

**Notice of Public Hearing  
Huron County Planning Commission  
Wednesday, April 5, 2023  
County Building, Meeting Room 305  
250 E. Huron Avenue, Bad Axe, Michigan  
Special Approval Use Permit: SAP 2023-01**

Notice is given that the Huron County Planning Commission will hold a public hearing on Wednesday, April 5, 2023, at 7:00 p.m., in Room 305, County Building, 250 E. Huron Avenue, Bad Axe, Michigan 48413. The purpose of this meeting and public hearing is to hear comments about and consider the request of Martin & Amber Gentner, owner of AGM Enterprises LLC, for a Special Approval Use Permit to establish and maintain a sand & clay mining operation on a 30.2 Acre site in Section 5 of Grant Township, Huron County, Michigan.

**Special Approval Use Permit: SAP 2023-01:** Request by AGM Enterprises LLC, 7603 Munford Road, Ruth, MI 48470, to establish a sand & potential clay mining operation at 5709 Kilmanagh Road, located on the south side of Kilmanagh Road between Farver Road and Maxwell Road, Section 5 of Grant Township, Huron County, Michigan. The 63.8 acre parcel of land, Parcel I.D. 3210-005-002-00, is located in the Agricultural (AGR) Zoning District. Applicant is proposing two phases of mining activity. The Phase I plan is to remove 5 feet to 8 feet of sand throughout entire existing field area (maximum of 4.9 acres to be disturbed at a time). Undisturbed areas of the existing field will remain in agricultural production. It is anticipated that approximately 30.2 total acres will be excavated for sand removal. The Phase II plan is to remove clay at varying depths of 4 feet to 20 feet in areas used previously for sand mining. The removal of clay will create separate bodies of water no larger than 4.9 acres and said bodies of water will be clay lined as to not impact ground water. Under provisions of the Zoning Ordinance of Huron County, Article XV Special Approval Use Permits, Section 15.01 and Section 15.02(4), the Huron County Planning Commission is authorized to review specific uses regulated within the various zoning classifications as set forth in the Ordinance. Pursuant to provisions of the Michigan Zoning Enabling Act, Act 110 of 2006, MCL Section 125.3205(3), "An ordinance shall not prevent the extraction, by mining, of valuable natural resources from any property unless very serious consequences would result from the extraction of those natural resources. Natural resources shall be considered valuable for the purposes of this section if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit."

The application and site plan relative to this request are available for public examination during regular office hours at the Huron County Planning, Building & Zoning Department, Room 102 of the County Building, 250 E. Huron Avenue, Bad Axe, Michigan 48413. Following the public hearing, the Planning Commission will consider granting a Special Approval Use Permit.

Persons wishing to comment on the proposed special use permit are invited to this meeting. Written comments may be mailed to the Huron County Building & Zoning Department, 250 E. Huron Avenue, Room 102, Bad Axe, Michigan 48413 or sent by fax to 989-269-3362 or email to smithj@co.huron.mi.us. For further information on this matter, please contact Jeff Smith of the Building & Zoning Department at 989-269-9269.

This notice is disseminated pursuant to PA 110 of 2006, being the Michigan Zoning Enabling Act, as amended.

