

**Minutes of the regular meeting of the Georgetown Township Mineral Mining Board, held
Wednesday, March 2, 2022**

Meeting called to order by Chairperson Samy at 7:46 p.m., after the Planning Commission meeting adjourned.

Present: Jeannine Bolhouse, Tom Healy, Gary Veldink, Josiah Samy, Jessica Ulberg, Michael Moores
Absent: Kelly Kuiper
Also present: Victor Vuong, Zoning Administrator

#220302-01 – Mineral Mining Board Agenda for March 2, 2022

Moved by Tom Healy, seconded by Michael Moores, to approve the agenda as submitted.

Yeas: Jeannine Bolhouse, Tom Healy, Gary Veldink, Josiah Samy, Jessica Ulberg, Michael Moores

Nays: None

MOTION CARRIED UNANIMOUSLY.

#220302-02 – Public Comments for items on the agenda

The Chairperson opened the floor to public comments.

No one from the public made public comments at this time.

The Chairperson closed the floor to public comments.

#220302-03 – Minutes of the July 21, 2021 Mineral Mining Board Meeting

Moved by Gary Veldink, seconded by Tom Healy, to approve the minutes as presented.

Yeas: Jeannine Bolhouse, Tom Healy, Gary Veldink, Josiah Samy, Jessica Ulberg, Michael Moores

Nays: None

MOTION CARRIED UNANIMOUSLY.

#220302-04 – Public Hearing – (ML2201) Top Grade Aggregates, LLC, 3407 58th St., is requesting a new Mineral Mining License under Sec. 26-74 of the Code of Ordinances, on parcels of land in Georgetown Charter Township, Ottawa County, Michigan, described as:

1. P.P. # 70-14-02-300-009, located at 1405 Taylor St., zoned LDR, owned by OCRC
 2. P.P. # 70-14-02-300-010, located at 1401 Taylor St., zoned LDR, owned by OCRC
 3. P.P. # 70-14-03-400-027, located at 1610 Taylor St., zoned LDR, owned by OCRC
 4. P.P. # 70-14-03-400-028, located at 1606 Fillmore St., zoned LDR, owned by OCRC
 5. P.P. # 70-14-03-200-002, located at 1861 Fillmore St., zoned RR, owned by Huizenga Gravel
- Kurt DeKock, Top Grade Aggregates, presented the request ([application](#), [overview](#), [plans](#)) with the following comments:

- Ross Veltema is also here from Top Grade Aggregates. The 4 parcels that they are asking permission to mine are owned by the Ottawa County Road Commission. The Road Commission put out a request for proposal to mine those parcels and they chose Top Grade with the condition that Top Grade will secure all necessary permits. The 4 parcels are approximately 78 acres and have historically been vacant or leased to Grand Rapids Gravel. There's lots of material under the existing plant. Top Grade approached Huizenga Gravel about establishing a plant on their property to process material from these 4 parcels. The reason for this is to not leave a lot of unmined material on the Road Commission's parcels. Huizenga told them they liked the idea and there is a legal document ready to be executed once they're able to secure a mining permit. They will also get the EGLE permits. Currently, the plan is to have the processing plant on the southern edge of the Huizenga property, but if that changes, they'll come back and submit a new mining application. They want to do what makes the most sense for everyone involved. The equipment they'll be using is a little different than what is currently out there. Their intent is to take material from the 78 acres and move it via conveyors under Fillmore Street to the Huizenga property. Once they get into phase 2, they will start dredging, working their way from east to west. The processing plant will be located very far away from the residential properties and they'll build berms and plant additional trees along the residential properties. They'll use the existing drive on the Huizenga property to transport out the processed material. The technology that they're bringing in will also finish the Huizenga property. If they end up being the one to mine Huizenga's property, they'll come in to apply for a mining license for that as well.

The Zoning Administrator presented the [staff report](#).

Tom Healy said he had some questions. Four of the parcels are adjacent to each other south of the centerline of the public portion and private extension of Fillmore Street. The 5th parcel, the Huizenga parcel ending in -002, has roughly 130' of common property line with the northwest corner of the Ottawa County Road Commission's parcel ending in -027 and it appears that property line splits the right-of-way in half. Does this still mean they are adjacent parcels?

The Zoning Administrator said yes, they are adjacent parcels.

Tom Healy asked since they are adjacent parcels, will the operation conform with Sec. 26-72(C) which allows for the storage and transporting of minerals on a mining site, with the emphasis on the word 'on'?

The Zoning Administrator said yes, because all 5 parcels make up one mining site since they are adjacent to one another.

Tom Healy asked does the ordinance establish a minimum length of common property line for two or more parcels to be considered adjacent or abutting in order for them to be considered the same mining site?

The Zoning Administrator said no, the ordinance does not have a requirement for that.

Tom Healy asked so would that mean an aboveground conveyor transporting mined products across the Road Commission's parcels ending in -009, -010, and -028 to the parcel ending in -027 constitute as transporting mined products on a mining site?

