



**THORNAPPLE TOWNSHIP
PLANNING COMMISSION
Meeting Agenda
Monday, October 24, 2022
7:00 P.M.**

- 1. Call to Order (7:00 P.M.)**
- 2. Approval of agenda:** *[changes/approval]*
- 3. Approval of Minutes**
 - a. September 26, 2022
- 4. Citizen Comments:** *[matters not on agenda]*
- 5. Public Hearings¹:**
 - a. Private Road #72- Gibson Farms Drive, 08-14-024-001-00
 1. *Staff Introduction – Getty & Boerman*
 2. *Applicant Presentation*
 3. *Public Comments*
 4. *Commission questions and deliberation*
 - b. Special Use #159 - Mineral Extraction – Busch Drive Concrete LLC
 1. *Staff Introduction – Getty & Boerman*
 2. *Applicant Presentation*
 3. *Public Comments*
 4. *Commission questions and deliberation*
- 6. New Business:**
 - a. none
- 7. Unfinished Business:**
 - a. none
- 8. Committee Reports:**
 - a. none
- 9. Administrator's Report:**
 - a. Zoning Activity Report
 - b. Code Enforcement Report
- 10. Commissioner Comments:**
- 11. Adjournment**

THORNAPPLE TOWNSHIP PLANNING COMMISSION

Regular Meeting, Monday September 26, 2022

1. Call to Order:

- a. The meeting was called to order by Chairperson Tom Kilgore at 7:00 p.m. at Thornapple Township located at 200 E. Main St. Middleville, MI 49333.
- b. Present: Elaine Denton, Elizabeth Hansson, Linda Gasper, Tom Kilgore, Sandra Rairigh, and Craig Wandrie. Also Present: Catherine Getty, Todd Boerman, Amy Brown, Stephen Koster, Dan Rookus, Zachery Rookus, Charles Brown, Matt Cole, and Nick Suwyn. Bryan Finkbeiner was absent.

2. Approval of Agenda:

MOTION by Gasper, **SUPPORT** by Rairigh to approve the agenda as printed. **MOTION CARRIED** with 6 yes voice votes.

3. Approval of Minutes:

MOTION by Wandrie, **SUPPORT** by Gasper to approve the August 22, 2022, meeting minutes as amended with a correction to the roll call vote by Gasper from No to Yes on the approval to rezone parcel # 14-027-002-09 from Agricultural Residential to General Commercial. **MOTION CARRIED** with 6 yes voice votes.

4. Citizen Comments: None.

5. Public Hearings:

- a. Special Use #158/ Site Plan #118 Applicant: Stephen Koster / Major Home Occupation – Beauty/Nail Salon
 - i. Application Presentation – Koster stated that he would like to have an in-home business for his wife.
 - ii. Staff Introduction – Getty stated that Hansson and Wandrie reviewed the site and found the plans sufficient.
 - iii. Public Comments
 - 1. OPEN: 7:06 P.M.
 - 2. CLOSE: 7:06 P.M.
 - iv. Commission Questions and Deliberation – Wandrie asked Getty about the set back for the right of way. Getty stated the 45 ft set-back met the minimum requirement. Wandrie asked Koster about the plans of the septic. Koster said there is a new septic being installed and will get the final inspection from the Barry County Health Department. Wandrie asked if Koster was going to do the construction himself, to which he replied that Joe Lanser Home improvement would be the builder. Koster stated that he would be putting a sign up later, but it would either be behind the row of pines or on the building. He stated that he

knew he would need to apply for a permit for it first. Wandrie asked if it was a new or existing business. Koster said it is a new LLC but that his wife had previously worked as a subcontractor.

MOTION by Gasper, **SUPPORT** by Rairigh to approve Special Use #158/ Site Plan #118 Applicant: Stephen Koster / Major Home Occupation – Beauty/Nail Salon.

Roll Call Vote: Finkbeiner- Absent, Denton- Yes, Gasper-Yes, Hansson-Yes, Kilgore- Yes, Rairigh-Yes, Wandrie-Yes. **MOTION CARRIED** with 6 yes votes and 0 no vote.

b. Special Use #115/ Site Plan #102 Applicant: Janose/Oetman/ Excavating Mineral Extraction

- i. Application Presentation – Rookus explained that he was requesting a renewal for an existing sand mine operation. He said there haven't been any issues with the public aside from the location of the driveway which has been relocated to the north side of the property.
- ii. Staff Introduction – Getty stated that Rookus was celebrating his 10-year anniversary of operating this sand mine, so it was a milestone in that regard. Boerman has reviewed the special use permit and reviewed the site. He said the farm has been improved by the operation of the sand mine in that it has provided air flow and water runoff. He said that the previous use of the snow fence was not found to be effective, and a berm has replaced it.
- iii. Public Comments
 1. OPEN: 7:16 PM
 2. CLOSE: 7:17 PM
- iv. Commission Questions and Deliberation – Rairigh asked Rookus to explain more about the berm. Rookus explained that the berm keeps any possible vehicles from driving into the area they are currently mining. There is a 20 ft. drop off as they work off the top of a hill. The berm is too steep for vehicles to drive up and over which keeps them protected from the drop off. This is much more effective than the snow fence which had to be constantly maintained. Gasper asked if the conditions of the permit were the same as the previous permits. Getty stated they were except for the snow fence being replaced by the berm.

MOTION by Gasper, **SUPPORT** by Denton to approve Special Use #115/ Site Plan #102 Applicant: Janose/Oetman/ Excavating Mineral Extraction with the 14 conditions listed below:

1. All operations associated with the mineral extraction and processing use shall be limited to the property in strict conformance with the approved Site Plan #102. The term of this permit shall be September 26, 2022, through September 23, 2024.
2. Reclamation bond set at \$51,000 to remain in full force and effect until all lands mined have been fully reclaimed in accordance with Township ordinances and approved reclamation plan.
3. Ingress and egress must be on Bender Road at the location approved by the Barry County Road Commission. All minerals removed by truck from site shall occur via this route and no other.

4. Dust control must be maintained with the application of water to the internal drives, the driveway, and brine to Bender Road north to Adams Road as necessary.
5. The bottom elevation for mining shall be at the elevation determined as of October 2020 by Township engineer.
6. Soil erosion and sedimentation control measures must be taken to prevent the material from entering water bodies, streams, or adjacent properties.
7. The applicant shall provide a minimum escrow of \$2,000 for the purpose of paying for once annual inspections of the site assuring protection of adjacent undisturbed area, ground water quality, erosion control and progressive reclamation of the site. The Township may hire an outside-qualified consultant for this purpose, using escrow funds placed on deposit with the Township Treasurer by the applicant.
8. The mining permit grants the applicant authority to mine and remove sand mineral. Crushing of stone or other processes on premises is prohibited.
9. The method of sand extraction will be mechanical (for example, front end loader or backhoe) and shall not employ pumping or other water borne methods to remove minerals from the site.
10. A vertical berm with a minimum five (5) height shall be maintained along the northern and eastern borders of the active mining area as shown on the site plan.
11. A sign must always be maintained at the exit of the mining driveway stating the following:
 1. Hours of operation. M-F 7am-6pm, Saturday 7am-noon
 2. Speed limit of 25MPH on Bender Road between the Janose Farm and Adams Road
 3. No Jake Braking on Bender Road or Adams Road
 4. Any violations to the stated conditions above will result in the permit being revoked until the special use is found to be in full compliance. The sign must be approved by the Zoning Administrator prior to mining activity commencing under the terms of this permit.
12. No express or implied approval of an end use or permanent use of the subject property is given by the Planning Commission. Any permanent use will be subject to Township Zoning regulations then in effect.
13. The north face of the mine operation should be restored to a useable slope (not steeper than 1:4 per Zoning Ordinance requirements). The slope grade will be determined by the landowner to best compliment the agricultural use.
14. The following documents must be filed with Thornapple Township prior to issuing the permit:
 - a. Reclamation bond in the amount of no less than \$51,000 in favor of Thornapple Township, and
 - b. Insurance certificate in the amount of \$1,000,000 in property damage and \$1,000,000 in personal injury coverage with

Thornapple Township as co-named insured [required by Section 19.53(s)(2)].

Roll Call Vote: Finkbeiner- Absent, Denton- Yes, Gasper-Yes, Hansson-Yes, Kilgore-Yes, Rairigh-Yes, Wandrie-Yes. **MOTION CARRIED** with 6 yes votes and 0 no vote.

c. Special Use #157/ Site Plan #117 Applicant: Nick Suwyn / Self-Storage Units

- i. Application Presentation – Matt Cole, Site Engineer presented the project. The storage units will be located on the west side of M-37 and is surrounded by wetlands. The entrance to the facility has already been approved by MDOT. The M-37 Corridor committee will review the plan and they hope to get approval from them as well. The plan shows the location of the sign, and they will request a permit for it. He stated there are some minor changes to the plan based on the Site Plan Review. He has updated the grading and the easement to allow for a future sidewalk or bike path. He plans to send those updates over to Boerman soon. He has submitted the plans to the Fire Chief and received some comments that have been addressed. Boerman requested better access to the basins and will shift the outlet so it's closer and there is some landscaping that will be done. Two different kinds of fences will be used. In the front a decorative aluminum fence and vinyl clad in the back. Cole also mentioned that there is an existing well on site that is being abandoned and they will meet all the Barry County requirements for that. Cole will complete the grading requirements and submit that information to Getty and Boerman tomorrow.
- ii. Staff Introduction – Getty stated the M-37 Corridor Committee is scheduled to meet October 20, 2022, that will review the site plan. Cole suggested the easement be given to the township rather than the county. Rainwater runoff plans meet requirements of drain commissioner.
- iii. Public Comments
 1. OPEN: 7:30 PM
 2. CLOSE: 7:30 PM
- iv. Commission Questions and Deliberation – No further questions asked.

MOTION by Gasper, **SUPPORT** by Hansson to approve Special Use #157/ Site Plan #117 Applicant: Nick Suwyn / Self-Storage Units with the 4 conditions listed below:

1. Engineer approval of the final site plan including grading details for 10-foot wide easement for a pedestrian pathway.
2. Approval of the driveway design from the M37 Corridor Committee (Meeting scheduled for October 20, 2022, at 10am) per the Township's Access Management Overlay Zoning District Requirements.
3. Approval of the final site plan by the Thornapple Township Emergency Services Fire Chief.
4. Applicant must obtain all necessary permits from the Barry Eaton District Health Department and Professional Code Inspections (PCI) for abandoning the existing well on the property.

Roll Call Vote: Finkbeiner- Absent, Denton- Yes, Gasper-Yes, Hansson-Yes, Kilgore-Yes, Rairigh-Yes, Wandrie-Yes. **MOTION CARRIED** with 6 yes votes and 0 no vote.

6. New Business: Termination of Special Use #110/ Household and Recreational Storage – Kenyon: Getty explained that Neva Kenyon had requested the Planning Commission terminate her special use permit which allows for the household and recreation storage.

MOTION by Rairigh, **SUPPORT** by Wandrie to approve the termination of Special Use #110/ Household and Recreational Storage – Kenyon. 12007 Green Lake Rd. Parcel # 08-14-030-011-20

Roll Call Vote: Finkbeiner- Absent, Denton- Yes, Gasper-Yes, Hansson-Yes, Kilgore-Yes, Rairigh-Yes, Wandrie-Yes. **MOTION CARRIED** with 6 yes votes and 0 no vote.

7. Unfinished Business: None.

8. Committee Reports: None.

9. Administrator's Report:

- a. Zoning Activity Report – Getty reviewed the activity and highlighted the progress of the private road off from Jackson Rd. and that Caledonia Charter Township is updating their Master Plan and has submitted it to Thornapple Township for their review. Boerman updated the commissioners on the expiring Special Use Permit held by Aggregate Industries.
- b. Code Enforcement Report – Rairigh asked for further details regarding the outdoor furnace on Oak Creek and permit process for the floral shop. Getty stated that the outdoor furnace will have to be removed. The floral shop has received their final inspection from PCI, and they are open for business. Gasper asked about the cases from 2021. Denton asked about the issue on Loop Rd. Getty summarized the activity.

