

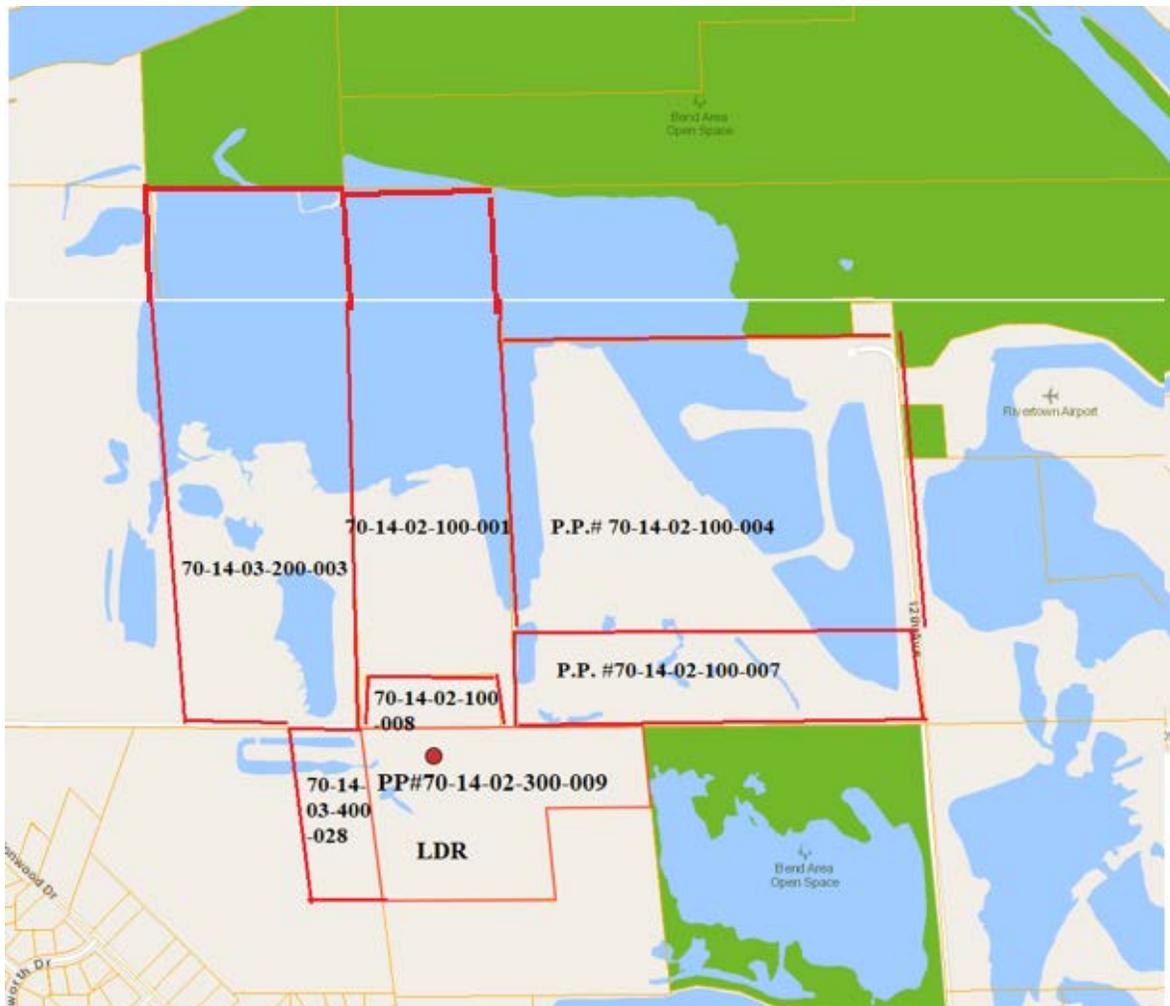
REQUEST – revised staff report 10/2/2019

(ML1902) Grand Rapids Gravel, 2700 28th St. SW, is requesting a new Mineral Mining License (combination of other licenses plus adding uses not approved with the previous renewal is considered to be a new application for one 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. #70-14-03-200-003, located at 1625 Fillmore, zoned RR
2. P.P. #70-14-02-100-001, located at 1600 Fillmore, zoned RR
3. P.P. #70-14-02-100-008, located at 1600 Fillmore, zoned RR
4. P.P. #70-14-02-100-004, located at 9301 12th Ave., zoned RR
5. P.P. #70-14-02-100-007, located at 9225 12th Ave., zoned RR
6. P.P. #70-14-03-400-028, located at 1606 Fillmore, zoned LDR (leased property)
7. P.P. #70-14-02-300-009, located at 1405 Taylor, zoned LDR (leased property)

The request is for a new/revised mining license to allow **materials from within and outside of the Township to be brought onto the Grand Rapids Gravel (“GRG”) Fillmore site for processing and to allow a crushing operation.** Both uses are currently prohibited by conditions of approval of their current license.

MAP



REASON FOR THE NEW APPLICATION

GRG has a mining license currently in effect (renewed in 2015 and due for renewal again in 2020). GRG may continue to operate under the terms of their current license. Conditions of approval for the 2015 renewal are currently in effect and state “**In no event shall any additional materials be allowed to be brought onto the site or added to any stockpiles. No crushing operation is allowed unless requested by the applicant and approved by the Mining Board.**”

The reason for the new application is due to the following:

- The Township received complaints in the spring of 2019 and the Township found that GRG was violating the conditions of their current mining license by bringing materials from Plainfield Township onto their Fillmore site.
- The site is located entirely within a residential district and bringing materials onto the site for processing is an industrial use which is not allowed in a residential district (only allowed with mining operations in industrial districts).
- The existing mining license was issued for the **extraction** of materials .
- GRG accepted the Bend in the River Plan as their restoration plan (with the first permanent license issued and with each subsequent renewal).
- The reason they were processing materials from offsite was because Plainfield Township wanted the mining operation in their township to be completed in a set amount of time and the land to be reclaimed and restored. Therefore, GRG and Plainfield Township had entered into an agreement that GRG’s mining operation in that Township would be completed within three years.
- Because there were more materials in Plainfield Township than could be processed within this three year period, GRG began hauling materials from Plainfield Township to the Fillmore site in Georgetown Township for processing.
- GRG ceased hauling materials onto the site as soon as they found they were operating in violation of their mining license and inquired about submitting an application for a revised mining license to allow that use.

CONCLUSION - Since the EXISTING mining license for Grand Rapids Gravel does not allow materials to be brought onto the site for processing, a new license with a revision or amendment would have to be obtained in order for materials to be brought onto the site and to allow crushing.

