

Planning Commission Meeting Minutes

July 11th, 2023 @ 7:00 pm

1. **Call to Order:** Chairman, Jason Vander Kodde
2. **Invocation:** Brett Huizenga
3. **Roll Call:** *Present:* Jason Vander Kodde, Brian Tacoma, Lyn Peters, Brett Huizenga
Shane Heerema, Mark Leathead
Absent: Jeff Meyer (Board Liaison) absent with notice
4. **Also Attending:**
 - a. Andrew Moore – Township Planner
 - b. Kurt Gernaat – Fire Chief
5. **Approval of Agenda**

Motion made by Brett Huizenga, supported by Lyn Peters to approve the agenda as presented.

Motion Carried 6-0
6. **Commissioner Conflict of Interest** – Commissioner Huizenga expressed that he should be recused for the Cole Harrington SLU request
7. **Approval of minutes from the June 5, 2023, Planning Commission Meeting**

Motion by Lyn Peters supported by Brian Tacoma to approve the meeting minutes from the June 5th, 2023, Planning commission meeting as presented.

Motion Carried 6-0
8. **Opportunity for public comment and communication of business ON the Agenda** – Dave VanDusen (6700 Fillmore) asked commissioners to consider requiring a bond to protect drinking wells near the WDY Ventures project. No other comments were heard
9. **New Business:**
 - a. Cole Harrington SLU request
 - Commissioner Huizenga recused himself from the meeting.
 - Holly Jackson of Kuiper Kraemer law offices presented the request for an SLU by Cole Harrington.
 - Andrew Moore highlighted his report on the requested SLU.
 - Holly Jackson responded to Andrew Moore’s report.
 - Commissioners asked questions of Ms. Jackson and the applicant.
 - Chairman VanderKodde opened the public hearing.
 - Comments were heard from the public.
 - Chairman VanderKodde closed the public hearing.
 - Commissioners deliberated and asked questions of the applicant.

Motion by Mark Leathead to tentatively approve with requested changes to the site plan. There being no support, the motion died on the floor.

Motion by Shane Heerema supported by Brian Tacoma to table the application until the applicant can provide an updated site plan addressing the commissioners’ concerns.

Motion carried 5-0

The commissioners took a 5 minute recess, and Commissioner Huizenga was welcomed back to the meeting.

10. Old Business:

a. WDY Ventures LLC SLU Request

- Motion by Mark Leathead supported by Brett Huizenga to un-table this item.

Motion Carried 6-0

- Rick Pulaski of Nederveld & Assoc. presented the request on behalf of the applicant.
- Commissioners asked questions of the applicant.
- Planner Andrew Moore highlighted his report to the commissioners.
- Commissioners deliberated on the topic and discussed concerns that they had with the request.
- Motion by Lyn Peters supported by Brett Huizenga to approve with the 20 conditions attached.

Motion Carried 6-0

1. The applicant shall obtain and provide the Township with copies of all applicable permits obtained from EGLE, the Ottawa County Water Resources Commissioner, the Ottawa County Road Commission, and any other agencies having jurisdiction.
2. No natural resource extraction activities shall be conducted within the required fifty (50) foot setback. The creation of berms is permitted in this setback provided that it does not result in the removal of trees.
3. The location of the gravel driveway extending from Fillmore Street, as shown on the site plan, shall be used as the ingress and egress drive into the site and this location shall be approved by the Ottawa County Road Commission prior to it being utilized. The applicant shall furnish the Township with a copy of said permit. No other access shall be constructed.
4. The operations shall take all reasonable steps to minimize airborne materials. This includes dust control, minimizing stockpile areas, and a maximum stockpile height of 15 feet. Any stockpiles over 15 feet in height shall be covered over at least 50 percent of their height except when actively in use, and shall be covered between the hours of operation permitted above.
5. The driveway shall be maintained regularly in a mud and dust-free condition to minimize dust, dirt, and mud accumulations and not produce a public nuisance. The 75' paved scrub pad shall be completed prior to any material being transported off-site.
6. The owner/operator shall file with the Township Zoning Administrator the name and telephone number of the person designated by the owner/operator to act on behalf of the owner/operator, who will be held responsible for resolving any and all complaints related to this operation. When the owner/operator receives a complaint, he or she shall file a report with the Zoning Administrator regarding the nature of the complaint and the resultant action of the owner/operator.
7. No use of lighting in connection with the excavation activity shall occur on the site.
8. The owner/operator/applicant and subsequent assigns, hereby agree to take full remedial and financial responsibility for any impact on nearby water supply wells, as determined by EGLE and the County.
9. The applicant shall provide a performance guarantee in a form acceptable to the Township Attorney pursuant to the requirements of Section 13.05.19(c)(1). The amount of the guarantee shall be \$125,000.
10. Hours of operation shall be consistent with Section 13.05.19(g)(27).
11. Excavation activities shall be completed by December 31, 2026 and the site shall be fully restored consistent with the site plan by July 1, 2027, unless extended at a future date by the Planning Commission, upon request from the applicant.