10. Commissioner Comments: None.

11. Adjournment:

MOTION by Gasper, **SUPPORT** by Wandrie to adjourn at 7:58 PM **MOTION CARRIED** with 6 yes voice votes.

Sandra Rairigh, Secretary

Amy Brown, Recording Secretary

Approved _____

TOWNSHIP of THORNAPPLE

200 E. Main St. ♦ PO Box 459 ♦ Middleville, Mich. 49333 ♦ Fax 269-795-8812 ♦ 269-795-7202
e-mail: cgetty@thornapple-twp.org www.thornapple-twp.org

Catherine Getty
Zoning Administrator

October 19, 2022

MEMORANDUM

TO: Thornapple Township Planning Commission

FROM: Catherine Getty, Zoning Administrator

RE: Preliminary Private Road Permit Application PR#72/ Gibson Farms Dr.
Private Road serving 5 or more parcels
08-14-024-001-00

BACKGROUND:

Applicant, Jon Raymond, Kay D Development, proposes to build a private road to serve nine (9) new parcels. The parent tract was 74.38 acres prior to the applicant splitting a large 26.98 parcel off earlier this year. The parcel subject to private road approval is 47.4 acres. The applicant proposes to build a private road to serve 9 new parcels ranging in size from 2 acres to over 14 acres.

Exhibit A – Location map

Exhibit B – Application materials and private road plan

Exhibit C – Zoning Standards for Private Road for private roads serving 5 or more parcels

Exhibit D – Vriesman & Korhorn Review 10-18-2022

Exhibit E – Recommended Conditions of Approval

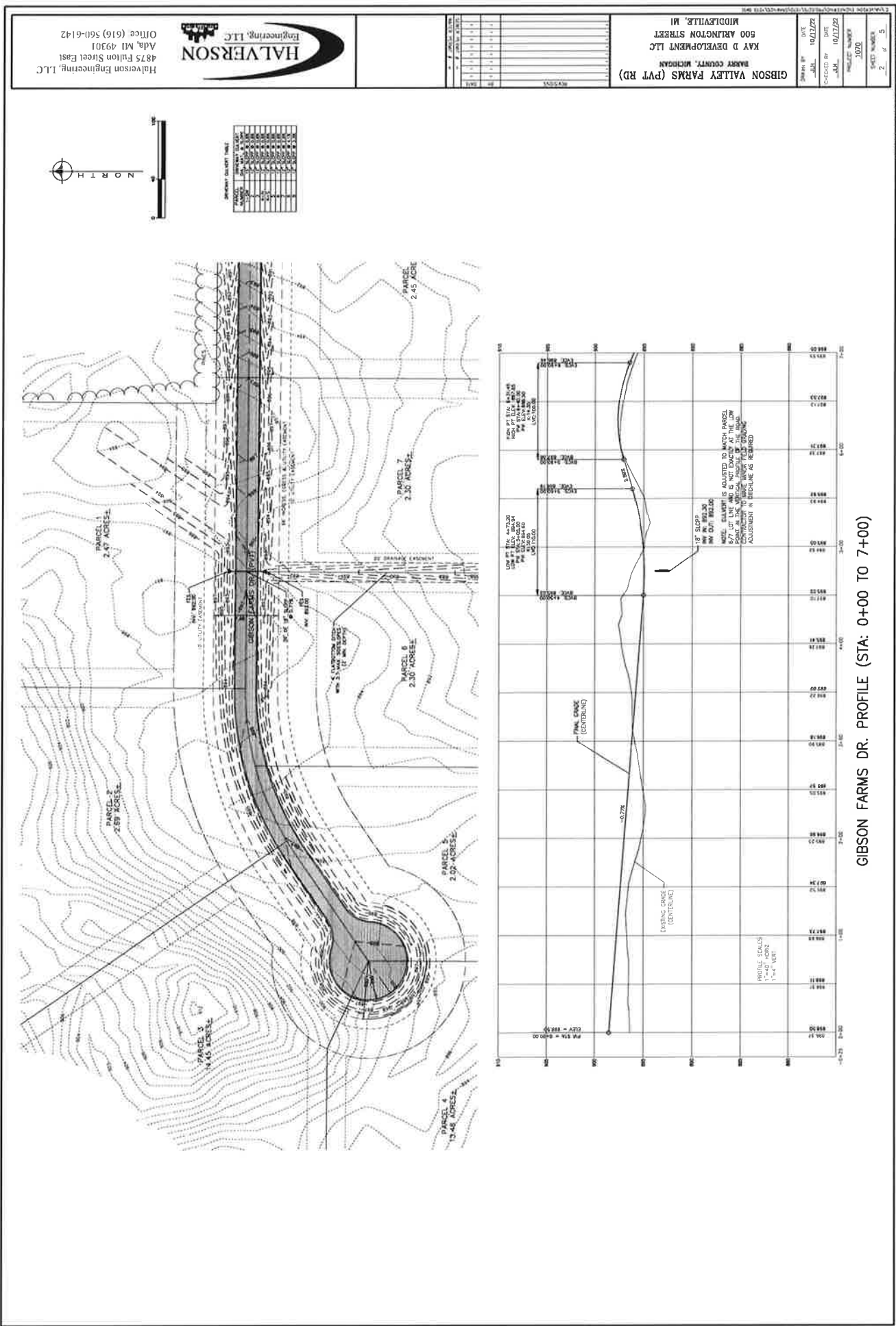
STAFF & SITE PLAN COMMITTEE REVIEW:

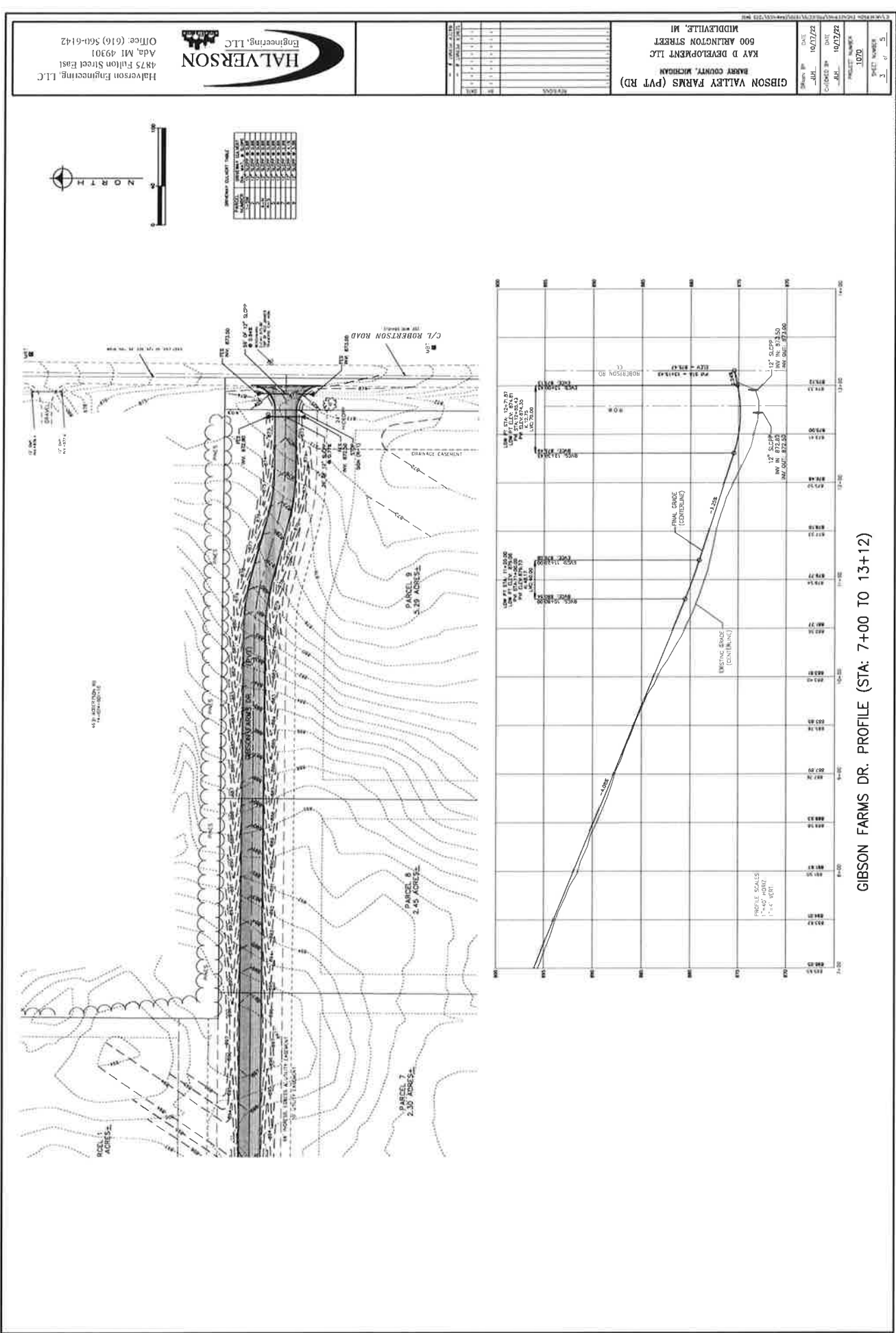
The Site Plan Committee (Finkbeiner and Wandrie) met with the applicant and his engineer, Jared Halverson, on October 10th to review the project. Also present were Todd Boerman, Vriesman & Korhorn, and Catherine Getty, Zoning Administrator. The Site Plan Committee and Todd Boerman recommend approval of the preliminary private road permit with the conditions list in Exhibit E.

EXHIBIT A
Project Location



EXHIBIT B
APPLICATION MATERIALS





GIBSON FARMS DR. PROFILE (STA: 7+00 TO 13+12)

HALVERSON Engineering, LLC
4875 Fulton Street East
Ada, MI 49301
Office: (616) 560-6142

