

Leighton Township Planning Commission Minutes

Date: January 12, 2022, 7:00 PM

Members Present: Stephen Shoemaker, Brad Geers, Matt VanderEid, John Hooker, Harry DeHaan, Ben Potts, Matt VanDuyn.

Members Absent: None

Also Present: Planner Andy Moore from Williams & Works, Jason Derry from PCI, plus 7 members of the public and/or applicants.

1. **Call to Order:** The meeting was called to order by Chairman Harry DeHaan at 7:00 PM
2. **Approval of Minutes from December 8, 2021.** Motion to approve the minutes as presented by Hooker, support by Potts, and carried 7-0 via voice vote.
3. **Public Comments for items not on the agenda:** Shirley Ritsema of 666 144th Avenue noted that the minutes from November were not posted, and agendas are never posted either. She thought that minutes should be available when they are approved and agendas should be posted online in advance.
4. **Inquiry of Conflict of Interest:** None
5. **Public Hearing:** None
6. **Unfinished Business:**
 - a. **GVL Excavating/VRSL Holdings LLC Mining Application.** In July 2021 GVL Excavating applied for site plan and special land use review for a sand and gravel extraction operation located at 329 144th Avenue. The subject property has a total area of approximately 35.3 acres and is located within the R1 Agricultural and Rural Estate zoning district. The property is vacant. The applicant is proposing a three-phase mining operation on the property over the course of five years. Based on the proposed grading plan, the site plan states that 450,000 cubic yards of material would be removed from the site. The site plan also states that material removed includes sand. The proposed end use of the property is a Planned Development (PD) which allows for smaller lot sizes and preserves open space on the property.

At the November 10, 2021 meeting, the Commissioners asked Moore to work with the Township Attorney to develop a resolution recommending approval of the mining

operation to the Township Board, which Moore provided to the Commission. Moore reviewed the resolution with the commissioners, along with each of the proposed 31 conditions of approval.

Most of the conditions were deemed acceptable to the Commission. Condition 13 required financial guarantees for site reclamation and to protect the Township's investment in 144th Avenue. Moore provided an updated letter and cost estimates from Township Engineer Brandon Mieras of Williams & Works. Mieras' letter provided a best-case and worst-case scenario for both the road and site reclamation. The best-case scenario involved respreading topsoil over 2/3 of the site area and erosion control. The worst-case scenario involved reclaiming the entire site and having to buy topsoil, haul it in, and spread it. The cost difference between the two was substantial with the best-case scenario being \$52,000 and the worst-case scenario being \$548,000. After a long discussion about the potential for problems, concerns, risk tolerance, and the differences between bonds and letters of credit, **there was a motion by Potts to recommend to the Township Board a \$60,000 bond (not a letter of credit) for site reclamation. The motion was supported by Shoemaker and carried 7-0 via roll call vote.**

Regarding 144th Avenue, Moore reviewed estimates provided by Mieras. Mieras provided an estimate to mill and fill 144th Avenue at \$163,000, and another estimate to mill and fill 144th and 2nd Street from 108th to 142nd at \$880,000. In both of these scenarios, Mieras had recommended the guarantee be 0.5-1.5% of the total to cover soft costs since there would likely be numerous additional contributing factors to road damage (other commercial traffic, normal wear and tear, etc.) 1.5% of 880,000 is only 13,200 and several commissioners expressed concern that this doesn't seem like enough. Hooker stated that the Board would likely struggle with that recommendation as the Township had recently spent multiple millions of dollars paving 144th so a guarantee of only 13,200 was not going to be well-received. This also led to a long discussion about what kind of damage might happen to the road. Moore noted that Mieras' worst-case scenario was likely an accident or mechanical failure by a truck hauling materials from the site which he estimated would be a \$50,000 cost. Applicant VanLaan offered a 60,000 bond to cover repairs to 144th Avenue. After more discussion, there was a **motion by Geers, to recommend to the Township Board that the applicant post a \$60,000 bond to cover potential damage to 144th Avenue only (not 2nd St). The motion was supported by Potts and carried 6-0-1 (Shoemaker abstained).**

With the guarantee amounts settled, the rest of the resolution and conditions were discussed. VanderEide noted at the last meeting that there had been an agreement by both parties to install construction fencing around each phase when that phase is active. Moore noted this and added to condition 14 "Construction fencing shall be installed around each phase of the project when a particular phase is active."

Moore also noted that the applicant desired to have a full five years following approval, so condition 21 was modified to state "All mining operations on the Property shall be

completely finished and terminated no later than five years from the date of approval by the Township Board. Furthermore, all reclamation shall be fully completed on the Property (as represented by the Applicant) no later than six years following approval by the Township Board.”

No further changes to the resolution were made.

There was a **motion by Potts to adopt the resolution titled “A resolution by the Leighton Township Planning Commission recommending to the Leighton Township Board that the GVL Excavating Class III Special Land Use request and site plan (last revised on December 7, 2021) be approved and related matters” with the changes agreed upon at the meeting. The motion was supported by Geers and carried 7-0 via roll call vote.**

7. Other Business.

- a. **Side by Side, LLC., Harvest Meadows IV; Final Plat approval and recommendation to Township Board.** Moore noted that all required permits have been received and the Commission may recommend approval of the Harvest Meadows Phase IV Final Plat to the Township Board. Applicant’s representative Zack Boeve of Pathfinder Engineering was present and summarized the project and confirmed that the Road commission approved it on 12-29-21.

There was a motion by Hooker, supported by Geers, to recommend to the Township Board final plat approval of Harvest Meadows Phase IV. The motion carried 7-0 via roll call vote.

8. Old Business.

- a. **Legacy Partnership LLC., Single family site condo.** No updates.
- b. **Harvest Meadows Condominium Phase II.** Boeve noted that they are working on drainage issues with the Drain Commissioners office and will have more news in February.

9. New Business:

- a. **Election of Officers.** The MZEA requires that the Commission elect a new slate of officers each year.

Motion by Hooker to nominate Harry DeHaan as Chairman. Motion was supported by Potts and carried via voice vote with all members voting yes.

Motion by Geers to nominate Ben Potts as vice Chairman. Motion was supported by Hooker and carried via roll call vote with all members voting yes.

Motion by Shoemaker to nominate Matt VanderEide as secretary. Motion was supported by Hooker and carried via roll call vote with all members voting yes.

- b. **Approval of Meeting Schedule for 2022.** A schedule was provided to the commission that continues its usual second Wednesday schedule. There was a **motion by VanderEide to approve the 2022 meeting schedule as presented. The motion was supported by Hooker, and carried 7-0 via roll call vote.**
- c. **Planning Commission Annual Report.** VanderEide (with assistance from Moore) will prepare the Planning Commission annual report.

10. Public Comments: None

11. Correspondence: None

12. Commissioner Comments:

13. Adjournment. Motion by Potts to adjourn. The motion was supported by VanDuyn and carried via a voice vote with all members voting yes.

The meeting was adjourned at 8:46 PM.

Respectfully submitted,

Andy Moore, AICP

Leighton Township Planner