

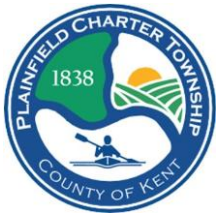


Plainfield Charter Township  
6161 Belmont Avenue NE, Belmont, Michigan 49306

Regular Planning Commission Meeting Agenda  
Tuesday, January 27, 2026

**Regular Planning Commission Meeting - 6:30 PM**

- 1. Call to Order**
- 2. Approve Agenda**
  - a. Staff Memo
- 3. Approve Consent Agenda**
  - a. Approve the September 23, 2025 Planning Commission Meeting Minutes
  - b. Approve the 2026 Planning Commission Meeting Dates
  - c. Accept and Forward the 2025 Planning Commission Annual Report to the Township Board
- 4. Public Comments**
- 5. Agenda Items**
  - a. **Site Plan Review**  
Phoenix Training Facility  
3963 & 3973 Butternut Drive  
Ms. Sarah Scott, Phoenix Training Facility
  - b. **PUD Amendment / Soil Removal Permit - Public Hearing**  
Coit Investors PUD  
4640 & 4672 Coit Avenue  
Mr. Matt Cole and Mr. Mike Rusche on behalf of J.M. Development LLC
  - c. **2026 Elections**  
Chair  
Vice Chair  
Secretary  
Parks & Recreation Advisory Committee Representative  
Zoning Board of Appeals Representative
- 6. Staff Comments**
- 7. Planning Commission Comments**
- 8. Adjournment**



# PLAINFIELD CHARTER TOWNSHIP COMMUNITY DEVELOPMENT DEPARTMENT

6161 Belmont Avenue NE • Belmont, MI 49306 • 616.364.1190 • plainfieldmi.org

## MEMO

TO: Planning Commission  
FROM: Community Development Department  
DATE: January 22, 2026  
RE: Upcoming Meeting

### CONSENT AGENDA ITEM 3c: 2025 Planning Commission Annual Report

|                  |  |
|------------------|--|
| Action Requested | To accept and forward the 2025 Planning Commission Annual Report to the Township Board |
| Project Type     | Annual Activity Report   |

The Michigan Zoning Enabling Act requires that the Planning Commission prepare an annual written report to the legislative body (Township Board) concerning planning activities. The report for 2025 is attached here. Please note that the first half of the report details Planning Commission activities and the second half contains information about Community Development Department activities.

### AGENDA ITEM 5a: Phoenix Training Facility

*Site Plan*

*Report by: Elizabeth Curcio*

|                  |   |
|------------------|---|
| Action Requested | To grant site plan approval for a new 5,000 square foot commercial office building and future building addition |
| Project Type     | Site Plan Approval  |
| Property Address | 3963 & 3973 Butternut Drive NE  |
| Parcel Number    | 41-10-14-476-002 & 41-10-14-476-003   |
| Lot Size         | Approximately 0.98 acres (combined)   |
| Public Hearing   | No  |

### Introduction

The applicant, Phoenix Training Facility owner Sarah Scott, is requesting site plan approval for 3963 & 3973 Butternut Drive for the construction of a 5,000 square foot new personal training gym. These lots were rezoned to O, Office from R-1, Residential in 2019. They are located near the intersection of Butternut Drive & Brewer Avenue, with frontage on Northland Drive. Immediately to the southwest there is new development, including

the remodel of the nonconforming house into an office for Muston Construction and new office buildings in the Boulder North PUD, including West Michigan Dermatology, Monson Construction, and Rockford Pediatrics. There are two vacant lots remaining for development in that PUD. To the northeast of the subject site is Farm Bureau Insurance Agency, which has been located in that building since 2016. The building was built in 1972.



1. Existing vacant sites off Butternut Drive

## Site Plan Review

### *Setbacks*

The proposed setbacks are consistent with the requirements for the O, Office zone district.

### *Phase 2/Cross Access*

While the lots have frontage on both Butternut Drive and Northland Drive, there will only be access from Butternut Drive. The applicant shows a future Phase 2 for construction for an addition to the proposed building of up to 3,600 square feet. Cross access to the lot to the southwest (the recently remodeled building for Muston Construction), is not practical given an existing utility pole and site layout. However, a plan for future cross access will be required to the existing lot to the northeast. This is addressed as a recommended condition of approval.

### *Parking and Loading*

The applicant proposes adequate parking for both the proposed building and the future addition.

### *Sidewalks*

Sidewalks are required and shown along both Northland Drive and Butternut Drive.

### *Utilities*

There is public water available for connection in Butternut Drive. The public sanitary sewer in Brewer Drive will need to be extended to the site at the applicant's cost.

### *Stormwater*

The Township Engineer has no concerns regarding the proposed stormwater detention area and layout. A Stormwater Permit, including an Operation and Maintenance Agreement, will be required.