KAY D DEVELOPMENT LLC
600 ARLINGTON STREET
MIDDLEVILLE, MI
BARRE COUNTY, MICHIGAN

PROJECT NUMBER: 1070
DATE: 10/17/22
DRAWN BY: JAH

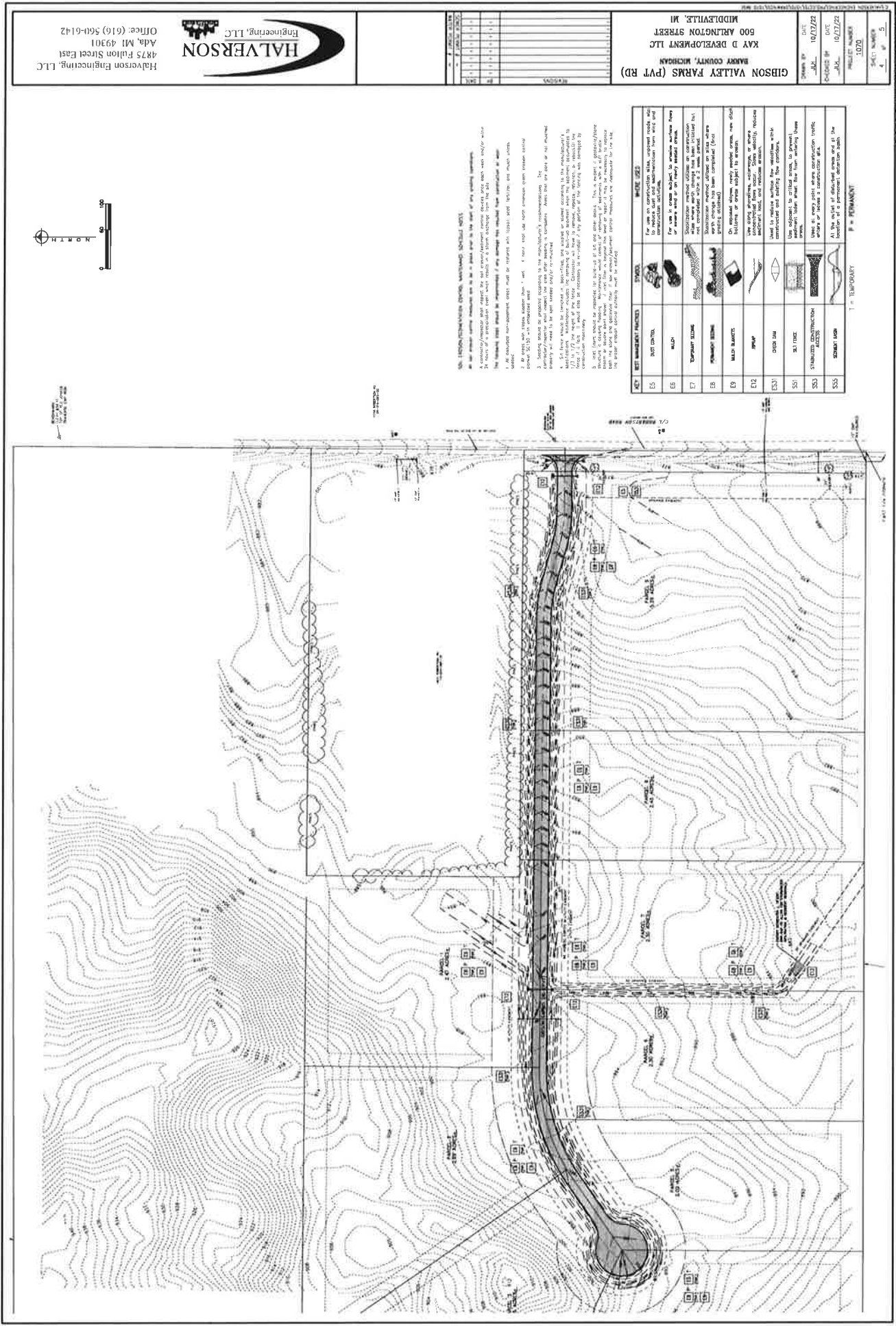
DATE: 10/17/22
CHECKED BY: JAH

SCALE: 1"=40' HORIZ
1"=4' VERT

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DATE: 10/17/22
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CHECKED BY: JAH

SCALE: 1"=40' HORIZ
1"=4' VERT



HALVERSON Engineering, LLC
 4875 Fulton Street East
 Ada, MI 49301
 Office: (616) 560-6142

GIBSON VALLEY FARMS (PVT RD)
 BAKY COUNTY, MICHIGAN
 KAY D DEVELOPMENT LLC
 600 ARLINGTON STREET
 MIDDLEVILLE, MI

DATE: 10/17/22
 DRAWN BY: JLM
 CHECKED BY: JLM
 SCALE: 1"=40'

PROJECT NUMBER: 1070
 SHEET NUMBER: 4 OF 5

NO.	DESCRIPTION	TYPE	LOCATION	DATE	BY	CHKD	APP'D
1	Best Management Practices	1.1	1.1.1	1.1.2	1.1.3	1.1.4	1.1.5
2	Silt Fence	2.1	2.1.1	2.1.2	2.1.3	2.1.4	2.1.5
3	Sedimentation Basin	3.1	3.1.1	3.1.2	3.1.3	3.1.4	3.1.5
4	Check Dam	4.1	4.1.1	4.1.2	4.1.3	4.1.4	4.1.5
5	Vegetative Stabilization	5.1	5.1.1	5.1.2	5.1.3	5.1.4	5.1.5
6	Stream Bank Stabilization	6.1	6.1.1	6.1.2	6.1.3	6.1.4	6.1.5
7	Temporary Erosion Control	7.1	7.1.1	7.1.2	7.1.3	7.1.4	7.1.5
8	Permanent Erosion Control	8.1	8.1.1	8.1.2	8.1.3	8.1.4	8.1.5
9	Slope Protection	9.1	9.1.1	9.1.2	9.1.3	9.1.4	9.1.5
10	Rock Riprap	10.1	10.1.1	10.1.2	10.1.3	10.1.4	10.1.5
11	Gabion Riprap	11.1	11.1.1	11.1.2	11.1.3	11.1.4	11.1.5
12	Geotextile Reinforcement	12.1	12.1.1	12.1.2	12.1.3	12.1.4	12.1.5
13	Geogrid Reinforcement	13.1	13.1.1	13.1.2	13.1.3	13.1.4	13.1.5
14	Geocell Reinforcement	14.1	14.1.1	14.1.2	14.1.3	14.1.4	14.1.5
15	Geotextile Filter Fabric	15.1	15.1.1	15.1.2	15.1.3	15.1.4	15.1.5
16	Geotextile Separation	16.1	16.1.1	16.1.2	16.1.3	16.1.4	16.1.5
17	Geotextile Wrapping	17.1	17.1.1	17.1.2	17.1.3	17.1.4	17.1.5
18	Geotextile Lining	18.1	18.1.1	18.1.2	18.1.3	18.1.4	18.1.5
19	Geotextile Covering	19.1	19.1.1	19.1.2	19.1.3	19.1.4	19.1.5
20	Geotextile Encasement	20.1	20.1.1	20.1.2	20.1.3	20.1.4	20.1.5
21	Geotextile Protection	21.1	21.1.1	21.1.2	21.1.3	21.1.4	21.1.5
22	Geotextile Shielding	22.1	22.1.1	22.1.2	22.1.3	22.1.4	22.1.5
23	Geotextile Wrapping	23.1	23.1.1	23.1.2	23.1.3	23.1.4	23.1.5
24	Geotextile Lining	24.1	24.1.1	24.1.2	24.1.3	24.1.4	24.1.5
25	Geotextile Covering	25.1	25.1.1	25.1.2	25.1.3	25.1.4	25.1.5
26	Geotextile Encasement	26.1	26.1.1	26.1.2	26.1.3	26.1.4	26.1.5
27	Geotextile Protection	27.1	27.1.1	27.1.2	27.1.3	27.1.4	27.1.5
28	Geotextile Shielding	28.1	28.1.1	28.1.2	28.1.3	28.1.4	28.1.5
29	Geotextile Wrapping	29.1	29.1.1	29.1.2	29.1.3	29.1.4	29.1.5
30	Geotextile Lining	30.1	30.1.1	30.1.2	30.1.3	30.1.4	30.1.5
31	Geotextile Covering	31.1	31.1.1	31.1.2	31.1.3	31.1.4	31.1.5
32	Geotextile Encasement	32.1	32.1.1	32.1.2	32.1.3	32.1.4	32.1.5
33	Geotextile Protection	33.1	33.1.1	33.1.2	33.1.3	33.1.4	33.1.5
34	Geotextile Shielding	34.1	34.1.1	34.1.2	34.1.3	34.1.4	34.1.5
35	Geotextile Wrapping	35.1	35.1.1	35.1.2	35.1.3	35.1.4	35.1.5
36	Geotextile Lining	36.1	36.1.1	36.1.2	36.1.3	36.1.4	36.1.5
37	Geotextile Covering	37.1	37.1.1	37.1.2	37.1.3	37.1.4	37.1.5
38	Geotextile Encasement	38.1	38.1.1	38.1.2	38.1.3	38.1.4	38.1.5
39	Geotextile Protection	39.1	39.1.1	39.1.2	39.1.3	39.1.4	39.1.5
40	Geotextile Shielding	40.1	40.1.1	40.1.2	40.1.3	40.1.4	40.1.5
41	Geotextile Wrapping	41.1	41.1.1	41.1.2	41.1.3	41.1.4	41.1.5
42	Geotextile Lining	42.1	42.1.1	42.1.2	42.1.3	42.1.4	42.1.5
43	Geotextile Covering	43.1	43.1.1	43.1.2	43.1.3	43.1.4	43.1.5
44	Geotextile Encasement	44.1	44.1.1	44.1.2	44.1.3	44.1.4	44.1.5
45	Geotextile Protection	45.1	45.1.1	45.1.2	45.1.3	45.1.4	45.1.5
46	Geotextile Shielding	46.1	46.1.1	46.1.2	46.1.3	46.1.4	46.1.5
47	Geotextile Wrapping	47.1	47.1.1	47.1.2	47.1.3	47.1.4	47.1.5
48	Geotextile Lining	48.1	48.1.1	48.1.2	48.1.3	48.1.4	48.1.5
49	Geotextile Covering	49.1	49.1.1	49.1.2	49.1.3	49.1.4	49.1.5
50	Geotextile Encasement	50.1	50.1.1	50.1.2	50.1.3	50.1.4	50.1.5

NOTES:

1. All erosion control measures shall be installed prior to any construction activity.
2. All erosion control measures shall be maintained throughout the construction period.
3. All erosion control measures shall be removed upon completion of construction.
4. All erosion control measures shall be replaced if damaged or removed.
5. All erosion control measures shall be installed in accordance with the Michigan Department of Transportation (MDOT) Erosion Control Manual.
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Halverson Engineering, LLC
4875 Fulton Street East
Ada, MI 49301
Office: (616) 560-6142

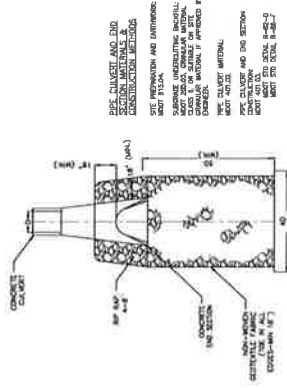


NO.	DESCRIPTION	DATE
1	REVISION	
2	REVISION	
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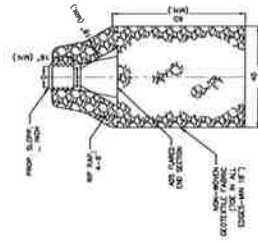
GIBSON VALLEY FARMS (PVT RD)
BARRY COUNTY, MICHIGAN
KAY D DEVELOPMENT LLC
600 ARLINGTON STREET
MIDDLEVILLE, MI

DATE	10/17/22
DESIGNED BY	ADL
CHECKED BY	ADL
PROJECT NUMBER	1022
SHEET NUMBER	5

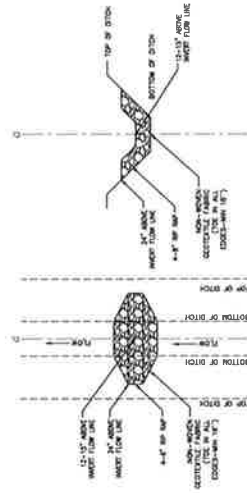
TYPICAL SECTION & STANDARD DETAILS



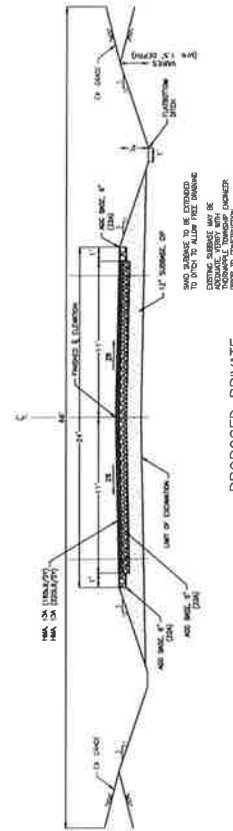
CONCRETE END SECTION DETAIL
W/RIP RAP
NTS