HISTORY – Brief Summary (see HISTORY documents for complete history)

1. October 26, 1998 - Mining Ordinance adopted.
2. September 7, 1999 – GRG obtained a temporary license pending the adoption of the Bend in the River Master Plan. Concrete was being hauled onto the site for a crushing operation, which was allowed to continue as long as **mining was actively taking** place on the site and **was required to cease as soon as active mining (meaning extraction) is no longer taking place.**
3. February 26, 2001- Township Board approved special use permit **for sand and gravel extraction** and the site plan was approved by Planning Commission. **No materials were allowed to be brought**

onto the site, only extraction. The plan noted Bend in the River Plan as the reclamation plan and that mining would be complete by December 31, 2011.

4. January 31, 2001- GRG license obtained to mine the DeWent Gravel Co. property.
5. May 2, 2005 – Renewal (ML9901) GRG/Road Commission and (ML0101) GRG/DeWent.
6. April 27, 2006 - Zoning Ordinance amended to eliminate the requirement for a special use permit for a mining operation when a mining license was approved.
7. September 11, 2007 - Ottawa County Road Commission correspondence to GRG regarding the driveway access and permit is **ONLY** for the **REMOVAL** of materials from the site.
8. January 30, 2008 - (ML0702) license approved for GRG to mine Cedar Lake East on Fillmore with **the haul route as shown on the site plan dated Dec. 7, 2007, from the Fillmore site to continue east on Fillmore traveling about one mile to the entrance to the Jenison Plant #16 as stipulated in the narrative dated October 17, 2007.** Beginning with (ML0703) Aukeman Development, a condition of approval was added to all licenses applications/renewals that **NO MORE MATERIALS** were to be brought onto the site, unless specifically approved by the Mining Board.
9. March 29, 2010 - Renewal of (ML1003) GRG license approved with conditions “Upon termination of mining operations, the licensee shall be responsible to reclaim the site in accordance with reclamation plans approved by the review board. **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.**”

Renewal of (ML1004) - GRG/DeWent approved with conditions: “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. **Materials may be imported for processing on site (referring to materials from the Cedar Lake east). The license does not include a crushing operation.**”
10. November 16, 2010 - license was approved for (ML1009) Cedar Valley Associates license with the haul route as follows: “**The haul route will originate at the new access driveway to 28th Ave. and across from 24th Ave. and will go east on Fillmore as shown on the site plan dated 9-7-2010 and will continue east on Fillmore traveling about to the entrance to the Jenison Plant #16. No crushing on the mining site shall be allowed. No materials shall be allowed to be brought onto the site.**”
11. September 15, 2014 - license was approved for (ML1401) Cedar Valley Associates license with the same haul route to originate at the two new access driveways to Fillmore (plan 8-22-2014) to the entrance to the Jenison Plant #16. **No crushing on the mining site shall be allowed. No materials shall be allowed to be brought onto the site.**
12. **March 16, 2015** - license approved for a renewal of (ML1501) GRG/DeWent license with a condition of approval that **no materials shall be brought onto the site.**
13. **February 20, 2019** - license approved for renewal of (ML1901) the Cedar Valley Associates license with the same haul route down Fillmore to the Jenison Plant #16. **No crushing on the mining site shall be allowed. No materials shall be allowed to be brought onto the site.**

INFORMATION FROM THE APPLICANT

As noted in the narrative provided, materials have been brought onto the site for processing from off-site locations with the approval from Georgetown Township since 1979. In no meeting minutes that reference bringing material from off-site location limited the material from being brought from within the Township. The 2010 renewal of ML1004 stated, "Materials may be imported for processing on site."

Furthermore, in the 1999 Application for Mineral Mining (ML9901) by Grand Rapids Gravel which included all the parcels being applied for in this license besides the two tied to the DeWent piece (70-14-02-100-004 and 70-14-02-100-007), included Crushed Concrete. This license was approved and renewed in 2005 as shown on the initial mining license. The conditions of the 2010 renewal for this license stated, "The license does include a crushing operation." Parcels 70-14-02-100-004 and 70-14-02-100-007 were under ML0101 and did not include Crushed Concrete.

ADDITIONAL NONCOMPLIANT USE

A Township Board trustee informed staff that he goes to buy stones for his house from the GRG mining site. All the GRG parcels are located in the LDR and RR zoning districts which are residential districts. The selling of stone would be considered a retail business and/or an open air business, neither of which are allowed in the residential districts (only allowed in commercial districts). **Retail sales and open air businesses are not uses allowed with a mining operation unless approved separately from the mining license (which they could not be approved).** Further, no request is included on the application for retail sales or for an open air business. Those uses are not allowed.

Applicant's response:

In 1957 Grand Rapids Gravel Company was granted permission to operate a commercial sand and gravel pit in accordance with the provisions of Article IV, Section 2 of the Zoning Ordinance of Georgetown Township. This was on the property off Fillmore St just East of the Huizenga Gravel Operation. Grand Rapids Gravel has never received notice of a revoking of their permission to operate a commercial sand and gravel pit. Furthermore, on February 21, 2001, The Georgetown Township Board approved Special Use Permit (SUP0102) for Grand Rapids Gravel to operate commercial soil removal on parcels of land described as 70-14-02-100-004 and 70-14-02-100-007.

Zoning Administrator's response:

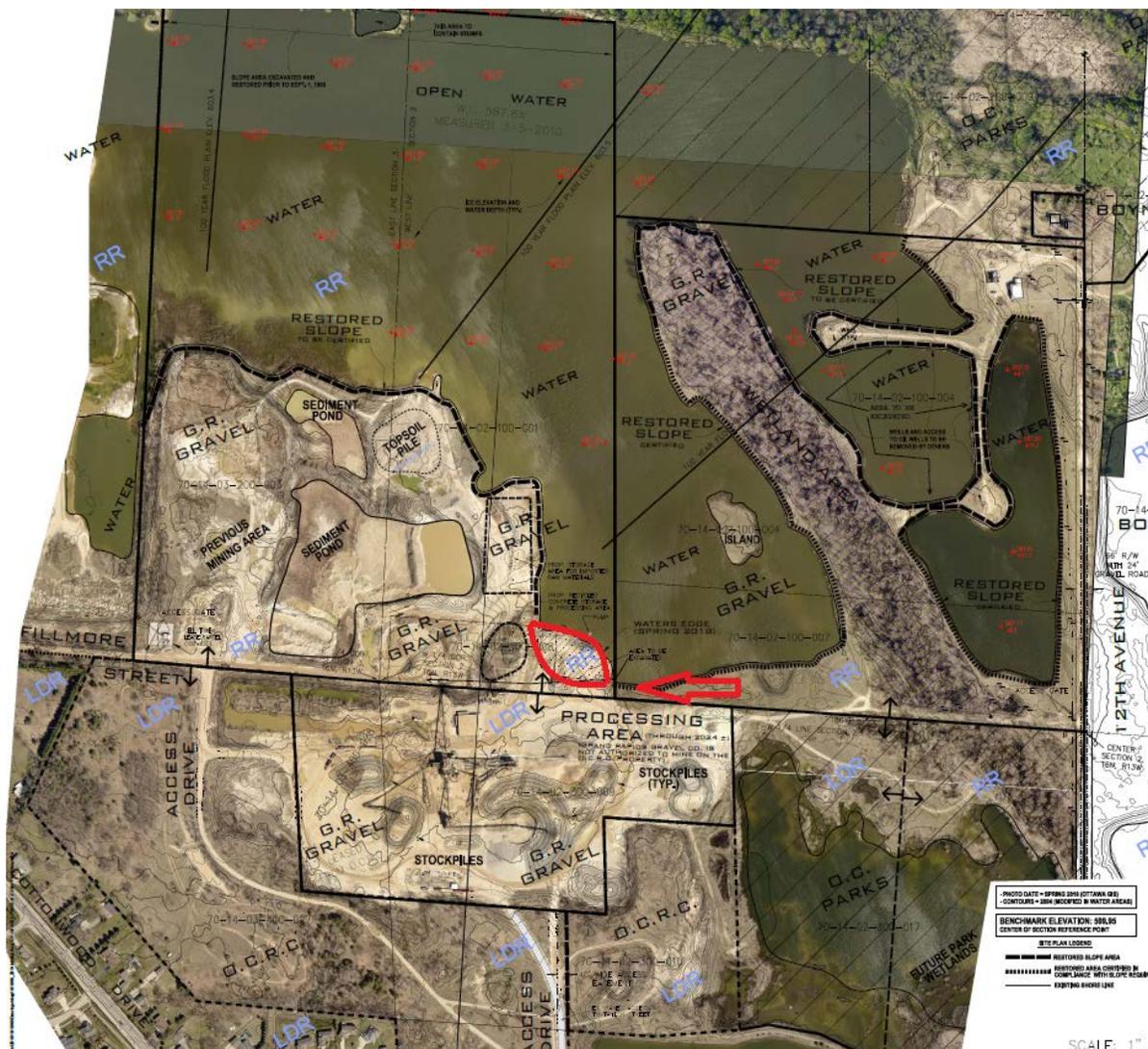
Open air businesses and retail sales are only allowed in a commercial district and neither of the uses have ever been considered part of commercial soil removal special use permit nor part of a gravel mining agreement. Those uses are NOT allowed in the residential zoning distinct and are not uses allowed with a mining license or special use permit for commercial soil removal. Therefore, those uses must cease immediately.

EXCAVATION

At the pre-application conference, GRG stated that they are **not** excavating materials from their Fillmore site, but rather processing materials brought onto the site from other locations, including from the Cedar Valley mining site on Fillmore between 24th and 28th Ave., and including materials from outside the Township such as Plainfield Township (which has stopped at this point).

Initially, the site plan submitted with the application (dated 6-11-19, which is the one distributed to the Mining Board) showed no areas to be excavated. However, when questioned about the excavating areas, one revised paper plan (and electronic copy) was submitted to show a small portion to be excavated. See below.

The memo provided by the applicant states that “Ottawa County Parks Department is currently working with the MDEQ to see if the Oil Wells on the DeWent property can be capped and abandoned. If the wells are able to be capped, this would allow Grand Rapids Gravel to mine the access drives to said wells. This would create more mining, roughly 70,000 – 80,000 tons, but would be valuable materials being found in Georgetown Township and then presumably used in Georgetown Township. It would also be a plus for the Ottawa County Parks Department as they would have a larger open body of water at the finished site.”



The applicant also provided the following since the initial staff report.

1. *The excavation area is shown on the map.*
2. *We are reclaiming the DeWent parcels to a certified in compliance slope requirement. For these two parcels, that has always been the reclamation plan and shown on site plans except if the oil wells were able to be closed. However, the onset of the final park will be designed around the features left by the mining according to Bauer Ford.*
3. *GRG, the other mining operations in the area, nor OCPD had the idea that they would build the park for free at the cessation of mining.*
4. **Remaining Gravel On-Site:**
 - *25,000 tons located directly south of the pump on P.P. No. 70-14-02-100-004*
 - *80,000 tons located on peninsulas to Oil Wells on P.P. No. 70-14-02-100-004*
 - *80,000 tons located under Hopper and extension of Fillmore on P.P. No. 70-14-02-100-008 and P.P. No 70-14-03-200-003*
5. *The remaining gravel has not been processed for numerous reasons. The 80,000 tons on the DeWent piece has not been able to be mined because GRG has been required to leave access to the Oil Wells owned and operated by Fischer McCall. If the Wells are capped and abandoned, GRG would immediately, if license is approved, mine this area. The other 80,000 tons under the Hopper and Fillmore road has not been mined due to the ongoing operation. For efficiency and feasibility, this area is set up to be the last area mined.*

REVIEW

Section 26-76 lists the application procedures as follows:

(e) The application filed with the mineral mining official shall provide the following information and be accompanied by documents, plans, maps and other attachments as the applicant deems necessary or as are required herein.

- (1) The name of the owner(s) of the site from which minerals will be mined or upon which the mineral mining operations will take place.

Provided. Grand Rapids Gravel.

- (2) The name and address of the applicant(s) for the license.

Provided. Grand Rapids Gravel (Jim Dykema).
2700 28th St SW
Wyoming, MI 49519

- (3) The name and address of the person, firm or corporation who will be conducting the mineral mining operations.

**Provided. Grand Rapids Gravel (Jim Dykema).
2700 28th St SW
Wyoming, MI 49519**

- (4) The location, width and grade of all easements or right-of-way on or abutting the site.

Applicant's response:

The grades are shown via Topo on the map. The width and grade of the easements are also shown on the map.

- (5) The location of all structures on the site.

Provided on the map.

- (6) The location of all areas on the site subject to inundation or flood hazard, and the location, width and directions of flow of all watercourses and flood control channels that may be affected by the excavation.

Provided.

- (7) Processing and storage areas.

Provided.

- (8) Proposed fencing, gates, parking and signs.

Applicant's response:

No trespassing signs are noted to be posted a maximum of 150 feet apart. As noted, there will continue to be a condition, 'All entrances and exits to the site shall be securely locked during hours when mining operations are not permitted on the site.' There is no proposed fencing and this has been adequate for Georgetown Township as all parcels attached to this application are currently or have previously been monitored by this mining ordinance and have never been found to be out of compliance.

Parking is shown with the continued dashed line of the access road next to the scale house.

- (9) The location, size, and legal description of the site and the area of the site from which minerals will be mined or upon which the mining operations will take place.

Applicant's response:

The location, size, and legal description of the mining operation is provided on the map and with general note #1. An area that may be mined before the completion of the operation is also shown on the map.