12. The haul route shall utilize Fillmore Street and other Class A roads except for local deliveries, or as otherwise directed by the Ottawa County Road Commission.
13. The applicant shall secure appropriate permissions from Consumers Energy and/or ITC/METC prior to completing any work in the Consumer's Energy easement and the slopes outside the easement affected by the permission. The site plan shall be updated as necessary to reflect the requirements of ITC.
14. The berm on the north side of the shared driveway that will provide access to parcels A-D shall be permanent.
15. The operation shall be mined in phases beginning with cell 1 and completing with cell 3 as shown on the site plan. Each cell shall be reclaimed progressively as it is worked out, and reclamation/restoration must be substantially underway in the previous cell before beginning excavation activities in a new cell.
16. Additional signs shall be posted at the entrance to the operation for the duration of the excavation process identifying rules for, hours of operation, or other appropriate messages intended to protect the public health, safety, and welfare. This sign shall also contain the name and phone number of the person responsible for answering questions or responding to complaints.
17. The applicant has designed and engineered the pond included as part of the project. The applicant assumes all responsibility for the adequacy of the pond concerning its design, its adequacy for surface drainage of the premises, its safety with respect to the general public, and all other aspects of the construction, operation, and maintenance of the pond. By July 1, 2027, or upon completion of cell 3, whichever occurs first, the applicant shall prepare and submit a maintenance plan prepared by a qualified consultant to the Zoning Administrator that ensures that adequate measures will be taken to prevent pond stagnation.
18. All other federal, State, and County rules and regulations, as well as those of Blendon Township shall be applicable and enforceable. The applicant shall obtain and submit to the Township all applicable federal, State, County, or local permits prior to beginning mining activities.
19. The proposed "Provisions with Respect to Fillmore Lake" shall be reviewed and approved by the Township Attorney, and following such approval, shall be promptly recorded with the Ottawa County Register of Deeds. One copy of the final recorded document shall be provided to the Township.
20. The association rules shall be updated to include no wake boating between the hours of 8pm to 7am.

b. Cellco Partnership (Verizon) SLU Request – this item remained tabled

11. Updates of Ongoing Business:

- a. Township Board Meeting Minutes
 - o Jeff Meyer updated the commission on the meeting
- b. Bonds – SLU
 - o No additions or updates
- c. Master Plan Updates
 - o No updates

12. Opportunity for public comment and communication of business NOT ON the Agenda.
No comments were heard.

13. Planning Commissioner Comments:

14. Correspondence for Informational Purposes Only:

- a. Letter from residents regarding Cole Harrington SLU

15. Upcoming Events:

- a. Township Board Meeting: July 17, 2023
- b. Zoning Board of Appeals: July 24, 2023
- c. Planning Commission Meeting: August 7, 2023

16. Adjournment – Motion by Lyn Peters, supported by Brian Tacoma to adjourn at 9:50

DRAFT