The Zoning Administrator said yes.

Tom Healy asked so likewise, would a conveyor transporting mined products beneath the roadway from the Road Commission parcel ending in -027 to the Huizenga parcel ending in -002 also be determined as transporting mined products on a mining site?

The Zoning Administrator said yes, that is transportation on a mining site.

Tom Healy asked has the Mining Board consistently considered a group of parcels as one mining site for prior mining applications that operated on multiple parcels adjacent to one another in the Bend in the River area?

The Zoning Administrator said yes, the Mining Board has consistently determined multiple adjacent parcels to be one mining site.

Tom Healy said the existing processing plant on the Road Commission's parcels will be removed and a new one will be established on the south end of the Huizenga parcel. The location of the new processing plant will be farther away from a greater number of residences than the current processing plant. This should result in reduced potential for noise and dust exposures for a greater number of residences. Top Grade will have all truck traffic routed directly to Fillmore Street and Cottonwood Drive and none via Taylor Street. He wanted to confirm there will be no crushing or importing of materials mined off-site.

The Zoning Administrator said that is correct, there is no request for crushing or importing.

Tom Healy said regarding the exception to Sec. 26-83(J) that Top Grade is requesting to mine on the southernmost property line abutting the Road Commission's parcel ending in -005, the impacted parcel is owned by the Road Commission and the exception would facilitate the removal of a greater amount of material. Under Sec. 26-82, the Mining Board may modify the 100' requirement to achieve the purposes of the ordinance. A \$1,000 per acre performance bond is consistent with the requirements placed on other mining applicants and the 4-phase, 12-year overall timeline is acceptable. Lastly, the Road Commission, Huizenga, and Top Grade are all furthering the goal of completing the Bend in the River Park Plan.

Michael Moores said he really likes how everything is laid out – they are minimizing traffic and impact of the operation. The plan is really good.

Jeannine Bolhouse asked was this mining operation awarded by the Road Commission through a request for proposal process?

Kurt Dekock said yes, the Road Commission has already reviewed this submittal and they actually have a much more in-depth plan.

Jeannine Bolhouse said the idea of the conveyor is blowing her mind and asked for a better visual.

Kurt DeKock said for surface mining, you dig material and get it over to the processing plant. That method takes a lot of fuel, more people, and wear and tear. For this method, they previously purchased a mile of conveyor. They'll lay it across the ground, it has safety cables, and an electric motor and there's a feed hopper. The loaders will load to the conveyor and take it over to the plant. They will slope the grades and fence the area to make it hard to climb down there. They will

shut off the conveyor every night before going home. Dredge is just a floating bar on a large pontoon that pulls material from underneath the water. They'll pump material over to the plant and let it dry on the ground before putting it into the plant.

Jeannine Bolhouse said regarding the 100' setback, it seems appropriate because the Road Commission owns the property.

Kurt DeKock said it was Top Grade's suggestion to the Road Commission to mine that close and the Road Commission said it makes sense.

Josiah Samy had no questions. He thanked Kurt DeKock and Top Grade for the application.

Jessica Ulberg had no questions. She said the 100' exception is acceptable and is okay with a \$1,000 per acre bond.

Gary Veldink asked will they be using the connection to Taylor Street? The scale house on the Road Commission's property is still shown on the plans.

Kurt DeKock said they will be using the scale house shown on Huizenga's property. The existing scale house is only shown on the plans because it's still there at the moment.

Gary Veldink said this park will be part of Georgetown Township someday. What is the plan for the Huizenga property?

Kurt DeKock said Huizenga is on board with the Bend in the River Park Plan too. The land bridge between the proposed excavated area and Menno Lake was left there to have access to the other lake. He mentioned he does not know what the Road Commission plans to do with the parcel that they own south of the mining site.

Gary Veldink said the depth of the lake is important when it comes to parks like this so there won't be any issues later on.

Kurt DeKock said they're very motivated to do a great lake and a deeper lake means they will get more material out of it. Top Grade has developed a history of "finishing" mining when landowners have left.

Gary Veldink said regarding the drive to Fillmore Street, there will probably be more truck traffic than in the past.

Kurt DeKock said they've considered a curb cut further west on the Huizenga property. That's why they're still in discussions with Huizenga to see if they can move the plant further to the west.

Gary Veldink asked how long has the Mining Board been requiring a bond of \$1,000 per acre because \$1,000 per acre doesn't go that far?

The Zoning Administrator said to his knowledge, since 2019 with Grand Rapids Gravel and Huizenga Gravel.

Josiah Samy mentioned that very recently, the Mining Board reexamined the amount per acre that should be required for a bond.

The Chairperson opened the public hearing.

James Dykema, 1625 Fillmore Street, said this mining operation will increase traffic on Fillmore Street and that is not a better idea than using Taylor Street. The new processing plant will be closer to some homes. The legal description of the Huizenga property does not go to the center of the right-of-way.

The Chairperson closed the public hearing.