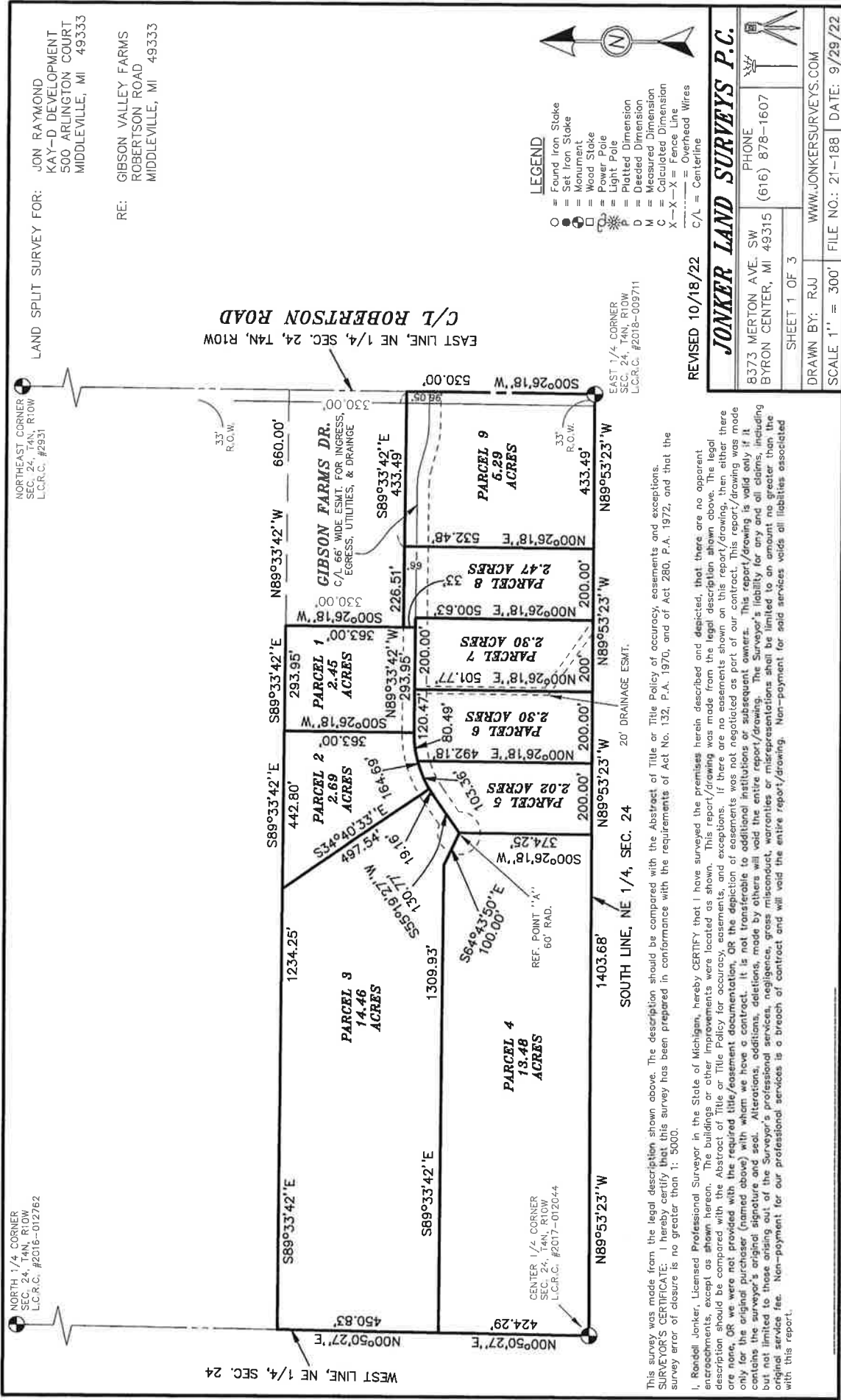
FLARED END SECTION DETAIL
(ADS FES W/RIP RAP)
NTS



CHECK DAM DETAIL
NTS



PROPOSED PRIVATE
ROAD TYPICAL SECTION
P.O.B. TO P.O.E.



JON RAYMOND
KAY-D DEVELOPMENT
500 ARLINGTON COURT
MIDDLEVILLE, MI 49333

RE: GIBSON VALLEY FARMS
ROBERTSON ROAD
MIDDLEVILLE, MI 49333

LAND SPLIT SURVEY FOR:

C/L ROBERTSON ROAD
EAST LINE, NE 1/4, SEC. 24, T4N, R10W

- LEGEND**
- = Found Iron Stake
 - = Set Iron Stake
 - = Monument
 - ⊙ = Wood Stake
 - ⊙ = Power Pole
 - ⊙ = Light Pole
 - ⊙ = Platted Dimension
 - D = Measured Dimension
 - C = Calculated Dimension
 - X-X-X = Fence Line
 - = Overhead Wires
 - C/L = Centerline

REVISED 10/18/22

JONKER LAND SURVEYS P.C.	
PHONE	8373 MERTON AVE. SW BYRON CENTER, MI 49315
(616) 878-1607	
SHEET 1 OF 3	
DRAWN BY: RJJ	WWW.JONKERSURVEYS.COM
SCALE 1" = 300'	FILE NO.: 21-188 DATE: 9/29/22

This survey was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy of accuracy, easements and exceptions. SURVEYOR'S CERTIFICATE: I hereby certify that this survey has been prepared in conformance with the requirements of Act No. 132, P.A. 1970, and of Act 280, P.A. 1972, and that the survey error of closure is no greater than 1: 5000.

I, Ronald Jonker, Licensed Professional Surveyor in the State of Michigan, hereby CERTIFY that I have surveyed the premises herein described and depicted, that there are no apparent encroachments, except as shown hereon. The buildings or other improvements were located as shown. This report/drawing was made from the legal description shown above. The legal description should be compared with the Abstract of Title or Title Policy for accuracy, easements, and exceptions. If there are no easements shown on this report/drawing, then either there are none, OR we were not provided with the required title/easement documentation, OR the depiction of easements was not negotiated as part of our contract. This report/drawing is valid only if it only for the original purchaser (named above) with whom we have a contract. It is not transferable to additional institutions or subsequent owners. This report/drawing is valid only if it contains the surveyor's original signature and seal. Alterations, additions, deletions, made by others will void the entire report/drawing. The Surveyor's liability for any and all claims, including but not limited to those arising out of the Surveyor's professional services, negligence, gross misconduct, warranties or misrepresentations shall be limited to an amount no greater than the original service fee. Non-payment for our professional services is a breach of contract and will void the entire report/drawing. Non-payment for said services voids all liabilities associated with this report.

DESCRIPTION OF SPLIT PARCEL 7:

THAT PART OF THE SOUTH 1/2 OF THE NE 1/4 OF SECTION 24, T4N, R10W, THORNAPPLE TOWNSHIP, BARRY COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION; THENCE N89°53'23"W 633.49 FEET ALONG THE SOUTH LINE OF SAID NE 1/4 TO THE PLACE OF BEGINNING; THENCE N89°53'23"W 200.00 FEET ALONG SAID SOUTH LINE; THENCE N00°26'18"E 501.77 FEET PARALLEL WITH THE EAST LINE OF SAID NE 1/4; THENCE S89°33'42"E 200.00 FEET; THENCE S00°26'18"W 500.63 FEET TO THE PLACE OF BEGINNING. SUBJECT TO EASEMENTS, RESTRICTIONS, AND RIGHTS OF WAY OF RECORD. SUBJECT TO A 66 FOOT WIDE PRIVATE EASEMENT FOR INGRESS, EGRESS, UTILITIES & DRAINAGE KNOWN AS GIBSON FARMS DRIVE DESCRIBED ON PAGE 3 OF THIS SURVEY. SUBJECT TO A 20 FOOT WIDE DRAINAGE EASEMENT THE CENTERLINE OF WHICH IS DESCRIBED AS: BEGINNING AT A POINT ON THE WEST LINE OF PARCEL 7, SAID POINT BEING 33 FEET SOUTH OF THE NORTHWEST CORNER THEREOF; THENCE S00°26'18"W 340.54 FEET ALONG SAID WEST LINE; THENCE S54°42'35"E 222.56 FEET TO THE SOUTH LINE OF SAID NE 1/4.

DESCRIPTION OF SPLIT PARCEL 8:

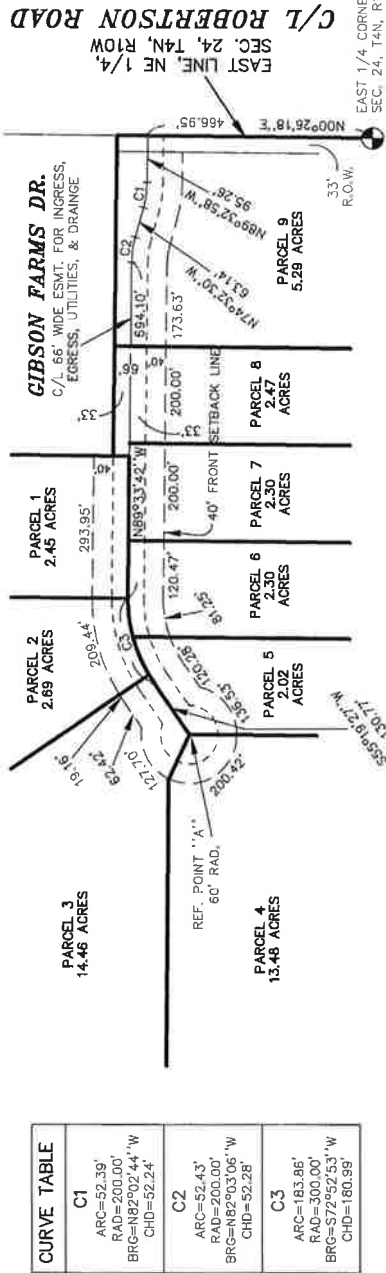
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LAND SPLIT SURVEY FOR:
JON RAYMOND
KAY-D DEVELOPMENT
500 ARLINGTON COURT
MIDDLEVILLE, MI 49333

RE:
GIBSON VALLEY FARMS
ROBERTSON ROAD
MIDDLEVILLE, MI 49333

REVISED 10/18/22

JONKER LAND SURVEYS P.C.

8373 MERTON AVE. SW
BYRON CENTER, MI 49315
PHONE (616) 878-1607

SHEET 3 OF 3

DRAWN BY: RJJ

WWW.JONKERSURVEYS.COM

SCALE 1" = 300'

FILE NO.: 21-188

DATE: 9/29/22

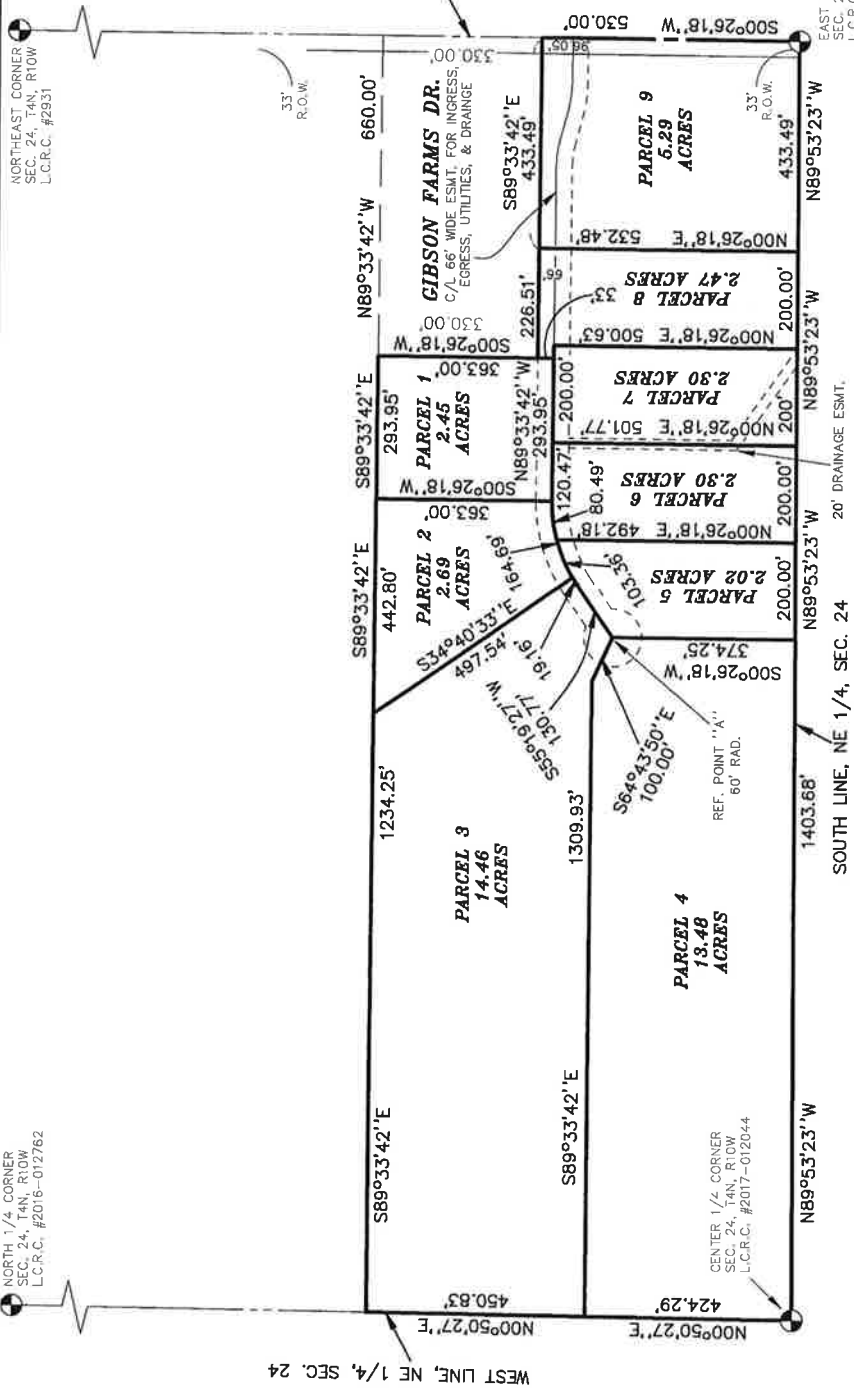
NORTHEAST CORNER,
SEC. 24, T4N, R10W
L.C.R.C. #2931

