

**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 2023-02**

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 mining operation on a 120 Acre site in Section 36 of Hume Township, Huron County, Michigan.

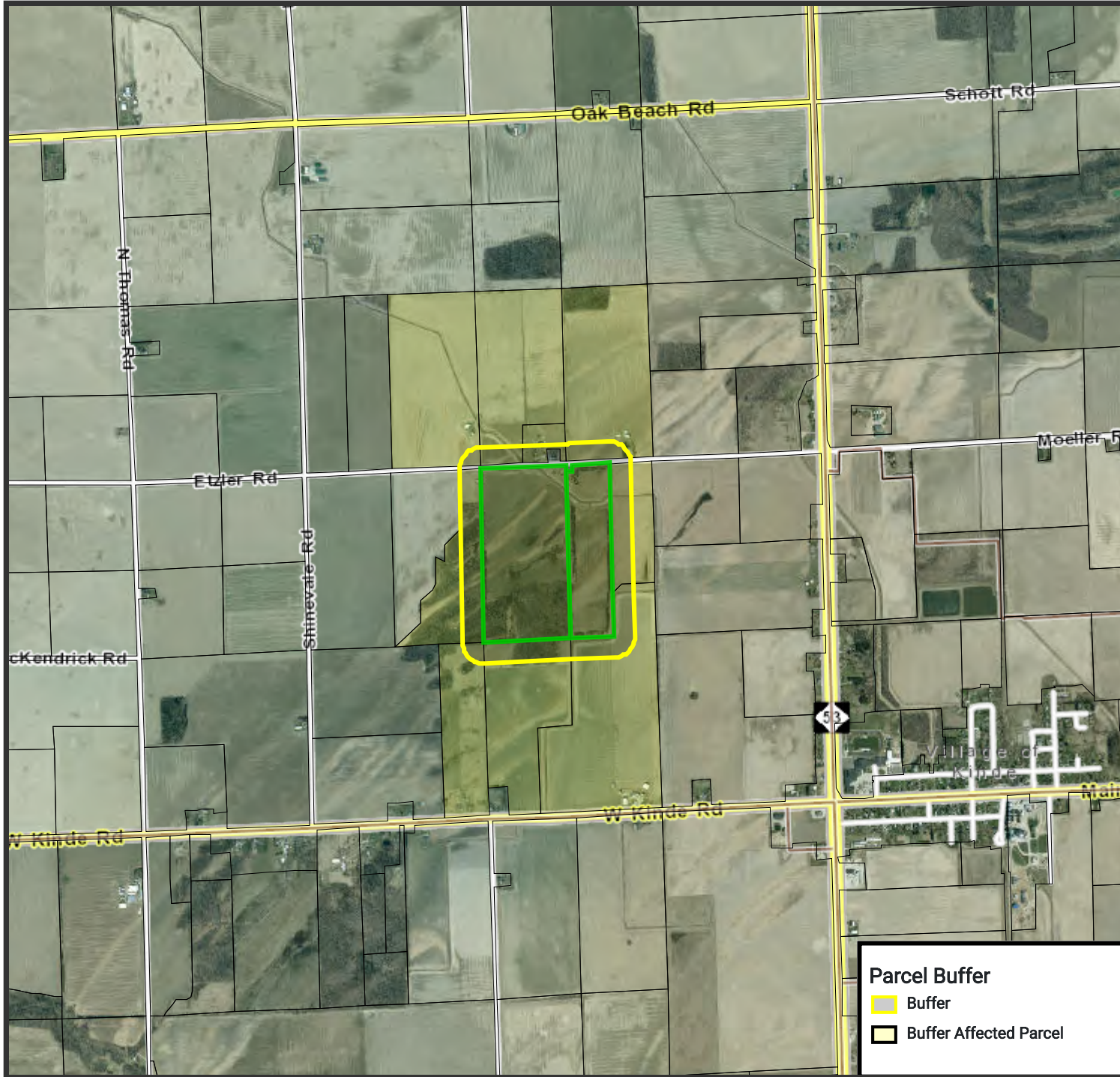
**Special Approval Use Permit: SAP 2023-02:** Request by AGM Enterprises LLC, 7603 Munford Road, Ruth, MI 48470, to establish a sand mining operation Etzler Road, located on the south side of Etzler Road between North Van Dyke Road and Shinevale Road, Section 36 of Hume Township, Huron County, Michigan. The 120 acre site consists of two parcels, Parcel I.D. 3211-036-001-00 and 3211-036-002-00, and are located in the Agricultural (AGR) Zoning District. Applicant is proposing to mine sand from approximately 36.2 acres within the 120 acre site. Existing sand ridges on the properties are to be removed at varying depths of 2 feet to 10 feet. Areas of excavation and/or disturbance will be limited to 4.9 acres at any given time. Ground will be reclaimed and tilled to accommodate agricultural crop production. All finished grades will be less than 3:1 slope and final grade and elevations near property lines will be tapered as to not have an impact on neighboring properties. 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 2023-02 AGM  
 Enterprises LLC  
 Section 36 Hume  
 Township (2)  
 Parcels on Etlzer Rd

