicant's representations and Application, the Planning Commission has reviewed Applicant's Application and has found it to be satisfactory, subject to certain conditions stated in this Resolution designed to ensure compliance with the Zoning Ordinance and to adequately protect the interests of the Township and its citizens.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of Waterloo Township, Michigan, as follows:

- A. **Recommendation Only:** Pursuant to Zoning Ordinance Sections 4.04(D) and 5.02(D), the Waterloo Township Planning Commission has reviewed the Application submitted by Applicant as forwarded by the Township Extraction Committee and recommends that the Township Board grant a SLUP for an Extraction Operation and approve Applicant's site plan. This action of the Planning Commission is only a recommendation and shall have no force or effect until a decision by the Township Board is made as required by the Zoning Ordinance.
- B. **Very Serious Consequences:** Per Section 205(5) of the Michigan Zoning Enabling Act, the Planning Commission finds that the Project as proposed to be conditioned by this recommendation will not impose very serious consequences. Specifically, the Project intends to mine Green Road, which is uniquely between two pre-existing extraction operations. This location of the Project will not unreasonably impose nuisances on neighboring land that will cause unreasonable disruptions or that will negatively affect property values since the neighboring properties are already extraction operations. The Applicant also has approval from the Jackson County Department of Transportation for the Project, showing that it will not unreasonably affect traffic safety. The Jackson County Department of Transportation will close the to-be-mined portions of Green Road and will divert traffic elsewhere within the Township.
- C. **SLUP Review Standards:** Based on the reasonable conditions recommended below, Applicant's expansion of mining activities/Extraction Operation within Green Road will satisfy the following SLUP standards pursuant to Zoning Ordinance Sections 5.02(C)(2) and 11.02:
  1. Land Use Plan, Zoning Ordinance, Section 11.02(A)(1). Applicant's Project will be harmonious and in accordance with the general objective of the Township's Land Use Plan and Master Plan as it is between two existing extraction operations. For example, pp 10 and 31 of the Master Plan recognize extraction operations occurring within the Township. Chapter 3 of the Master Plan governing Future Land Use Strategy encourages opportunities for new land uses.
  2. Harmonious and Appropriate, Zoning Ordinance, Section 11.02(A)(2). The Project will

be harmonious and appropriate in appearance within the existing vicinity. The expanded mining area is situated between two pre-existing mining areas and is separated by forest from residential areas to the west. The Project can be appropriately served by existing infrastructure serving current extraction operations.

3. Not Disturb Other Properties, Zoning Ordinance, Section 11.02(A)(3). The Project's location between two other mining areas will not disturb those land uses. The extraction use will benefit the community as a whole through increasing economic activity and opportunities within the Township.
  4. Public Facilities and Services, Section 11.02(A)(4). The adequate public facilities and services already available to the adjacent mining areas shows how the Project will also be adequately served by essential public facilities and services such as transportation networks and public safety services.
  5. General Welfare, Section 11.02(A)(5). Safeguards in the Township Extraction Ordinance and Zoning Ordinance are intended to protect the general welfare of visitors and residents of Waterloo Township from nuisances such as dust and noise from the Project.
  6. Intent of Zoning Ordinance, Section 11.02(A)(6). The A-2 Zoning District allows Extraction Operations like the Project and minimum parcel sizes and restoration and reclamation requirements in Section 11.21 of the Zoning Ordinance would ensure appropriate placement and remediation of the on-site results of such activities.
  7. Natural Features, Section 11.02(A)(7). The Project will protect natural features by complying with the Zoning Ordinance and Extraction Ordinance regulations related to site restoration and reclamation as well as the specific restoration processes described within the Applicant's Application.
  8. Site Plan, Section 11.02(A)(8). The Project is subject to Zoning Ordinance site plan review as discussed below.
  9. Compliance, Section 11.02(A)(9). Conditions in this recommendation require the Project to comply with all applicable, state, federal, and local laws and regulations.
- D. **Site Plan Review Standards:** Based on the reasonable conditions recommended below, Applicant's expansion of mining activities/Extraction Operation into Green Road will satisfy the following site plan approval standards pursuant to Zoning Ordinance Section 4.05:
1. Dimensional Requirements, Section 4.05(A)(1). Applicant's site plan meets applicable dimensional requirements and standards of the Zoning Ordinance. Although the site is 17.78 acres it is within a larger extraction operation of approximately 200 acres.
  2. Harmonious, Section 4.05(A)(2). Applicant's site plan is harmoniously and efficiently organized to reasonably minimize adverse effects to neighboring properties. Specifically, the Project will occur between two pre-existing extraction operations.

3. Landscape, Section 4.05(A)(3). Applicant's site plan will reasonably preserve the natural landscape of the parcel. As altered by the previous adjacent mining activities, the Application indicates that the site will be restored after extraction operations and that Green Road will be reconstructed.
  4. Stormwater, Section 4.05(A)(4). Applicant's site plan will not unreasonably impact stormwater. Applicant has a duty to comply with all local laws and regulations, including but not limited to complying with all stormwater regulations imposed by the Jackson County Drain Commissioner.
  5. Emergency Access, Section 4.05(A)(5). Applicant's site plan will allow emergency access. The Project will occur in an area that is currently serviced by emergency services. The Jackson County Department of Transportation, which has jurisdiction over Green Road, has not expressed that the site cannot be serviced by emergency services and facilities.
  6. Public Streets Access, Section 4.05(A)(6). Transportation networks will allow access to the Project.
  7. Pedestrian Circulation, Section 4.05(A)(7). The Project requires minimal pedestrian circulation given the nature of the land use. The Planning Commission finds that the site plan contains adequate facilities for pedestrian circulation.
  8. Arrangement for Transportation Circulation, Section 4.05(A)(8). Applicant's site plan shows sufficient arrangements of areas for vehicular and pedestrian circulation as required by the land use. The Jackson County Department of Transportation has indicated no objections to the proposed layout.
  9. Parking, Section 4.05(A)(9). Applicant's site plan indicates parking needs of the land use will be met.
  10. Curb cuts, Section 4.05(A)(10). Applicant's site plan does not include unreasonable curb cuts.
  11. Utilities, Section 4.05(A)(11). Applicant's site plan indicates the Project will be adequately served by utilities.
  12. Compliance, Section 4.05(A)(12) and (13). The conditions recommended below will ensure Applicant's site plan will meet all local, state, and federal statutes that also require Applicant to meet all required pollution discharge standards.
- E. **SLUP and Site Plan Conditions:** The Waterloo Township Planning Commission recommends approval of Applicant's SLUP and site plan by the Township Board subject to the following reasonable conditions as authorized by Zoning Ordinance Section 20.24. All conditions are intended to: (1) allow adequate public services to the Project; (2) protect the natural environment and conserve natural resources from Applicant's Project as an extraction