- (10) A detailed statement of the types of minerals to be mined, stockpiled or processed on the site or transported from the site.

Applicant's response:

Sand, Gravel, and Crushed Concrete

Zoning Administrator's response:

Provided. However, the determination will have to be made if materials from outside the Township are allowed to be brought to the site for processing, including materials for crushing.

(11) A detailed statement of the proposed method of mining, stockpiling, processing or hauling.

Applicant's response:

Haul material onto site from Cedar Valley, Other GRG locations, may dig with crane. Gravel train removal. On-site processing and crushing.

Zoning Administrator's response:

Provided. However, the determination will have to be made if materials from outside the Township are allowed to be brought to the site for processing, including materials for crushing.

(12) The off-site route over which materials will be hauled to or from the site, including an identification of the truck routes that will be used.

Provided.

Applicant's response:

Vehicle access to this site:

Primary Access from Taylor Street Secondary Access from Fillmore Street

(13) A description of the location, width and proposed surface treatment of all on-site roads, including driveway approaches.

Applicant's response:

The location of the driveway approaches are shown on the map, and are paved roughly 26' wide of asphalt. The location of on-site roads are shown on the map, but the width can change based on the size of the stockpiles at any given time. Both the driveway approaches and on-site roads are currently under the condition that, "All roads within the site are to be maintained in a manner that controls dust and prevents debris from being carried onto public streets." Grand Rapids Gravel has stated in their application, they would like to leave this condition in place. General note #18 also says the approaches are paved.

Zoning Administrator's response:

The plan only notes that a section of the road will be paved. As per Sec. 26-83, a minimum of 300 feet from the entrance to the pavement of the public road shall be paved.

However, after visiting the site, the entire road in this area is only used by the mining companies and the proposals appears to be adequate.

The Mining Board will make the determination if this is sufficient.

Sec. 26-83. Minimum standards and requirements.

(f) On-site roads:

(2) To minimize the deposit of dirt, gravel and dust onto a public street, a paved or bituminous surface shall be provided for all on-site entrance and exit roads for a distance into the site of not less than three hundred (300) feet from the edge of the pavement in the public street right-of-way.

(14) The location of any floodplain, floodway, wetland, lake, creek, stream, easement or wooded area affecting or adjoining the site.

Provided.

(15) Identification of the use and zoning district of all adjoining or contiguous properties.

Provided.

Applicant's response:

Property directly West of the Westerly Edge of Application Property is zoned as Rural Residential. The current use of this property is a Mineral Mining Operation conducted by Huizenga.

Property directly South of Fillmore and on the Westerly Edge of Application Property is zoned as Low Density Residential. The current use of this property is open area with no structures.

Property directly South of leased property from OCRC from the East side of Taylor Street moving West is zoned as Low Density Residential. The current use of this property is Taylor Street and an area full of trees.

Property directly South of leased property from OCRC from the East side of Taylor Street moving East is zoned as Low Density Residential with a body of water. The current use of this property is 95% water.

Property directly East of leased property from OCRC to 12th Ave. is zoned as partially Rural Residential and partially Low Density Residential. The current use of this property is a wet lands area.

Property directly East of 12th Ave. is zoned as Rural Residential. The current use of this property is a mineral mining operation of Nick Boynton.

Property boarding the North Easterly Edge of Application property is zoned as Rural Residential. There is currently no activity on this property.

(16) A description of the types of machinery, equipment and facilities to be used at the site and where the machinery, equipment and facilities will be located and stored on the site.

Applicant's response:

Mobile equipment:

- (1) *Caterpillar 980M loader*
- (1) *Caterpillar 980K loader*
- (1) *Caterpillar 730 haul truck*
- (1) *Linkbelt LS 208H dragline crane*
- (1) *Caterpillar 376 skidsteer*
- (1) *International water truck*
- (1) *Ford F350 maintenance truck*
- (1) *Dodge maintenance truck*

Gravel processing plant:

- *Drive-over hopper with Hewitt-Robins vibrating pan feeder*
- *Primary tower with Diester 8' X 20' screen*
- (2) *McClanahan 44" log washers*
- (1) *Hewitt-Robins 5' X 14' rinse screen*
- (1) *Eagle Iron Works sand classifier*
- (1) *Eagle Iron Works twin 48" dewatering screw*
- *Nordberg 4800 cone*
- *Barmac vertical shaft impactor*
- *Nordberg 4 1/4' short-head cone*
- (1) *McClanahan twin 36" dewatering screw*
- (2) *Hewitt-Robins 6' X 20' sizing screens*
- (2) *Hartman-Fabco 150' stacking conveyors*
- (1) *Eagle Iron Works twin 36" dewatering screw*
- (20) *interplant conveyors*
- (1) *Motor (electric) control building*

Miscellaneous:

- (1) *Weigh-Tronic 10' X 70' platform truck scale*
- (1) *Hartman-Fabco portable feed hopper*
- *500' feet of Swift transfer conveyor*
- *1,200 feet of Central Michigan Tool & Equipment transfer conveyor*

(17) The estimated number of years to complete mining and reclamation operations at the site and the number of phases, as applicable.

Provided as per the memo:

Timeline:

1. GRG is applying to be done processing material by December 31, 2021.
2. GRG will be done hauling material onsite by March 15, 2021.
3. The removal of all stockpiled material to be completed by December 31, 2022.
4. The plant, mining equipment, and buildings (not to be left for OCRC) to be removed by December 31, 2022.
5. Reclamation and stabilization of site to be completed by July 1, 2023.
 - a. Reclamation of possible areas to be started earlier with Ottawa County Parks.

The Mining Board will make the determination if this is acceptable.

(18) Any other information reasonably necessary to determine the character and nature of the proposed mining operations.

Members of the Mining Board should contact the mining official with requests for any addition information they might deem necessary for this review.

(19) An overall plan of operation including a topographic survey map of the site drawn at a scale not less than 1 inch = 200 feet showing on a four-foot contour interval existing grades of the site prior to any mineral removal and proposed grades subsequent to mineral removal. The plan shall identify the north direction. The plan shall clearly show the area to be mined, including existing land use, structures, and roads within 100 feet of all property lines, areas for stockpiling, maintenance areas, berms, fencing, other proposed uses of the site and other information required by this article. The plan of operation shall be accompanied by a projected schedule of mining operations, including the following specific dates:

- a. Commencement and completion of mining operations as provided by the plan of operation;
- b. Commencement and completion of erosion and drainage control measures to be instituted during mining operations; and
- c. Commencement and completion of fencing, roads, utilities, or any other structures or improvements to be located on the site as provided by the plan of operation.

Provided.

Applicant's response:

The site-plan provided is a topographic survey map drawn at a scale 1" = 150'. It has 2' interval existing ground contours and other topographical features. The plan does clearly show existing land use, structures, and roads within 100 feet of all property lines, areas for stockpiling, maintenance areas, and berms (via contour intervals).