***Huron County Planning Commission  
Julie Epperson, Secretary***



SAP 2023-01 AGM  
Enterprises LLC  
Section 5 Grant  
Township

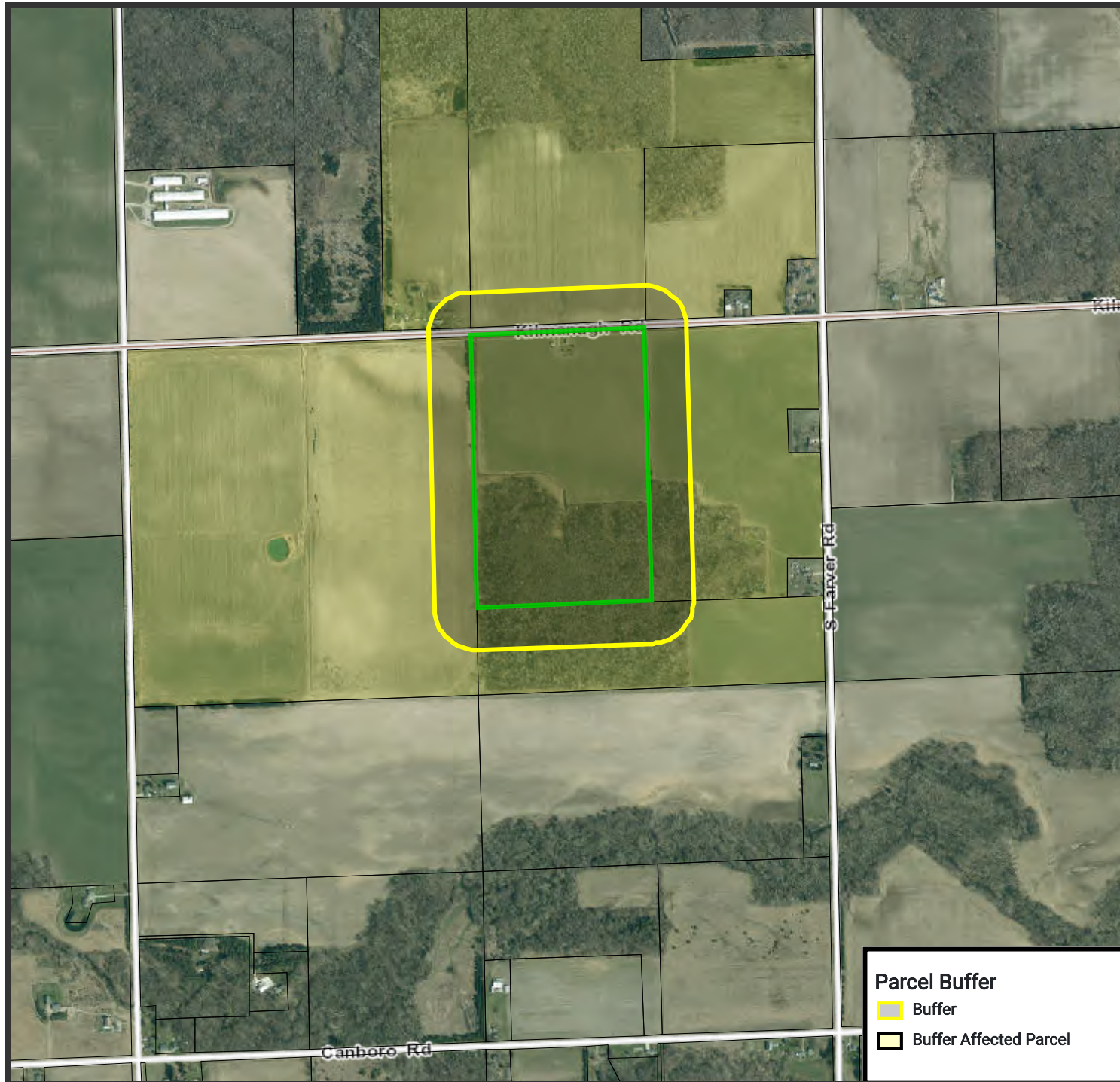
Sand & Clay Mining 320ft.  
Buffer - (7) Parcels



Map Publication:  
03/20/2023 2:00 PM



**Disclaimer:** This map does not represent a survey or legal document and is provided on an "as is" basis. Huron County expresses no warranty for the information displayed on this map document.



**Parcel Buffer**

- Buffer
- Buffer Affected Parcel

**HURON COUNTY PLANNING COMMISSION  
APPLICATION FOR SPECIAL APPROVAL PERMIT**

\$600.00 Application Fee Regular Meeting  
\$800.00 Application Fee Special Meeting Rev. 01/2022

Date: February 16, 2023

PROJECT NO.: SAP 2023-01

APPLICANT'S NAME: AGM Enterprises, LLC

ADDRESS: 7603 Munford Road, Ruth MI 48470 (989) 551-1487  
street city state zip telephone

PROPERTY OWNER'S NAME AND ADDRESS (if different than above):

N/A  
name  
street address city state zip telephone

ADDRESS OF PROPERTY REQUESTED FOR SITE PLAN REVIEW: 5709 Kilmanagh Road, Owendale MI 48754

PROPERTY IDENTIFICATION No.: 10-005-002-00

DESCRIPTION OF PROJECT (ATTACH SITE PLAN, Application will not be accepted without site plan):

Please See Attached

Mat Gest rester 2-17-23  
Signature of Applicant Date

By signing this application, owner/agent is granting County officials the right to on-site inspection of property involved in this request.

**PLANNING COMMISSION ACTION:**

APPROVED, AS SUBMITTED;  
 APPROVED, WITH THE FOLLOWING MODIFICATIONS: \_\_\_\_\_

DENIED, FOR THE FOLLOWING REASON(S): \_\_\_\_\_

Jeffrey Smith, Director

✓ # 1188 Receipt # 73347

Date

RECEIVED  
MAR 15 2023  
HURON COUNTY  
BUILDING & ZONING  
(Revised.)

