

Minutes of the regular meeting of the Georgetown Township Planning Commission and Mineral Mining Board, held Wednesday, April 7, 2021

Meeting called to order by Chairman Samy at 7:00 p.m.

Present: Jessica Ulberg, Jeannine Bolhouse, Donna Ferguson, Josiah Samy, Tom Healy

Absent: Tim Smit, Gary Veldink

Also present: Victor Vuong, Zoning Administrator, Mannette Minier

#210407-01 – Agenda for April 7, 2021

Moved by Donna Ferguson, seconded by Jessica Ulberg, to approve the agenda, excluding the Preliminary Plat of Schepers Farm (applicant withdrew the application).

Yeas: Jessica Ulberg, Jeannine Bolhouse, Donna Ferguson, Josiah Samy, Tom Healy

Nays: None

MOTION CARRIED.

#210407-02 – Minutes of the March 17, 2021 Meeting

Moved by Donna Ferguson, seconded by Tom Healy, to approve the minutes as presented.

Yeas: Jessica Ulberg, Jeannine Bolhouse, Donna Ferguson, Josiah Samy, Tom Healy

Nays: None

MOTION CARRIED.

#210407-03 – Minutes of the March 24, 2021 Joint Planning Commission/Mining Board/Zoning Board of Appeals Meeting

Moved by Tom Healy, seconded by Jessica Ulberg, to approve the minutes as presented.

Yeas: Jessica Ulberg, Jeannine Bolhouse, Donna Ferguson, Josiah Samy, Tom Healy

Nays: None

MOTION CARRIED.

#210407-04 – Minutes of the August 19, 2020 Mining Board Meeting

Moved by Donna Ferguson, seconded by Tom Healy, to approve the minutes as presented.

Yeas: Jessica Ulberg, Jeannine Bolhouse, Donna Ferguson, Josiah Samy, Tom Healy

Nays: None

MOTION CARRIED.

#210407-05 – (ML2101) Renewal of (ML1601) DeWent Gravel, 1601 Chicago Dr. – Previous (ML1101), (ML0702), (ML0202) (No public hearing required).

The applicant, Marc Clark from Top Grade Aggregates, presented the [request](#). Marc said they lease the property from DeWent. They've been there 4-5 years. They're not proposing any changes and they haven't had any issues. They've got 2 full-time employees working there at all times. ([plans](#))

Mannette Minier presented the [staff report](#).

Tom Healy asked is the lease still good?

Marc Clark, Top Grade Aggregates, said yes.

Josiah Samy asked is there a difference between processing and crushing?

Mannette Minier said crushing is processing, but it is more intense. They have the right to do it in the Industrial district. Crushing will happen only one week annually. Anyone around an Industrial district should expect that because they're around an industrial district.

Josiah Samy asked can they do more?

Marc Clark, Top Grade Aggregates, said they can crush, and they have, but it's rare that it happens.

Tom Healy asked do they anticipate that it will increase in frequency?

Marc Clark, Top Grade Aggregates, said no, but it could, but they mostly just do sand.

The Chairperson opened the floor to public comments.

No one was present to make public comments.

The Chairperson closed the floor to public comments.

Marc Clark, Top Grade Aggregates, asked if they can request for four weeks of crushing annually.

Mannette Minier said it is up to the Mining Board and it should be requested in writing.

Jeannine Bolhouse said crushing is allowed by right. She likes the idea of having it be requested in writing. She doesn't have an issue of it going from 1 week to 4 weeks as long as the Township is informed.

Tom Healy agrees with Jeannine Bolhouse.

Josiah Samy agrees with the idea of having it in writing.

Donna Ferguson asked is it four weeks continuously?

Marc Clark, Top Grade Aggregates, said it will likely be two, 2-week periods in the timeframe of April to October.

Donna Ferguson said she is okay with it.

Jeannine Bolhouse asked about restrictions on hours of operation.

Donna Ferguson said the hours of operation are 7AM to 6PM Monday to Friday, 8AM to 3PM Saturday, and no Sundays or holidays.