### *Lighting*

A photometric plan is required and is addressed as a condition of approval.

### *Landscaping and Buffer*

The landscaping plan is consistent with office requirements.

### *Dumpster Enclosure*

The dumpster enclosure is proposed in a conforming location. The dumpster elevations and materials will need to be reviewed prior to building permit issuance.

### *Building Elevations*

The building elevations will need to be revised to be more consistent with the new development along Northland Drive. This is covered as a recommended condition of approval.

### *Signage*

The applicant is proposing a ground mounted sign along Butternut Drive per office zoning standards.

### *Fire Department Review*

The Fire Department has reviewed and approved the plans as presented with the caveat that they will need to conduct further review during phase 2 of construction. Their comments are attached.

## **RECOMMENDATION & SUGGESTED MOTION**

Staff recommends that the Planning Commission grant site plan approval. We offer the following motion with conditions for your consideration:

### ***Suggested Motion***

"I move that the Planning Commission grant site plan approval for a 5,000 square foot office building and future 3,600 square feet addition at 3963 & 3973 Butternut Drive NE, subject to the following conditions of approval:

1. The lots must be combined prior to issuance of a building permit.
2. The applicant shall provide an agreement to create cross access with the neighboring lot to the northeast.
3. The applicant shall provide a photometric plan prior to the issuance of a building permit.
4. The applicant shall provide building elevations more comparable to the surrounding construction, to be approved by the Community Development Department, prior to building permit issuance.
5. A Stormwater Permit, including an Operation and Maintenance Agreement, will be required.

*Report by: Peter Elam*

|                         |   |
|-------------------------|---|
| <b>Action Requested</b> | <b>To provide a favorable recommendation to the Township Board (TB) to change and/or amend the Coit Investors PUD, Restrictive Covenants, and Soil Removal Permit</b> |
| Project Type            | PUD Amendment and Soil Removal Permit Changes   |
| Property Address        | 4640 and 4672 Coit Avenue NE  |
| Parcel Number           | 41-10-29-400-019 & 41-10-29-400-005   |
| Lot Size                | Approximately 93.22 acres   |
| Public Hearing          | Yes   |

**Introduction**

Mr. Matt Cole and Mr. Mike Rusche on behalf of J.M. Development LLC are seeking a favorable recommendation to the TB to change and/or amend the existing Coit Investor’s Planned Unit Development (PUD), Restrictive Covenant Agreement, and Soil Removal Conditions. The mining operation is generally located on the easterly side of Coit Avenue between Roaming Drive and Woodworth Street. The primary change requested is to reduce the total amount of excavated material from 2,180,000 million cubic yards to approximately 600,000 cubic yards. Additionally, staff is recommending various changes to the Soil Removal Conditions for clarity and increased Township oversight. These proposed changes are summarized on pages 4 and 5 of this report. This is not a request to extend the life of the soil removal operation or adjust the performance benchmarks for existing stockpiles.

Procedurally, the Planning Commission (PC) is required to hold a public hearing and provide a recommendation to the Township Board (TB), which also is required to hold a public hearing before making a final decision to approve or deny the request. Due to the amount of material, staff suggests the PC hold the required public hearing, make a tentative decision, and postpone the final decision to the February 24, 2026, meeting. This will give staff and the Township Attorney, Cliff Bloom, the time to prepare the necessary documents if the decision is favorable (PUD Ordinance to Amendment, Restrictive Covenants, and Soil Removal Conditions); if the decision is not favorable, staff will need time to prepare findings supporting denial based on comments made at the meeting. Cliff Bloom and Kevin Gritters, Township Engineer, will also be attending to address any legal or technical questions that the PC may have.

Lastly, the applicant’s request is being considered because the mining operation will likely be in major violation of the 2023 PUD approval by mid-summer due to a failure to remove the required amount of excavated material by July 1, 2026 (more on this below). Therefore, it is important to bear in mind that the Township has three main enforcement options. They are as follows:

1. Let the project continue as it is, intervening if or when a major violation occurs. This could mean lengthy litigation to enforce compliance via the line of credit.
2. Work with Rusche to amend the PUD terms. However, the risk remains that delays might still force Option 1.
3. Take no action, which would have negative consequences and is not recommended.

**Timeline**

Staff prepared this project timeline for background information.