LAND SPLIT SURVEY FOR:

JON RAYMOND
KAY-D DEVELOPMENT
500 ARLINGTON COURT
MIDDLEVILLE, MI 49333

RE: GIBSON VALLEY FARMS
ROBERTSON ROAD
MIDDLEVILLE, MI 49333

EAST LINE, NE 1/4, SEC. 24, T4N, R10W
C/L ROBERTSON ROAD



This survey was made from the legal description shown above. The description should be compared with the Abstract of Title or Title Policy of accuracy, easements and exceptions. SURVEYOR'S CERTIFICATE: I hereby certify that this survey has been prepared in conformance with the requirements of Act No. 132, P.A. 1970, and of Act 280, P.A. 1972, and that the survey error of closure is not greater than 1:5000.

I, **Randall Jenker**, Licensed Professional Surveyor in the State of Michigan, hereby CERTIFY that I have surveyed the premises herein described and depicted, that there are no apparent encroachments, except as shown hereon. The buildings or other improvements were located as shown. This report/drawing was made for **_____** and for **_____**. The description should be compared with the Abstract of Title or Title Policy for accuracy, easements, and exceptions. If there are no easements shown on this report/drawing, then either there are none, OR we were not provided with the required title/assessment documentation, OR the depiction of easements was not negotiated as part of our contract. This report/drawing was made only for the original purchaser (named above) with whom we have a contract. It is not transferable to additional institutions or subsequent owners. This report/drawing is valid only if it contains the surveyor's original signature and seal. Alterations, additions, deletions, made by others will void the entire report/drawing. The Surveyor's liability for any and all claims, including those relating to the use of this report/drawing, shall be limited to the amount not greater than the amount paid for the report/drawing. Non-payment for said service voids all liabilities associated with this report.

LEGEND

- | | |
|-------|----------------------|
| ○ | Found Iron Stake |
| = | Set Iron Stake |
| ● | Monument |
| □ | Wood Stake |
| ⚡ | Power Pole |
| ⚙ | Light Pole |
| D | Platted Dimension |
| D | Deeded Dimension |
| M | Measured Dimension |
| X | Calculated Dimension |
| X-X-X | Fence Line |
| — | Overhead Wires |
| C/L | Centerline |

REVISED 10/18/22

JONKER LAND SURVEYS P.C.

8373 MERTON AVE. SW BYRON CENTER, MI 49315	PHONE (616) 878-1607
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SHEET 1 OF 3

DRAWN BY: RJJ	WWW.JONKERSURVEYS.COM
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SCALE 1" = 300'	FILE NO.: 21-188	DATE: 9/29/22
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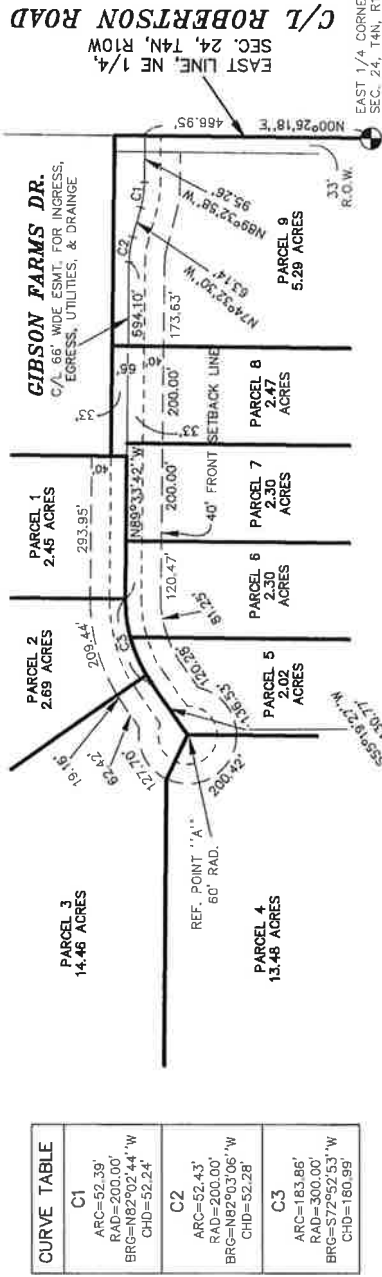
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LAND SPLIT SURVEY FOR: JON RAYMOND
KAY-D DEVELOPMENT
500 ARLINGTON COURT
MIDDLEVILLE, MI 49333

RE: GIBSON VALLEY FARMS
ROBERTSON ROAD
MIDDLEVILLE, MI 49333

REVISED 10/18/22

JONKER LAND SURVEYS P.C.			
8373 MERTON AVE. SW	PHONE	BYRON CENTER, MI 49315	
(616) 878-1607			
SHEET 3 OF 3		WWW.JONKERSURVEYS.COM	
DRAWN BY: RJJ		FILE NO.: 21-188	
SCALE 1" = 300'		DATE: 9/29/22	

EXHIBIT C

**SEC. 21.26(G) PRIVATE ROAD STANDARDS FOR ROADS
SERVING 5 OR MORE PARCELS**

For Private roads serving 5 or more parcels construction plans shall conform to road design and construction standards as follows:

- (1) Each private road shall be centered within an easement not less than 66 feet in width.
 - (2) The road base shall consist of not less than 12 inches of compacted sand and 6 inches of gravel compacted in place. 22A gravel shall be used where pavement will be applied as the surface course. 23A gravel shall be used where the gravel will remain exposed. Substitutions may be allowed if approved by the engineer.
 - (3) For gravel roads, the cross-section shall be 22 feet with side ditch slope not exceeding 1 foot vertical to each 4 feet horizontal.
 - (4) For paved roads, the cross-section shall be 18 feet with 2 foot shoulders on each side with side ditch slope not exceeding 1 foot vertical to each 4 feet horizontal.
 - (5) For paved roads, no less than 3 inches of asphalt placed in two lifts shall be applied. Asphalt must consist of at least 1.5 inches of MDOT base mix and at least 1.5 inches of MDOT surface mix.
 - (6) If concrete, no less than 6 inches shall be applied.
 - (7) Overhead trees and limbs must be maintained to no less than 14' above ground over a cleared travel width of twenty (20) feet.
 - (8) Storm water management shall consist of ditches and storm sewer designed to the 10-year storm and basins designed to a 25 year storm event and shall not result in an increase in storm water run-off from the subject property onto any adjoining land. All improvements must be able to convey the 100 year storm without resulting in property damage from surface storm water on or off the improved site. Storm water run-off calculations prepared by a professional engineer shall be included with the construction plans.
 - (9) Maximum private road grade shall be 6 percent.
 - (10) Any proposed cul-de-sac shall have a minimum right-of-way radius of 50 feet and a minimum running surface radius of 42 feet. The cul-de-sac may have a center landscape island, however, the minimum paved or gravel lane width shall be 20 feet.
 - (11) "T" type private road endings are not permitted.
 - (12) Construction plans shall include an erosion control plan.
 - (13) Construction plans shall include private road sign detail and location[s].
 - (14) A separate sidewalk or pathway shall be required within the easement if determined to be necessary by the Planning Commission unless waived by the Planning Commission for good reason shown.
 - (15) Private roads serving five (5) or more parcels shall have an asphalt approach extending 30 feet from the existing road edge whenever a private road intersects a paved road.
- (b) The applicant for approval of a private street, together with any other owners or parties in interest, shall submit to the Township a recordable private street maintenance agreement, signed by all owners of the easement or right-of-way for the private street and by all other parties having any interest therein. Such

agreement shall provide for and assure that the private street shall be regularly maintained, repaired and snowplowed so as to assure that the street shall be safe for travel at all times. The agreement shall also provide for the payment of all costs and expenses of such maintenance, repair and snowplowing by all or any of the parties in interest.

- (c) The deed restrictions governing maintenance of the private road shall be recorded with the Barry County Register of Deeds and a copy of the recorded document filed with the Zoning Administrator prior to issuance of a Certificate of Completion.
- (d) Land divisions companion to a private road improvement will not be approved until the Certificate of Private Road Completion is signed and filed with the Zoning Administrator.
- (e) A private road may connect to or extend an existing private road, so long as the existing private road conforms to design standards of this section.

EXHIBIT D
Vriesman & Korhorn Review 10-18-22



Vriesman
& Korhorn

October 18, 2022
1133

Via Email: cgetty@thornapple-twp.org

Catherine Getty, Zoning Administrator
Thornapple Township
200 E Main St
Middleville, MI 49333

**RE: Gibson Valley Farms Private Road
Northwest Quadrant of Section 24, Thornapple Township**

Dear Catherine,

We have reviewed the site plan for Gibson Valley Farms Private Road prepared by Halverson Engineering with a revision date of October 17, 2022. We have the following comments:

1. A permit from the Barry County Road Commission (BCRC) will be required for the driveway and other work within Robertson Road right-of-way. Please provide a copy of the permit when issued.
2. Twelve inches of sand subbase is proposed. Existing soils may be adequate to serve as the subbase and should be evaluated by the design engineer.
3. A private road maintenance agreement and easement must be prepared and recorded. The agreement must specify the land area benefitted by the private street.
4. The private street includes two stormwater crossings in addition to a culvert for the roadside ditch on Robertson Road. The applicant's engineer should provide calculations supporting the proposed culvert sizes.
5. The proposed stormwater plan maintains existing drainage patterns and seeks to discharge stormwater to the neighboring parcel to the south in a manner that will mitigate the concentration of stormwater flow by dispersing to a flat area far from the property line.
6. The rural residential development does not create conditions that increase the stormwater flow rate discharged from the property. We do not recommend that a detention basin be required for the development.
7. It appears that there is a one foot shoulder around the perimeter of the cul-de-sac. The pavement is proposed with a 40-foot radius and will require a 2-foot shoulder to achieve the required 42-foot radius.

Catherine Getty
October 18, 2022
Page 2

8. With the adjusted cul-de-sac shoulder, the proposed private street cross section, plan, and profile will meet the requirements of Section 21.26(g) of the Thornapple Township Zoning Ordinance.
9. Soil erosion control measures shown on the plan should be observed during construction.

Thank you for your consideration in this matter. If you have any questions or concerns, please do not hesitate to call.