Sand Mining 320ft Buffer  
 (13) Parcels



Map Publication:  
 03/20/2023 2:54 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 2023-02

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

120 acres vacant land approximately 3,800 ft west of  
ADDRESS OF PROPERTY REQUESTED FOR SITE PLAN REVIEW: North VanDyke Road on South Side of Etzler Road  
street address city state zip telephone

PROPERTY IDENTIFICATION No.: 11-036-001-00 and 11-036-002-00

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

Please See Attached

Marta Sch member  
Signature of Applicant

2-17-23  
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

Y#1187 Receipt #73348

Date

RECEIVED  
MAR 15 2023

HURON COUNTY  
BUILDING & ZONING  
(Revised)

RECEIVED  
Permit Application  
FEB 17 2023  
HURON COUNTY  
BUILDING & ZONING

Special Land Use Permit

Tax Parcel # 3211-036-002-00, and  
Tax parcel # 3211-036-001-00

Legal Description of Etzler Road Property, Hume Township

Section 36 T18N R12E; W ½ OF E ½ OF NW ¼ EXC COM AT NW COR THEREOF TH S 132' TH E 82.5'  
TH N 132' TH W 82.5' THEREOF. 39.75 AC.

And

Section 36 T18N R12E; W ½ OF NW ¼. 80 A.

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 Etzler Road East off from M53 To driveway. 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 existing driveway. Driveway begins approximately 3,250 feet west of North Van Dyke Road. Driveway is approximately 14 ft wide and 2,600 ft deep into property.

Sand Areas

Sand area to be removed at varying depths of 2 – 10 feet, determined on the lay of the land. Sand will be removed from area and restored back to a more productive agricultural land parcel. No finish grade will be greater than a 3:1 slope.

**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

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Property line set backs will be in compliance with the Huron County Ordinance with no impact to neighboring properties.

Wooded areas in the South West corner of the property have been reviewed with EGLE and a monitoring plan is in place. No activity shall commence in this area until fully delineated and boundaries established for land that may potentially be identified as regulated wetlands.

In the construction of said sand area, no sites of ecological significance will be affected by the use of the property. The area of sand removal consists of removing a natural sand ridge, no more than 4.9 acres will be disturbed at any given time, and approximately 44 acres will be removed when done.

In the sand areas, 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, recycling and transferring of aggregate products on an as needed basis. All machines brought in for material harvesting and processing are portable and will be onsite only when necessary.

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Martin R. Gentner, AGM Enterprises, LLC

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Date Signed

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Jeffrey Smith, Director

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Date Signed



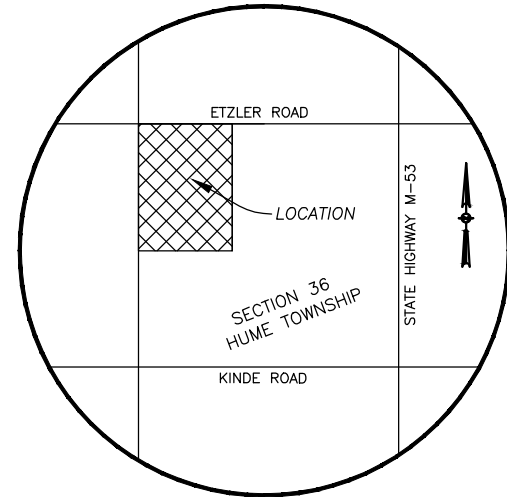
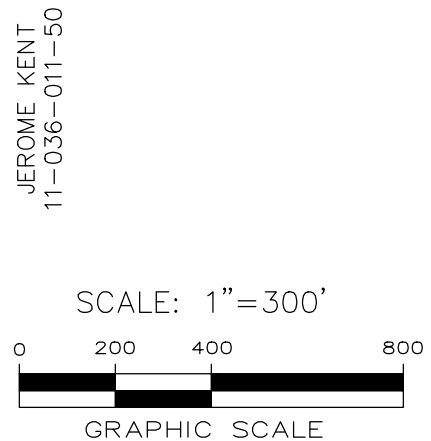
KENNETH SOSNOSKI  
11-035-006-50



THOMAS SAYERS  
11-036-011-00

JEROME KENT  
11-036-011-50

DAVID KENT  
11-036-003-00



LOCATION MAP  
NOT TO SCALE

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

SAND HILLS ON PROPERTY TO BE REMOVED AT VARYING DEPTHS OF 2-10 FEET. NO AREA OF MORE THAN 4.9 ACRES WILL BE EXCAVATED OR DISTURBED AT ANY GIVEN TIME. GROUND TO BE RECLAIMED AND TILED AS TILLABLE GROUND WHEN FINISHED TO BE FARMED. NO FINISHED GRADE WILL BE GREATER THAN A 3:1 SLOPE.