1. On March 18, 2002, Ottawa Aggregates received PUD approval for the Coit Investors PUD. In the fall of that year, the PUD was amended to include an adjacent parcel. The soil removal and restoration activities were required to be completed by the end of 2011.
2. A seven-year extension to December 31, 2019, was granted in 2012.
3. After a period of idleness, a new property owner returned to the Township in the fall of 2019 requesting an extension until July 1, 2023.
4. The property was then sold to Mike Rusche in December of 2019.
5. An inspection of the property in the summer of 2020 found that the property was not in a condition to meet the 2023 restoration deadline.
6. On April 10, 2023, the TB amended the PUD to extend the Rusche Plainfield Gravel and Sand Pit (new name) mining operation to December 31, 2030, approximately 8 years, with certain completion benchmarks for both the stockpiled materials and excavated materials. Rusche originally asked for an extension to 2042. The intention of this amendment was to ensure that the pit was mined and operated in such a way as to remove large unsightly stockpiles and to excavate enough material for the site to be readily redeveloped with final grades that were compatible with the surrounding properties.
7. Since 2023, inspection and monitoring have found the mining operation to be generally out of compliance with the Soil Removal Conditions. Inspections in early 2025 found the operation was not on track to meet the removal of 550,000 cubic yards of excavated material by July 1, 2026, which would be a major violation. Also, within the 2024 to 2025 timeline staff received several complaints that the applicant was not in compliance with the Soil Removal Conditions.

### **Applicant Request**

The applicant states that only about 600,000 cubic yards of the original 2,180,000 million cubic yards in excavated material will be removed by the December 31, 2030, deadline (see attached 2025 Grading/Phasing Plan and Township Engineer's January 15, 2026, memo). Accordingly, they are requesting a reduction in the amount of excavated material to be mined with no change to the timeline and full site restoration. This may also require adjusting the timeline benchmarks for excavation. The applicant indicates that the final finished grade elevations will be higher than originally proposed, but the site will still fit with adjacent properties and have access to public utilities and roads.

### **Staff Review**

In 2023 PUD approval, there were two primary mining objectives. These objectives were to remove existing stockpiled materials and to excavate 550,000 cubic yards of material by July 1, 2026. Based upon topographical and haul records and the applicants' statements, it is apparent the applicant will not be able to meet the requirement to excavate 550,000 cubic yards of material by July 1, 2026. However, per the applicant they have removed almost all of the existing stockpiles and are on track to meet the July 1, 2026 benchmark deadline for stockpile removal. The latter will be verified during the Spring 2026 topographical survey and site inspection.

*Existing Stockpiles* - So far, about 230,000 cubic yards of stockpiled material have been removed, leaving roughly 280,000 cubic yards onsite. Of this, 127,000 cubic yards are allowed to stay as mixing and restoration material, resulting in 153,000 cubic yards still needing removal between April 3, 2025, (date of last topographical survey) and July 1, 2026. If the Township credits the applicant for stockpile removals before 2023, he is close to meeting the current removal deadline for existing stockpiled material. Staff estimates with annual removals at 85,000–110,000 cubic yards that removal of the remaining 153,000 cubic yards is difficult but possible. If Rusche does not clear all pre-existing stockpiles by July 1, 2026 (per the 2023 PUD amendments), mining must stop by that date, and full reclamation is required by December 31, 2026.

*Excavated Material* - As mentioned, it appears highly unlikely that the applicant will be able to remove all of 550,000 cubic yards of new mining material by the July 1, 2026, deadline, and even more unlikely they will be able to remove the total 2,180,000 million cubic yards by the end of 2030 (based upon current haul records). The applicant has noted that the excavation estimates made in 2023 were based on an initial plan to finish by 2042 and were not updated for the revised 2030 deadline.

*Summary* - Given these circumstances, if the applicant proceeds under the current soil removal requirements, there is a significant possibility of noncompliance by July 1, 2026. At that point, full reclamation would need to commence, necessitating readiness from the Township to respond accordingly. Alternatively, should the Planning Commission wish to recommend reducing the volume of material excavated, staff suggests that converting the requirement to an annual removal rate, rather than a lump sum, could serve as a viable option. For instance, establishing a minimum annual removal of 110,000 cubic yards could provide a more effective metric for tracking progress. Staff has evaluated this approach and determined that, while it may not lower site elevations to the extent originally anticipated, it remains capable of yielding conditions suitable for future development such as public road construction and utility installation (see Page 2 of the Township Engineer's Memo). Therefore, modifying both the rate of material removal and certain project timeline benchmarks, without extending the total project duration, remains a feasible strategy. The removal rate can be set at the February meeting after the Planning Commission gives guidance. If operations go on as they are and excavation has to stop in July, the site may not be suitable for future development, without significant restoration work.

*2022 Photo – NW Property Corner*



### **Soil Removal Conditions**

If the applicant is allowed to reduce the excavated material requirement and/or change timing benchmarks, multiple Soil Removal Permit Conditions will need revision. Staff review also identified Conditions that could be combined or clarified for efficiency. The latter was expected with new and improved capabilities that emerging technology has provided. Staff has summarized the proposed changes below:

1. Sections 1 (C), 6, 7 and 34: These sections should be reorganized for clarity no substantive changes are proposed.
2. Section 1 (F) (iii) – Earlier Penalty Deadlines: This subsection should be updated to account for changes in stockpiles, excavated material amounts, and any changed completion benchmarks. The required

excavated material will likely need to decrease significantly. To simplify, staff suggests setting a minimum material amount needed to meet yearly development grade reviews. For example, 110,000 cubic yards must be mined and removed from the site by December 31st each year.