Josiah Samy said they can add the condition to go from 1 week to 4 weeks.

Moved by Donna Ferguson, seconded by Jeannine Bolhouse, to adopt the staff report as finding of fact and to approve (ML2101) a renewal of a Mineral Mining License for DeWent Gravel (ML1601), 1601 Chicago Dr., as per the request in the letter dated January 18, 2021, for P.P. # 70-14-22-200-039 and 70-14-23-100-028, located at 1601 Chicago Dr. and 1687 DeWent Dr., in (I) Industrial District), as shown on the site plan dated 1/13/15, based on the findings that the site and operation is in compliance with the Mining Ordinance and all other ordinances, and with the following conditions:

- 1. The license shall expire June 30, 2026 unless suspended or revoked earlier per the Ordinance.**
- 2. All terms and conditions as presented with the initial application materials remain in effect.**
- 3. The site shall be operated in compliance with all previous approvals, including the conditions of approval. All terms and conditions as presented with the initial application materials remain in effect. The operator shall comply with all federal, state, and local laws, regulations and ordinances.**
- 4. Hours of operation are limited to 7:00 a.m. to 6:00 p.m. Monday to Friday, 8:00 a.m. to 3:00 p.m. Saturday, and no Sundays or holidays.**
- 5. The haul route is off Chicago Dr., as approved in the original license, plus an additional haul route was added with access from DeWent Dr. and 18th Ave.**
- 6. All berms are to be maintained.**
- 7. All entrances and exits to the site shall be securely locked during hours when mining operations are not permitted on the site.**
- 8. All vehicles used to transport excavated material shall be loaded in a manner so that the material cannot be unintentionally discharged from the vehicle. Vehicles shall be cleaned of all material not in the load-bed prior to entering the public streets. If materials excavated from the site are deposited or spilled upon the public roadway, it shall be the responsibility of the licensee, without requiring any action or request by the township, to immediately remove the spilled or deposited material.**
- 9. A licensee shall comply with all soil erosion, wetlands and floodplain rules and regulations of the State of Michigan, Ottawa County and the township.**
- 10. Fueling of vehicles on any site shall comply with statutes, rules and regulations enforced and implemented by the Michigan Department of Environmental Quality.**
- 11. No future development approvals are implied by the approval of the reclamation plan and the application must obtain any approvals as required by all Township ordinances for any future development.**
- 12. All roads within the site are to be maintained in a manner that controls dust and prevents debris from being carried onto public streets.**

13. **If filling of an excavated area is necessary during reclamation, only inert material, as defined by the Michigan Solid Waste Management Act (Act No. 641 of the Public Acts of 1978, as amended) shall be used.**
14. **Upon termination of mining operations, the licensee shall be responsible to reclaim the site.**
15. **Upon the cessation of all mining operations (or any phase of operations, as applicable) except stockpiling, and within a reasonable period of time, not exceeding 12 months thereafter, all tanks, buildings, stockpiles, and equipment shall be removed from the site unless the building or structures can lawfully be used on the site for other purposes as permitted by applicable laws or ordinances.**
16. **Storage and stockpiling of mined products after cessation of mining activities may be permitted by the review board by annual license granted for that limited purpose. In no event shall any additional materials be allowed to be added to these stockpiles and a license granted for storage or stockpiling of mined products shall not interfere with or excuse reclamation as otherwise required under this article.**
17. **Additional materials be allowed to be brought onto the site and added to any stockpiles only as shown on the site plan.**
18. **The license includes a crushing operation for no more than four week annually.**
19. **No additional materials are required of the applicant at this time since the initial application contained all the required submittal materials and nothing has changed as of this time. In addition, a site inspection was conducted and the site is in conformance with the terms of the initial mining license as well as other Township ordinances.**

Yeas: Jessica Ulberg, Jeannine Bolhouse, Donna Ferguson, Josiah Samy, Tom Healy

Nays: None

MOTION CARRIED.