GRADE AND ELEVATIONS NEAR PROPERTY LINES WILL BE LEFT AS EXISTING AND THEN TAPERED AS TO NOT HAVE AN IMPACT ON THE NEIGHBORING PROPERTIES.



*Benjamin D. Tank*

FILE: 2023-017	PROJECT LOG	SCALE: 1" = 300'
PROJECT MGR: BDT	DESIGNED BY: BDT	PROJECT LOG
DESIGNED BY: BDT	DRAWN BY: BDT	SITE PLAN
DESIGNED BY: BDT	REVISIONS	1/2023
DESIGNED BY: BDT	REVISIONS	3/2023
DESIGNED BY: BDT	REVISIONS	1 OF 1
DESIGNED BY: BDT	REVISIONS	1 OF 1

**TANK SURVEYING**  
255 E. HURON AVE.,  
BAD AVE, MI 48413  
989-269-2201

SAND REMOVAL PLANS  
SECTION 36, T18N-R12E,  
HUME TOWNSHIP  
HURON COUNTY, MICHIGAN

AGM ENTERPRISES, LLC  
7603 MUNFORD ROAD  
RUTH, MI 48470  
989-551-1487

SITE PLAN

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
SOSNOSKI KENNETH E & CATH	AGM ENTERPRISES LLC	648,000	08/30/2022	WD	03-ARM'S LENGTH	1795:45	DEED	0.0
AGM ENTERPRISES LLC		0	08/30/2022	AFF	21-NOT USED/OTHER	1795:47	DEED	0.0

Property Address	Class: AGRICULTURAL-VACA	Zoning:	Building Permit(s)	Date	Number	Status
ETZLER ROAD	School: NORTH HURON SCHOOL DISTRICT					
	P.R.E. 100% 01/01/1994 Qual. Ag.					
Owner's Name/Address	MAP #: 06 36 100 001					
AGM ENTERPRISES LLC 8054 HURON LINE ROAD MINDEN CITY MI 48456	2023 Est TCV 426,800 (Value Overridden)					

Tax Description	Improved	X	Vacant	Land Value Estimates for Land Table .					
	Public Improvements			Description	Frontage	Depth	* Factors *	Rate %Adj. Reason	Value
Sec 36, Town 18N, Range 12E. W 1/2 OF NW 1/4. 80 A.	Dirt Road								0
Comments/Influences	Gravel Road								0
Liber/Page(s) : 534:0477	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

Topography of Site	Level	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value
Rolling	Low	2023	213,400	0	213,400			50,619C
High	Landscaped	2022	190,600	0	190,600			48,209C
Swamp	Wooded	2021	190,400	0	190,400			46,669C
Pond	Waterfront	2020	193,900	0	193,900			46,025C
Ravine	Wetland							
Flood Plain								

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

Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.
SOSNOSKI KENNETH E & CATH	AGM ENTERPRISES LLC	0	08/30/2022	WD	21-NOT USED/OTHER	1795:45	DEED	0.0
AGM ENTERPRISES LLC		0	08/30/2022	AFF	21-NOT USED/OTHER	1795:47	DEED	0.0
SOSNOSKI KENNETH E JR	SOSNOSKI KENNETH E SR	0	12/30/2008	QC	32-SPLIT VACANT	1266:503	DEED	0.0
AHEARN LAURENCE	SOSNOSKI KENNETH & CATHER	60,000	11/06/1999	WD	03-ARM'S LENGTH	793 445	DEED	0.0

Property Address	Class: AGRICULTURAL-VACA	Zoning:	Building Permit(s)	Date	Number	Status
ETZLER ROAD	School: NORTH HURON SCHOOL DISTRICT					
	P.R.E. 100% 01/01/1994 Qual. Ag.					
Owner's Name/Address	MAP #: 06 36 100 005					
AGM ENTERPRISES LLC 8054 HURON LINE ROAD MINDEN CITY MI 48456	2023 Est TCV 250,000 (Value Overridden)					

Improved	X	Vacant	Land Value Estimates for Land Table .					
Public Improvements			Description	Frontage	Depth	* Factors *	Rate %Adj. Reason	Value
						38.660 Acres	0 100	0
						38.66 Total Acres	Total Est. Land Value =	0

Tax Description  
 Sec 36, Town 18N, Range 12E. W 1/2 OF E 1/2 OF NW 1/4 EXC COM AT NW COR THEREOF TH S 132' TH E 82.5' TH N 132' TH W 82.5' THEREOF. 39.75 A.

