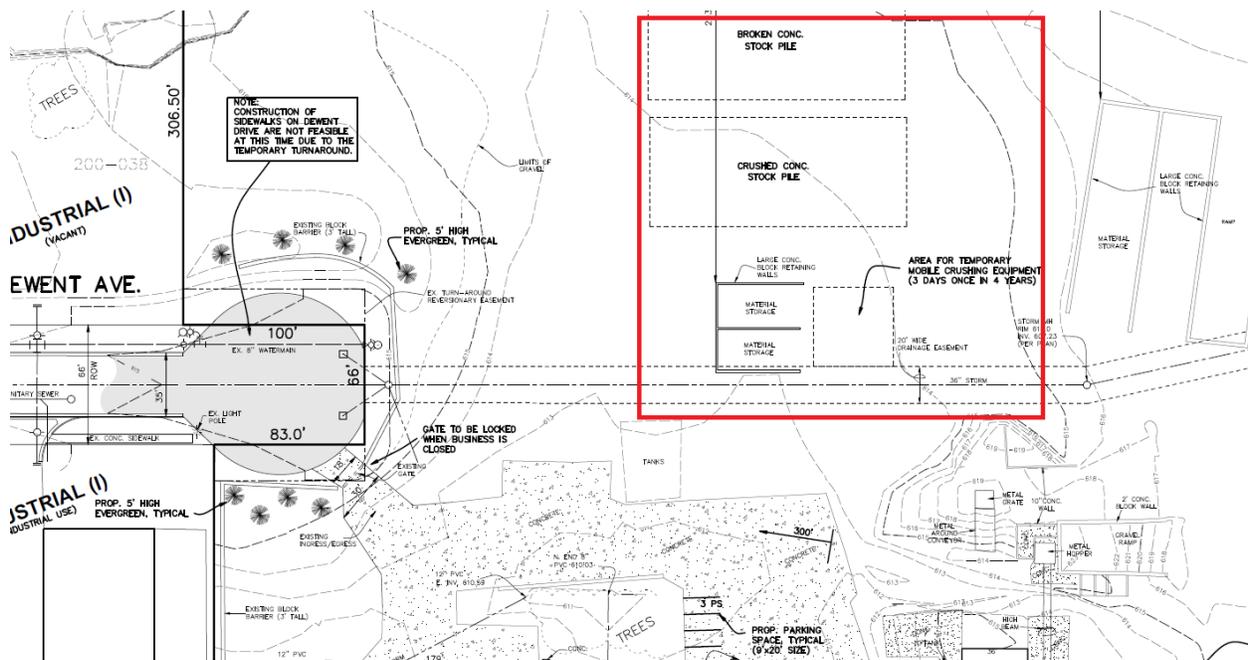


**(ML2101) Renewal of (ML1601) DeWent Gravel, 1601 Chicago Dr.- Previous (ML1101), (ML0702), (ML0202) (no public hearing required)**

**REQUEST**

The request is for a renewal for a mining license to continue mining at an existing operation located at 1601 Chicago Dr. in an Industrial district

The previous license included approval to have an occasional crushing operation because they are located in an industrial district where the use is allowed by right. The area is shown on the site plan.



**SUMMARY**

The operation has been conducted on the site in compliance with the mining ordinance adopted in 1998 since 2002. Approval of the renewal will permit the operation to continue. A site inspection conducted by the Code Enforcement Officer showed that the site is in conformance with Township ordinances, including the mining ordinance and property maintenance ordinance. In addition, the site is in compliance with all terms of the existing license.

**HISTORY**

This operation is located in an Industrial district and the use is consistent with uses allowed in that district. The operation has been conducted since prior to 1968 and no materials have been excavated from the site since 1968. The operation includes only processing, which is allowed in the Industrial district. The initial mining license was approved on October 21, 2002 in conformance with the mining ordinance adopted in 1998. The license was renewed June 30, 2007, March 9, 2011 and March 21, 2016. A new building was constructed on the site after site plan approval was granted.