SAP Permit Application  
RECEIVED  
FEB 17 2023  
HURON COUNTY  
BUILDING & ZONING

## Special Land Use Permit

Tax Parcel # 10-005-002-00

### Legal Description of 5709 Kilmanagh Road, Owendale, MI, Grant Township

Section 5 T15N R11E; The Northwest quarter of the Northeast quarter of Section 5 and the North half of the Southwest quarter of the Northeast quarter of Section 5, Town 15 North, Range 11 East.

### Applicant Information

AGM ENTERPRISES, LLC  
7603 Munford Road  
Ruth, MI 48470  
Martin Gentner (989) 551-1487  
Amber Gentner (517) 206-1253

### Hours of Operation

Typical hours are Monday – Saturday 6 AM – 9 PM

### Site Plan (attached) includes:

Per engineered drawing

### Roadway:

Typical travel route to/from pit will be Kilmanagh Road East to Elkton Road. Applicant shall have road bond in place with Huron County Road Commission upon approval of Special Use Permit.

### Driveway:

Main access to property will be via expanded existing driveway on East side of property. Driveway begins approximately 1,300 feet west of South Farver Road. Driveway is approximately 15 ft wide and 1,100 ft deep into property.

### Material Areas

Phase 1: Removal of sand at depths of 5 – 8 feet. Land will be tapered to existing grade of property lines with no effect to neighboring properties.

Phase 2: Removal of clay at varying depths of 4 – 20 feet. Material will be removed from area such that a body of water, no larger than 4.9 acres in size, shall be formed. Bodies of water to be constructed in clay liner material to not impact ground water.

**AGM ENTERPRISES, LLC**

7603 Munford Road – Ruth, MI 48470

Phone: (989) 864-5549 ~ E-MAIL: gentner1ac@hotmail.com

Martin Gentner, Owner (989) 551-1487 ~ Amber D. Gentner, Owner (517) 206-1253

---

Keep Out Danger signs shall be placed around the premises of the property at no more than 150 feet apart.

No body of water will be within the 50 foot setback area. No finish grade will be greater than a 3:1 slope.

Property line set backs will be in compliance with the Huron County Ordinance.

In the construction of said material removal area, no sites of ecological significance will be affected by the use of the property. Farming of the land will be done in conjunction with the harvesting of material operations. Areas of disturbance for material harvest will be kept to a minimum. The area of material removal consists of removing a natural aggregate, no more than 4.9 acres will be disturbed at any given time, and approximately 32 acres will be harvested when completed.

At this location, the processes that may take place, but are not limited to, the direct loading of products into trucks, screening and washing of sand and stone materials, processing plant and processing of materials, stockpiling and transferring of aggregate products on an as needed basis, stockpiling of concrete and rock materials, recycling of concrete and aggregate. All machines brought in for material harvesting and processing are portable and will be onsite only when necessary.