Comments/Influences  
 Liber/Page(s): 455:0094, 626:0002, 788:0349, 793:0445, 882:0096, 908:0489

- Dirt Road
- Gravel Road
- Paved Road
- Storm Sewer
- Sidewalk
- Water
- Sewer
- Electric
- Gas
- Curb
- Street Lights
- Standard Utilities
- Underground Utils.

Topography of Site

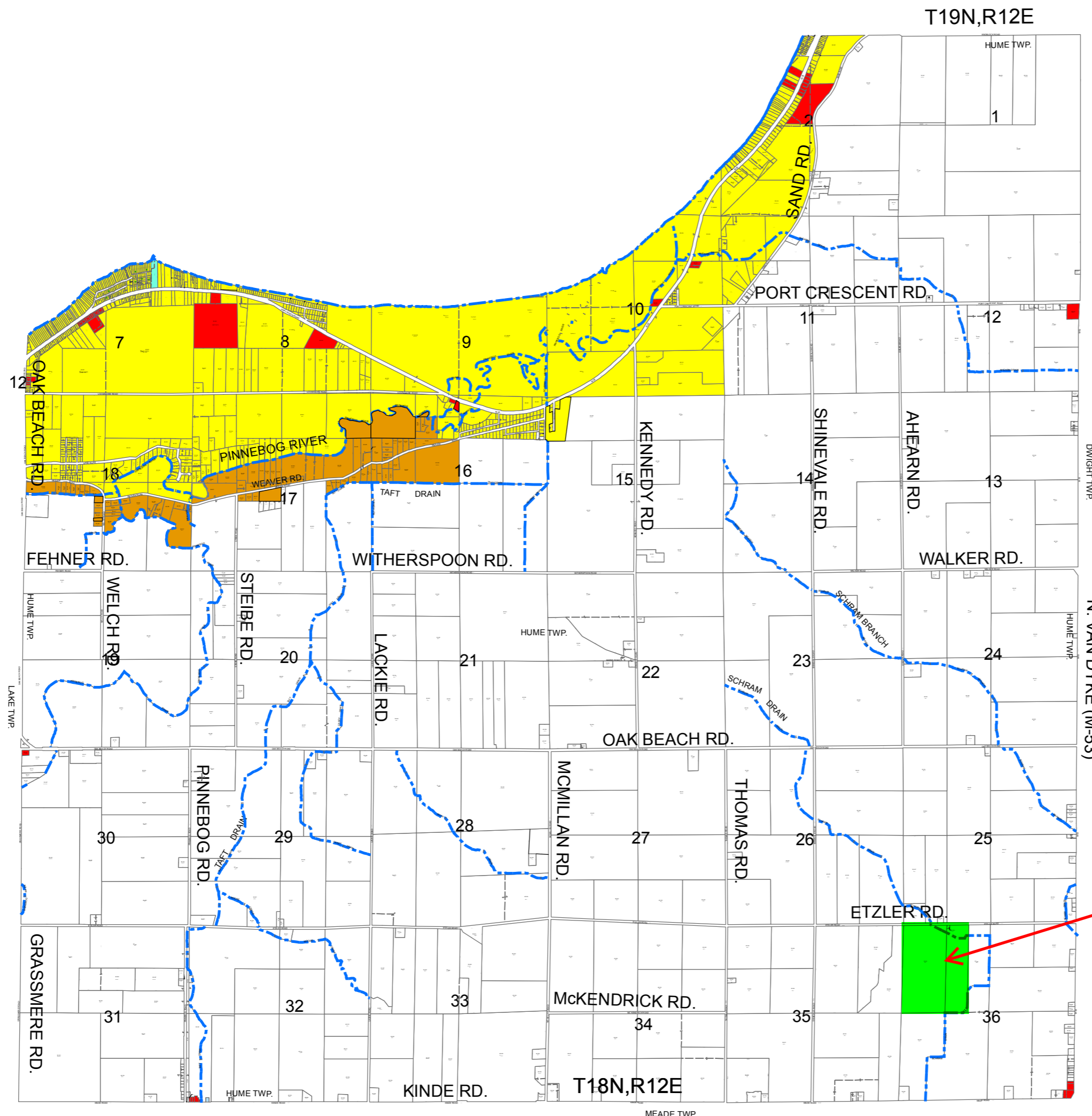
- Level
- Rolling
- Low
- High
- Landscaped
- Swamp
- Wooded
- Pond
- Waterfront
- Ravine
- Wetland
- Flood Plain

Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/ Other	Taxable Value
2023	125,000	0	125,000			62,774C
2022	111,800	0	111,800			59,785C
2021	111,600	0	111,600			57,876C
2020	113,500	0	113,500			57,077C