3. Section 11 - Excavation Depth: While staff recognizes the importance and practicality of pursuing high-quality materials, there is concern regarding the types of materials used to fill these excavations. Consequently, staff recommends that this Section be further clarified within the reporting requirements of this document, specifically by incorporating documentation of the materials utilized in filling the excavated areas.
4. Section – Processing and Washing: The applicant sends mined material offsite for processing and washing, then returns it for sale. Staff suggests deleting or revising this section to reflect the change in operations if the Planning Commission approves.
5. Sections 16 & 17: Offsite Materials/Sales from Property: The current language in these sections is unclear and needs revision. Confusion over material mixing onsite has led to complaints about the soil removal operation.
6. Section 18: Screening and Berming—Staff recommends small adjustments to acknowledge that fully screening the property from Coit is unlikely because of the haul road's location.
7. Section 24 – Reporting Sureties: Staff recommends considerable revisions to this Section as follows.
  - a. Annual Report: This subsection will likely need to some revision to reflect changes in the overall document.
  - b. Bi-Annual Report: Staff recommends revising this section to require the applicant to submit reports (already being implemented) detailing both the materials hauled and those brought onto the site for filling and mixing. The report should also include a narrative and map summarizing areas that have been mined deeper than 15 feet and the materials used to fill these sites. Staff is agreeable to making this an annual report, due from the applicant each October. The amount of material brought onto the site was not initially monitored by the applicant, which skewed staff's ability to accurately measure topographical changes and stockpiles.
  - c. Annual Report (by applicant): As a practical matter, after the first year of reporting, staff began preparing the Annual Report using technical documents submitted by the applicant, with assistance from the Township Engineering, utilizing the applicant's escrow account. We suggest combining annual reporting duties for both the applicant and staff into a single subsection, with the Community Development Department ultimately responsible for preparing the final report.
  - d. Escrow (ii): This subsection has some minor conflicting language that needs revision. Also, the Township may also want to consider a progress report due in 2029 regarding the status of proposed finished contours related to the final grading plan under this subsection.
  - e. Escrow (iii): This subsection requires reporting in May of each year. Staff has found reporting in the fall of each year to provide a more accurate picture of status of the operation, as we have more comprehensive data collection. Therefore, staff recommends changing this Section to require a report in January of the following year.
  - f. **ADDITIONAL REQUIREMENT** – Staff recommends that the applicant provide an alternative plan for removal of materials to an alternate off-site location, as well as an updated final development plan in 2029. It is our understanding that the applicant has this in the works, and is prepared to discuss at the upcoming meeting.
8. Sections 26, 27 & 28 – Phasing and Rolling Plan, Reclamation Areas, and End Use Plan: These plan drawings will need to be revised to reflect any changes in the performance standards noted above. A reclamation time limit should also be added to the Plan notes.
9. Section 32 – Coordination with Adjacent Property Owner: There remains a possibility that the adjacent property owners will be unable to coordinate this work. In staff's opinion, the existing December 31, 2030, deadline for this section should be changed to December 31, 2029, to allow time for any security obligation to be implemented.
10. Other reasonable conditions or condition changes that may be discovered at the upcoming public hearing.

**RECOMMENDATION & SUGGESTED MOTION**

As noted earlier, staff recommends the PC hear the applicant’s presentation, hold a public hearing, and then postpone its final decision to the February 24, 2026, meeting. Accordingly, we offer the following motions for the PC’s consideration:

Possible Motion for tentative approval:

I hereby move to tentatively recommend approval to the Township Board of the request by Rusche/J.M. Development for the property located at 4640 and 4672 Coit Avenue NE and with Permanent Parcel Nos. of 41-10-29-400-005 and 019 to modify the 2023 Plainfield Gravel and Sand Pit Soil Removal Permit Conditions and PUD amendment to allow a reduction of the required aggregate materials that must be mined and removed from the property on or before December 31, 2030 from 2,180,000 total cubic yards down to at least 600,000 cubic yards together contingent upon the Township’s staff and the Township’s attorneys drafting the appropriate final approval amendment documents for final action by the Planning Commission at a subsequent meeting with the following additional conditions and requirements (if applicable):

1. \_\_\_\_\_
2. \_\_\_\_\_

Possible Motion for tentative denial:

I hereby move to tentatively recommend denial to the Township Board for the request by Rusche/J.M. Development for the property located at 4640 and 4672 Coit Avenue NE and with Permanent Parcel Nos. of 41-10-29-400-005 and 019 to modify the 2023 Plainfield Gravel and Sand Pit Soil Removal Permit Conditions and PUD amendment to allow a reduction of the required aggregate materials that must be mined and removed from the property on or before December 31, 2030 from 2,180,000 total cubic yards contingent upon the Township’s staff and the Township’s attorneys drafting the appropriate final findings of fact for final action by the Planning Commission at a subsequent meeting.