---

Martin R. Gentner, AGM Enterprises, LLC

---

Date Signed

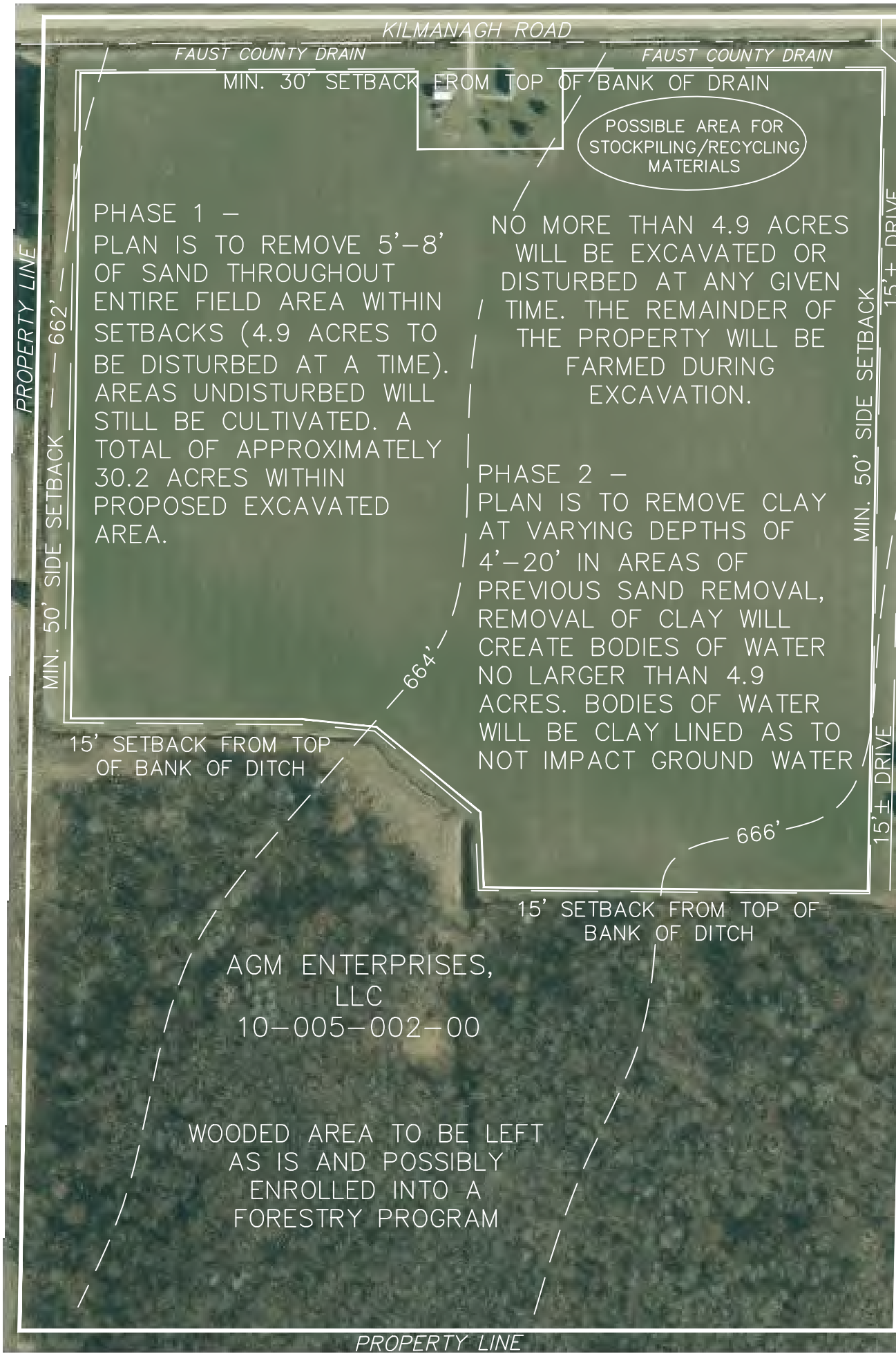
---

Jeffrey Smith, Director

---

Date Signed

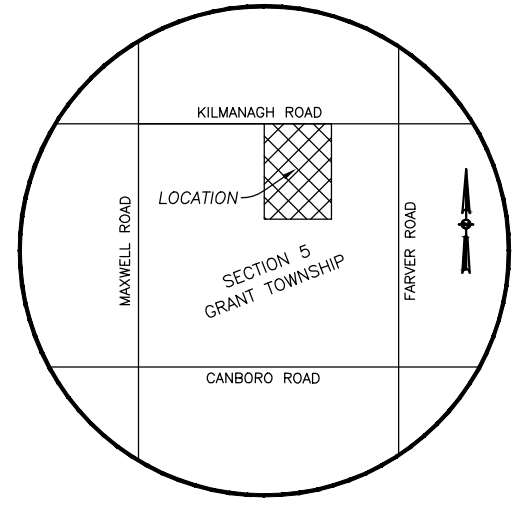
WALTHER INVESTMENT LLC  
10-005-003-00



\*NOTE: PER THE HURON COUNTY DRAIN OFFICE, EXCAVATION SHALL NOT BE CONDUCTED WITHIN 30 FEET OF THE TOP OF BANK OF THE FAUST COUNTY DRAIN.

JOSEPH ZALESKI  
10-005-001-00

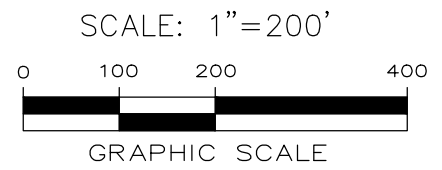
STURM FARMS  
10-005-005-00



LOCATION MAP  
NOT TO SCALE

PROPOSED SAND REMOVAL AREA ON PROPERTY WILL BE EXCAVATED TO A DEPTH OF APPROXIMATELY 5-8 FEET. NO FINISHED GRADE WILL BE GREATER THAN A 3:1 SLOPE.