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

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





### Hume Zoning Legend

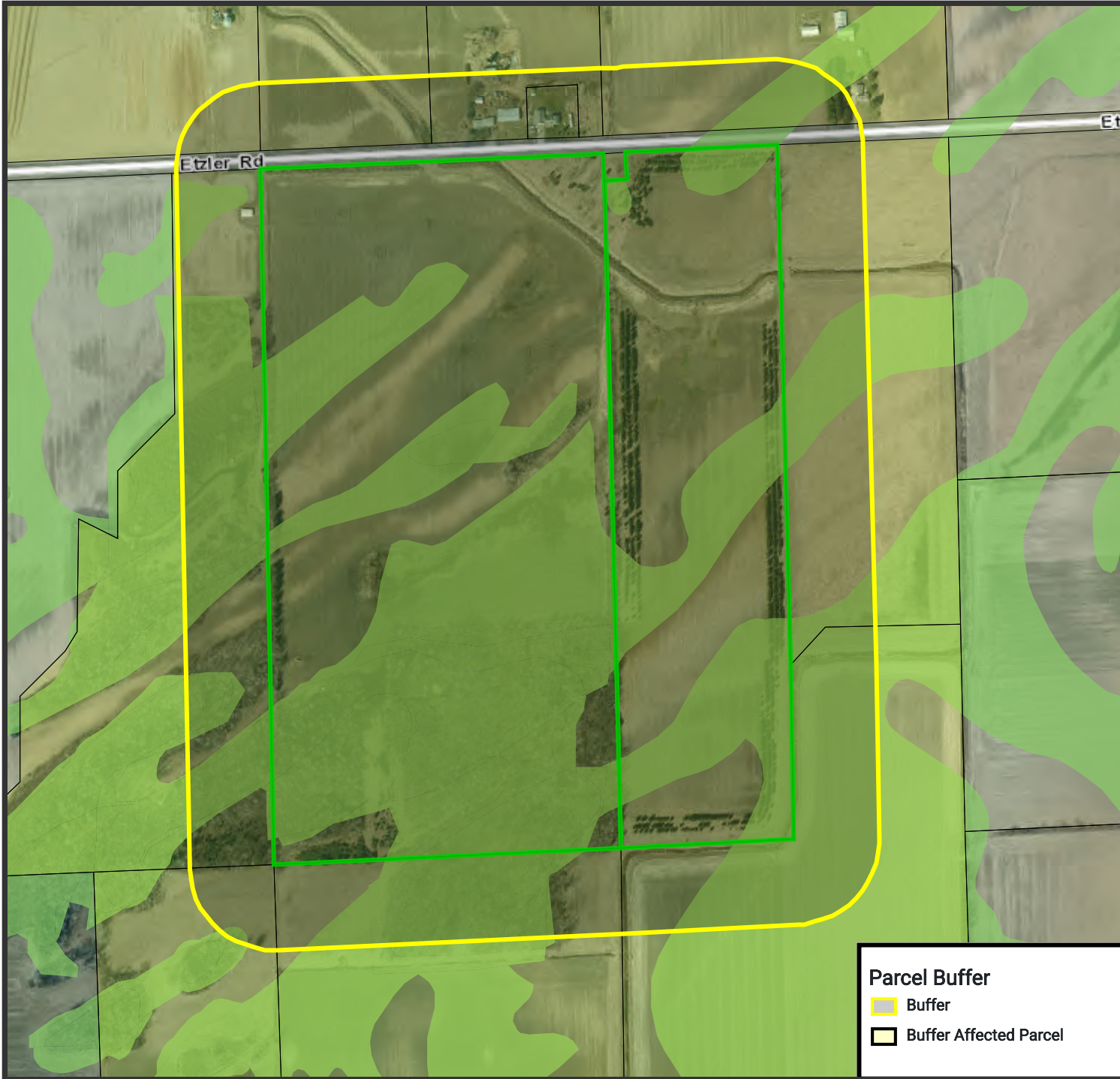
	AGR
	BUS
	IND
	R1
	R2
	RM1

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

SAP 2023-02 AGM Enterprises LLC  
(2) Parcels on Etzler Road  
Section 36 of Hume Twp.  
Parcel Nos.: 3211-036-001-00 &  
3211-036-002-00  
Proposed Use: Sand Mining

\*\*\*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 2023-02  
 Section 36 Hume  
 Twp.

