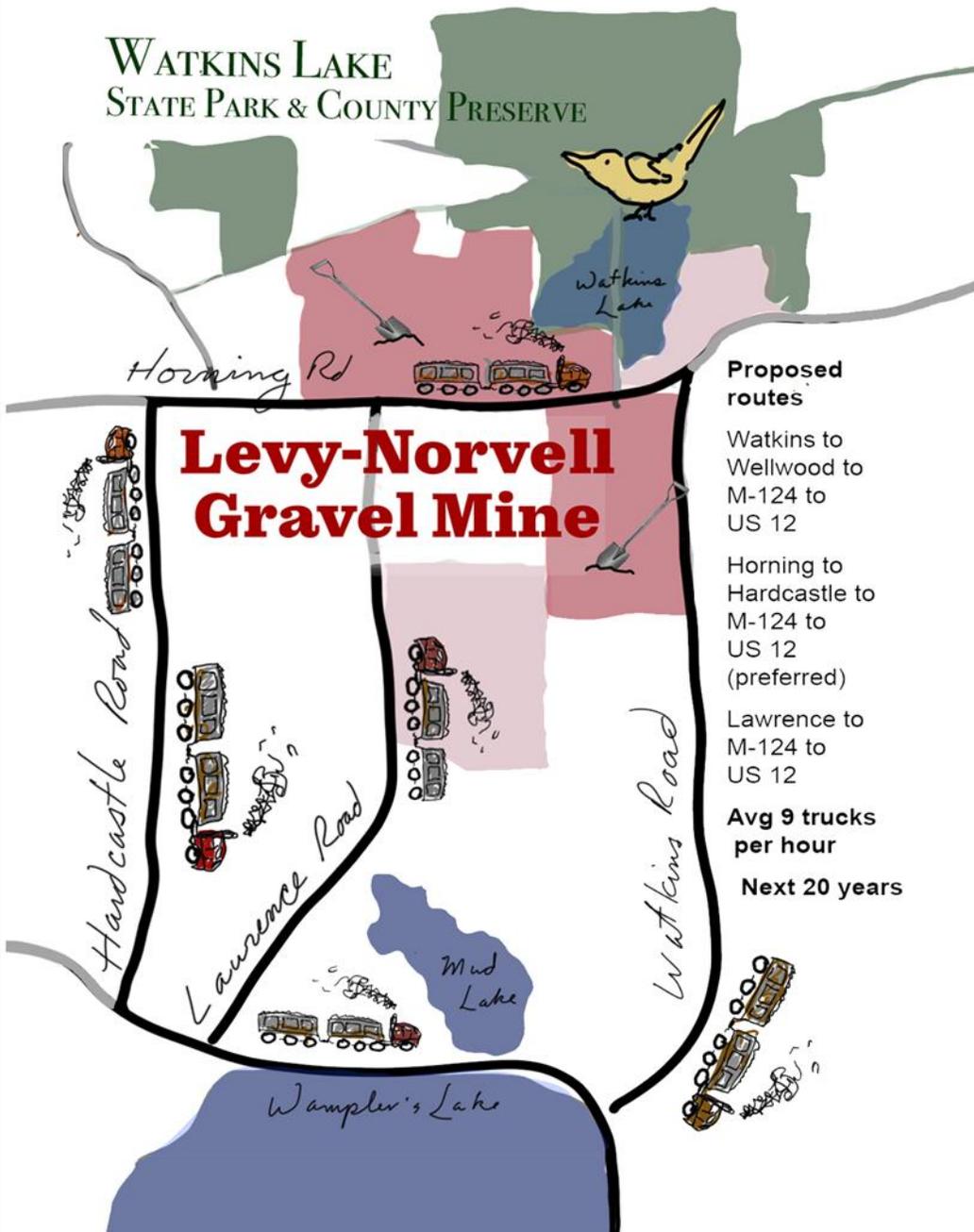


WATKINS LAKE
STATE PARK & COUNTY PRESERVE



Proposed routes

Watkins to Wellwood to M-124 to US 12

Horning to Hardcastle to M-124 to US 12 (preferred)