CHARTER TOWNSHIP OF PLAINFIELD  
6161 BELMONT AVENUE NE, BELMONT, MI 49306  
DRAFT  
PLANNING COMMISSION MEETING MINUTES  
September 23, 2025

**Present:** Chair Brian Justema, Vice Chair Jim Koslosky, Secretary Dennis Cardosa,  
Commissioner Janel Curry  
**Absent:** Commissioners Jack Hagedorn, Robin Ellerthorpe, Marie Kessler  
**Staff:** Senior Planner Peter Elam

1. **Call to Order**

- a. Chair Justema called the meeting to order at 6:30 p.m.

2. **Approve Agenda**

- a. **Staff Memo**

Vice Chair Koslosky moved, with support from Commissioner Curry, to approve the meeting agenda.

*The motion carried unanimously.*

3. **Approval of Meeting Minutes**

- a. **Approve the June 24, 2025, Planning Commission Meeting Minutes**

Vice Chair Koslosky moved, with support from Commissioner Curry, to approve the meeting minutes.

*The motion carried unanimously.*

4. **Public Comments**

- a. Chair Justema opened the public comment portion of the agenda.

Upon seeing no one else who wished to speak, Chair Justema closed the public hearing.

5. **Agenda Items**

- a. PUD Rezone  
GRI Rockford LLC  
3950, 4007 and 4025 Kroes Street  
Mr. Matt Scholten and Mr. Howie Hehrer

Secretary Cardosa read the applicant's information.

Chair Justema opened the public comment portion of the agenda. Five members of the public spoke about the PUD concept plan on Kroes Street. Several members were concerned about

traffic on Kroes Street and around Rockford High School. One member distributed a handout detailing the results of a speed study on Childsdales Avenue. Another member distributed a statement of why the project was not appropriate in this location. Multiple members of the public expressed concern about traffic. Several members expressed concern about landscaping on the boundaries of the project, types of housing, and preservation of open space.

Mr. Elam was present and gave an overview of the project, traffic study, landscaping, the site plan review process, open space requirements, trail connection, and housing types and density.

Mr. Howie Hehrer representing the property owner also gave an overview of the plan and traffic study.

The Planning Commissioners discussed and were generally in favor of the PUD concept plan. They had several questions about traffic, housing types, preservation of open space, trails, and overall design of the project. They discussed the documented need for more housing variety and price points, and the need for a sub-regional street improvement plan in the areas around the Rockford High School Campus.

Vice Chair Koslosky moved, with support from Commissioner Curry, to recommend PUD approval to the Township Board to approve an Ordinance to Amend to rezone 3950, 4007 and 4025 Kroes Street as described in the Concept Plan from R-1B and R-1C Residential to PUD, Planned Unit Development based on the following findings of fact.

1. The proposed PUD complies with the intent and purpose and all qualifying conditions of Sections 28.01 and 28.02 of this chapter, except as otherwise expressly provided.
2. The increased density from 96 units to 103 units for a residential PUD is appropriate for this plan.
3. The proposed rezoning is based on market-driven development principles and a well-documented need for housing in the Township and beyond.
4. The proposed rezoning is consistent with the Plainfield Charter Township Comprehensive Plan.
5. The proposed rezoning will be harmonious with the character of the adjacent property, the surrounding uses of land, and the natural environment and will not be hazardous to the surrounding community.
6. The proposed rezoning meets the intent and purpose of the township Zoning Ordinance and provides for a better design than under traditional zoning.
7. The proposed project can be served by public utilities and other public services.
8. To the best of staff's knowledge, the rezoning satisfies all applicable local, state, and federal statutes and regulations.
9. The rezoning is further supported by those reasons set forth by members of the Planning Commission, staff, and applicants, as reflected in the entire meeting record in this matter."

*The motion carried unanimously.*

**6. Staff Comments**

- a. No comments.

**7. Planning Commission Comments**

- a. No comments

**8. Adjournment**

- a. Chair Justema adjourned the meeting at approximately 7:30 p.m.