Note that this license is different from the licenses issued for the mining operations in the Bend in the River area. As opposed to those Bend in the River sites whose operations include extracting materials and reclaiming the sites into a park, this is an industrial operation which is allowed to continue indefinitely, just like any other industrial operation in the correct district.

In 2002, when the initial license was issued under the mining ordinance adopted in 1998, the reclamation plan was approved by the Mining Board. This plan included a list of items that were to be completed on the site to bring the site up to standards for an operation in the Industrial district. Note that the reclamation plan was NOT for the use of the site after the industrial operation no longer existed on the site. The reclamation of the site, as approved by the mining board, included a list of items that had to be completed to address property maintenance issues that existed on the site at the time. All of these items were completed in 2004, as per the timetable approved by the mining board. Therefore, the site has been completely reclaimed and no items or areas remain to be reclaimed as per the approved reclamation plan.

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. Consequently, using the same formula consistently used with the recent mining licenses issued and renewed (which is \$1,000.00 per acre remaining to be reclaimed), the number of acres remaining to be reclaimed is zero. Therefore, \$1000.00 times zero is zero and no performance bond is required.

Excerpt of the Code of Ordinances:

***Sec. 26-79. Renewal.***

- (a) *A license may be renewed by the review board for successive periods not to exceed five years ending on June 30.*
- (b) *To be considered for renewal, an applicant must submit a written request for renewal to the mineral mining official for transmittal to the review board at least two months prior to the expiration date of the existing license. The review board may require the applicant to submit some or all of the information, documents, plans, maps or other materials as required with an original license application, as determined by the review board to be necessary to its review of the request for renewal or to determine the extent of compliance with prior mineral mining approvals or conditions of approval at the site.*
- (c) *If the review board determines that the mining operation continues (and will continue) to meet all applicable standards, requirements and conditions under this article or under a prior approved license and plans, the review board shall approve, or approve with conditions, the request for renewal. If the review board determines that the mining operation fails to meet any applicable standard, requirement or condition, the review board may deny the request for renewal of a license.*
- (d) *No minerals shall be extracted from a site after the expiration of a license. However, if an application for renewal of an existing license is filed as required by subsection (b) and is thereafter diligently pursued by the applicant, mineral mining operations in compliance with the terms and conditions of the license may continue beyond the expiration of the license until either:*
  - (1) *The review board approves the renewal of the license, in which case the mineral mining operations shall thereafter proceed only as permitted by the terms and conditions of the renewed license; or*

- (2) *The review board denies the application for renewal, in which case all mineral mining operations shall cease until a new license is issued as provided by this article.*
- (e) *A review board decision regarding an application for renewal of a license shall be incorporated in written statement of conclusions, which statement shall be available to the applicant within 30 days after the review board decision.*

### **OPTION FOR MOTION**

Motion: To adopt the staff report as finding of fact and to approve (ML2102) a **renewal** of a Mineral Mining License for DeWent Gravel (ML1601), 1601 Chicago Dr., as per the request in the letter dated January 18, 2021, for P.P.# 70-14-22-200-039 and 70-14-23-100-028, located at 1601 Chicago Dr. and 1687 DeWent Dr., in (I) Industrial District, as shown on the site plan dated 1/13/15, based on the findings that the site and operation is in compliance with the Mining Ordinance and all other ordinances, and with the following conditions:

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

- Upon termination of mining operations, the licensee shall be responsible to reclaim the site.
- 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.
- 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.
- **Additional materials be allowed to be brought onto the site and added to any stockpiles only as shown on the site plan.**
- **The license includes a crushing operation for no more than one week annually.**
- No additional materials are required of the applicant at this time since the initial application contained all the required submittal materials and nothing has changed as of this time. In addition, a site inspection was conducted and the site is in conformance with the terms of the initial mining license as well as other Township ordinances.