

Minutes of the regular meeting of the Georgetown Township Mineral Mining Board, held Monday, April 19, 2023

Meeting called to order at 7:00 p.m.

Present: Jeannine Bolhouse, Tom Healy, Kelly Kuiper, Josiah Samy, Jessica Ulberg

Absent: Gary Veldink

Also present: Kevin Austin, Mining Official

#230419-01 – Agenda for the Mineral Mining Board meeting held on April 19, 2023

Moved by Kelly Kuiper, seconded by Jessica Ulberg, to approve the agenda as presented.

MOTION CARRIED UNANIMOUSLY.

#230419-02 – Minutes of the Mineral Mining Board meeting held on [February 15, 2023](#)

Moved by Kelly Kuiper, seconded by Tom Healy, to approve the minutes as presented.

MOTION CARRIED UNANIMOUSLY.

#230419-03 – (ML2302) renewal of (ML1801) Mining License for Poortenga Properties LLC, 2581 Port Sheldon, under Sec. 26-74 of the Code of Ordinances, on parcels of land described as # P.P. # 70-14-21-400-100 and 70-14-21-440-004, located at 2581 and 2625 Port Sheldon, in an (I) Industrial district, Georgetown Charter Township, Ottawa County, Michigan. ([staff report](#), [compliance document](#), [site plan 1](#), [site plan 2](#), [staff report 2018](#), [inspection](#))

Ryan Poortenga presented his request for Mining License renewal and stated that nothing has changed from the previous approval and that they plan to continue the previously approved operations.

Tom Healy asked if there was any excavation taking place on the site.

Ryan Poortenga stated that no excavation takes place and that the site is used for the storage and screening of topsoil.

Tom Healy reiterated that the product is imported to the site and asked if Ryan would identify on the map the drives that are used by his trucks, given a previous stipulation that no trucks utilize the west driveway and that a gate be constructed to prevent access.

Ryan Poortenga pointed out on the map where the gate currently exists on the west drive and demonstrated the traffic flow on the lot utilizing the eastern drives.

Zoning Administrator presented the Staff report.

Josiah Samy motioned to open public comment, Tom Healy supports.

Josiah Samy closed public comment.

Zoning Administrator presented options for a motion.

Tom Healy mentioned that he believes condition 19 in the option for a motion may not be appropriate for the type of operation Poortenga is conducting on the site and that it may be barring him from using the site as previously approved. He also inquired about the statement within the Staff Report that the truck traffic will utilize the western driveways instead of what was agreed to on the compliance document.

The Zoning Administrator stated that it was a typo in his report and that the compliance document is correct about the flow of traffic utilizing the eastern exits. The applicant will adhere to the statements within the compliance document.

Jeannine Bolhouse stated that condition 19 had been included on previous approvals for this site and were not found to be constraining on the requested activities, so it should likely remain as a condition.

Kelly Kuiper stated that if no extraction of materials is taking place, then this applicant should not be required to gain a Mining License. She does not believe that the current definition would include the activities proposed by Poortenga.

Jeannine Bolhouse stated that the inclusion of the word “processing” within our Mining definition is what has necessitated Poortenga applying for the license in the past.

Tom Healy stated that amending the conditions may be necessary when referencing the stockpiling within condition 19.

Jeannine Bolhouse believes that the condition are adequate for the existing uses on the site and that she would approve them as such.

Josiah Samy agreed that he would approve the conditions as listed.

Jessica Ulberg stated that she would also approve the conditions as such.

Moved by Jeanine Bolhouse, seconded by Jessica Ulberg, to adopt the staff report as finding of fact and to approve a Mineral Mining License for **(ML2302) renewal of (ML1801) Mining License for Poortenga Properties LLC**, 2581 Port Sheldon, under Sec. 26-74 of the Code of Ordinances, on parcels of land described as # P.P. # 70-14-21-400-100 and 70-14-21-440-004, located at 2581 and 2625 Port Sheldon, in an (I) Industrial district, Georgetown Charter Township, Ottawa County, Michigan, as shown on the following:

1. Sheets 1 and 2 of the overall plan of operation and restoration dated 10-21-2013 (shown above);
2. Compliance document submitted in 2013 and
3. Application submitted in 2013.

And with the following conditions:

1. All previous approvals remain in effect and the business shall continue to operate in compliance with previous approvals.
2. This license shall expire on June 30, 2028 (five years from the expiration of the current license on June 30, 2023)

3. No performance bond is needed because this is basically an industrial operation in an industrial district. No excavation is taking place and the mining operation will cease when the business no longer exists.
4. The operator shall comply with all federal, state, and local laws, regulations and ordinances.
5. The applicant shall obtain all required permits such as those from the Michigan Department of Environmental Quality, Ottawa County Road Commission, Ottawa County Drain Commission, and the permits shall remain in effect for the duration of the project.
6. The hours of operation are to 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).
7. The haul route will originate at the eastern driveway access driveway to Port Sheldon. All roads within the site are to be maintained in a manner that controls dust and prevents debris from being carried onto public streets.
8. All berms are must be maintained.
9. 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.
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. If materials removed 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.
12. All berms and screenings are to be maintained.
13. The licensee shall comply with all soil erosion, wetlands and floodplain rules and regulations of the State of Michigan, Ottawa County and the township.
14. Fueling of vehicles on any site shall comply with statutes, rules and regulations enforced and implemented by the Michigan Department of Environmental Quality.
15. A statement must be submitted (and already was 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.
16. 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.
17. 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.
18. 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.
19. 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.
- 20. No crushing on the mining site shall be allowed.**

21. No mining materials (excluding materials related to the other business conducted on the site) shall be allowed to be brought onto the site except the top soil that is to be screened and stored.

Yays: Josiah Samy, Jessica Ulberg, Jeannine Bolhouse, Kelly Kuiper.

Nays: Tom Healy

MOTION CARRIED

#230419-04 – Communications, Letters and Reports

#230419-05 – Public Comments

No comments were made.

#230419-06 – Other Business

Kelly Kuiper opened a discussion about the possibility of legislation that would transfer the responsibility of mining permitting to the state from the local level. She mentioned that there was a legislation that failed last year but has been re-proposed in the house this year that would do the same. She mentioned that the MTA is not in support of the bill due to the shrinking of local power. She was curious how the Mining Board would feel if they were no longer responsible for permitting.

Josiah Samy stated that he believes the local unit should retain that function and that the ability to modify mining plans has been very beneficial to the township and our residents.

Kelly Kuiper stated that she would prefer the state takeover that function.

Jeannine thinks the smaller specifics about the operation should remain with the local unit but that larger scale decisions could be made at the state level.

Tom Healy stated that in past mining license applications the township has benefitted greatly from the level of control that the board has.

#230419-07 – Adjournment - The meeting was adjourned at 7:29 p.m.

MOTION CARRIED UNANIMOUSLY.