Sincerely,

Vriesman & Korhorn



Todd Boerman, PE

TMB/nmv

EXHIBIT E
Recommended Conditions of Approval

Private Road Permit #72

Gibson Farms Drive

Recommended Conditions of Preliminary Private Road Approval

1. Twelve inches of sand subbase is proposed. Existing soils may be adequate to serve as the subbase and should be evaluated by the design engineer.
2. A private road maintenance agreement and easement must be prepared and recorded with the Barry County Register of Deeds. The agreement must specify the land area benefitted by the private street. A copy must also be filed with Thornapple Township.
3. Applicant is required to provide at least a 2-foot shoulder around the perimeter of the paved cul-de-sac. The plan submitted indicates there is a one-foot shoulder around the perimeter of the cul-de-sac. The pavement is proposed with a 40-foot radius and will require a 2-foot shoulder to achieve the required 42-foot radius.
4. Soil erosion control measures shown on the plan should be observed during construction.

TOWNSHIP *of* THORNAPPLE

200 E. Main St. ♦ PO Box 459 ♦ Middleville, Mich. 49333 ♦ Fax 269-795-8812 ♦ 269-795-7202
e-mail: cgetty@thornapple-twp.org www.thornapple-twp.org

Catherine Getty
Zoning Administrator

October 19, 2022

MEMORANDUM

TO: Thornapple Township Planning Commission

FROM: Catherine Getty, Zoning Administrator & Site Plan Committee

RE: SU #159- / Site Plan #119– Mineral Extraction
Applicant: Busch Drive Concrete, LLC
Property Owner: Postema, Martin
Subject Parcel: 08-14-031-011-00

Busch Drive Concrete LLC has submitted Special Use and Site Plan applications for a new mining operation. The subject parcel is 40 acres, zoned Ag Residential, and currently has one single-family home located near the center of the parcel.

Members of the Site Plan Committee (Bryan Finkbeiner and Craig Wandrie) met with the the applicant and their engineer on October 10th at the mining site. Zoning Administrator, Catherine Getty, and Todd Boerman, Vriesman and Korhorn Engineers, were also present.

The committee discussed the scope of the mining operation, truck routes and future reclamation plans. Todd Boerman, Vriesman and Korhorn, has prepared a report from the meeting which is included in this packet as well as the proposed conditions of approval for the special use and site plan approval (Exhibits D & E).

EXHIBIT A –Application materials
EXHIBIT B – Location map
EXHIBIT C – Mining Site Plan
EXHIBIT D - Vriesman & Korhorn review
EXHIBIT E – Proposed Conditions for Approval

EXHIBIT A
Application materials



APPLICATION FOR APPROVAL OF SPECIAL USE

Thornapple Township, 200 E. Main St., Middleville, MI 49333
Phone: 269-795-7202 Fax: 269-795-8812
Email: zoning-administrator@thornapple-twp.org

Case # SU-159
Hearing Date 10/24/22

PROPERTY INFORMATION

Property Address: 2185 Payne Lk Rd. Middleville, MI 49333
Parcel ID Number: 14-031-011-00 Zoning District AT Wetlands Present? No
Parcel Size Frontage: _____ feet Depth: _____ feet Area: 40 acres [Acres or square feet]
Master Plan Future Land Use Map Designation for Parcel: _____
Current Use of Property [Describe] Single family home (to remain)
Describe Proposed Special Land Use: Home owner has requested to sell 15(ish) acres of gravel (owners remains property owner). Applicant will mine / process material and remove from the site. After lowering grade 20 - 30' depending on gravel.
Applicant will create similar level fields for hay and grass.

Section of Zoning Ordinance Allowing Special Land Use: Article IV. Section 4.3

Provide a land survey and/or legal description of the subject property on a page attached to this petition

APPLICANT INFORMATION

1. Applicant

Identify the person or entity making this petition:

Name: Busch Drive Concrete LLC Cell Phone (616) 901-3706
Mailing Address: 1730 3 Mile Rd NE Telephone _____
City Grand Rapids State MI Zip 49505 FAX _____
E-Mail Jamesadykema@gmail.com

2. Applicant Interest

The applicant must have a legal interest in the subject property, please check one below:

☐ Property Owner ☐ Purchase by Land Contract ☐ Option to Purchase ☐ Purchase Agreement ☒ Lessee over 1 year

3. Property Owner ☐ Check here if applicant is also property owner

Identify person or entity that owns the subject property:

Name: Martin Postema Cell Phone (517)886-1091
Mailing Address: 2185 Payne Lk Rd Telephone _____
City Middleville State MI Zip 49333 Fax _____
E-Mail _____

Application of Special Use – Continued

4. Authorized Agent

Identify person or entity representing the property owner or applicant in this petition:

Name: _____ Cell Phone _____
Mailing Address: _____ Telephone _____
City _____ State _____ Zip _____ Fax _____
E-Mail _____

REQUIRED PETITION – WRITTEN ATTACHMENTS

- ✓ Provide narrative to explain need for the proposed Special Land Use
- ✓ Provide narrative addressing Section 19.3(1)-(10) criteria.
- ✓ Site Plan, if required

REQUEST & AFFIDAVIT

The applicant must read the following statement carefully and sign below:

The undersigned requests Thornapple Township review this petition and companion documents as provided in the zoning ordinance now in effect. The applicant further affirms and acknowledges the following:

- ✓ *That the petitioner has a legal interest in the property described in this petition, and*
- ✓ *The answers and statements contained in this petition and attachment are in all respects true and correct to the best of my knowledge, and*
- ✓ *The petitioner offers the conditions set forth herein on its own volition and completely voluntary.*
- ✓ *The approval of this petition does not relieve the undersigned from compliance with all other provisions of the Zoning Ordinance or other applicable codes and ordinances and does not constitute granting of a variance, and*
- ✓ *The undersigned hereby grants Thornapple Township staff and Planning Commission member the right to access the subject property for the sole purpose of evaluating this petition.*

Applicant Signature

James A Dykema

Date

09/01/2022

Applicant Signature

Date

If the petitioner is not the property owner, the property owner must sign below:

Martin J. Pretima

8/25/2022

Property Owner Signature

Date

OFFICE USE ONLY:

Fee \$ 250 Fee Paid by ☐ Cash ☒ Check Receipt # 23239 Received by: CG

Thornapple Township
200 E. Main St.
Middleville, MI 49333

Busch Drive Concrete LLC
1730 3 Mile Rd NE
Grand Rapids, MI 49505

Re: Application for Approval of Special Use – Need

To whom it may concern:

Busch Drive Concrete LLC and the owner of 2185 Payne Lake Road, Martin Postma, have come to an agreement regarding gravel on the property. We are requesting a special use permit in order to complete gravel extraction and some gravel screening on the parcel.

This parcel is currently and also master planned for “AR” Agricultural-residential zoning district. Section 4.3 of Zoning Ordinance lists (p) Mineral extraction and processing.

This is the need for this application for the Special Use.

Thornapple Township
200 E. Main St.
Middleville, MI 49333

Busch Drive Concrete LLC
1730 3 Mile Rd NE
Grand Rapids, MI 49505

Re: Zoning Ordinance Section 19.3 (1) – (10)

- (1) *The special land use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property.***

There are multiple gravel pits in the area and even on one adjacent property. This is a common theme in the direct area and should have no negative effect on the surrounding area.

- (2) *The special land use shall not impair the essential character of the surrounding area.***

As stated above, this use fits directly in with the existing uses in the area.

- (3) *The special land use shall not create serious nuisance nor be hazardous to the adjacent property or involve uses, activities, materials, or Article XIX – Special Land Uses 19-3 Thornapple Township Zoning Ordinance Effective Date: June 25, 2016 equipment which will be detrimental to the public health, safety and general welfare.***

This process will not create any serious nuisance or hazard to adjacent properties.

- (4) *The special land use shall not have a substantial adverse effect on storm water drainage; street capacity and volume of traffic; traffic safety and vehicle circulation; sanitary sewage disposal and water supply; or other adverse effects.***

All storm water will be addressed onsite and will not leave the property. There will not be a large amount of traffic increase, however on days, there may be upwards of 50 gravel trucks coming to the site.

- (5) *The special land use shall not have a substantial adverse effect on the need and extent of law enforcement and fire protection services, or other public safety and emergency services.***

There will be no additional buildings constructed for fire, nor will there be need for much

- (6) *The special land use shall not have a substantial negative impact on the natural resources and natural features.***

The land will go back to a similar use and feature after the gravel has been removed. However, it will just be at a lower grade.

- (7) *Vehicular and pedestrian traffic circulation shall be designed to minimize conflicts on public streets and upon the property thereof. Safe and convenient off-street parking areas, appropriate to the special land use shall be provided.***

There will be minimal parking (one or two vehicles for operators) and no added pedestrian traffic.

- (8) *The period of day and times of the year during which a special land use activity commences or continues shall be reasonably related to both the use and the neighborhood or area in which it is proposed.***

This will be year-round activity but will be dependent on the market.

- (9) *The special land use shall not place demands on public services and facilities in excess of current capacities.***

This use will not place any extra demand on public services.

(10) *The special land use is in general agreement with the Township's Master Plan.*

We are not suggesting a change to the Master Plan. It should remain "RR" after conclusion.

Section 19.53 Mineral Extraction and Processing

Each mineral extraction and/or processing facility shall conform to the following standards:

- (a) Permits for mineral extraction and processing shall be in the names of both the operator and the landowner (hereinafter, "permit holder").

Operator: Busch Drive Concrete LLC

Landowner: Martin Postema

- (b) It shall be the responsibility of the permit holder to use ecological conservation practices for all areas used for excavation.

Acknowledged by Operator.

- (c) No business or industrial buildings or structures of a permanent nature shall be erected except in the Industrial District.

No buildings or structures are proposed to be added.

- (d) Before the commencement of any mineral extraction, a 10/47 fence (standard farm-type fence) or six foot chain link fence (or a suitable substitute approved by the Planning Commission) shall be erected around the perimeter of the active extraction and/or processing site and maintained in good condition until extraction and mining operations have been completed. A locked gate shall be provided at all access points from the public road to the extractive operation. Said gates shall be closed and locked at all times except during the permitted hours of operation.

Applicant is requesting a 6' berm to be constructed on the encasing the mining operation. This is much more visibly appealing and as effective as a chain fence. The entrance road will have a gate and will be locked at all times except permitted hours of operation.

- (e) No excavation shall occur within 100 feet of a road right-of-way. The Planning Commission may allow excavation within this minimum setback area as part of the reclamation process provided no excavation is allowed within 50 feet of any road right-of-way. No excavation shall occur within 200 feet of an off-site residence. No excavation shall be within 100 feet of a property line. The Planning Commission may allow excavation within this minimum setback area as part of the reclamation process provided no excavation is allowed within 25 feet of any property line. The Planning Commission may also allow mineral extraction within the minimum setbacks set forth above if those residents and property owners abutting that portion of the site affected by the minimum setbacks consent in writing.

Please see site plan for confirmation.

- (f) No processing of minerals, including washing, sorting, grating, grading, crushing, etc. shall be conducted within 500 feet of any off-site residence or within 300 feet of any property line. The Planning Commission may permit processing to be located within the set back requirements if, due to environmental or topographical

features, such location will create less adverse impact than strict compliance with the set back requirements.

Any processing that takes place will abide by these standards with a 'Finley screening machine' that is mobile and will follow gravel extraction. Please note, not all excavation / removal will result in screening as some will leave as natural bank run material.

- (g) Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls and natural planting screens. All equipment shall be maintained and operated in such manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.

All equipment will have necessary alarms, but will be operated to eliminate all unnecessary noise and vibrations.

- (h) Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance. Ingress and egress to a public right-of-way shall be paved with asphalt or concrete for a distance of 200 feet from the property line.

All equipment and operators are instructed to make as little dust as possible. We will be spreading top soil and seeding as we go. This will also allow for one single road to be maintained and treated to minimize dust.

- (i) The operation of mineral extraction and processing shall be restricted to the hours of 7 a.m. until 6 p.m. Monday through Friday and 7 a.m. to 12 p.m. on Saturday. No operations shall be conducted on Sundays or legal holidays, or at any time over the Memorial Day or Labor Day weekend, or the Independence Day weekend if July 4 falls on a Monday or Friday. The operation hours, days, seasons or months may be further restricted by the Planning Commission in order to minimize nuisance impacts on neighbors or for public safety considerations with respect to the use of roads.

Acknowledged by Operator.