Lawrence to M-124 to US 12

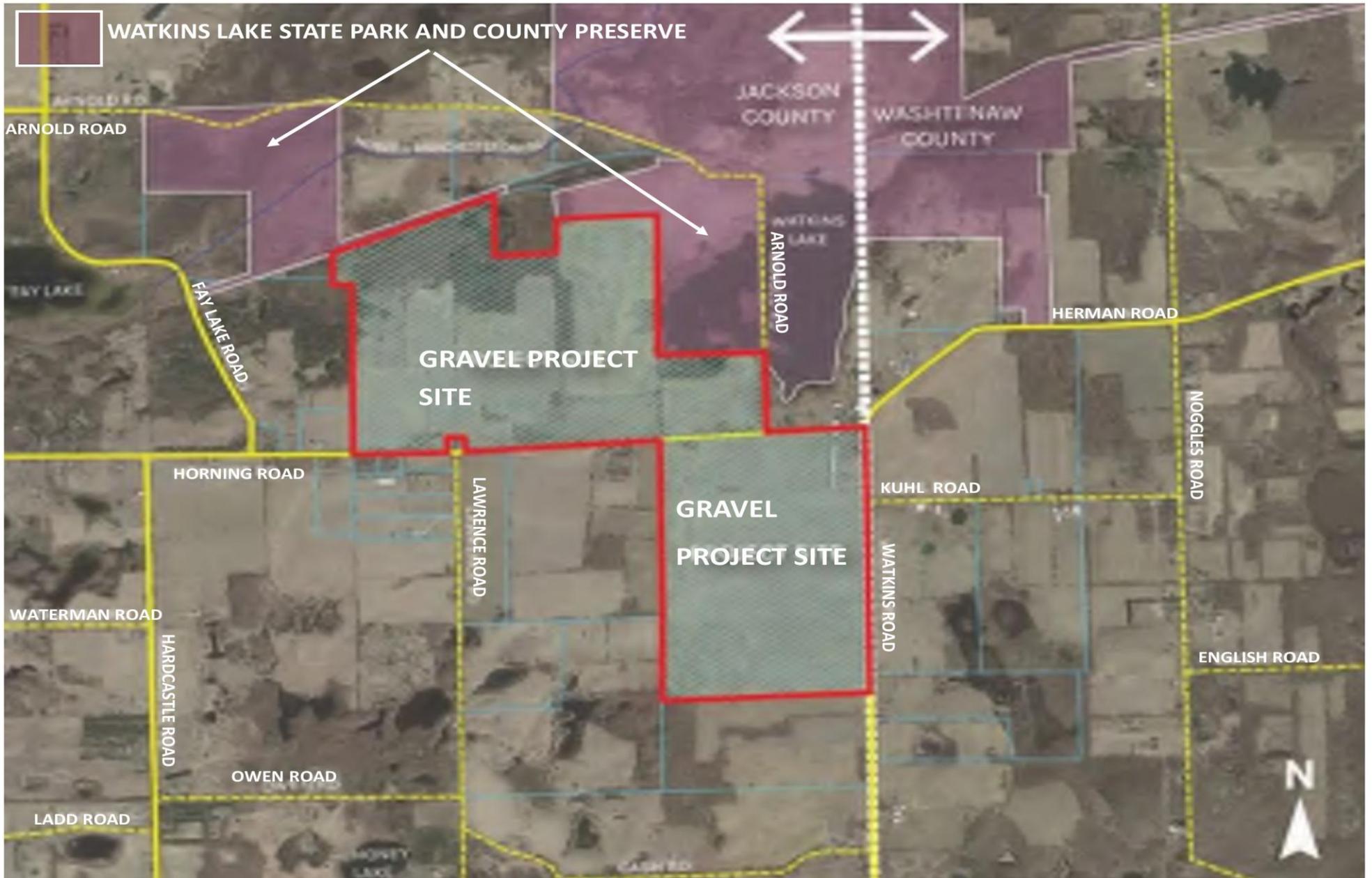
Avg 9 trucks per hour

Next 20 years

Informational Meeting

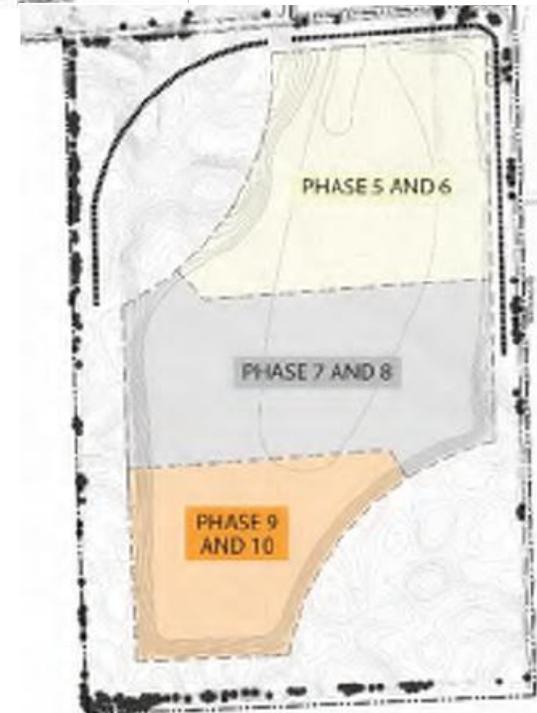
For Residents & Stakeholders

January 24, 2026



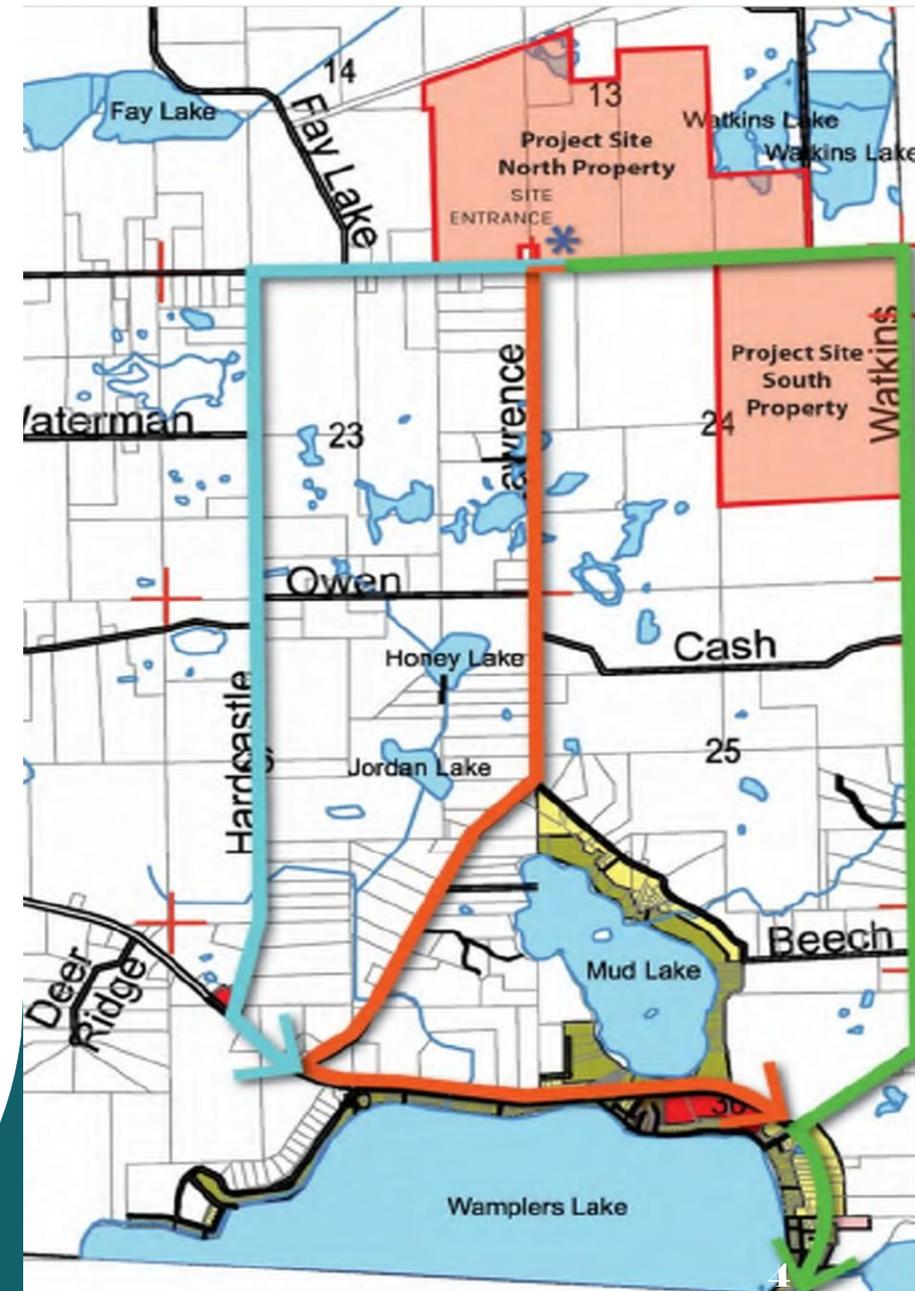
The What

- Application for a conditional use permit from Norvell Township to mine upon a 625-acre project area of which 232.5 acres will be extracted
- Crushing and processing of aggregate materials on-site
- Mining activities proposed to take place over a period of 20 years in 6-10 proposed phases
- Currently proposed a “dry mine” not extending into the water table, but staying several feet above
- Early phases proposed from on the northern properties directly abutting Watkins Lake State Park to the east. Later phases proposed on property south of Horning Road also fronting along Watkins Lake Road with conveyor to plant on phase 1.
- 300 foot buffer to Watkins Lake State Park in some places, 660 feet from active eagle nests;



The What

- 17 Million Tons of Gravel
- Post-gravel land use concept as a 58-106 lot subdivision
- An average of 8-10 haul trucks per hour
- Primary site entrance proposed near corner of Lawrence and Horning Roads
- Proposed haul routes
 - Preferred Route: west on Horning to Hardcastle, south to M-124/Wamplers Lake Road, thence east past Wamplers Lake and Hayes State Park to U.S. 12
 - Alternative Routes may include:
 - South down Lawrence to M-124/Wamplers Lake Road, east to US-12
 - East on Horning to Watkins Road; thence south to M-124/Wamplers Lake Road; thence east to US-12