- a. Commencement and completion of mining operations as provided by the plan of operation; ***Final Completion Date for site is June 30, 2024.***
- b. Commencement and completion of erosion and drainage control measures to be instituted during mining operations; and ***Applicant currently has a soil erosion permit with the County that will need to be renewed during the time of this extension, if approved.***
- c. Commencement and completion of fencing, roads, utilities, or any other structures or improvements to be located on the site as provided by the plan of operation. ***Located on map.***

(20) A plan of reclamation shall be submitted in three parts consisting of: a recent aerial photograph of the site with a general plan of reclamation as an overlay or as a separate drawing; a reclamation contour plan; and a description of reclamation methods and materials proposed for restoration of topsoil and replanting. The general plan of reclamation shall be presented at the same scale as the plan of operation and shall provide the following information:

Applicant's response:

See signed letter accepting the Bend in the River Plan. This was also the same understanding when the original licenses tied to these parcels were granted mining licenses years ago. The completed slope reclamation is shown via the site. The areas underway are also shown on the site as being restored slope area, but work will be done within this time frame to bring it to certified compliance with slope requirements. This has not been completed to date because an ongoing possibility of mining the peninsula on P.P#70-14-02- 100-004. This restoration can begin now, granted, the OC Parks Group is not going to try and remove the access to the oil wells that are found between the peninsula and 12th Ave.

As we are acknowledging this project to be done in 5 years, there is no other 5-year increment plan needed as the 5-year plan will be the completion. Top Soil storage for reclamation is shown on the map.

On May 21, 2019 John Schultz and the Parks Board meet onsite with GRG management to discuss the future land use. They had two separate conceptual plans based on the topographic left from the mining operation. This shows that there has not been an approved reclamation plan that needs to be conformed to. There is the understanding that the mining operation will leave behind certified and approved slopes along with a buildable area for the Parks Department if they purchase the land.

- a. ***The general areas of land which have already been completely reclaimed, if any. MAP***
- b. ***The general areas of reclamation underway. MAP (sloped but not certified)***
- c. ***The general areas currently used or proposed for use for topsoil and overburden storage. MAP***
- d. ***The general areas proposed for reclamation during each year of the five-year license period. Not shown in phasing, similar to other licenses***
- e. ***The general areas proposed for topsoil and overburden storage. MAP***
- f. ***The acreage for each item shown on the overlay or separate drawing.***
- g. ***A reclamation contour plan with contour intervals not to exceed two feet indicating the general grade and slopes to which excavated areas will be reclaimed. MAP***
- h. ***A description of the method and materials proposed for restoration of topsoil to the required fertility and the amount of any type of planting that will be undertaken as a part of the reclamation plan.***
- i. ***The projected schedule of reclamation operations, including the following specific dates: commencement and completion of reclamation operations as provided by the reclamation plan; commencement and completion of erosion and drainage control measures to be instituted under the reclamation plan; and commencement and completion of final grading, topsoil replacement, and replanting as provided by the reclamation plan.***

Zoning Administrator's response:

Provided with the signed letter accepting the Bend in the River Plan. The memo provided by the applicant states the following:

Reclamation:

GRG has done some of the future reclamation already, and this is laid out on the site plan map previously provided. For simplicity and ease, let us look at the reclamation in sections:

- *DeWent Property (P.P. No. 70-14-02-100-004 and P.P. No. 70-14-02-100-007)*
 - *Reclamation has not been completed on the entire peninsula because of an ongoing investigation of the wooded wetland on the property. GRG was working with King & MacGregor to evaluate if the DEQ would allow GRG to mine this area. Thus, the reclamation was not able to be completed until that opportunity no longer existed. At this date, GRG is no longer pursuing the extraction of minerals on this portion of the property and will work to restore the slopes to certification prior to the end of 2020.*
 - *To the East of the large peninsula, the reclamation plan is tied to the ongoing investigation of the Oil Wells. If the Oil Wells are deemed to be abandoned and can be capped, GRG will excavate the entire path to the wells and only restore a small island that the capped wells will remain. With DEQ approval, this process would start immediately and be completely restored before the end of this ML terminates.*
- *North West shoreline of remaining land mass (P.P. No. 70-14-03-200-003)*
 - *The shore line has been restored and should be restored to certification by the end of 2019. Inland, the slopes are greater than the required 1' in 3' slope. However, the slopes are very stable and have a wealth of vegetation already in place. After walking the property with the Ottawa County Parks Department Representative, both parties are hoping the Mineral Mining Board will approve the current area to remain as is. The current contours will provide a better natural park and be beneficial for all.*
- *North East shoreline of remaining land mass (P.P. No. 70-14-02-100-001)*
 - *The shore line will need some work to come into compliance. However, GRG is working with the Parks Department in order to find common ground in their proposed grading plan. GRG is committing to helping wherever is possible and feasible and this area is still being discussed to accommodate the proposed beach.*
- *Remaining land and Parcels*
 - *The remaining area cannot be completely reclaimed until the processing plant is shut down. At that point, if the approval of this license is granted, 12/31/2021, reclamation would begin on the area. All area not utilized for stock piles would then be reclaimed to standard by 12/31/2022. At this date, the stockpiles would be completely removed and that area would be reclaimed by 07/01/2023.*

The Mining Board will make the determination if this is acceptable.



James A. Dykema
2700 28th St. SW
Wyoming, MI 49519
(616) 363-6895

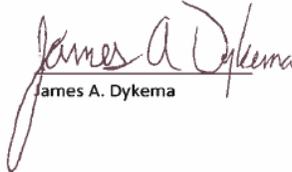
June 10, 2019

Mannette Minier
Mining Official
Georgetown Township
1515 Baldwin Street
Jenison, MI 49429

Dear Mrs. Mannette Minier,

Please record this signed letter as documentation for the reclamation plan of ML1902 which is being applied for by Grand Rapids Gravel. The company is accepting the Bend in the River plan as the reclamation plan for the new mining license.

Thank you,


James A. Dykema

Date: June 10, 2019

f) Operation plans and reclamation plans shall be prepared to clearly depict and describe the sequence of mining operations including existing conditions, mining underway, mining completed, mining proposed, reclamation proposed, stockpiles, roadways, and similar land use elements. Operation plans and reclamation plans shall clearly identify and locate one or more permanent benchmarks as necessary to determine compliance of the mining operations or reclamation activities with the contours and elevations shown on the plans. All plans and maps required to be submitted as a part of the application shall be prepared and sealed by a registered civil engineer or land surveyor.

(g) If the application is for an existing mineral mining operation or for renewal of a license previously granted under this article, the application shall include a statement 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.

Will be a condition of approval.