ALL CONTOURS AND ELEVATIONS SHOWN ARE IN N.A.V.D.88 DATUM



*Benjamin D. Tank*

FILE: 2023-018		SCALE: 1" = 200'
PROJECT MGR: BDT	PROJECT LOG	
DESIGNED BY: BDT	1/2023	
DRAWN BY: BDT	3/2023	
TANK SURVEYING 255 E. HURON AVE., BAD AVE, MI 48413 989-269-2201		SITE PLAN
SAND REMOVAL PLANS SECTION 5, T15N-R11E, GRANT TOWNSHIP HURON COUNTY, MICHIGAN	AGM ENTERPRISES, LLC 7603 MUNFORD ROAD RUTH, MI 48470 989-551-1487	

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
SCHAPER LEASLY F & TRACY	GENTER AMBER	305,000	11/16/2022	WD	03-ARM'S LENGTH	1802:64	DEED	0.0
GENTER AMBER/AGM ENTERPRI		0	11/16/2022	AFF	21-NOT USED/OTHER	1802:65	DEED	0.0
SCAPER LEASLY F & TRACY S	SCHAPER LEASLY F & TRACY	0	06/08/2016	WD	21-NOT USED/OTHER	1569:579	DEED	0.0
FAUST JOHN SPARR ESTATE	SCAPER LEASLY F & TRACY S	280,000	09/05/2013	WD	03-ARM'S LENGTH	1465:211	DEED	0.0

Property Address	Class: AGRICULTURAL-IMPR	Zoning:	Building Permit(s)	Date	Number	Status
------------------	--------------------------	---------	--------------------	------	--------	--------

5709 KILMANAGH ROAD	School: OWENDALE GAGETOWN AREA S/D					
	P.R.E. 100% / / Qual. Ag.					

Owner's Name/Address	MAP #: 27 05 200 001	2023 Est TCV 352,600 (Value Overridden)
GENTER AMBER 2236 SOUTH PERKEY ROAD CHARLOTTE MI 48813-9368		

Improved	X	Vacant	Land Value Estimates for Land Table .			
----------	---	--------	---------------------------------------	--	--	--

Public Improvements	Description	Frontage	Depth	* Factors *	Rate %Adj.	Reason	Value
Dirt Road							0
Gravel Road							0
Paved Road							0
Storm Sewer							0
Sidewalk							0
Water							0
Sewer							0
Electric							0
Gas							0
Curb							0
Street Lights							0
Standard Utilities							0
Underground Utils.							0

Tax Description  
 Sec 5, Town 15N, Range 11E. N 3/4 OF W 1/2 OF NE 1/4. 63.8 A.  
 Comments/Influences  
 Liber/Page(s): 187:0048, 528:0635

Topography of Site  
 Level  
 Rolling  
 Low  
 High  
 Landscaped  
 Swamp  
 Wooded  
 Pond  
 Waterfront  
 Ravine  
 Wetland  
 Flood Plain