Wetland Layer



Map Publication:  
 03/20/2023 3:30 PM



**Parcel Buffer**

- Buffer
- Buffer Affected Parcel

**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.



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY  
BAY CITY DISTRICT OFFICE



DANIEL EICHINGER  
ACTING DIRECTOR

March 03, 2023

VN No. VN-014184

Martin Gentner  
7603 Munford Road  
Ruth, MI 48470

Dear Martin Gentner:

**SUBJECT:** Violation Notice Request for Information  
Site Name: 32- Etzler Rd Parcel 11-36-001-00 Hume Twp  
Property Location: Vacant Property on Etzler Rd, Parcel 11-036-001-00, Huron  
County, MI, T18N, R12E, Section 36

The Department of Environment, Great Lakes, and Energy (EGLE) Water Resources Division (WRD) conducted an inspection on February 9<sup>th</sup> and 28<sup>th</sup>, 2023, at the above referenced parcel of property. The purpose of the inspection was to evaluate the property for compliance with Part 303, Wetland Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and the administrative rules for Part 303. At the time of the inspection, WRD staff observed that unauthorized activities including land clearing and tree removal though excavation and grading in wetlands which is regulated under the authority of Part 303. This letter is being sent because you have been identified as the owner and contractor responsible for the property or the unauthorized activities.

Section 30304(b, c) of Part 303 prohibits the ...removal of soil or minerals from a wetland and constructions, operation, or maintain any use or development in a wetland without first obtaining a permit from EGLE. A review of WRD files indicates that no permits have been issued for these activities at this location. Therefore, it appears that these activities were conducted in violation of Part 303.

EGLE advises all unauthorized activities occurring within regulated areas on this property stop.

To assist EGLE's review and disposition of this matter, we are requesting that you provide, by no later than 15 days from the date of this letter, a written response to this Violation Notice and include with your response the following information:

1. The project purpose.
2. Dates work was undertaken.
3. Name(s) of the contractor(s) who did the work and applicable contact information.
4. Property owner's full name and applicable contact information.
5. A copy of any wetland determinations or delineations conducted on the property. If none were completed provide a written explanation on determination of how the location was pick and determined not to be regulated wetlands.
6. A copy of the current development plans, including plan views, cross sections, and elevations of the previously existing ground surface and proposed final grades.
7. Any other relevant information that will assist our review, including but not limited to guidance documents received, township or county permits, site photos prior to or during sited activities.

The WRD staff may conduct additional inspections to determine compliance with Part 303.

We anticipate your cooperation in resolving this matter. If you have any questions, you may contact me at [marshallb6@michigan.gov](mailto:marshallb6@michigan.gov); 989-370-0462; or EGLE, Bay City District Office, 401 Ketchum Street Suite B Bay City, MI 48708-5430.

Sincerely,

*Brian Marshall*

Bay City District Office  
Water Resources Division

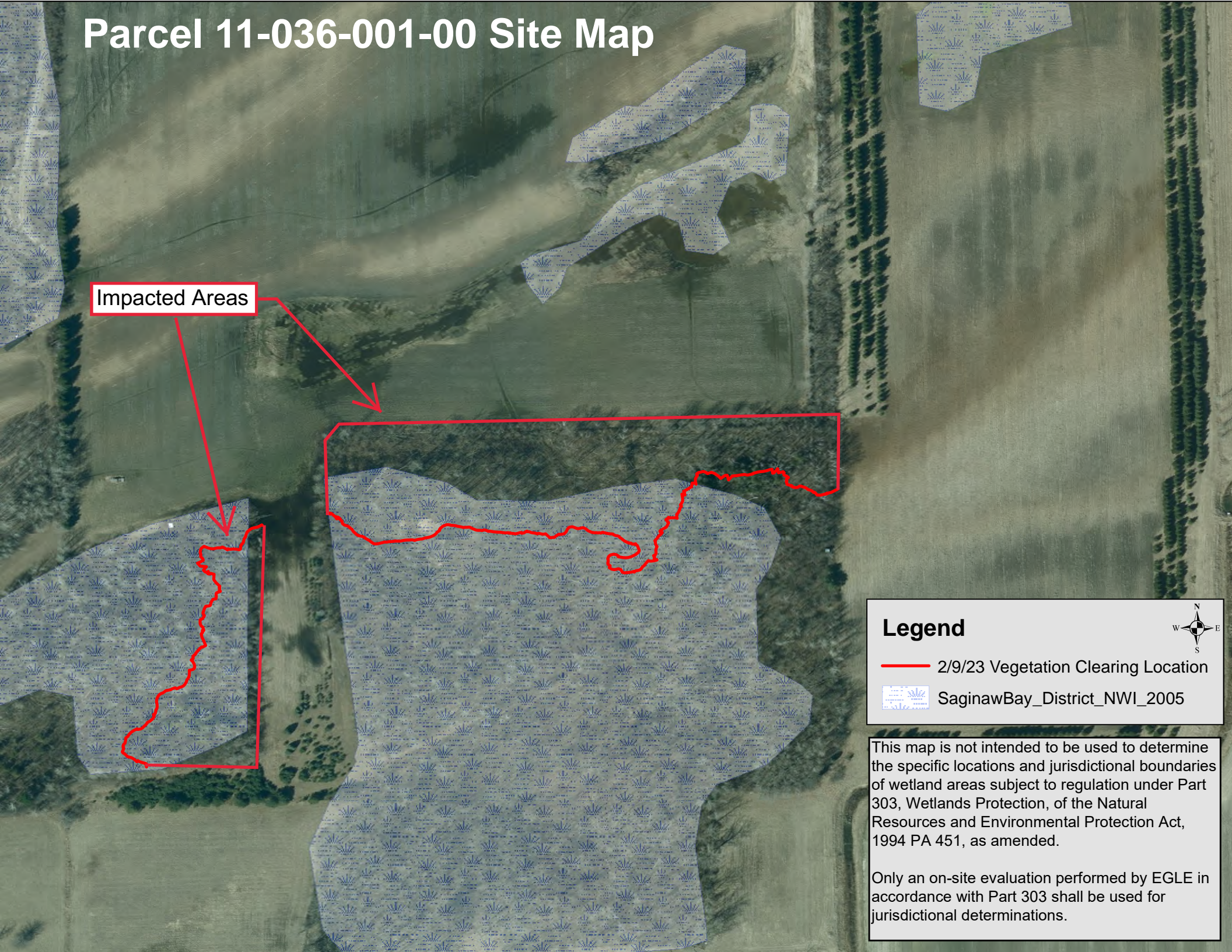
Enclosure: Parcel 11-036-001-00 Site Map