(h) All applicable documents, including required plans and maps, will be reviewed to determine compliance and consistency with the minimum standards and requirements of section 26-83 of this article. Accordingly, applicants are strongly advised to thoroughly review those standards and requirements (as well as other provisions of this article) and to address any questions regarding applicable requirements or procedures to the mineral mining official prior to preparing or finalizing their application for a license.

Section 26-83 lists the minimum standards and requirements as follows:

Sec. 26-83. Minimum standards and requirements.

Applicant's response:

****Along with the below submission, please find the signed document acknowledging the minimum standards attached. This document seems to be an equivalent to the acknowledgements of this section for the approved licenses of Portenga and Cedar Valley Farms.****

Grand Rapids Gravel is aware of section 26-83 of the article and is in compliance with all minimum standards. Specific areas called out in the staff report with responses are below:

- (a) Applicability: The minimum operational, maintenance, performance and reclamation standards and requirements provided by this section shall apply to all mineral mining sites, new or existing.
- (b) Fencing and signs: All areas of the perimeter of a site which located within 100 feet of the property line which exceed a slope of three feet horizontal to one foot vertical may be fenced with a four-foot high fence and shall be posted with signs not less than 300 feet apart adequate to indicate the danger of trespassing in the area, unless a common line agreement exists. The review board may also require fencing or signs around all or any portion of the perimeter of a site or around any water areas, including retention ponds and setting ponds, as necessary to protect the public health, safety and welfare. The minimum specifications for site fencing shall be as follows: #9 gauge top wire; #12 gauge bottom wire; all stays shall be of #14 gauge wire with spacing of six inches vertical by 12 inches horizontal. Support posts shall be spaced no greater than 16 feet apart.

Applicant's response:

(b) Fencing and signs: Grand Rapids Gravel has had the same signs posted at the site in the entirety of the mining operation since this ordinance has taken effect. Grand Rapids Gravel has never been found out of compliance in annual inspections.

- (c) Screening: All areas being actively excavated may be required to be visually screened to a height of six feet from all adjacent public highways and adjacent lands zoned residential or, alternatively to have a greenbelt, as defined in the township zoning ordinance, located within the 100 foot area inside the property line unless a common line agreement exists. To determine whether the areas of active excavation are visually screened from adjacent public streets, visibility shall be evaluated based on the line of sight as viewed from points which are four feet above the nearest street paving. To determine whether areas of active excavation are visually screened from adjacent residential property, visibility shall be evaluated based on the line of sight as viewed from points which are six feet above the mean ground elevation of the adjacent residential property. The following methods are acceptable for screening of mining areas and may be used singly or in combination as necessary to achieve the required screening result:

- (1) Construction of a raised earth berm area on the site along the boundary lines abut a public highway or abut privately owned property which is improved and occupied for residential purposes (including property upon which dwellings are built and occupied after the effective date of this article). The berm shall be of sufficient length and height to screen the mining area. During

the planting season following the placement of the berm and as often as may be necessary to assure the existence of a vegetative groundcover, the applicant shall seed or plant the berm in a manner for the area and soil conditions to provide vegetation to prevent erosion and to provide a visible ground cover substantially similar to the vegetation cover growing on adjacent properties. The slope of the berm shall not exceed a slope of three feet horizontal to one foot vertical.

- (2) Planting of evergreen trees along the boundaries of the site with sufficient rows and depth to permit effective screening of the mining area as required by this section.
- (3) Construction of a fence of any material which is compatible with the character of the surrounding area. The fence shall provide at least an 80 percent solid visual barrier and shall be maintained in good repair.
- (4) Use of other methods as determined by the review board to be appropriate and sufficient to achieve the required screening.
- (5) The review board may waive the screening requirements of this section to the extent that the topography of the area or other natural conditions act as a screen which meets the intent of the screening requirements of this section.

Applicant's response:

(c) Screening: Grand Rapids Gravel has had visual screens to six feet whenever excavation has taken place. Grand Rapids Gravel has never been found out of compliance in annual inspections. At the current moment, there is no active mining taking place, however screening from public roadways and residential areas is still present.

(d) Hours of operation: The maximum hours of operation on a site shall be 7 a.m. to 6 p.m., Monday through Friday and 8 a.m. to 3 p.m. on Saturday. Mining operations shall not be permitted at any time on Sundays. The review board may place further restrictions on the hours of operation as necessary to protect the health, safety and welfare of neighboring properties and residents.

The plan lists hours of operation in accordance with the ordinance requirements. The mining board may restrict the hours further if deemed necessary.

(e) Access to public roadways: All sites shall have access to at least one public street. All driveway approaches providing access to a site from a public street must be approved by the Ottawa County road commission.

Approval from the Ottawa County Road Commission must be provided.

(f) On-site roads:

(1) All on-site roads shall be maintained by the operator to minimize dust through the application of chloride, water and/or similar dust retardant materials. The application of oil to on-site roads is prohibited. Truck washing equipment may be required by the review board if other methods of dust control are not sufficiently effective.

(2) To minimize the deposit of dirt, gravel and dust onto a public street, a paved or bituminous surface shall be provided for all on-site entrance and exit roads for a distance into the site of not less than three hundred (300) feet from the edge of the pavement in the public street right-of-way.

(3) All entrances and exits to the site shall be securely locked during hours when mining operations are not permitted on the site.

Applicant's response:

(f) On-site roads: All on-site roads have not been changed from the previous approval of the licenses tied to these parcels. It is listed that entrances will be paved in the general notes section of the site-plan and it is over 300'. This is also been in effect and Grand Rapids Gravel has never been found to be out of compliance in annual inspections. Additional information about dust can be found in the conditions from 2015 already tied to the only access point to the parcels currently licensed and have never been found out of compliance.

Zoning Administrator's response:

The ordinance requires 300 feet of bituminous surface. The Mining Board can determine if what is provided is acceptable.

(g) Machinery, equipment and facilities: All vehicles, machinery, equipment and facilities used in connection with the mining operations shall be used, operated and maintained in a manner to reduce, to the maximum extent practicable, noises, vibrations, dust or other adverse conditions which interfere with the reasonable use and enjoyment of surrounding property.

Applicant's response:

(g) Machinery, equipment and facilities: All of our machinery, equipment and facilities are maintained in a manner to reduce adverse conditions which interfere with the reasonable use and enjoyment of surrounding property. The only change in machinery will be a crusher brought onto site (area labeled on map) for two weeks annually. GRG does not expect any complaints from surrounding properties due to the distance / screening / and crushing operation noise level.

(h) Transportation vehicle standards:

(1) 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.

(2) 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.

Approval shall be conditioned upon these requirements.

(i) Lighting: All lighting used to illuminate the mining area, access roads, stockpile areas, and other areas used in connection with the mining operations shall be directed away from surrounding property.

The review board may also require that lighting be shielded if the lighting shines directly toward a residential use or a public street.