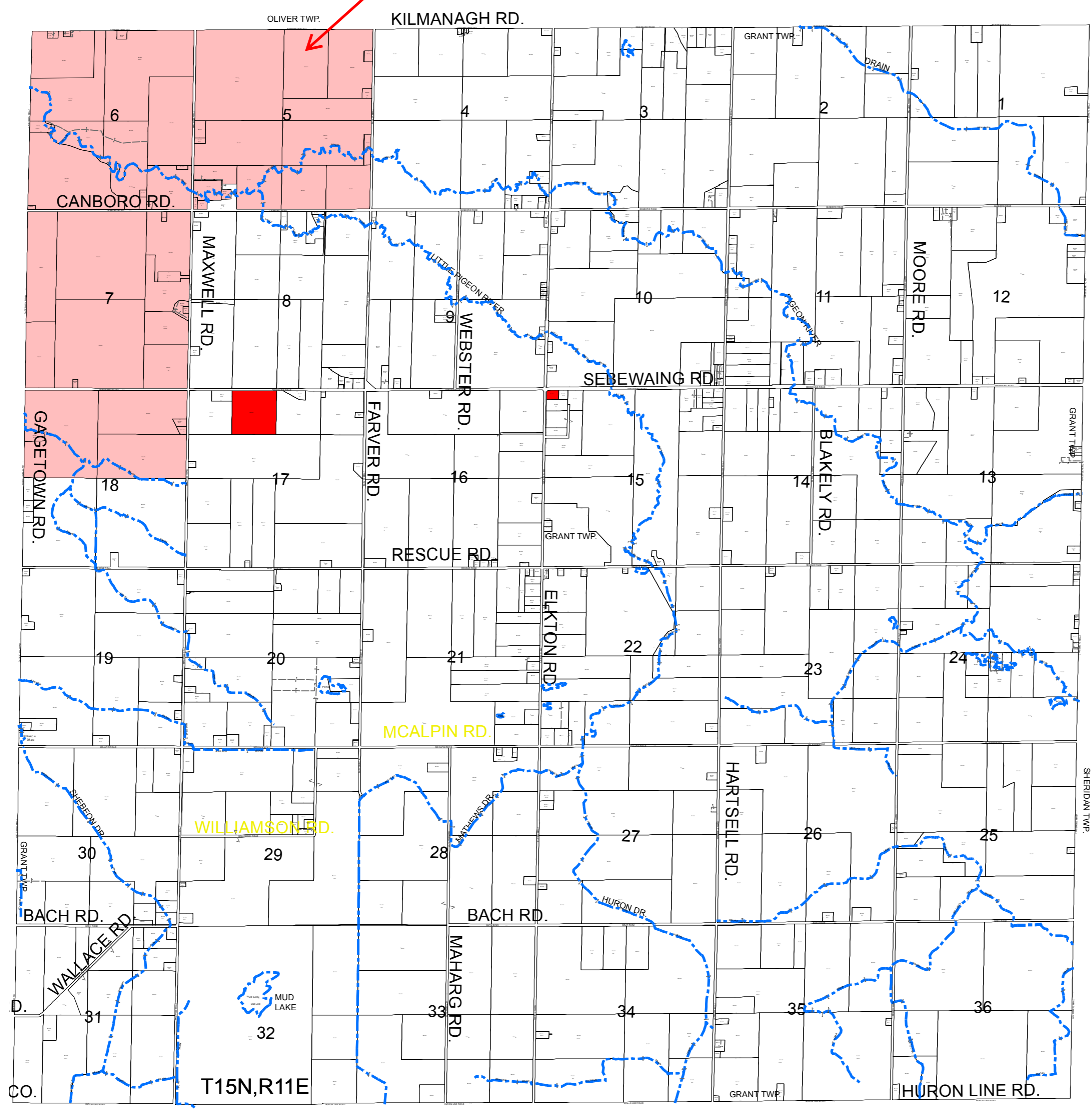
Year

Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/ Other	Taxable Value
2023	176,300	0	176,300			151,316C
2022	158,100	0	158,100			144,111C
2021	163,900	0	163,900			139,508C
2020	162,300	0	162,300			137,582C

The Equalizer. Copyright (c) 1999 - 2009.  
 Licensed To: County of Huron, Michigan

\*\*\* Information herein deemed reliable but not guaranteed\*\*\*

SAP 2023-01 AGM Enterprises LLC  
 Section 5 of Grant Township  
 Parcel No. 3210-005-002-00  
 Proposed Use:  
 Phase I: Sand Mining  
 Phase II: Clay Mining



**Grant Zoning Legend**

- AGR
- BUS
- WE

Effective Dec. 1, 1995.  
 Current thru 6-1-2016.

**\*\*\*All zoning is subject to change. Please check with county zoning official for any updates.\*\*\***

PREPARED BY:  
 Huron County Equalization/GIS Department  
 250 East Huron Avenue  
 Room 306  
 Bad Axe, MI 48413-1165  
 989.269.9421  
 989.269.2836 FAX  
 6-1-2016/dlk





SAP 2023-01

Wetlands Layer



Map Publication:  
03/06/2023 12:59 PM



**Disclaimer:** This map does not represent a survey or legal document and is provided on an "as is" basis. Huron County expresses no warranty for the information displayed on this map document.

**ARTICLE XV. SPECIAL APPROVAL USE PERMITS**

**SECTION 15.01 SPECIAL APPROVAL USE PERMITS- APPROVAL PROCEDURES.** In order to make this Ordinance a flexible zoning control and still afford protection of property values and orderly and compatible development of property within the County, the Planning Commission, in addition to its other functions, is authorized to review certain uses designated as "Uses Permitted on Special Approval" within the various zoning classifications as set forth in the Ordinance.

Such uses have been selected because of unique characteristics which, in the particular zone involved, under certain physical circumstances and without proper controls and limitations, might cause them to be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.

The burden of proof of facts which might establish a right to a Special Use Approval under the foregoing conditions shall be upon the applicant.

All applications for Uses Permitted on Special Approval shall be accompanied by a site plan and shall be processed in accordance with, and subject to all the provisions of Site Plan Review. The Planning Commission shall have the responsibility to review and approve Special Approval Use Permits. It shall be the Planning Commission's responsibility to insure that specific conditions associated with each use are complied with.