Tom Healy asked for further clarification regarding the legal description of the Huizenga property.

The Zoning Administrator said he emailed Ottawa County Property Description & Mapping to confirm that the legal descriptions of the Huizenga parcel ending in -002 and the Road Commission parcel ending in -027 includes the right-of-way and was told both parcels do. This means the property lines meet, therefore, they are adjacent parcels.

Prior to a motion, the Zoning Administrator provided comments via email from Kelly Kuiper stating that she wants to confirm that no dewatering is proposed as part of the project and wants to ensure that a hydrogeological investigation will be completed for their EGLE permitting. The Zoning Administrator said it's appropriate to add conditions of approval to address these comments if the Mining Board wishes to do so.

Moved by Jeannine Bolhouse, seconded by Michael Moores, to adopt the staff report as finding of facts and to approve a Mineral Mining License for (ML2201) Top Grade Aggregates, LLC, 3407 58th St., under Sec. 26-74 of the Code of Ordinances, on parcels of land in Georgetown Charter Township, Ottawa County, Michigan, described as:

1. P.P. # 70-14-02-300-009, located at 1405 Taylor St., zoned LDR, owned by OCRC
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5. P.P. # 70-14-03-200-002, located at 1861 Fillmore St., zoned RR, owned by Huizenga Gravel

As shown on the following plans – OCRC Bend in the River Mining:

1. Sheet 1 of 5, Existing Conditions, dated revised 2/3/2022
2. Sheet 2 of 5, Existing Conditions, dated revised 2/3/2022
3. Sheet 3 of 5, Mining Operations Plan – Mining Area, dated revised 2/3/2022
4. Sheet 4 of 5, Mining Operations Plan – dated revised 2/3/2022
5. Sheet 5 of 5, End Use Plan, dated revised 2/3/2022

With the following conditions:

1. This license shall expire on June 30, 2026 unless suspended or revoked earlier per the Ordinance. Prior to expiration, the operator shall apply for renewal by returning with a more detailed plan, including areas remaining to be excavated and a timeframe for completion of the excavating of materials from the site.
2. 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. The amount based on \$1,000 per acre remaining to be reclaimed or restored is \$18,700, as determined by the Mining Board. This amount shall be submitted to the Township no later than April 8, 2022 in order for the mining license to remain in effect. The amount of

- the guarantee may be periodically reduced upon request by the mining company, proportionate to the number of acres that are reclaimed or restored.
3. The Site shall be operated in compliance with the plans as presented and conditions of approval.
 4. The operator shall comply with all federal, state, and local laws, regulations and ordinances.
 5. All required permits must remain in effect for the duration of the project.
 6. The hours of operation are limited to 7:00 a.m. to 6:00 p.m. on Monday to Friday, 8:00 a.m. to 3:00 p.m. on Saturday, no Sundays, and no holidays as stipulated on the plans.
 7. Approval from the Ottawa County Road Commission must remain in effect.
 8. All entrances and exits to the site shall be securely locked during hours when mining operations are not permitted on the site.
 9. The haul route shall be west on Fillmore St. or onto Cottonwood Dr. toward Jenison.
 10. All roads within the site are to be maintained in a manner that controls dust and prevents debris from being carried onto public streets.
 11. All berms are to be maintained.
 12. 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.
 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.
 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. Dust control measures shall be instituted to comply with the Michigan Clean Air Act (Act No. 345 of 1965, as amended) and to prevent dust from being a nuisance to adjoining property.
 16. Noise control measures shall be instituted to comply with any applicable Michigan statute, rule or regulation and Section II(15) of Township Ordinance No. 135, [section 38-72 of this Code] including amendments.
 17. The licensee shall comply with all soil erosion, wetlands and floodplain rules and regulations of the State of Michigan, Ottawa County and the township.
 18. Fueling of vehicles on any site shall comply with statutes, rules and regulations enforced and implemented by the Michigan Department of Environmental Quality.
 19. 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.
 20. 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.
 21. 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.
 22. 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.

23. In no event shall any additional materials be allowed to be brought onto the site or added to any stockpiles; it was not requested as part of the application.

24. The license does not include a crushing operation.

25. A soil removal permit from EGLE shall be submitted to the Township and must remain in effect for the duration of the operation.

26. The operation on the site shall continue to work towards the Bend in the River Reclamation Plan.

27. No dewatering will occur as part of the mining operation.

28. A copy of the hydrogeological investigation will be provided to the Township and all operations will be contingent upon the EGLE permitting and all other necessary agency reviews and approvals.

Yeas: Jeannine Bolhouse, Tom Healy, Gary Veldink, Josiah Samy, Jessica Ulberg, Michael Moores

Nays: None

MOTION CARRIED UNANIMOUSLY.

#220302-05 – Public Comments

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

#220302-06 – Other Business

There was no other business at this time.

#220302-07 – Adjournment – The meeting was adjourned at 8:49 p.m.

MOTION CARRIED UNANIMOUSLY.