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Peter Elam  
Recording Secretary

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Date

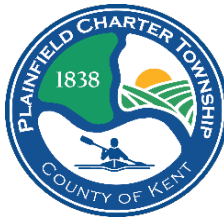
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Dennis Cardoso  
Planning Commission Secretary

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Date

DRAFT

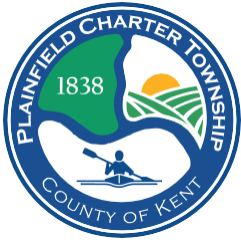


**PLAINFIELD CHARTER TOWNSHIP**  
**COMMUNITY DEVELOPMENT DEPARTMENT**  
**PLANNING, ZONING & ENFORCEMENT SERVICES**

6161 BELMONT AVENUE N.E. • BELMONT, MI 49306 • PHONE 616-364-1190 • FAX: 616-364-6486 • [www.plainfieldmi.org](http://www.plainfieldmi.org)

The regular meeting dates for the 2026 Plainfield Township  
Planning Commission will be:

|           |    |
|-----------|----|
| January   | 27 |
| February  | 24 |
| March     | 24 |
| April     | 28 |
| May       | 26 |
| June      | 23 |
| July      | 28 |
| August    | 25 |
| September | 22 |
| October   | 27 |
| November  | 24 |
| December  | 08 |



# PLAINFIELD CHARTER TOWNSHIP COMMUNITY DEVELOPMENT DEPARTMENT

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## MEMO

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TO: Cameron VanWyngarden, Township Superintendent

FROM: Brian Justema, Planning Commission Chairperson  
Bill Fischer, Community Development Director

DATE: January 22, 2026

RE: 2025 Annual Report – Planning Commission & Community Development Department

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The Michigan Zoning Enabling Act requires that the Planning Commission (PC) prepare an annual written report to the legislative body concerning planning activities. To comply with this requirement, we are submitting the following which provides a summary of the activities which took place with the PC throughout 2025.

Following the PC Report, we have provided a summary of activity in the Community Development Department (CDD) in 2025.

### PLANNING COMMISSION REPORT

The Planning Commission remained consistent in 2025, with no changes to its 7-person membership, ensuring continuity and stability in ongoing projects. The PC team includes:

- Brian Justema, Chair
- Jim Koslosky, Vice Chair
- Dennis Cardosa, Secretary and PC Representative on the Parks & Recreation Advisory Committee
- Janel Curry
- Marie Kessler
- Robin Ellerthorpe, PC Representative on the Zoning Board of Appeals
- Jack Hagedorn, Township Board Representative

Out of twelve scheduled meetings for the year, the PC met seven times and considered several development applications. The following provides a summary of all the projects reviewed by the PC in 2025:

#### 1 PRELIMINARY DISCUSSION

No formal action was taken by the Planning Commission during Preliminary Discussions stage. These discussions are intended only for initial feedback on project ideas.

- **GRI ROCKFORD LLC 3950, 4007, and 4025 Kroes Street**  
Discussed a mixed-residential Planned Unit Development for 104 units on 53 acres, with 24.5 acres of open space.

### 3 REZONE REQUESTS

- **GRI ROCKFORD LLC 3950, 4007, and 4025 Kroes Street**  
Recommended approval to the Township Board for a mixed-residential Planned Unit Development for 104 units on 53 acres, with 24.5 acres of open space.
- **LELAND AVENUE CHURCH REMODEL 3931 Leland Avenue**  
Recommended approval to the Township Board for a rezone R-1A, Residential to R-2, Residential for the remodel of an existing church building into a two-family residence.
- **ROCKFORD CONSTRUCTION CONTRACTOR YARD – 1235 Post Drive**  
Recommended approval to the Township Board for the conditional rezone of 1235 Post Dr NE from R-1B, Residential to LI, Light Industrial to permit the existing site to be utilized for a contractor’s yard, and for the construction of an 1,800 square foot temporary accessory building.

### 2 SITE PLAN REVIEWS / RENEWALS

- **MONOP PROPERTIES 5002 Plainfield Avenue**  
Granted site plan approval for improvements to convert a nonconforming former carwash building into a multi-tenant office building.
- **RAVEN TOWNHOMES 3144 5 Mile Road, 4357 and 4341 East Beltline Avenue**  
Granted site plan approval for a 24-unit townhome development on the southwest corner of East Beltline Avenue and 5 Mile Road.

### TEXT AMENDMENTS

The Planning Commission recommended that the Township Board approve text amendments to the Zoning Ordinance that covered a variety of topics, including the following:

- Amend the definition of Community Center to clarify the intended use
- Refine and expand the definition of Home Occupation
- Amend the Accessory Building and Structures regulations to reduce restrictions on metal pole barns
- Amend the Accessory Building and Structures regulations to permit accessory buildings in corner front yards
- Modernize and clarify Home Occupation standards and permit some utilization of an accessory building for that purpose.
- Reduce transparency requirements for upper stories in the Mixed-Use Commercial zone district

### COMMUNITY DEVELOPMENT DEPARTMENT REPORT

The 2025 CDD team:

- Mary Lane, Administrative Assistant
- Peter Elam, Senior Planner
- Elizabeth Curcio, Planner
- Deputy Jake Conner, KCSO, Community Policing
- Deputy Nick Mills, KCSO, Community Policing
- Abbey Addington, Ordinance Enforcement\*
- Bill Fischer, CDD Director

\*The Community Development Department welcomed Abbey Addington to assist us on a part-time basis in 2025. Abbey has been pursuing a career in law enforcement, currently studying Criminal Justice and attending

the police academy at GRCC and the KCSO. She fit right in and was an asset to our department. Specifically, she assisted with zoning/site inspections and code enforcement. She also helped the Facilities & Assets Department with many miscellaneous tasks (i.e. cleaning/closing parks).