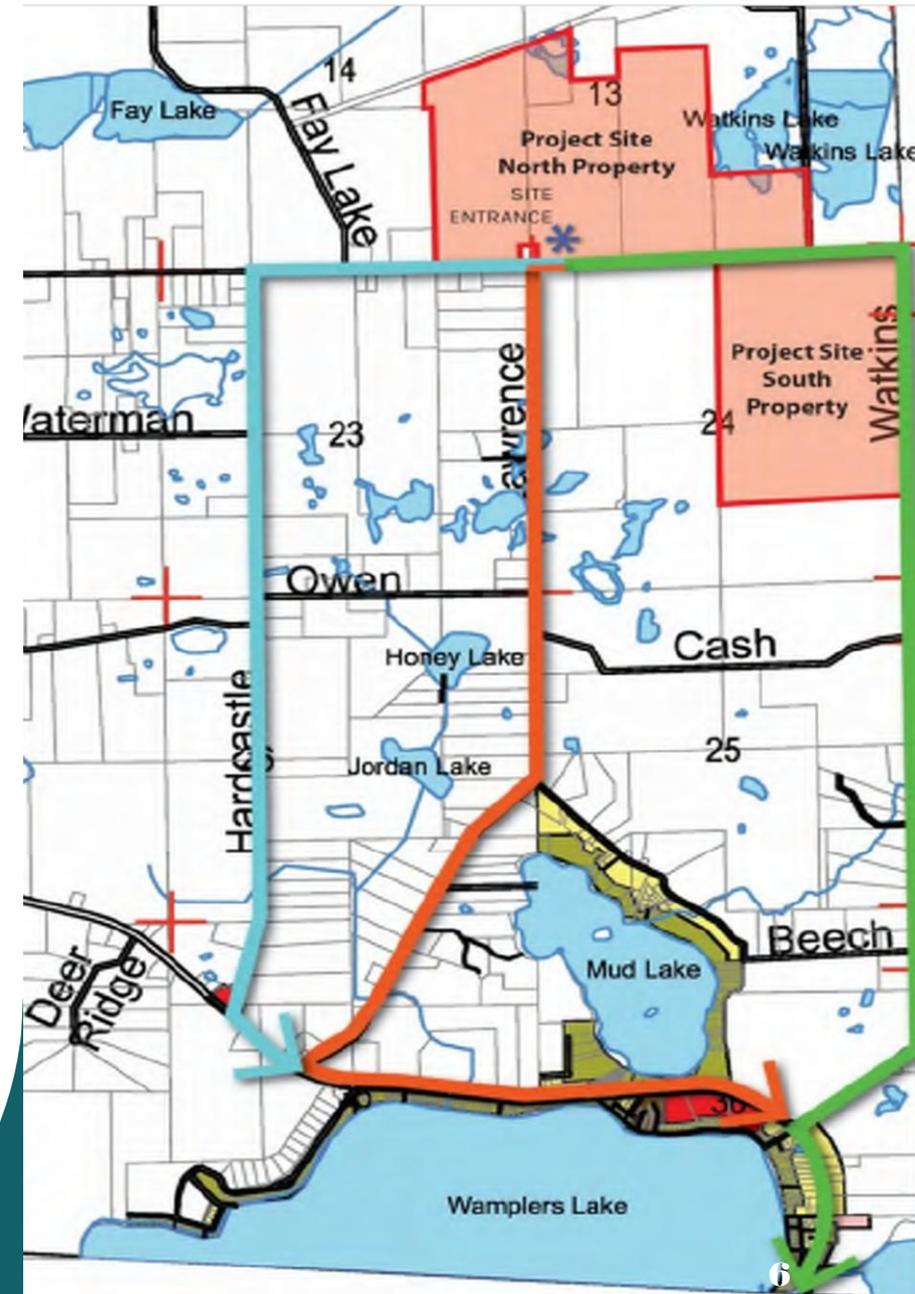


Local Regulations

norvelltwp-mi.gov/wp-content/uploads/2024/03/Ordinance-6-amendment-Mining-of-natural-resources.pdf

Local Regulations

- Applicant must be compliant with the mining ordinance which is now Subsection 7.2B, demonstrate need/want and prove no Very Serious Consequences would result.
- Requires 4 cents per ton paid to township = 680K
- Site Plan Approval required
- Site Specs, Sideboards and Setbacks
- 2 year permit that must be renewed
- Performance bond must be posted
- Routes must “minimize adverse impacts on residential neighborhoods” and company must promptly clean up any spillage onto public roads



Review Process and Resubmittal

**documents and consultant review at
[norvelltwp-mi.gove/American-
aggregate-application-press-release](http://norvelltwp-mi.gove/American-aggregate-application-press-release)**

Process/ Comments thus far

- * Submittal November 17 and sent to hired consultant

- * Consultant Review and Summary of Comments
 - i. Concerns about noise study
 - ii. No known plan for dust control
 - iii. No submitted plan for stormwater pollution prevention plan and short term storm water characterization study which is required for the EGLE industrial stormwater discharge permit
 - iv. No surrounding land use and study drawings
 - v. Additional information requested on several other topics
 - vi. Requests for copies of several required permits via EGLE
 - vii. No additional information requested about impacts on birds, park visitors, park, traffic, property values, or township revenues

- Consultant states no VSC's despite exclusion of these plans
- States project will increase tax base, jobs, local economy

Thank you!

**AGGREGATE MINES:
PERMITTING & ENVIRONMENTAL
CONSIDERATIONS**

Pangea Environmental, LLC

Michael Wilczynski

PROFESSIONAL BACKGROUND

- B.S. and M.S. in Geology
- Ph.D. Program Hydrogeology
- 45 Years Professional Experience spanning oil & aggregate mining Industries, groundwater management, and environmental regulation.
- Former DEQ Regulator
- Former Adjunct Instructor of Geology for Multiple Colleges

