

Potential lawsuit clouds ordinance updates



Not a newcomer to the meetings, Cathy Nearhood reminded the commission, "This ordinance has to be right. We are not only concerned with this one applicant."

Story and Photos
By Michelle McLemore
Contributing writer

A potential wrench – or perhaps more accurately a gavel – has been thrown into the ongoing process of redefining gravel pit parameters in the Irish Hills area and the citizens' hope to stop an imminent pit. Cambridge Township Planning Commission Chairperson Tom Kissel,

announced at the March 29 meeting, "The township attorney had been notified that SSP Leasing will be filing a lawsuit" against Cambridge Township although no official documents have arrived just yet.

SSP Leasing, owned by Timothy Warvel, purchased the property and submitted an application prior to October 18, 2022, for a conditional use permit to

conduct gravel mining in an area along U.S. 12 (between Allen and Kelley lakes). They plan to complete the project by constructing a small subdivision on the 50-acre plot.

An initial presentation and preliminary review were addressed as New Business items on the October 26, 2022, Cambridge Township meeting agenda. Initial details of the process and a summary of requirements including excerpts of Michigan Zoning Enabling Act 125.3205 and Natural Resources and Environmental Protection Act 324.63203 were provided, and the SSP Leasing representative answered initial questions. Commission members had additional questions and decided more information was needed. No decisions nor actions were made at that meeting regarding the application.

Per the advice of Township Attorney Fred Lucas, a moratorium was adopted on December 28, 2022, in order to pause processing gravel pit applications until the board had sufficient time to review and update the current ordinances. The now visible elephant in the room is that a judge may determine if the SSP's application will be held to the prior ordinances or to the ones currently being developed.

The March meeting continued with the presentation of Carlisle and Wortman Associates' first draft of the mining regulation revisions. In a cover letter, Planner Douglas J. Lewan highlighted changes and a stand-

alone ordinance titled Article III Mining Control including Sections 16-26.

Regarding updates to section 36-410 Mineral Mining, Lewan wrote, "We kept the allowable zoning designation as AG-1 as special land use. The new section also gives reference to the new stand-alone Mining Control ordinance. The special land use standards of this section generally remove the quantitative requirements and concentrate on qualitative standards."

The draft had been posted to the township website for public review and emailed to the commission two days prior to the meeting. Board members were first to note inconsistencies and oddities within the first draft. Kissel noted draft segments "referenced parts which don't exist . . . looks like it was a cut and paste overlooking items such as a reference to Oakland County."

Vice-chair Rick Streams noted the documents refer to a "township engineer." Bruce Nichols clarified "Daly Engineering is the township engineer, but they may not be used in this case." Streams also noted a discrepancy in the stated setback of 25 feet while the standard is 50 feet. Nickels clarified that the initial drawings received had a 50-foot setback planned because of the lake location. Secretary David Horn, submitted "More than two days are needed to review the documents."

Kissel requested the commission members and audience to thoroughly review the draft and



Vice-Chair Rick Streams highlighted a few areas of clarification and revision needed in the first draft.

send questions and concerns to him. A public hearing is set for April 26 at 7 p.m. as a public hearing with the sole purpose for Carlisle Wortman and Associates, and the township lawyer to be onsite to answer all questions. All questions compiled ahead of time will be sent to the parties to ensure they can have the answers for the hearing.

Kissel explained after the April hearing, "We will see if we need to make another draft or if we need an additional public hearing."

In regard to citizens who are concerned that the Solar Farm, 36-419, Wind Energy 36-418, and Sanitary Landfill ordinances are "vulnerable or antiquated," Kissel explained that township attorney Fred Lucas is working on another ordinance for them.

Over thirty citizens were present and during the public comment section, several individuals wanted it on record that they were against approval of the gravel permit application. Others passionately, yet politely, used their two minutes to remind the commission of potential hazards to the environment, health status, and quality of life for businesses and homeowners if the revised standards are not thorough enough. Members of Citizens to Protect the Irish Hills were present with flyers listing their upcoming events and armed with comparative township ordinances and research on various environmental and health studies.

Property owner Joe Myra asked for clarification on if changes to the ordinances could be applied retroactively to the applicant on file. The chairman explained the process: "Once the ordinance revisions are complete, the zoning and building committees will review the application. Then we will let the applicant know if they need to reapply. That's where the legal action mentioned before, will be made."

Myra paused briefly, "So it's probably going to be determined in court."

The American Legion



Wilber-Bartlett Post #315 Brooklyn, MI 49230

THE MEMBERS OF AMERICAN LEGION POST 315 WOULD LIKE TO RECOGNIZE AND THANK THE FOLLOWING SPONSORS FOR MAKING THE "HUNTER'S GUN RAFFLE" A HUGE SUCCESS:

IRISH HILLS COLLISION
IRISH HILLS COLLISION-TECUMSEH
MID-AMERICA MANUFACTURING
D&L EQUIPMENT
WILLBEE TRANSIT MIX
WAMPLERS LAKE RESTORATION
ALL SEASONS UNDERGROUND
TODD KENNEDY COUNTRY MARKET

KNUTSON'S SPORTING GOODS
RANDY'S ROADSIDE BAR-B-QUE
DICK & GAIL KIMBALL
BRENDA & MILES JONES
DANNY MOORE MEMORIAL FUND
LUCERO'S
EAGLE POINT MARINA
A&B AUTO BODY
PHIL SMITH

ALSO, A SPECIAL THANKS GOES OUT TO ALL THE VOLUNTEERS AND WORKERS THAT SUPPORTED THIS EVENT.