Abbey recently resigned from her CDD duties, as she has been hired by the City of Grand Haven as a full-time Public Safety Officer. We wish her all the best in her future career!

The CDD had a productive year. Here are key highlights and activity statistics:

### **MICHIGAN HOUSING DEVELOPMENT AUTHORITY (MSHDA)**

The CDD was successful in obtaining a two-year grant from MSHDA for the township in 2024. The grant monies support the efforts to revise our Zoning Ordinance to provide more flexibility in our housing regulations, which is an important implementation strategy identified in our Comprehensive Plan (Master Plan). Staff, with assistance from Progressive Companies, have been drafting amendments to the Zoning Ordinance that will be introduced to the PC and Township Board within the next few months.

### **PLAINFIELD AVENUE IMPROVEMENTS**

The CDD and township management, with assistance from Progressive Companies, facilitated efforts with MDOT to enhance beautification and access along the Plainfield Avenue Corridor, which included installation of landscaping plantings in the new medians and street trees along the corridor.

### **BROWNFIELD REDEVELOPMENT**

Staff continued work to administer the Brownfield Redevelopment program. Although no new Brownfield Redevelopment applications were submitted in 2025, staff and the Brownfield Redevelopment Authority worked on closing projects approved in 2024 (Coit Flats and Post Drive projects). Staff also participated in Kent County's regulatory framework committee for Brownfield Redevelopment. This committee is charged with coordinating "best practices" for the Brownfield Redevelopment program with surrounding communities and organizations.

### **8 ADMINISTRATIVE SITE PLAN REVIEWS**

- **TIMBER RIDGE TREE CARE ADDITION** *4335 Abrigador Trail*  
Granted site plan approval for a 1,228 square foot office building addition.
- **QUIET WATERS B&B RETREAT** *490 9 Mile Road*  
Granted site plan approval for a B&B retreat location.
- **PINE ISLAND ELEMENTARY SCHOOL** *6101 Pine Island Drive*  
Granted site plan approval for a new accessory building and access drive for Pine Island Elementary School.
- **COMSTOCK PARK HIGH SCHOOL** *152 6 Mile Road*  
Granted site plan approval for improvements to the school's athletic facilities and parking lot.
- **DIVISION AVENUE PRIVATE DRIVE** *6816 Division Avenue*  
Granted site plan approval for a private road serving 2 parcels.
- **LEACHATE TANK INSTALL** *3910 East Beltline*  
Granted site plan approval for the placement of an above ground leachate tank for Waste Management.
- **OAKVIEW ELEMENTARY SCHOOL** *3940 Suburban Shores Drive*  
Granted site plan approval for two building additions and renovations.
- **FREDDY'S FROZEN CUSTARD - VEHICLE CHARGING STATIONS** *3777 Plainfield Avenue*  
Granted site plan approval for electric charging stations.

## 1 RESIDENTIAL DEVELOPMENTS: PLATS / SITE CONDOMINIUM / CONDOMINIUM REVIEWS

- **BOULDER VIEW WEST, PLAT PHASE 2** *3759 Cannonsburg Road*  
Recommended tentative preliminary plat approval for the 2nd plat phase of Boulder View West, consisting of 30 platted lots, open space, and related infrastructure on 22.5 acres.

## 2 SPECIAL USE REQUESTS

- **PINE ISLAND 10 MILE CELL TOWER** *8245 Pine Island Drive*  
Granted a special use permit for a new cell tower and related infrastructure.
- **ENTERPRISE CAR RENTAL** *4140 Plainfield Avenue*  
Granted a special use permit to convert a used car sales office into a car rental office with related outdoor uses.