RESIDENT
CONCERNS

Water Issues

Noise

Dust

Traffic

Idling Trucks

Vibrations

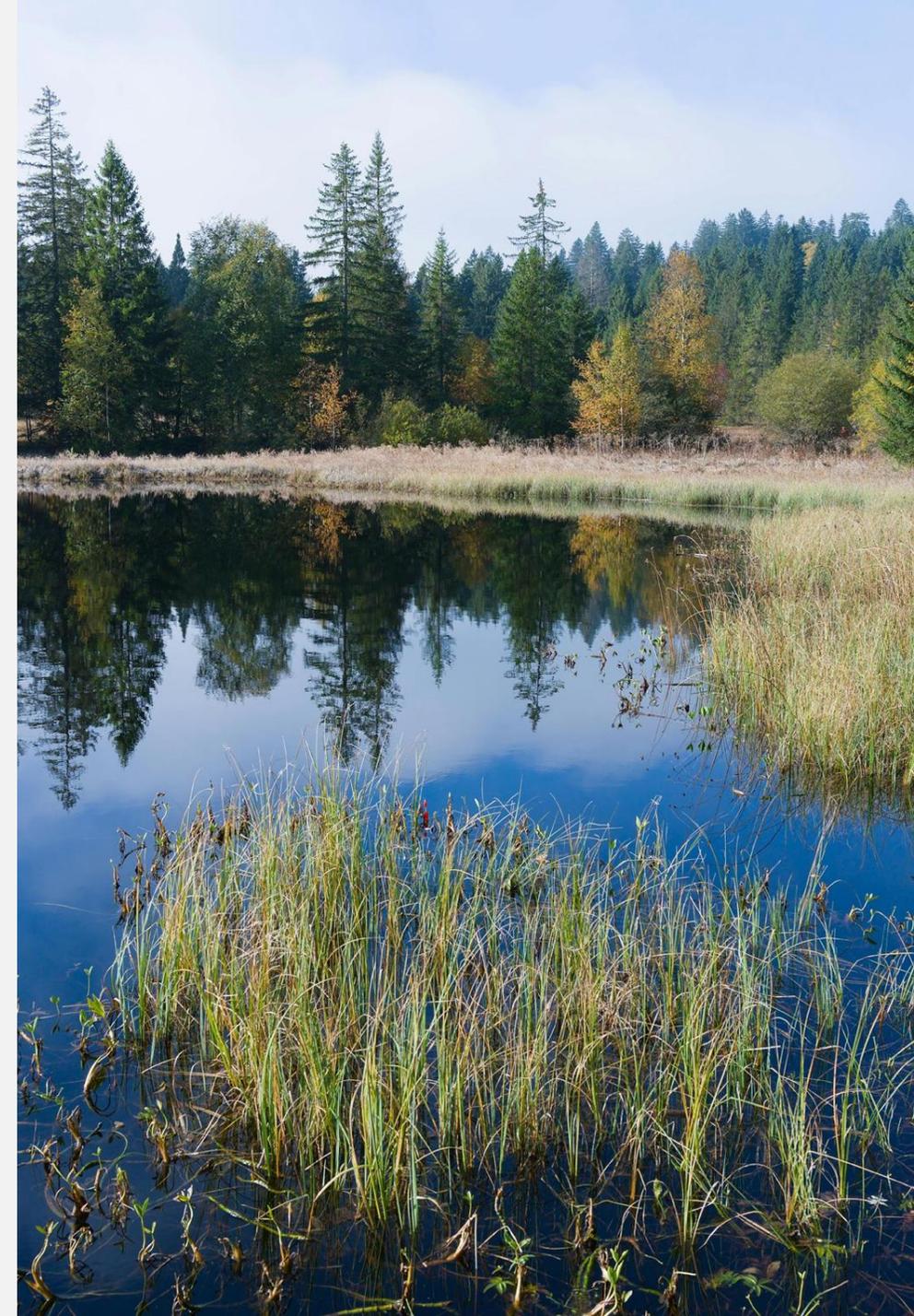
Property Values

Future Land Use

Loss of Farmland

NEED FOR AGGREGATE CAN RESULT IN CONFLICTS

- *Aggregate resources are often integral parts of groundwater and surface water systems.*
- *The same deposits that provide aggregate also form aquifers, wetlands, creeks, and lakes.*



MICHIGAN ZONING ENABLING ACT

Michigan law recognizes mining as a protected use of land

Need & Value

VS

Potential Very Serious Consequences

**VERY
SERIOUS
CONSEQUENCES
(VSC)**



Relationship of extraction with existing land uses



Impact on existing land uses



Impact on property valuation



Traffic and pedestrian safety



Impact on health, safety and welfare interests



Public Interest

SURFACE WATER,
WETLANDS,
GROUNDWATER,
AND AIR QUALITY

Surface water (Part 301)

Wetlands (Part 303)

Groundwater withdrawal Part 327

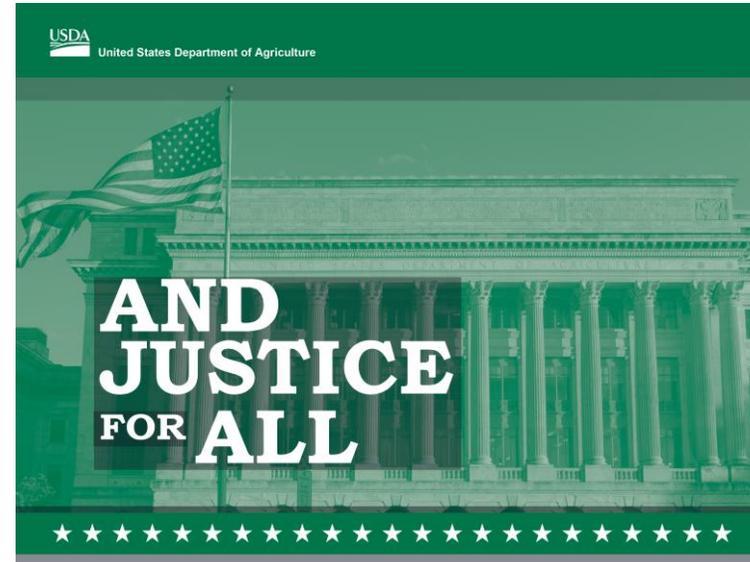
Part 55 Air Permit

Part 91 Soil Erosion and Sediment
Control (SESC) Permit

How to Influence Zoning Decisions



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To file a program discrimination complaint, a complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form, which can be obtained online, at www.usda.gov/sites/default/files/documents/usda-program-discrimination-complaint-form.pdf, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

mail:
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; or

fax:
(833) 256-1665 or (202) 690-7442;

email:
program.intake@usda.gov.

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Para presentar una queja por discriminación en el programa, el reclamante debe completar un formulario AD-3027, Formulario de queja por discriminación del programa del USDA, que se puede obtener en línea, en www.usda.gov/sites/default/files/documents/usda-program-discrimination-complaint-form.pdf, en cualquier oficina del USDA, llamando al (866) 632-9992, o escribiendo una carta dirigida al USDA. La carta debe contener el nombre, la dirección y el número de teléfono del reclamante, y una descripción escrita de la supuesta acción

discriminatoria con suficiente detalle para informar al Subsecretario de Derechos Civiles (ASCR, por sus siglas en inglés) sobre la naturaleza y la fecha de la presunta violación de los derechos civiles. La carta o el formulario AD-3027 completado debe enviarse al USDA por medio de:

correo postal:
U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights
1400 Independence Avenue, SW
Washington, D.C. 20250-9410; o

fax:
(833) 256-1665 o (202) 690-7442;

correo electrónico:
program.intake@usda.gov.

Esta institución ofrece igualdad de oportunidades.





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Co-Authors

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Tyler Augst, MSUE Educator SW Mi



What We Will Cover

- A.** A Foundational Understanding of Planning and Zoning
- B.** How to Have Effective Submissions/Public Comments
- C.** Division of Duties and Types of Zoning Decisions
- D.** Special Use Permits
- E.** Zoning Amendments



A. We all Plan

»» Planning is a process, fundamental to what we do (personal lives, jobs, and in a community).



Planning (or failing to plan) is important at the community level as it **affects many people.**

Change occurs with or without planning – planning is a way to guide change.



To **maximize** the **positive**



Minimize the **negative** impacts



A. We all Plan



Zoning is based on a plan; **the plan is when/where decisions are made** about possible development.

“The world
is run by
those who
show up.”