#210407-06 – Public Hearing (ML2102) New mining license consisting of the renewal of (ML1901) plus additional property along 22nd Ave. for Cedar Valley Associates, Inc., 8879 24th Ave., for property described as follows:

1. P.P. # 70-14-04-200-025, 2735 Fillmore St.;
2. P.P. # 70-14-04-200-013, 2511 Fillmore St.;
3. P.P. # 70-14-04-200-007, 9426 Fillmore St.;
4. P.P. # 70-14-03-100-014, 2321 Fillmore St.;
5. P.P. # 70-14-03-100-016, 2200 Begole,

In a (RR) Rural Residential district, Georgetown Charter Township, Ottawa County, Michigan.

Todd Stuve, Exxel Engineering, presented the [request](#). He said the plan will run until 2024. Cedar Valley Associates purchased the property from Huizenga. With that purchase, they can reconfigure the lake on the northeast side of the site. That is the only expansion of the site. It is a renewal and expansion. Phase 4 and 5 are the only ones yet to be complete. A lot of this soil has gone to Grand Rapids Gravel, but not all of it. Some is being sold. Once the date that Grand Rapids Gravel can no longer receive the soil, it will be sold on the open market. This particular area is more sandy than it is gravel. The market for sand is very strong right now. ([plans](#))

Mannette Minier presented the [staff report](#).

Jeannine Bolhouse said in 2021, a \$14,000 performance bond seems to be worthless because it is so miniscule. The point of a performance bond is to complete work if it isn't complete. Is \$14,000 even sufficient?

Mannette Minier said they are also going to plat the land. With every plat, there's going to be a certain amount of land movement. The Mining Board should just be worried about the mining in front of them because they are going to complete this to plat it.

Jeannine Bolhouse said she works for the County and bonds are normally at least \$50,000.

Todd Stuive, Exxel Engineering, said it's just land movement. It would be different if it was for construction to build something. There's also a soil erosion bond through Ottawa County.

Mannette Minier asked how much is the County bond for?

Denise Decker, Cedar Valley Associates, said \$80,000.

Jeannine Bolhouse said she likes the new plan, the lake is slightly bigger, and the lots have frontage on 22nd Ave.

Tom Healy supports Jeannine Bolhouse and said that we should revisit the performance bond amount as we move forward because he believes it will be beneficial to the Township. He asked is the addition the reason why they have to apply for the license again?

Todd Stuive, Exxel Engineering, said yes.

Tom Healy said the project of Grand Rapids Gravel should stop accepting material from Cedar Valley in 2021. He asked is Grand Rapids Gravel still accepting material?

Denise Decker, Cedar Valley Associates, said yes.

Tom Healy asked has Grand Rapids Gravel indicated when they will stop?

Denise Decker, Cedar Valley Associates, said they will follow Township approvals.

Tom Healy asked how many cubic yards are left to go?

Todd Stuive, Exxel Engineering, said they only dig enough for as much as Grand Rapids Gravel needs.

Tom Healy asked when Grand Rapids Gravel is done accepting it, where will the trucks go? Will there be trucks all over the Township?

Todd Stuive, Exxel Engineering, said the trucks will go wherever it's needed in the Township. They don't know exactly where, it just depends on where new development will be going. It is a short haul right now since it's in the Township, but once it's done, it may come from other Townships. So it's actually a benefit to already have the material here in the Township.

Tom Healy said he just wants to make sure the routes used are subject to approval. He also asked how far up to 22nd Ave. will the excavation be?

Todd Stuiwe, Exxel Engineering, said roughly the middle of each lot, so about 75 feet.

Tom Healy said Sec 26-83 says that no excavation can be within 100 feet.

Todd Stuiwe, Exxel Engineering, said the lake is the actual excavation (i.e., the pit or depression), so it's more than 100 feet.

Josiah Samy said the \$14,000 bond is sufficient because it's not for the development itself, but it can be looked at later. He asked once Grand Rapids Gravel is done accepting material, will it only go to developers that need it?

Todd Stuiwe, Exxel Engineering, said yes, but at this point they aren't aware of any. He doesn't think Huizenga will take any because they have their own soil.