Appears to be met since no mention is made of the use of any lighting.

(j) Location of excavation: No excavation shall be made which creates a pit or depression within 100 feet from the nearest right-of-way line or property line, unless otherwise approved pursuant to a procedure authorized in the township zoning ordinance. In the event contiguous parcels of property are used for mining purposes, the review board may require the partial or complete elimination of minerals between such parcels of property. However, the review board may prescribe stricter requirements regarding the location of excavation as necessary to provide lateral support to surrounding property as required by soil or geographical conditions, or as otherwise necessary to preserve the public health, safety or general welfare.

A very small area remains to be excavated unless the wells are capped. That is the point for the Mining Board to consider.

Applicant's response:

(j) There has been / nor will there ever be excavation which creates a pit or depression within 100' of the nearest right-of-way line or property line.

(k) Drainage and erosion control:

(1) All excavations shall be made to a minimum five-foot deep with a minimum ten-foot average depth, provided, however, that the slope of the bed of any water area for the first 25 feet from the shoreline shall not exceed five feet horizontal to one foot vertical. The provisions of this subsection (k)(1) shall not apply to any water area which has been fully reclaimed prior to September 1, 1998.

(2) Surface water shall be directed in a manner so as not to interfere with adjoining property. However, the maintenance of the natural flow of surface water shall not be deemed an interference with adjoining property.

(3) Erosion control measures shall be instituted to comply with the Soil Erosion and Sedimentation Control Act (Act No. 347 of the Public Acts of 1972, as amended).

Provided.

Applicant's response:

(j) Drainage and erosion control: Grand Rapids Gravel has a current soil erosion permit and has never had an issue with drainage or erosion control.

(l) Dust control: 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.

Will be a condition of approval.

(m) Noise control: 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.

Will be a condition of approval.

(n) Special land conditions: A licensee shall comply with all soil erosion, wetlands and floodplain rules and regulations of the State of Michigan, Ottawa County and the township.

Will be a condition of approval.

(o) Fueling of vehicles: Fueling of vehicles on any site shall comply with statutes, rules and regulations enforced and implemented by the Michigan Department of Environmental Quality.

Will be a condition of approval.

(p) Treatment of banks:

(1) The banks of all excavations shall be sloped to the water line in a water-producing excavation, and to the pit floor in a dry operation at a slope to a degree not less than that required to prevent accelerated erosion and to a degree sufficient to maintain vegetation. In no event shall the finished slopes of banks exceed a slope of three feet horizontal to one foot vertical.

(2) The banks of all excavations shall be reclaimed with vegetation as required by this article.

The plan shows areas of restored slopes and the memo notes how this complies with the Bend in the River Plan.

Applicant's response:

(p) Treatment of banks: The slopes have been discussed with John Schultz at public meetings and no reference by John ever stated these were not in accordance to the Bend in the River Plan.

(q) Vegetation: Vegetation shall be reclaimed by the use of top soil and appropriate seeding of grasses or planting of shrubs or trees on all areas of the site except areas which will be submerged under water or within 25 feet of the shoreline of submerged areas.

The plan shows areas of restored slopes and the memo notes how this complies with the Bend in the River Plan.

Applicant's response:

(q) Vegetation: With discussions with the Parks Department, vegetation will be left on buildable land once all mining operations is ceased unless otherwise requested by the Department.

(r) Stockpiling and replacement of topsoil: If topsoil exists suitable for growing turf or other vegetation at the time the mining operations are scheduled to begin, topsoil may be stockpiled on the site. When mining operations are completed the entire site shall be covered with a minimum of four inches of topsoil. The replacement of topsoil to a minimum depth of four inches shall be made immediately

following the termination of the mining operations or any phase of the operations, as applicable. The topsoil shall be replaced in a manner suitable for growing turf or other vegetation.

Provided.

(s) Fill material: 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.

Will be a condition of approval.

(t) Termination of operations and reclamation: Upon termination of mining operations, the license 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.

The applicant has provided a signed letter accepting the Bend in the River Plan, to be completed either by Ottawa County or the applicant.

(u) Cessation of mining:

(1) 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.

(2) 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.**

Areas no longer being excavated shall be reclaimed as per the Bend in the River Plan and the memo provides compliance with this.

Applicant's response:

(u) Cessation of mining: Cessation of all mining operations has not occurred on the site and therefore making this section obsolete.

(v) Special circumstances: Because of extraordinary circumstances, peculiar or unforeseen conditions or reasonable engineering concerns, the township may require compliance with performance standards and other reasonable conditions not otherwise specified herein in order to protect the health, safety and general welfare of neighboring property and persons.

SUMMARY

The Mining Board shall determine the following:

1. **Once excavation is completed, is the mining operation done?**
2. **Should materials be allowed to be brought onto the Grand Rapids Gravel (“GRG”) Fillmore site (which would, in essence, turn this into an industrial site in a residential district)?**
 - a. **From within the Township, including the Cedar Valley mining site less than two miles away, as long as approved with that mining license?**
 - b. **From other locations outside of Georgetown Township?**
3. **Should a crushing operation be allowed? (If yes, under what conditions?) This is a residential area.**
4. **Is the proposal for reclamation acceptable?**
5. **Is the use of an open air business or retail sales (selling of stones/rocks) allowed in the residential district, in violation of the Zoning Ordinance?**
6. **Is the pavement of the road sufficient? The plan only notes that a section of the road will be paved. As per Sec. 26-83, a minimum of 300 feet from the entrance to the pavement of the public road shall be paved. However, after visiting the site, the entire road in this area is only used by the mining companies and the proposals appears to be adequate.**
7. **Is the timeline acceptable or should it be modified when excavation is complete?**

Timeline:

GRG is applying to be done processing material by December 31, 2021.

1. GRG will be done hauling material onsite by March 15, 2021.
2. The removal of all stockpiled material to be completed by December 31, 2022.
3. The plant, mining equipment, and buildings (not to be left for OCRC) to be removed by December 31, 2022.
4. Reclamation and stabilization of site to be completed by July 1, 2023.
 - a. Reclamation of possible areas to be started earlier with Ottawa County Parks.

DISCUSSION POINTS

- The site plan that was submitted shows a very small area left on the Fillmore mining site to be mined by having materials extracted.
- At the pre-application meeting, a GRG representatives admitted that they were no longer extracting materials from the Fillmore site and were processing materials brought onto this site.
- The reason they were processing materials from offsite was because Plainfield Township wanted the mining operation in their township to be completed in a set amount of time and their land to be reclaimed and restored.
- Therefore, GRG and Plainfield Township had entered into an agreement that the mining operation in Plainfield Township would be completed within three years.