- Then: Often big picture issues are decided in the planning process.
- By the time it is a zoning permit or amendment proposed, it is too late.
- So: **Be active in the development of the Plan. Participate.**



A. Enabling Statute in Michigan

Zoning is based on a plan, a Master Plan:

Legal Basis (Know where your zoning authority comes from)

P.A. 110 of 2006, as amended,

(the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et seq.*)



A. Zoning is:



**Regulation of
Land, today**



**Addresses
Impacts on land
and adjacent uses**

A. Zoning is not:

- To **promote/oppose** economic, racial, or religious views.
- **Enforcement** of private deed restrictions.
- A **solution** for neighborhood **feuds** or personal quarrels.
- A **promoter** of development (it merely permits it).
- A **tool** for the political **arena** (to reward/punish others).
- A **public popularity contest** – zoning decisions are to be based on facts, not majority of votes.



B. How to have Effective Submissions and Comments



B. Research

- Do not use just any “study.”
- There is **good and bad** research/science.

Know the signs of good research:



Those standards are:

- Was the study **peer-reviewed**?
- Can the study be repeated and get **similar results**?
- **The researcher does not have a stake in the outcome.**



B. Research



The researcher does not have a stake in the outcome.

- The researcher's job or future **funding is not dependent on the outcome** of the study.
- When a **corporation** pays for a study, is it set up so that one's livelihood is not in jeopardy because the results might not be what is wanted by the corporation.
- With a **university**, this is often accomplished by providing faculty with tenure **protection from these types of influences.**



B. Avoid “Foolish” Statements

Certain public comments can/will be used as ammunition against your cause by attorneys representing the other side.



Avoid statements along the lines of:

- *We do not want “those” people to live here.*
- **Threatening** to recall the board.
- **Unsubstantiated statements/claims** about traffic, sewer/water capacity, etc.



B. The Planner, the Zoning Administrator



Staff as “professional”

- Seek help from the Zoning Administrator and/or staff Planner and/or consulting planner.
- Remember staff should remain professional.
- That means what they say and do **reflects their legal obligation or the views and wishes of who they work for.** It may be the opposite of their personal view.



B. The Planner, the Zoning Administrator



Staff as “professional” continued

- **Do not condemn, vilify, or glorify staff for their actions:**
 - Their action and words do not necessarily reflect their personal view.
- **Focus on** (attack/support) the **issues** not the person.



C. Division of duties and types of zoning decisions

Three Branches of Local Government



Executive /
Administrative



Legislative
(Elected)



Quasi Judicial



C. Division of duties



- A. Permits (must be specifically listed)
- B. Special Use Permits (must be specifically listed)
- C. Amendments (based on a Plan)
- D. Variances, Appeals.

C. Division of duties

ZONING ADMINISTRATOR	PLANNING COMMISSION	LEGISLATIVE BODY	APPEALS BOARD
Permits	Adopts plan (recommends adopting plan)	Might adopt plan (active in plan adoption)	Hear appeal of zoning administrator decision
Receive applications for special use, PUD, site plans and checks for completeness	Acts on special use, PUD permits (usually)	Appoints members of planning commission, appeals board, may hire zoning administrator	Hear appeal on special use, PUD, <u>only</u> if zoning says
Enforcement	Conduct hearing and make recommendation on zoning amendments	Adopt zoning amendments (might hold additional hearing)	Hear appeal on interpretation of zoning ordinance
Collect fees		Sets fees	Hear requests for variances



C. Zoning Actions

The Public has influence on **b. Special Uses, c. Amendments, d. Variances & Appeals** (public notices, hearing, or similar)

Any of the following parties can participate and make submissions related to a development application:



Applicant /
Developer



Neighborhood/parties wishing to support or oppose



Local government/agency wishing to support or oppose or provide facts.



D. Special Use Permit

Focus is on “Standards.”

- **Rule:** If all the “standards” are met; then must approve.
- **Special Use** permit is an administrative action.
- **Notices** that someone has applied sent to everyone within/around 300 feet & in **newspaper**.



D. What you should do before the hearing



Homework:

- Get a full copy of the Special Use Permit application.
- Get a copy of all the standards in the zoning ordinance for Special Uses (entire ordinance).
- Read them.

Review the Application against the standards.



D. What you should do before the hearing

Standards are found in up to four places in a zoning ordinance:



1. In the Article on Special Uses

- Generic, general, discretionary.
- It will be stated (or implied) a special use must also **follow standards** found in the other three locations.



D. What you should do before the hearing

Standards in four places:



2. In the Article on the respective zoning district.

- Setbacks (front, rear, side, waterfront)
- Parcel Size,
- Parcel width,
- Building size,
- And more.



D. What you should do before the hearing

Standards in four places:



3. In the Article on General Provisions (regulations that apply everywhere)

- Parking,
- Screening,
- Groundwater protection,
- And lots more.



D. What you should do before the hearing

Standards in four places



4. Sometimes there will also be specific standards for a specific type of Special Use.

Examples include:

- Mining, Excavation
- Mobile Home Parks.
- Heavy Industry.
- Solar, and more



D. What you should do before the public hearing



Quick note before we begin...

Understand that a local government can amend its ordinance if regulations are not sufficient for regulating a land use.

D. What you should do before the hearing



Prepare a submission for the hearing.

- Focus on the **facts**.
- Focus on the **standards**.
- Does the proposed Special Use meet the standards?
- Does the proposed Special Use fail to meet one or more standards?

D. What you should do before the hearing



“Compatible with neighborhood”

It is a discretionary standard and residents in the area may have a large influence here.



“Within capacity of Infrastructure”

It is a discretionary standard and local government/agencies can provide facts.



D. What you should do before the hearing

Remember: Effective Submissions/Comments



- Protect your credibility.
- Do not be Emotional – this is a legal process.
- Cite Sources (use good research.)
- Focus on Use of Land, impact on land (not to promote/oppose economic, racial, or religious views; enforcement of private deed restrictions; neighborhood feuds or personal quarrels; a tool for the political arena; or a public popularity contest.)



D. Attend the hearing



Give the entire submission in writing
(copies for everyone, including the recording secretary and staff)



Orally summarize the written submission
staying within the time limit
(if any)



(Same Process for EGLE, DNR, etc.)