Josiah Samy asked with all development going in, does Todd Stuiwe see the same type of demand when Grand Rapids Gravel is done accepting.

Todd Stuiwe, Exxel Engineering, said yes. It probably won't even take 5 years, it may be around 2. There likely won't be any stockpiles, it will be moved right away.

Donna Ferguson agrees that the amount of the bond should be revisited but for this case, \$14,000 will work. She thinks this plan makes better use of the land in that area and to have a bigger lake.

Jessica Ulberg agrees that we should revisit the type of bonds, but believes \$14,000 works here.

Mannette Minier said she wasn't aware of the \$80,000 bond they already had. She said the Mining Board can make a motion to let the Mining Official research if the soil erosion bond covers the same thing as the performance bond, and if not, then require the applicant to submit the \$14,000 bond by May 15.

Jessica Ulberg asked do other mining operations have a soil erosion bond too?

Mannette Minier said this is the first time she's heard of a soil erosion bond.

Todd Stuiwe, Exxel Engineering, said he's not sure about the other mining operations.

Jeannine Bolhouse said although the bonds overlap, she believes the bonds are different.

Josiah Samy asked Jeannine Bolhouse what are the bonds she's referring to when she talked about other bonds.

Jeannine Bolhouse said improvements on public land. This includes new builds, renovations, big infrastructure projects like IT projects if they're funneling cable and those bonds are hundreds of thousands of dollars in the full amount of the project. The minimum is \$50,000 and anything less than that, they don't even require a bond at her job with Kent County.

Josiah Samy asked is that applicable to us as a Township?

Jeannine Bolhouse said if the land is publicly owned.

Tom Healy asked what about the other projects.

Jeannine Bolhouse said the bond should be enough that if the applicant walks away, you can hire a company to complete the work and restore the land. It should complete the project as it was presented to us.

Tom Healy asked so it should complete the objective of the mining project?

Jeannine Bolhouse said yes.

Donna Ferguson said but the applicant owns the land. If the applicant walks away, it's still their land. It's not the Township's land. If they stop mining it, the Township is out nothing.

Josiah Samy asked if it's going to show consistency if a bond is not required because the land is held by a private entity?

Mannette Minier said the ordinance says the Mining Board can waive any requirement in the ordinance.

Todd Stuve, Exxel Engineering, said he believes performance bond isn't the right term, it's really a restoration bond. It's to level it off, put top soil, seed, and that's exactly what the soil erosion permit does and that's \$1,000 an acre. He said it doesn't make sense that the Township would go in to finish the mining project.

Mannette Minier said what Todd Stuve said makes sense. She said that it should be left in a safe situation and maybe the Mining Board should let the Mining Official look into the bond to see if it's the same as the soil erosion bond.

Jeannine Bolhouse wants more information on if the soil erosion bond will cover the same or similar things. Her biggest concern is safety if it's left in a position that is unsafe for the neighbors and community. She's fine with proceeding with only the soil erosion bond if in fact it covers reclamation of the land, if necessary.

Tom Healy agrees with Jeannine Bolhouse. He said this should be left up to the Mining Official. He said the ordinance says the review board shall require the applicant to provide a performance guarantee and it does not talk about public entity. He said maybe we should look at the mining ordinance again.

Jeannine Bolhouse said it's still about safety. She said it's not really about public vs. private. It's giving a privilege that if it's not done, we complete it.

Josiah Samy agrees that the Mining Official will look into the soil erosion bond.

Donna Ferguson is fine with the Mining Official looking into the bond.

Jessica Ulberg agrees that the Mining Official should look into it to see if the other bond will satisfy that.

The Chairperson opened the public hearing.

No one was present to make public comments.

The Chairperson closed the public hearing.

Mannette Minier said a condition of approval can be added to have the Mining Official find out if the soil erosion bond already obtained by the applicant will cover the operation to address bringing the site into a safe state and if it does, then the determination will be made that it will cover the performance bond. However, if it doesn't, then a performance bond will be required by May 15, 2021 and the Mining Official will let the applicant know by April 14, 2021.