operation; (3) ensure compatibility with adjacent land uses; and (4) promote the use of land in a socially and economically desirable manner. All conditions below are designed to be reasonable and to comply with the Zoning Ordinance Section 20.24(B) standards.

1. Road Closure Notice. To demonstrate compliance with setback requirements related to public rights of way and to meet the intent and purpose of the Zoning Ordinance, prior to all operations within the Project boundaries, Applicant must provide the Township a road closure notice for Green Road from the Jackson County Department of Transportation that the portion of Green Road to be mined is not a public right of way and is closed to public access as well as access to the impacted portions of the road.
2. Extraction Operations Compliance. To protect the natural resources and general welfare of the Township and ensure Applicant meets the requirements of the Extraction Ordinance, Applicant must conduct all extraction operations consistent with the requirements of the Extraction Ordinance, Zoning Ordinance, and all other applicable federal, state, and local laws and regulations.
3. Application Consistency. To protect the natural resources and general welfare of the Township and ensure Applicant meets the requirements of the Extraction Ordinance, Applicant must conduct all operations consistent with the Application sent to the Township. Among other things, Applicant shall: (1) voluntarily compensate the Township for such extraction activities as stated in the November 25, 2020 application for an extraction permit; (2) after extraction activities, Applicant shall re-build and re-open Green Road after as stated in the November 25, 2020 application for an extraction permit; (3) compensate the Township for the aesthetic value of trees that need to be removed for the Project as determined by an appraisal performed by a State of Michigan licensed forester selected by the Township and renumerated by Applicant as stated in the November 25, 2020 application for an extraction permit; (4) carry out reclamation activities consistent with all documents provided to the Township including the conceptual grading plan, sections drawing, phasing plan, and landscape reclamation plan received between November 25, 2020 and February 16, 2021; and (5) partner with “EPIC Races” to ensure that the annual Grit and Gravel bike race may be conducted as normally scheduled for the duration of time in which Green Road is closed.
4. Use Length. This special land use permit and site plan approval for an Extraction Operation shall expire upon reclamation of the site. Any other person or entity must apply and receive a subsequent special land use permit and site plan approval before conducting activities consistent with an Extraction Operation after Applicant restores the land.
5. Escrow Deposit. To allow the Township to retain consultants, including necessary engineers and legal counsel to ensure Applicant adheres to the conditions imposed by this Resolution and the standards in other governing regulations such as the Extraction Ordinance and Zoning Ordinance, as well as to reimburse the Township for costs related to the Project such as publication and other costs for necessary meetings, Applicant must provide a \$20,000 escrow deposit to the Township Treasurer within 14 days of any zoning approval. The Township may draw on this escrow deposit to ensure compliance with all

applicable regulations governing the Project. The Township Treasurer shall notify Applicant when the Township draws on the escrow deposit and for what purpose. All escrow deposit funds not used by the Township shall be returned to Applicant without interest after the Project has been completed, including all required restoration and remediation. Likewise, Applicant shall replenish the escrow deposit if it is at any time depleted, within 14 days of a written request by the Township Treasurer. See Zoning Ordinance, Section 20.24(D) and Section 3.04.

F. **Condition Compliance Process:** Applicant's Application with its site plan and SLUP is recommended to be approved subject to compliance with the above conditions. Applicant's compliance may be demonstrated through the Zoning Administrator or other delegated Township representative's written verification when each or all conditions have been fully satisfied unless the Township Board designates another individual to verify compliance. A determination that Applicant has failed to satisfy any condition shall result in the revocation of the SLUP and site plan approval after notice and a hearing and shall subject Applicant to all other penalties and actions authorized by the Zoning Ordinance and by law. Moreover, all documents received as part of the Application shall be retained in Township Hall.

**Roll call vote:**

APPROVE: L. MURPHY, B. STEG, C. RICHARDSON, M. ZWEIFLER, G. SIEGELST,  
R. SCHUMACHER, AND W. SCHULZ

DENY: NONE

ABSENT/ABSTAIN: NONE

Resolution carried: 7-0

RESOLUTION DECLARED ADOPTED

  
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Wesley Schulz, Planning Commission Chair

**CERTIFICATION**

STATE OF MICHIGAN            )  
                                          ) ss  
COUNTY OF JACKSON         )

I, the undersigned, the duly qualified and acting Secretary for the Waterloo Township Planning Commission, Jackson County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Waterloo Township Planning Commission at a duly-noticed meeting held on the 16TH day of MARCH, 2021, and further certify that the above Resolution was adopted at said meeting.

  
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Ralph Schumacher, Secretary  
Waterloo Township Planning Commission