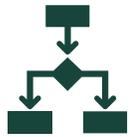
EGLE sends out notices, publish in newspaper.

Might be hearing. Before hearing, or submission:

- Do your homework; read application; EGLE/DNR Statutes, federal regulations, administrative rules for standards.
 - Statute is found at: <http://www.legislature.mi.gov/>
 - Administrative Rules are found at: <https://www.michigan.gov/lara/bureau-list/moahr/admin-rules>
 - Federal regulations are found at: <https://www.govinfo.gov/help/cfr> or at <https://www.epa.gov/laws-regulations>



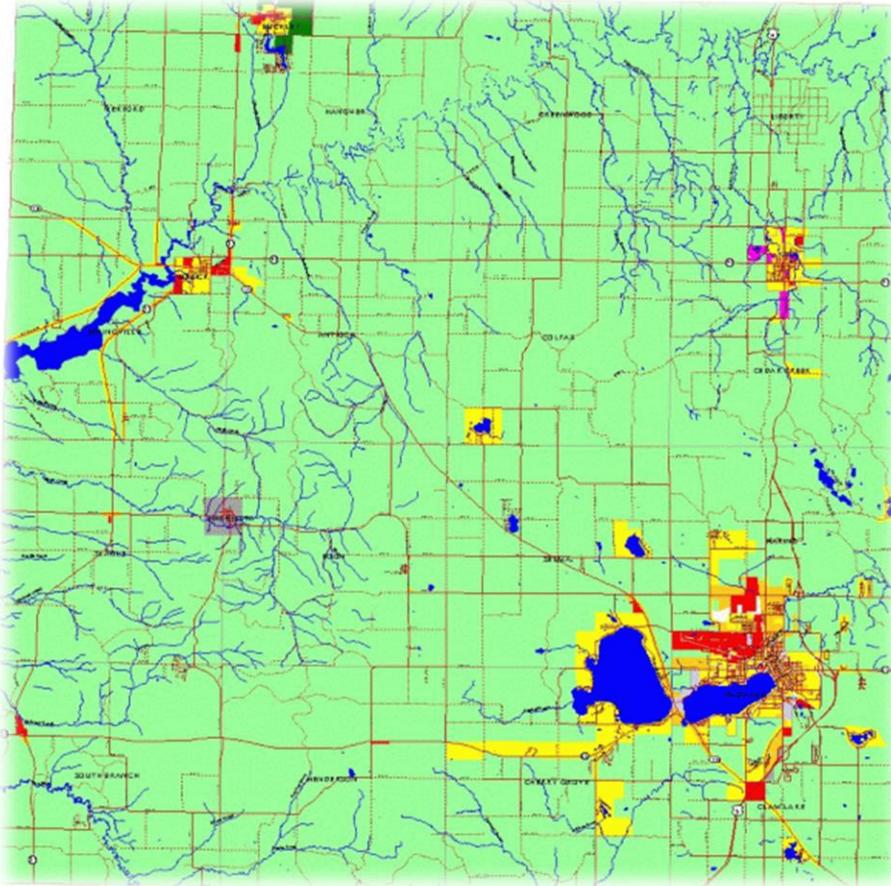
E. Zoning Amendment



- **Zoning** is based on a **Plan**.
- An **amendment** to **zoning** must also be based on (follow) the **Plan**.
- **Zoning amendment is a legislative action.**
The elected officials have much more **discretion** on **adopting, or not adopting, a zoning amendment**



E. Amendments



Two types of **zoning amendments**:

- **Changes a zoning district boundary** on the zoning map
- **Changes the text** of the zoning ordinance.

E. Amendment



Notices of a proposed amendment:

- Amendment involves **10 or fewer parcels: notices sent to everyone within, and 300 feet around, the proposed location and in the newspaper.**
- Amendment involves **11 or more parcels** (or is not parcel specific): notice is in the **newspaper.**



E. Amendments change a lot

A zoning amendment makes changes for more than just what is being proposed.



- A text amendment might **change rules for an entire zoning district, or the entire area under that zoning ordinance** – not just the property that someone is proposing something for.
- A map amendment means **any of the permitted or special uses can happen**, not just what someone is proposing on that day.



E. What you should do before the hearing



Homework:

- Get a **full copy of the proposed zoning amendment** (and an application if it exists).
- Get a **copy of the Plan**.
- **Read them.**

Review the proposed amendment against the Plan (Plan = standards, sort of).



E. Reminder

- **Effective Submissions/Comments**
 - Protect your credibility.
 - Do not be Emotional.
 - Cite Sources (use good research)
 - Focus on Use of Land, impact on land (not to promote/oppose economic, racial, or religious views; enforcement of private deed restrictions; neighborhood feuds or personal quarrels; a tool for the political arena; or a public popularity contest.)
 - Avoid “foolish” statements.
- **Attend the hearing.**
- **Submission in writing** (copies for everyone, including recording secretary and staff)
 - Orally summarize. Stay within time limit (if any).



E. After the Hearing

- **Planning Commission makes a recommendation to the Elected Body.**
 - Township Planning Commission also refers the amendment to the County Planning Commission (if one exists), which reviews the PC's process for its legality and makes a recommendation to the Elected Body.



E. After the Hearing



Elected Body can:

- **Adopt proposed amendment**, as recommended.
- **Hold additional Hearing(s).**
 - Attend and give submission as was done before.
- Return **proposed amendment** to the **Planning Commission for further study.**
 - When a proposed amendment comes back a second time, the Elected body can adopt, hold hearings, or reject it..



E. Still not happy?

If a Zoning Amendment is adopted and one is still opposed to it:



Can petition to **bring the amendment to a vote** of the people (maybe not in a city/village).



See a lawyer to do this.



Do not delay. **There are deadlines** and things that must be done within a certain amount of time.