Mannette Minier said condition number 27 has already been submitted. Say condition number 27 has already been submitted.

Moved by Donna Ferguson, seconded by Jeannine Bolhouse, to adopt the staff report as finding of fact and to approve a Mineral Mining License for (ML2102) new mining license consisting of the renewal of (ML1901) plus additional property along 22nd Ave. for Cedar Valley Associates, Inc., 8879 24th Ave., for property described as follows:

1. P.P. # 70-14-04-200-025, 2735 Fillmore St.;
2. P.P. # 70-14-04-200-013, 2511 Fillmore St.;
3. P.P. # 70-14-04-200-007, 9426 Fillmore St.;
4. P. P. # 70-14-03-100-014, 2321 Fillmore St.;
5. P.P. # 70-14-03-100-016, 2200 Begole,

in a (RR) Rural Residential district, Georgetown Charter Township, Ottawa County, Michigan, as shown on the site plan packet dated 3-3-2021, with the following conditions:

1. **The license shall expire on June 30, 2026 unless suspended or revoked earlier per the Ordinance.**
2. **The site shall be operated in compliance with all previous approvals for ML1901, including the conditions of approval.**
3. **The operator shall comply with all federal, state, and local laws, regulations and ordinances.**
4. **Sidewalks shall be provided adjacent to the streets along all common area, landscape buffer areas and park areas. Specifically, in addition to the requirement of sidewalks being provided with each individual lot shown on the reclamation plan, the developer shall provide sidewalk or a pedestrian path the entire distance along Fillmore from 28th Ave. to the eastern side of lot 79 (which is noted on the plan). Also, a connection to the interior sidewalk shall be provided adjacent to the buffer area at the two access streets from Fillmore.**
5. **No lots shall have direct access to Fillmore (as shown on the reclamation plan).**
6. **All required permits must remain in effect for the duration of the project.**
7. **The hours of operation are be limited to 7:00 a.m. to 6:00 p.m. Monday to Friday, 8:00 a.m. to 3:00 p.m. Saturday, and no Sundays or holidays (as stipulated on the site plan).**
8. **As noted on the plan, the haul route will originate at the two new access driveways to Fillmore and will go east on Fillmore as noted on the site plan and will continue east on Fillmore traveling to the entrance to the Grand Rapids Gravel Jenison Plant #16. Note that Grand Rapids Gravel's license issued in 2019 approved a timetable for the materials to be processed from Cedar Valley. An email from the applicant states that when Grand Rapids Gravel is no longer allowed to accept materials from Cedar Valley, then the remaining materials will be sold on the open market and the haul route will be either east or west on Fillmore. (Note that this is a limited amount of materials.) All roads within the site are to be maintained in a manner that controls dust and prevents debris from being carried onto public streets (as noted on the plan).**