Action of the County Planning Commission on any such matter shall be taken only after an application in writing shall be filed with the Zoning Administrator and shall be governed by the required procedure for an application pursuant to the Michigan Zoning Enabling Act, as amended, including holding a hearing. Developers of projects, which require a Special Approval Use Permit and zoning variances, shall apply for and be issued a Special Approval Use Permit before applying for zoning variances. Developers of projects which require a Special Approval Use Permit must begin work on the project within one (1) year of issuance of the permit unless otherwise agreed upon by the Planning commission.

The issuance of any permit shall not be approved unless the Planning Commission shall find, in each case, that:

1. All requirements set forth in this Ordinance will be complied with;
2. The use and any proposed structures to be utilized in connection therewith will not create any threat to the public health, safety and welfare and will not unduly aggravate any traffic problem in the area;
3. The proposed use will not be injurious to the surrounding neighborhood;
4. The proposed use will not be contrary to the spirit and purpose of this Ordinance. The Planning Commission may require such conditions as it may deem reasonably necessary to promote the spirit and intent of this Ordinance.
5. All proposed structures, equipment or material shall be readily accessible for fire and police protection;

ARTICLE XV. SPECIAL APPROVAL USE PERMITS Continued

SECTION 15.01 SPECIAL APPROVAL USE PERMITS-APPROVAL PROCEDURES continued:

6. The proposed use shall not cause traffic congestion or movement out of proportion to that normally prevailing in the particular district.
7. The proposed use shall provide sufficient space for off-street parking of all vehicles attracted by its presence and shall abide by the regulations set forth in this Ordinance for its particular district or use;
8. Any proposed building shall not be out of harmony with the predominant type of building in the particular district by reason of its size, character, location or intended use.
9. If applicable, groundwater protection is incorporated into the design of the site and proposed facility.

SECTION 15.02 USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC USE DISTRICT:

(ZA#98-1; eff. 6/10/98)

Because the uses referred to hereinafter possess unique characteristics making it impractical to include them to a specific use district classification, they may be permitted after consideration by the Planning Commission, pursuant to the provisions of Sections 14.28 of this Ordinance. In every case, the uses hereinafter referred to shall be specifically prohibited from any Residential (R-1, R-2, RM-1) District unless otherwise specified.

These uses require special consideration since they service large areas and require sizable land areas, creating problems of control with reference to abutting use districts. Those uses which fall specifically within the intent of the section are as follows:

1. Outdoor Theaters: Because outdoor theaters possess the unique characteristics of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted in I-1 (IND), and AGR Districts only. Outdoor theaters shall further be subject to the following conditions:
  - a. The proposed internal design shall receive approval from the Zoning Administrator as to adequacy or drainage, lighting and other technical aspects.
  - b. Outdoor theaters shall abut a major thoroughfare and points of ingress and egress shall be available only from such major thoroughfare.
  - c. All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
  - d. The area shall be so laid out as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfares. All lighting used to illuminate the area shall be so installed as to be confined within, and directed onto, the premises of the outdoor theater site.

ARTICLE XV. SPECIAL APPROVAL USE PERMITS Continued.

SECTION 15.02 USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC USE DISTRICT:  
(ZA#98-1; eff. 6/10/98) Continued.

Communication Towers/Wireless Communication Facilities continued:

Performance standards: (ZA '98-1; eff. 6/10/98) continued:

- 5) Towers shall be located so that they do not interfere with reception in nearby residential areas.
- 6) The base of the tower and any guy supports shall be fenced with a minimum 6 ft. high fence.
- 7) The tower shall be removed by the property owner or lessee within six (6) months of being abandoned.
- 8) Colocation Review: Applicant(s) for zoning approval to construct a new wireless communication facility (tower) shall demonstrate that a feasible colocation on a nearby facility is not available for the coverage area and capacity needs. A map indicating the location of nearby wireless communication facilities (towers) shall be provided, and it shall be the responsibility of the applicant to demonstrate that such facilities do not have the capacity or location for colocation. All applications for new and/or modified wireless communication facilities (towers) shall demonstrate colocation capacity. (ZA '01-01; adpt. 5/8/'01; effective. 7/6/'01)

3. Water Supply and Sewage Disposal Plants: All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail.

- a. Municipal water supply and sewage disposal plants, to serve the immediate vicinity, shall be permitted in all use districts.
- b. Sewage disposal systems that are designed to disperse waste water from sources outside the County over large tracts of land shall not be permitted in the R-1, R-2, RM-1, and AGR Districts.
- c. All operations shall be completely enclosed by a cyclone type fence, not less than six (6') feet high.