- Due to the fact that there were more materials in Plainfield Township than could be processed within this three year period, GRG began hauling materials from Plainfield Township to Fillmore site for processing.
- GRG also admitted that they had other locations with materials needing to be excavated and needing to be brought somewhere to be processed.
- One of those location is actually the Cedar Valley mining operation north of Fillmore between 24th and 28th Ave.
- The Cedar Valley mining license included hauling the materials off this Fillmore site to be brought to the GRG Fillmore location for processing (a very short distance of less than two miles which results in no equipment or machines having to process the materials at the Cedar Valley site on Fillmore between 24th and 28th Ave.). However, even though this was approved by the Mining Board, no approval was ever granted for GR Gravel to have those materials brought onto their site because their license specifically stated that no material are allowed to be brought onto the site.
- The DeWent gravel operation on Chicago Dr. and 18th Ave. is allowed to have materials brought onto that site; however, that operation is located in an industrial district and the industrial use is allowed by the Zoning Ordinance. The Portenga operation also is located in an Industrial district and materials may be brought onto that site for processing too.
- The Township recognizes that the materials that are mined are a valuable resource and this is important to the community and area. However, the same as Plainfield Township, Georgetown Township wants this mining operation to be completed and the land restored and does not want this operation to continue indefinitely as an industrial use in a residential district.
- The mining ordinance was adopted in 1998 with the goal and intent that minerals could be extracted from a site and when that was completed, the land was to be restored. This goal was even stated as far back as the 1964 Zoning Ordinance.
- Georgetown Township wants the excavating to be completed in the Township and the land to be reclaimed and restored. **The initial mining license application said that excavation would be completed by December 31, 2011.**
- This is a residential district and industrial uses are not allowed to be conducted in a residential district.
- The excavation was approved with the mining license; however, by their own admission, they were no longer excavating any materials from the site.
- Since excavating is no longer taking place, materials brought onto the site for processing from other locations (especially from OUTSIDE the Township) is an industrial use and is not allowed in a residential district.

Applicant's response:

Proposal for ML1902:

During the July 18th meeting, it became apparent to GRG that timing and a performance guarantee are important to Georgetown Township Staff and the Mining Board. With that in mind, GRG is modifying the request to be shorter and offer a guarantee. A specific timeline follows below, but in summary: GRG is shortening the request to process material onsite from end of 2023 to end of 2021. GRG is requesting to process somewhere between 100,000 – 200,000 tons of material from onsite as well as roughly 250,000 from offsite. Concurrent with this operation, GRG will be reclaiming the site to certification while working with The Bend in the River Project as the end use plan.

GRG believes it is critical to acknowledge that the hauling of material onto the site (if approved) will not extend the life of the mining operation. The processing plant has a higher volume capacity than which we are able to produce through solely mining onsite. Therefore, the bringing in and mixing of onsite / offsite material will not delay the completion of work at the site.

GRG is seeking permission to haul onto the site roughly 200,000 tons of material from outside Georgetown Township. GRG acknowledges this does create more traffic to our pit. However, after analyzing the volume of material, GRG believes only 3,750 trucks would be needed to complete this task. Furthermore, GRG is only asking for the proposed condition to haul from outside Georgetown Township to be allowed until 03/15/2021. If the license was granted and GRG started hauling material November 1, 2019, it would only need an average 10 trucks per (business) day to complete the task. It would be GRG's goal in terms of efficiency to have as many trucks as possible be 'heavy in / heavy out' loads which would minimize the additional daily traffic. 'Heavy in / heavy out' would be hauling in bank run material, unloading, and then loading the same truck with finished material and leaving the site. This process is a net zero to the daily traffic count as the same truck would have come to the pit empty.

Proposal for Guarantee:

Guarantee:

Grand Rapids Gravel is offering to submit a \$50,000 performance guarantee to this timeline of process and reclamation to Georgetown Township. According to the 2013, Mineral Mining Board Minutes with the Portenga License, "No other mining companies have made guarantees." Therefore, GRG believes this offer is a step above and beyond in good faith of other mining operations in the township.

TOWNSHIP GOAL

The goal is to have excavation completed as soon as possible and to have the land restored as per the restoration plan consistently approved with the initial mining license and with each subsequent renewal, which is the Bend in the River Plan.

How to accomplish the goal.

1. The way to begin to accomplish the goal is for the land where excavation is completed to be restored as per the Bend in the River Plan. It would be the land owner's decision as to whether the owner wants to restore the land as per the Bend in the River Plan or to have Ottawa County restore the land as per the plan.
2. The way to continue to strive for the goal would be for the land owner to post a \$200,000.00 bond or Letter of Credit that would specifically note dates and times for areas to be completed and restored as per the Bend in the River Plan.
3. Then a drop-dead end date could be specified as to when the entire property would be restored as per the Bend in the River Plan.
4. The Bond or LOC would be used by the Township to complete the restoration if it wasn't completed by the drop dead end date.
5. The Bond or LOC could continuously be decreased as land is actually restored as per the Bend in the River Plan.
6. The property owner could either restore the land as per the Bend in the River Plan or have Ottawa County restore the land.

CONCLUSION/MOTION –

The Mining Board can:

- (1) deny the application as presented;
- (2) approve the application as presented; or
- (3) approve the application with specific conditions.

The Mining Board may—*but is not required to*—make its decision at the public hearing. Under the Mining Ordinance, the Mining Board has up to 60 days *after* the public hearing to make its final decision. In addition, the Mining Board is required to incorporate its decision in a statement of conclusions, which shall specify the basis for the decision and any conditions imposed.¹

Legal counsel will be present at the October 16 public hearing. It is staff’s recommendation that following the public hearing and deliberation by the Mining Board, the Mining Board request that legal counsel prepare a written resolution for the Mining Board’s consideration and approval at a subsequent meeting (likely to be held next month, but no later than 60 days). The Mining Board’s decision would not be final until adoption of a resolution reflecting its decision as discussed at a public meeting.

¹ If the Mining Board considers approving the application with conditions, the Mining Board should consider conditions addressing:

- Any conditions necessary to meet the minimum standards and requirements in Sec. 26-83
- Number of years for the license (not to exceed five years per the ordinance)
- Number of years to complete the excavation at the site
- Reclamation (methods, time frame for completion)
- Allowed and disallowed uses and activities (retail sales, open-air business, crushing, processing, acceptance of materials from off-site locations, etc.)
- Amount of the performance guarantee (required by ordinance)
- Necessity of recording a notice or deed restriction concerning the license
- Other conditions that are deemed reasonably necessary to eliminate or mitigate any potentially adverse impact of the mineral mining operations on adjacent or nearby property, public services or facilities, or the natural environment; to conserve natural resources and energy; to ensure that the mining operations will not create a nuisance or unreasonably interfere with the enjoyment of life or property; or to otherwise protect the public health, safety and general welfare of the community. The conditions may include, without limitation, conditions regarding the location, design or operation of a site.