- (j) All truck operations shall be directed away from residential streets, whenever practical.

Acknowledged by Operator.

- (k) In approving the processing area, the Planning Commission may require berms and/or other screening to reduce sound or vibration impact on neighboring properties.

- (l) Reclamation and rehabilitation of mined areas shall be accomplished progressively as the area is being mined. Exclusive of processing and storage areas, not more than 10 acres of the intended project area may be disturbed at one time. Substantial completion of reclamation and rehabilitation shall be effected within one year after the termination of mining or excavation activity in each area.

Operator will reclaim areas as gravel extraction occurs. Will never have an excess of 10 acres disturbed.

- (m) 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 final slope which shall not be steeper than one foot vertical to four feet horizontal.

There will be no water-producing excavation. Furthermore, no slopes will be steeper than a one on four slope.

- (n) Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches or other planned improvements are to be completed within a 1-year period. Where used, top soil shall be applied to a minimum depth of 4 inches sufficient to support vegetation.

This shall be completed in the reclamation process as excavation occurs.

- (o) Vegetation similar to that which existed prior to the excavation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.

This will occur as it is the wishes of the property owner.

- (p) Upon cessation of mining operations by abandonment or otherwise, the operation company, within a reasonable period of time not to exceed 12 months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located may be retained.

No buildings or structures are proposed to be added for operation.

- (q) No special use permit for mineral extraction or processing shall exceed a term of 2 years. In any request for extension or renewal of a mineral extraction and processing special use permit, the Planning Commission shall take into consideration any violations of restrictions during the preceding period.

Acknowledged by operator.

- (r) Inspection fees:

For the purpose of reimbursing the Township for inspections, monitoring, administration and enforcement of this Ordinance with respect to the permit holder, and in view of the relative impossibility of calculating and precisely anticipating amounts to be required for such purpose, the permit holder shall, upon approval

of the special use, and prior to commencing operation, make an initial deposit of an amount determined by the Township to be sufficient to provide for the cost of regular and/or extraordinary inspections, monitoring and enforcement, as required, including reasonable fees for attorneys, engineers and/or other experts, to insure compliance with this Ordinance to the Township. The Township Treasurer shall hold such amount in an interest bearing account for the permit holder for each approved special use. Interest earned will accrue to the account held in the name of the permit holder. Balance of deposited inspections fees with accumulated earned interest shall be returned to applicant after reclamation is completed and approved by the Township Board.

The fee requirement shall be determined on a monthly basis and paid out of said account, and shall be equal to the aggregate of the statements and invoices to the Township for all costs and expenses incurred which are reasonably related to inspections, monitoring, administration and enforcement of this Ordinance.

The fee requirement shall be invoiced to the permit holder on a monthly basis, and shall be paid to the Township within 30 days. Upon receipt, the payment shall be disbursed as follows: the amount equal to the statements and invoices shall be credited to the permit holder's account, to reimburse the amounts paid out, as aforementioned.

The amount on account with the Township in connection with the permit holder shall be maintained at a minimum of the amount determined by the Township to be sufficient to provide for the Township's cost of regular and/or extraordinary inspections, monitoring and enforcement, as required, including reasonable fees for attorneys, engineers and/or other experts, to insure compliance with this ordinance. The permit holder shall be invoiced immediately for the deficiency and such amount shall be paid within 30 days.

(s) Performance Bond: Insurance

(1) Bond

The mining operation shall not commence until such time as the permit holder has posted with the Township Clerk a performance bond in an amount determined by the Planning Commission, following recommendation of its experts, to be reasonably necessary to ensure reclamation. The bond shall be in the form of cash, an irrevocable letter of credit issued by a banking or savings and loan institution licensed to do business in the State of Michigan, or a corporate surety bond issued by a company licensed for such purposes in the State of Michigan. The conditions of such bonds shall be that, if the permit holder has satisfactorily reclaimed the property being the subject of the special use permit in accordance with the approved reclamation plan, the performance bond shall be returned to the permit holder; otherwise, the Township shall have a right to use the performance bond to the extent necessary to reclaim the property and to cover the costs of enforcing and bringing about compliance with this Ordinance, including reasonable attorney's fees. Irrevocable letters of

credit and corporate surety bonds shall be in a form approved by the Township's attorneys.

The performance bond for reclamation shall be in the name of the applicant on the special use permit and, if different, the property owner.

The performance bond shall remain in effect with the Township until the parcel or parcels have been reclaimed, *inspected* and all equipment, machinery, materials, buildings and other operation related improvements removed as required by this Ordinance and/or by the terms of the special use permit.

In the establishment of the amount of the performance bond, the Planning Commission shall take into account the size and scope of the proposed operation, the maximum acreage allowed to be disturbed prior to requiring reclamation, the current and projected costs of reclamation in the event of default by the operator at such time as it is likely to be most costly, and other such conditions and factors as might be relevant in determining a sum reasonable in light of all the facts and circumstances. The Planning Commission, in considering any application to renew the special use permit, may in its discretion, increase or decrease the amount of the performance bond, based upon increased costs, new information, or partial reclamation.

In the event that the permit holder chooses to post cash in lieu of an irrevocable letter of credit or corporate bond, as provided above, such cash may be deposited in an interest bearing account in control of the Township at a bank or savings and loan institution satisfactory to the Township, provided that all sums of deposit shall be readily accessible to the Township in the event of need. Such interest shall accrue for the benefit of the permit holder, or be paid over to the permit holder.

(2) Insurance

Insurance shall be a pre-condition to commencement of operations. Insurance shall be a pre-condition to the right to continue operations. Insurance shall be maintained in full force during the term of special use approval. The permit holder shall provide personal injury and property damage insurance for the project to be carried by an insurance company licensed to do business in the State of Michigan during all times when any reclamation is left to be done, and during all times that any machinery and/or equipment remains on the site, or any structures, equipment or improvements to be removed remain on the site, said insurance to name the Township, its officers and employees as co-insured or additional insured. This insurance shall be carried in amounts no less than one Million Dollars (\$1,000,000.00) for injury and damage to more than one person's property arising out of single occurrence. This insurance shall cover injury or damage occurring upon the site of the operations, as well as injuries or damage occurring upon adjoining property as the result of conditions or activities conducted upon the subject property.

The insurance certificate shall contain a clause stating that, coverage to be the same as dates of the special land use permit. Insurance shall be in the name of the applicant on the special use permit and, if different, the property owner. *(Sect. 19.53 effective June 1, 2013)*

EXHIBIT B
Location map

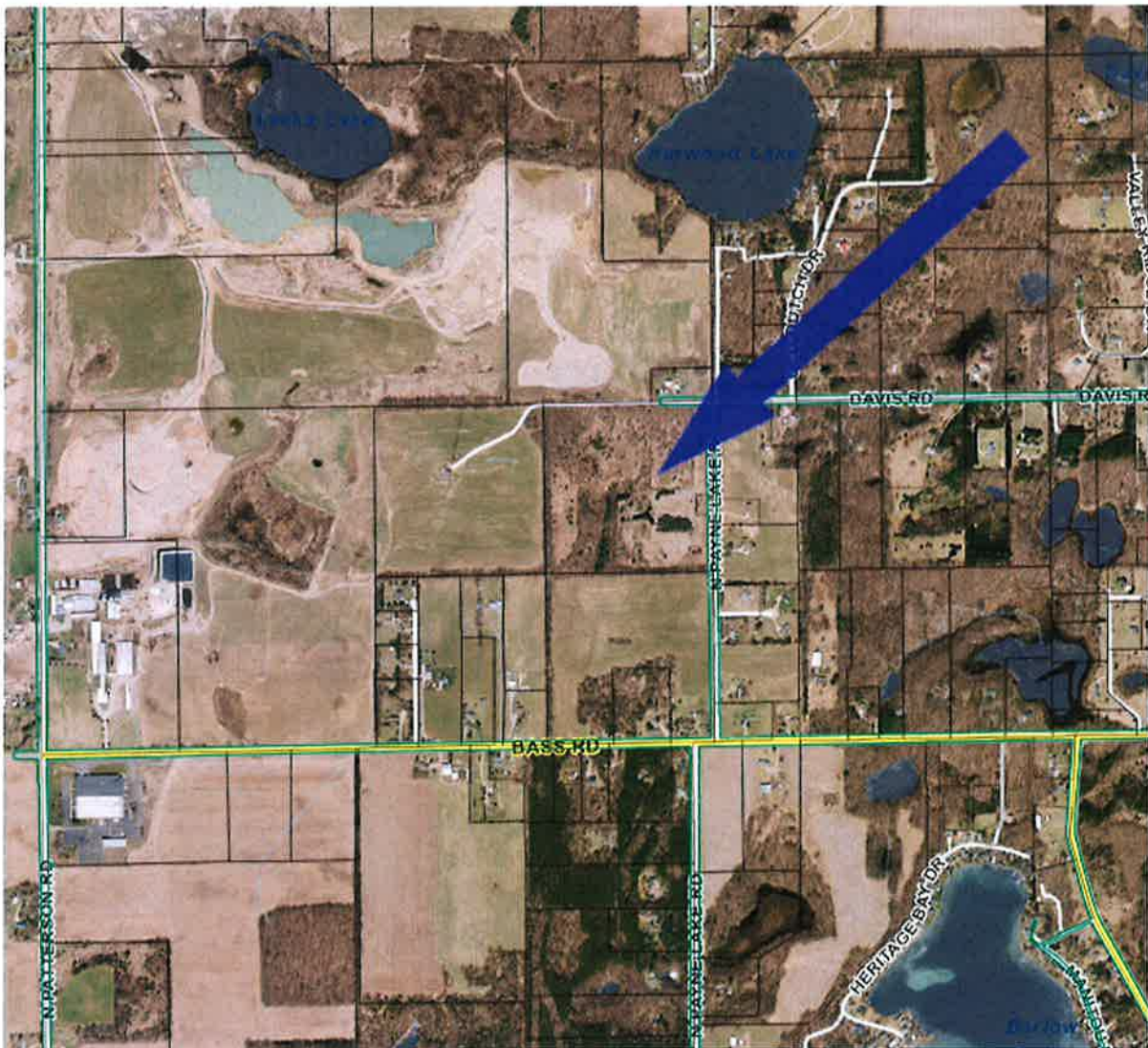


EXHIBIT C
Site Plan



PLEASE REFER TO SHEET 2 OF 2 FOR MINING INFORMATION, DETAILS, AND CONTOURS.



SPECIAL LAND USE - AERIAL PHOTO
2185 PAYNE LAKE ROAD - PP#14-031-011-00
FOR: BUSCH DRIVE CONCRETE, LLC

excel engineering, inc.
planners • engineers • surveyors
500 West Park, 3rd Fl. • Cary, NC 27513
Phone: (919) 531-2490 • www.excel-engineering.com

DATE	NO. OF SHEETS	DATE	NO. OF SHEETS
10/10/2013	1 of 2	10/10/2013	1 of 2

EXHIBIT D

Vriesman & Korhorn review



Vriesman
& Korhorn

October 14, 2022
1131

Catherine Getty
Thornapple Township
200 E Main St
Middleville, MI 49333

**RE: Special Use Request: Mineral Extraction at 2185 Payne Lake Road
Section 31, Thornapple Township**

Dear Catherine,

We have reviewed the materials submitted for the mining special land use and site review for the subject property. We also met with the Site Plan Committee, the applicant representative, James Dykema, and their engineer Don De Groot on October 10, 2022 to evaluate the site. The application lists the applicant as Busch Drive Concrete LLC and will be the operator of the mine. They will be leasing the land for mining from the owner of the property, which we understand to be in a trust represented by Martin Postema.

1. The submitted plan indicates a proposed pit floor elevation of 820. Soil borings shown on the plan do not extend deep enough to establish a groundwater table elevation. We are aware of the hydrogeology of the area so that we can reasonably surmise that the elevation of the regional groundwater is no higher than 805. As the mine is excavated, we recommend additional explorations to determine the groundwater elevation more definitively.
2. Due the nature of the sandy soils and slopes directing stormwater to the pit floor, stormwater management is not expected to be necessary for this mine.
3. The applicant has stated that they plan to process materials onsite, but no crushing or washing is proposed by the applicant. We recommend that crushing and washing be explicitly prohibited on this site.
4. The proposed plan shows adherence to setback requirements in Section 19.53(e) of the Zoning Ordinance in addition to a 200 foot of setback from the existing home onsite.