cc: Huron County SESC Officer  
Randy Evilsizer, EGLE





# Parcel 11-036-001-00 Site Map

Impacted Areas



## Legend

-  2/9/23 Vegetation Clearing Location
-  SaginawBay\_District\_NWI\_2005



This map is not intended to be used to determine the specific locations and jurisdictional boundaries of wetland areas subject to regulation under Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

Only an on-site evaluation performed by EGLE in accordance with Part 303 shall be used for jurisdictional determinations.





GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY  
BAY CITY DISTRICT OFFICE



LIESL EICHLER CLARK  
DIRECTOR

March 14, 2023

Amber and Martin Gentner  
7603 Munford Road  
Ruth, MI 48470

Dear Amber and Martin Gentner:

SUBJECT: VN No. VN-014184 Site Visit Follow-Up  
Site Name: 32- Etzler Rd Parcel 11-36-001-00 Hume Twp  
Property Location: Vacant Property on Etzler Rd, Parcel 11-036-001-00,  
Huron County, MI, T18N, R12E, Section 36

This is a follow-up overview of the March 13, 2023 site visit with the Department of Environment, Great Lakes, and Energy (EGLE) Water Resources Division (WRD) to discuss site compliance with Part 303 Wetland Protection. While on site we walked through the forested area and cleared areas to discuss site compliance, and process for moving forward and steps needed for any future sites. As discussed EGLE staff were able to pinpoint a couple of areas of wetland which we pointed out to you and flagged to start restoration on by cutting and replacing the maple trees back into the ground. This is in attempt to get regeneration from the stumps and replace tops and other trees similar to a blow down. The flagged areas do not represent all wetland areas or boundaries and only have been placed as guidance locations where staff determined that wetland are very likely present in the vicinity. A follow up visit in growing season will be used to help determine formal restoration area or there is an option of submitting a wetland restoration plan for EGLE to review.

While on site we also discussed additional work that accrued to the north of forested area that is currently tilled. Also adjacent to that area there was a wetland pocket that also looked to have cleared at some point and time as shown on the attached map. These areas you indicated were already cleared and/or gone prior to your purchasing. We requested you to pass along any supporting information for documentation and review purposes such as deed, property listing information, pictures, etc.

As you mentioned we reviewed and discussed a plan moving forward to avoid and not do any regulated activities in the forested and forested cleared areas until it has been fully delineated, and boundaries are established and determined as regulated wetlands or not. Additionally, due to the site conditions it was determined this will need to be conducted in the growing season (Late-April to Mid-October) to determine exact wetland boundaries and areas to be restored and would require monitoring of site over multiple years to ensure the completed restoration was successful.

Lastly, we discussed the aspect of local permitting, which entailed modifying the project to avoid all areas under review until formal wetland determination and boundaries were determined. Continuing to work with EGLE through review of remaining forested area and bringing cleared wetland areas into compliance through a multi-step process starting with the re-placement of maple tree stumps within the flagged areas. However, while EGLE and property owners have discussed the items above and general agreeable plan moving forward to bring the site into compliance under Part 303, ultimately it is the counties call on whether to move forward or not on site zoning and permitting aspects.