4. Sand, Gravel, Topsoil, Ore and Minerals All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less than those in applicable State statutes, the State requirements shall prevail.

No fixed machinery shall be erected or maintained within fifty (50') feet to any street right-of-way line or property line in order to insure sub-lateral support to surrounding property.

Where it is determined by the Planning Commission to be a public hazard, all uses shall be enclosed by a fence six (6') feet or more in height for the entire periphery of the property or portion thereof. Fences shall be adequate to prevent trespass, and shall be placed no closer than fifty (50') feet to the top or bottom of any slope.

ARTICLE XV. SPECIAL APPROVAL USE PERMITS Continued.

SECTION 15.02 USES NOT OTHERWISE INCLUDED WITHIN A SPECIFIC USE DISTRICT:  
(ZA#98-1; eff. 6/10/98) Continued.

4. Sand, Gravel, Topsoil, Ore and Minerals continued:

No slope shall exceed an angle with the horizontal of forty-five (45E) degrees.

No building shall be erected on the premises except as may be permitted in the general zoning ordinance or except as temporary shelter for machinery and field office subject to approval by the Planning Commission.

The Planning Commission shall establish routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the community. That portion of access roads within the area of operation shall be provided with a dustless surface.

All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to single property, any individual, or to the community in general.

Proper measures, as determined by the Planning Commission shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated material upon the site.

When excavation and removal operations or either of them are completed, the excavated area shall be graded to that no gradients in disturbed earth shall be steeper than a slope of 3-1 (horizontal-vertical). A layer of airable topsoil, of a quality approved by the Zoning Administrator shall be spread over the excavated area, except exposed rock surfaces, or areas lying below natural water level, to a minimum depth of four (4") inches in accordance with the approved contour plan. The area shall be seeded with a perennial rye grass and maintained until the area is stabilized and approved by the Planning Commission.

Where excavation operation results in a body of water, the owner or operator shall place appropriate "Keep Out Danger" signs around said premises not more than one hundred fifty (150) feet apart.

All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to single property, and individual, or to the community in general. The applicant shall provide evidence that the proposed extractive operation will not in any way contaminate the surface water or the water table of the area. On-site testing by a qualified soil scientist is required.

5. Nuclear Power Plants Nuclear Power Plants shall be permitted in Industrial (IND) District only. All applicable State and Federal rules, regulations and statutes must be met prior to actual siting anywhere in Huron County. If deemed necessary, the Huron County Planning Commission, shall require copies of all data submitted to any State or Federal Agency pursuant to any law, ordinance or permit process.

6. Disposal Areas Disposal areas - Type I wastes, Type II wastes, Type III wastes, inert materials, or sites designed to receive dredge materials, as herein defined are permitted in any district subject to the requirements of this ordinance.



ZALESKI JOSEPH M & ETAL  
2562 SOUTH FARVER ROAD  
OWENDALE, MI 48754

GENTER AMBER  
2236 SOUTH PERKEY ROAD  
CHARLOTTE, MI 48813-9368

WALTHER INVESTMENT LLC  
52944 NORTH US HIGHWAY 131  
THREE RIVERS, MI 49093

STURM FARMS  
1796 NORTH GAGETOWN ROADS  
PIGEON, MI 48755

KARLE PETER JR & ELLA M  
5780 KILMANAGH ROAD  
OWENDALE, MI 48754

W D STURM FARMS LLC  
2450 STURM ROAD  
PIGEON, MI 48755

MC CREEDY KEITH A & BEVERLY J  
2562 FARVER ROAD  
OWENDALE, MI 48754

SAP 2023-01

Julie Epperson  
919 E. Main Street  
Sebewaing, MI 48759

Rich Swartzendruber  
2751 Stein Road  
Bad Axe, MI 48413

George Lauinger  
710 Kuhl Road  
Bay Port, MI 48720

J. Dean Smith  
8321 Berne Road  
Bay Port, MI 48720

Bill Renn  
6206 Campbell Road  
Pigeon, MI 48755

Bernie Creguer  
3037 Limerick Road  
Kinde, MI 48445

Todd Talaski  
6417 Terrie Drive  
Caseville, MI 48725

Jeremy Polega  
832 Port Crescent Road  
Port Austin, MI 48467

Kim Rosenthal  
954 Beech Street  
Bad Axe, MI 48413

3 BOC Legislative Members  
Via E-mail

Grant Twp. Supervisor  
Jeff Krohn – via email