5. The property owner and the applicant should consider a final land use that the mining plan can facilitate. The application lists an agricultural use, which would be inconsistent with 1:4 pit slopes.
6. The applicant is requesting a waiver of perimeter fencing and instead protecting the top of banks with a berm constructed of topsoil and overburden material. The perimeter of the proposed mine maintains 100 feet from the property lines. The applicant has suggested that this perimeter includes mature trees that also act as a buffer and will post the property with signs.
7. Topsoil must remain onsite for use in restoration.
8. The front gate is required to remain locked when the mine is not active. The gate and a sign with posted hours should be included as conditions of the special use.
9. Only operators affiliated with the applicant (GR Gravel, Dykema Excavators, etc) will operate mining equipment.
10. Truck traffic from the proposed driveway on Payne Lake Road must be directed south to Bass Road, then west to Patterson Avenue. This will limit the impacts of truck traffic while also avoiding a dangerous left turn from Payne Lake Road onto Bass Road. The applicant should clarify how this route is communicated to truck drivers.
11. Barry County Road Commission (BCRC) has approved the proposed location of the driveway. If possible, the driveway should be positioned between two large hickory trees to preserve the trees for screening.
12. Payne Lake Road is a gravel road that will require a high level of maintenance with the additional truck traffic associated with the mine. We recommend that the applicant work with BCRC on a plan for additional maintenance and dust control. The proposed plan should be submitted to the Township for review and monitored for enforcement.
13. Section 19.53(h) requires the mine approach to be paved, but the Planning Commission may consider waiving the requirement because Payne Lake Road is gravel. As noted, mitigation of dust and air pollution must extend to Payne Lake Road by other means.
14. Proposed 1:4 slopes along the perimeter of the mining must be restored soon after the pit floor is established to avoid erosion.
15. We recommend that a performance bond be put in place in the amount of \$6000 per acre for Phase 1, which is indicated as 8.8 acres.

Catherine Getty
October 14, 2022
Page 3

We recommend that the approval of the mining operation should be according to the requirements of the Zoning Ordinance with conditions as noted in this letter and clarified as necessary by the Planning Commission. Please feel free to contact our office if you have any questions regarding this review.

Please feel free to call if you have any questions or concerns.

Vriesman & Korhorn



Todd Boerman, PE

TMB/jmg

EXHIBIT E
Proposed Conditions for Approval

Special Use #159/Site Plan #119

Conditions of Approval 10-24-2022

1. The term of this renewal shall be October 24, 2022, through October 28, 2024.
2. Operations for mineral extraction must be in strict compliance of Section 19.53 of the Zoning Ordinance except as noted in the conditions.
3. Reclamation bond set at \$52,800 (\$6,000 per acre) and to remain in full force and effect until all lands mined have been fully reclaimed in accordance with Township ordinances and approved reclamation plan.
4. Insurance certificate in the amount of \$1,000,000 in property damage and \$1,000,000 in personal injury coverage with Thornapple Township as co-named insured (required by Section 19.53(s)(2)).
5. The applicant must maintain a minimum escrow amount of \$3,000 for inspection fees according to Section 19.53(r) of the Zoning Ordinance. Regular inspections will be made to assure:
 - A. verify elevations and compliance of condition of the special use permit
 - B. verify progress of reclamation efforts
 - C. verify general compliance of the Zoning Ordinance and permit conditions.

Inspections by a Thornapple Township official or by a hired consultant may be performed at any time with notification to the applicant.

6. The operation of mineral extraction shall be restricted to the hours of 7 a.m. until 6 p.m. Monday through Friday and 7 a.m. to 12 p.m. on Saturday. No operations shall be conducted on Sundays or legal holidays, or at any time over the Memorial Day or Labor Day weekend, or the Independence Day weekend if July 4 falls on a Monday or Friday.
7. No mining activity below 820. The submitted plan indicates a proposed pit floor elevation of 820. Soil borings shown on the plan do not extend deep enough to establish a groundwater table elevation. We are aware of the hydrogeology of the area so that we can reasonably surmise that the elevation of the regional groundwater is no higher than 805. As the mine is excavated, we recommend additional explorations to determine the groundwater elevation more definitively.
8. Due the nature of the sandy soils and slopes directing stormwater to the pit floor, stormwater management is not expected to be necessary for this mine.
9. No crushing or washing of materials on site. The applicant has stated that they plan to process materials onsite, but no crushing or washing is proposed by the applicant.
10. Setbacks indicated on site plan shall be maintained as indicated on site plan. The proposed plan shows adherence to setback requirements in Section 19.53(e) of the Zoning Ordinance in addition to a 200 foot of setback from the existing home onsite.

11. The property owner and the applicant should consider a final land use that the mining plan can facilitate. The application lists an agricultural use when mining is completed, which would be inconsistent with 1:4 pit slopes.
12. No additional perimeter fencing is required. The applicant is requesting a waiver of perimeter fencing and instead protecting the top of banks with a berm constructed of topsoil and overburden material. The perimeter of the proposed mine maintains 100 feet from the property lines. The applicant has suggested that this perimeter includes mature trees that also act as a buffer and will post the property with signs.
13. Topsoil must remain onsite for use in restoration.
14. The front gate is required to remain locked when the mine is not active. The gate and a sign with posted hours should be included as conditions of the special use.
15. Only operators affiliated with the applicant (GR Gravel, Dykema Excavators, etc) will operate mining equipment.
16. Truck traffic from the proposed driveway on Payne Lake Road must be directed south to Bass Road, then west to Patterson Avenue. This will limit the impacts of truck traffic while also avoiding a dangerous left turn from Payne Lake Road onto Bass Road. The applicant should clarify how this route is communicated to truck drivers.
17. Barry County Road Commission (BCRC) has approved the proposed location of the driveway. If possible, the driveway should be positioned between two large hickory trees to preserve the trees for screening.
18. Payne Lake Road is a gravel road that will require a high level of maintenance with the additional truck traffic associated with the mine. We recommend that the applicant work with Barry County Road Commission on a plan for additional maintenance and dust control. The proposed plan should be submitted to the Township for review and monitored for enforcement.
19. Section 19.53(h) requires the mine approach to be paved, but the Planning Commission may consider waiving the requirement because Payne Lake Road is gravel. As noted, mitigation of dust and air pollution must extend to Payne Lake Road by other means.
20. Proposed 1:4 slopes along the perimeter of the mining must be restored soon after the pit floor is established to avoid erosion.

TOWNSHIP of THORNAPPLE

Eric Schaefer, *Supervisor* / Cindy Willshire, *Clerk* / Debra K. Buckowing, *Treasurer*
Ross DeMaagd, *Trustee* / Kim Selleck, *Trustee* / Curt Campbell, *Trustee* / Sandy Rairigh, *Trustee*



Phone 269-795-7202 * Fax 269-795-8812 * 200 E Main St., PO Box 459, Middleville MI 49333 * www.thornapple-twp.org

October 19, 2022

MEMORANDUM

To: Planning Commission
From: Catherine Getty
RE: Zoning Administrator Report

PERMIT NO.	Address	Parcel Number	Type of Installation	APPROVED / DENIED
				DATE
2022-56	3295 Farm Lane	08-14-145-002-00	New Dwelling #7 (Rebuild after fire)	10-10-22
2022-57	6977 Duncan Lake Rd.	08-14-005-001-40	New Dwelling #8	10-10-22
2022-58	11998 Green Lake Rd.	08-14-020-008-40	Shed	Pending
2022-59	2575 Valley Ridge Dr.	08-14-032-017-50	Roof Top Solar on Acc. Bldg.	10-17-22
2022-60	11033 Prairie Ridge Dr.	08-14-155-001-00	Shed	Pending



CODE ENFORCEMENT

THORNAPPLE TOWNSHIP

Code Enforcement Activity

September 2022

Comp #	Date	Address	Complaint/Violation	Picture	Status
21-0009	03/05/2021	4714 N. Redbud Ct.	Shed/No Permit	Yes	Active
21-0027	07/13/2021	7724 Moe Rd.	Cell Tower/No Permit	Yes	Active*
21-0028	07/13/2021	7220 Robertson Rd.	Cell Tower/No Permit	Yes	Active*
21-0030	07/15/2021	11998 Green Lake Rd.	Contractor Yard/No Permit	Yes	Active
21-0031	07/15/2021	7603 Loop Rd.	Accumulation of Trash/Junk	Yes	Closed
21-0039	12/22/2021	11640 Davis Rd.	Land Alteration/Excavation	Yes	Closed
21-0040	12/22/2021	11433 Ridge Point Dr.	Structure Addition to Existing Acc. Bldg.	Yes	Closed
22-0001	01/11/2022	11028 Prairie Ridge Dr.	Parking Complaint	No	Closed
22-0002	03/07/2022	6754 Stimson Rd.	Demolition/New Construction. No Permit	Yes	Closed
22-0003	03/08/2022	7065 Oak Creek Dr.	Outdoor Furnace/ No Permit	Yes	Re-Opened
22-0004	03/15/2022	7545 Whitneyville Rd.	Junk Cars/Automotive Parts	Yes	Closed
22-0005	03/15/2022	7101 Loop Rd.	Accumulation of Trash	Yes	Closed
22-0006	03/17/2022	12300 Blk. of Gackler Rd.	Report of Dumping Trash	No	Unfounded
22-0007	03/19-2022	8855 Parmalee Rd.	Construction/No Permit	No	Closed
22-0008	04/03/2022	11900 Garbow Rd.	Construction/No Permit	No	Unfounded
22-0009	04/21/2022	5106 Harvest Dr.	Construction/No Permit (Pole barn Placement)	Yes	Closed



CODE ENFORCEMENT

THORNAPPLE TOWNSHIP

Activity Report Cont.

Comp #	Date	Address	Complaint/Violation	Picture	Status
22-0010	04/21/2022	11450 Finkbeiner Rd.	Inoperable Vehicles/Junk/Trash	Yes	Closed
22-0011	05/12/2022	2121 Cherry Valley Rd.	Addition to Residence/No Permit	No	Closed
22-0012	05/24/2022	7420 Noffke Dr.	Campers in Yards/Driveways	Yes	Closed
22-0013	05/24/2022	12184 Creek View Dr.	Filling in Roadside Ditch	Yes	Unfounded
22-0014	05/31/2022	8540 W. Crane Rd.	Greenhouse, Retail Store/No Permit	No	Closed
22-0015	06/21/2022	9838 Flat Rock Ct.	Excessive Noise, Barking Dogs, Minibikes, ETC.	No	Closed
22-0016	06/23/2022	2111 Cherry Valley Rd.	Inoperable Vehicles	Yes	Closed
22-0017	07/19/2022	11080 Hiaca Dr.	Inoperable Vehicle/Snow Mobiles/Etc.	No	Closed
22-0018	07/26/2022	5716 Duncan Lk. Rd.	Excavation/No Silt Fence (Forward Barry County)	No	Closed
22-0019	07/26/2022	2092 Fawn Ave.	Fence (Safety Issue)	No	Closed
22-0020	07/26/2022	2126 N. M-37 HWY	Camper Trailer/Parked in Set Back (Residing In)	No	Closed
22-0021	08/23/2022	10451 Garbow Rd.	Setback Rule Inspection/Changed to Code	Yes	Closed
22-0022	08/23/2022	5838 Hill Top Dr.	Inoperable/Unregistered Vehicles	Yes	Active
22-0023	08/23/2022	5875 Stimpson Rd.	Inoperable/Unregistered Vehicles	No	Closed
22-0024	09/08/2022	8696 Garbow Rd.	Shed/ No Permit	Yes	Closed
22-0025	09/25/2022	7450 Noffke Dr.	Loose Waterfowl	No	Active



THORNAPPLE TOWNSHIP

Activity Report Cont.

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