9. All berms must be maintained.
10. No future reclamation approvals are implied by the approval of this reclamation plan and the applicant must obtain approval as required by all other Township ordinances, (including but not limited to rezoning and plat approval).
11. Approval from the Ottawa County Road Commission was already provided prior to mining operations commencing and must remain in effect for the duration of the license.
12. All entrances and exits to the site shall be securely locked during hours when mining operations are not permitted.
13. All vehicles used to transport excavated material shall be loaded in a manner so that the material cannot be unintentionally discharged from the vehicle. Vehicles shall be cleaned of all material not in the load-bed prior to entering the public streets. If materials excavated from the site are deposited or spilled upon the public roadway, it shall be the responsibility of the licensee, without requiring any action or request by the township, to immediately remove the spilled or deposited material.
14. If materials excavated from the site are deposited or spilled upon the public roadway, it shall be the responsibility of the licensee, without requiring any action or request by the township, to immediately remove the spilled or deposited material.
15. The licensee shall comply with all soil erosion, wetlands and floodplain rules and regulations of the State of Michigan, Ottawa County and the township.
16. Fueling of vehicles on any site shall comply with statutes, rules and regulations enforced and implemented by the Michigan Department of Environmental Quality.
17. If filling of an excavated area is necessary during reclamation, only inert material, as defined by the Michigan Solid Waste Management Act (Act No. 641 of the Public Acts of 1978, as amended) shall be used.
18. Upon termination of mining operations, the licensee shall be responsible to reclaim the site in accordance with reclamation plans approved by the review board. If the licensee fails to reclaim the site as required by the approved reclamation plans, the township may come upon the site and reclaim the land in accordance with those plans and may use the proceeds of the performance guarantee required by this article to defray the costs of the reclamation.
19. Upon the cessation of all mining operations (or any phase of operations, as applicable) except stockpiling, and within a reasonable period of time, not exceeding 12 months thereafter, all tanks, buildings, stockpiles, and equipment shall be removed from the site unless the building or structures can lawfully be used on the site for other purposes as permitted by applicable laws or ordinances.
20. Storage and stockpiling of mined products after cessation of mining activities may be permitted by the review board by annual license granted for that limited purpose. In no event shall any additional materials be allowed to be added to these stockpiles and a license granted for storage or stockpiling of mined products shall not interfere with or excuse reclamation as otherwise required under this article.
21. No crushing on the mining site shall be allowed, as noted on the plan.
22. No materials shall be allowed to be brought onto the site, as noted on the plan.
23. A DEQ Permit (now EGLE) was submitted and must remain in effect for the duration of the project.
24. A written agreement between the applicant and the involved property owners regarding potential well problems was submitted to the Township prior to the mining operations commencing.
25. The Mining Board strongly encourages the applicant to work with the Township and Ottawa County for the development of the trail and to provide either property or an easement for the trail.

- 26. The applicant must comply with all elements of the Township Engineer's previous review as per the Mining Board.**
- a. The width of the Lowing Comstock Drain was provided by the applicant's engineer and is about 100 feet with 50 feet on each side was provided. The developer shall and agrees to deed the strip of property to P.P. # 70-14-04-200-010 to insure that a nonconforming parcel is not created. A note on the site plan indicates this will take place.**
 - b. The Township has received the MDEQ Permit (now EGLE) and approval from the County Water Resources Commission will be provided during the platting process.**
 - c. Fences or berms shall be added to the gates or the gates will be shifted. Either fencing or berm shall be added along the road on the east side to limit access to the site. Keep out signs shall be posted.**
 - d. The berms shall be maintained to prevent unsightliness. Stockpiles shall be constructed in phases 1 and 2 rather than 3 and 4.**
 - e. The access driveways will be swept each day after operation if needed.**
 - f. Certification that the ponds are constructed as shown on the drawing shall be provided in a reasonable amount of time.**
- 27. A new statement has been submitted regarding compliance with the minimum standards and requirements of section 26-83 of this article and with the other standards, requirements, conditions or plans which are applicable under this article to the site in question.**
- 28. A performance bond, as required in Sec. 26.81 of the Mining Ordinance, is to be paid to the Township relative to the acres of land remaining to be reclaimed or restored if it is determined upon research by the Mining Official that the soil erosion bond already obtained by the applicant does not cover the same goals as the performance bond (i.e., bringing the site back into a safe state). The amount based on \$1,000 per acre remaining to be restored or reclaimed is \$14,000, as determined by the Mining Board. This amount shall be submitted to the Township no later than May 15, 2021 in order for the mining license to remain in effect if it is determined that the soil erosion bond is not sufficient. The amount of the guarantee may be periodically reduced upon request by the mining company, proportionate to the number of acres that are reclamation or restoration. The performance bond will be waived if the soil erosion bond is deemed sufficient.**

Yeas: Jessica Ulberg, Jeannine Bolhouse, Donna Ferguson, Josiah Samy, Tom Healy

Nays: None

MOTION CARRIED.

#210407-07 – Public Comment

No one was present to make public comments at this time.

#210407-08 – Other Business

There was no other business at this time.

#210407-09 – Adjournment - The meeting was adjourned at 8:23 p.m.

Yeas: Jessica Ulberg, Jeannine Bolhouse, Donna Ferguson, Josiah Samy, Tom Healy

Nays: None

MOTION CARRIED.