E. To summarize

Remember: Effective Submissions/Comments:

- Protect your credibility
 - Do not be Emotional
 - Cite Sources (use good research)
 - Focus on Use of Land & impacts (not political/personal stuff)
 - Avoid “foolish” statements.
- Attend the hearing. **Everyone gets a copy, and orally summarize.**
 - Attend the elected body’s meeting, **orally summarize the written testimony** (and everyone gets a copy).
 - **Petition for Voter Referendum** (county & township).



F. Appeals / Variances



Zoning Appeals Board does four things:

- Interpretation of the **Zoning Ordinance**.
- Interpretation of the **Zoning Map**.
- **Issues Dimensional/Regulation Variances**.
- **Review Appeals of administrative decisions.**
 - Any party who feels the PC acted in violation of due process or was arbitrary or abused their discretion can appeal that decision to the ZBA for a review. If still not happy- can appeal the ZBA decision to Circuit Court.



F. Appeals / Variances

Who can appeal?



Any aggrieved
party



Officer,
department,
board, bureau
of the state



Officer,
department,
board, bureau of
the local unit of
government.



Thank you!



The Norvell Township Board will meet on the following dates for 2026. Meetings will be held on the third Monday of each month. All Regular meetings will begin at 6:00 PM and will take place at the Norvell Township Hall, 300 Mill Rd. Brooklyn, Michigan

Regular Meetings: 6:00 P.M.

Tuesday, January 20, 2026*

Tuesday, February 17, 2026*

Monday, March 16, 2026

Monday, April 20, 2026

Monday, May 18, 2026

Monday, June 15, 2026

Monday, July 20, 2026

Monday, August 17, 2026

Monday, September 21, 2026

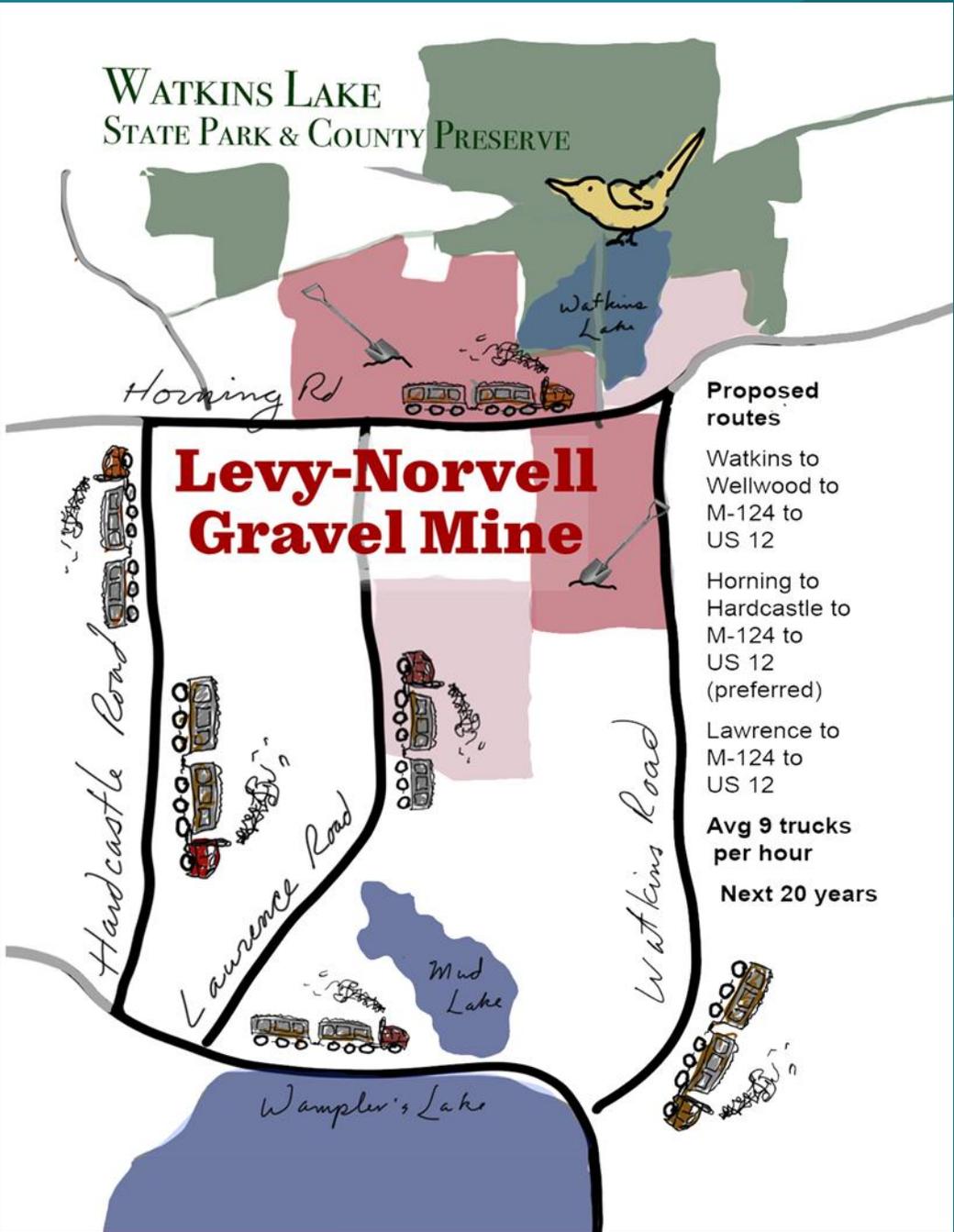
Monday, October 19, 2026

Monday, November 16, 2026

Monday, December 14, 2026**

Planning Commission meets Third Wednesday of each month at 6:00 pm

Next meetings would be Wednesday, February 18, and Wednesday, March 18 if scheduled



Emcee:
Dana Ashlock

Speakers:
Mike Wilczynski
Harmony Fierke-Gmazel

Host:
Irish Hills Concerned Citizens

THANK YOU!