EGLE appreciates the ongoing communication and working towards site compliance. Should you have any question you can reach me at [marshallb6@michigan.gov](mailto:marshallb6@michigan.gov); 989-370-0462 or EGLE, Bay City District Office, 401 Ketchum Street Suite B Bay City, MI 48708-5430.

Sincerely,

*Brian Marshall*

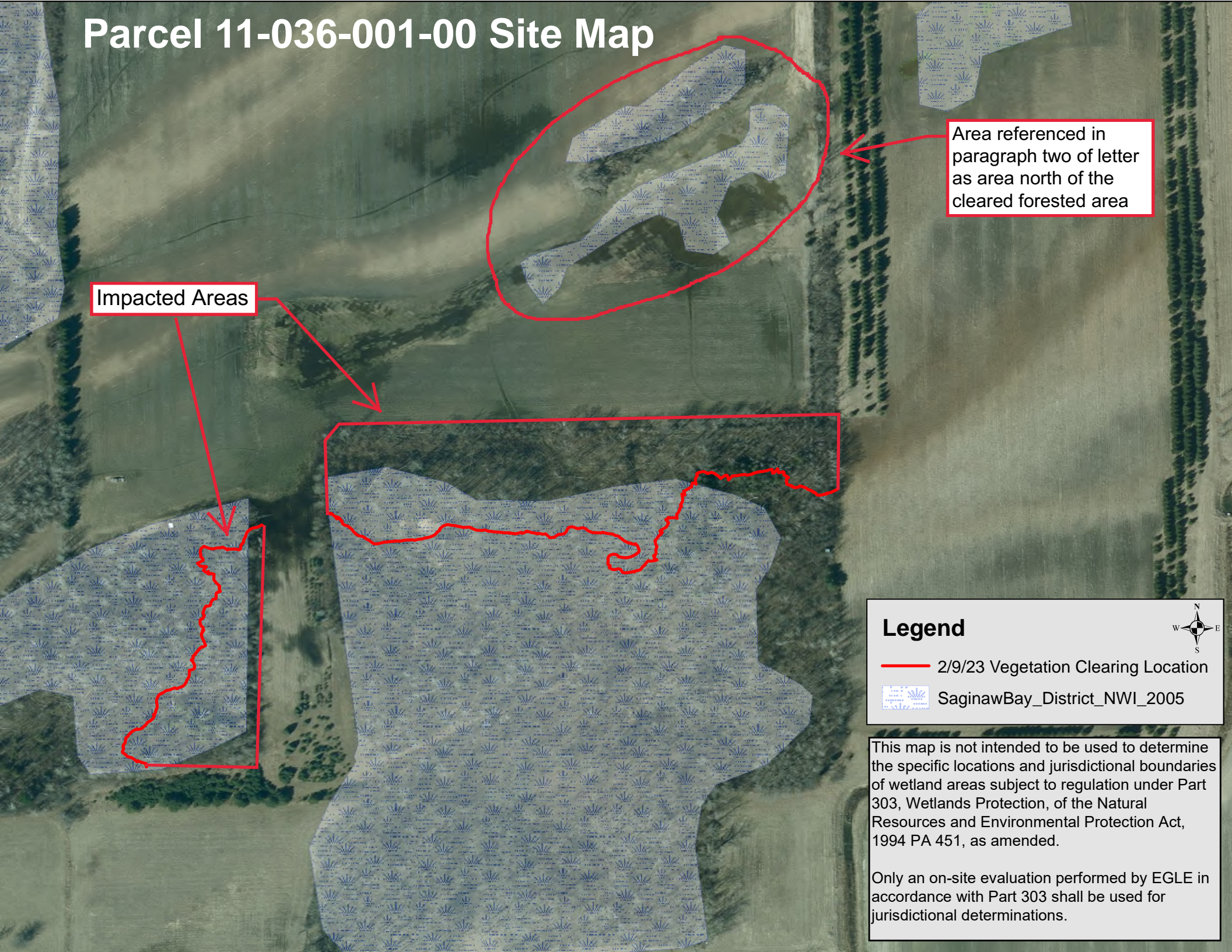
Bay City District Office  
Water Resources Division

Enclosure: Parcel 11-036-001-00 Site Map 2

cc: Huron County SESC Officer  
Randy Evilsizer, EGLE  
Mike Kraut, EGLE  
Eric Decker, EGLE





# Parcel 11-036-001-00 Site Map




Impacted Areas

Area referenced in paragraph two of letter as area north of the cleared forested area

**Legend**

-  2/9/23 Vegetation Clearing Location
-  SaginawBay\_District\_NWI\_2005



This map is not intended to be used to determine the specific locations and jurisdictional boundaries of wetland areas subject to regulation under Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

Only an on-site evaluation performed by EGLE in accordance with Part 303 shall be used for jurisdictional determinations.



**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.



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