## 3 SPECIAL ASSESSMENT DISTRICT PROJECTS

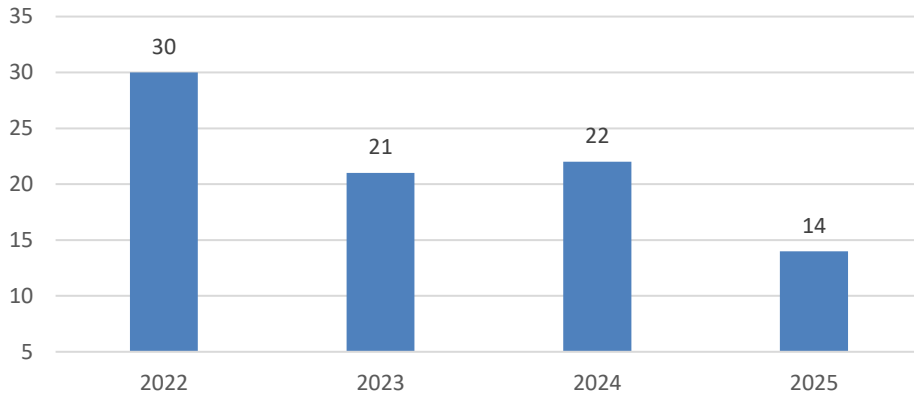
Special Assessment Districts (SADs) are designated areas within the Township where property owners are voluntarily assessed additional fees to fund specific improvements or services that benefit the district. These improvements can include infrastructure projects such as street lighting and sidewalk installations. The CDD facilitated the approval of the following SADs in 2025:

- **RAVINES AT INWOOD 4 STREETLIGHT S.A.D**  
Facilitated the Township Board review and approval of a streetlight SAD for 8 streetlights in the Ravines at Inwood #4 development, including 38 lots.
- **SKYWAY STREETLIGHTS S.A.D**  
Facilitated the Township Board review and approval of a streetlight SAD for 8 streetlights on Skyway Drive, including 34 lots.
- **COLUMBINE STREETLIGHT S.A.D**  
Facilitated the Township Board review and approval of a streetlight SAD for one streetlight for Columbine Woods Development, consisting of 4 lots.

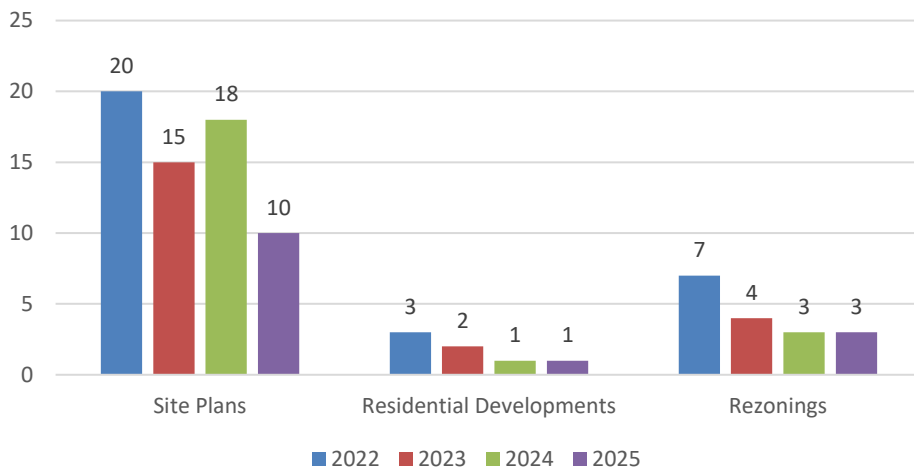
## PLANNING/ZONING SERVICES STATS

**Overview:** These stats account for the primary planning projects processed by the CDD that require Planning Commission and/or administrative (staff) approval: Site Plan Reviews, Residential Development Projects, and Rezone Requests. 2025 shows a decrease in total planning projects from 22 in 2024, to 14 in 2025. Graphs included below demonstrate both the overall and specific growth or decline in subcategories over the past 4 years.

### TOTAL PLANNING PROJECTS



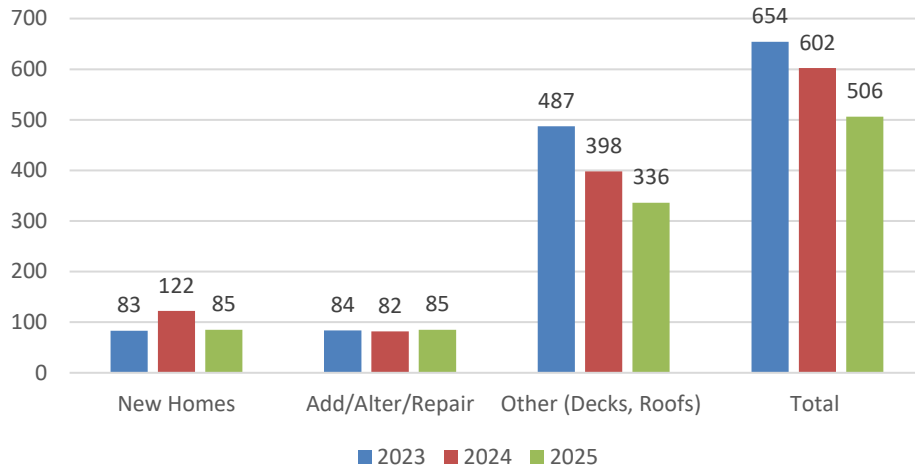
### PLANNING PROJECTS BY TYPE & YEAR



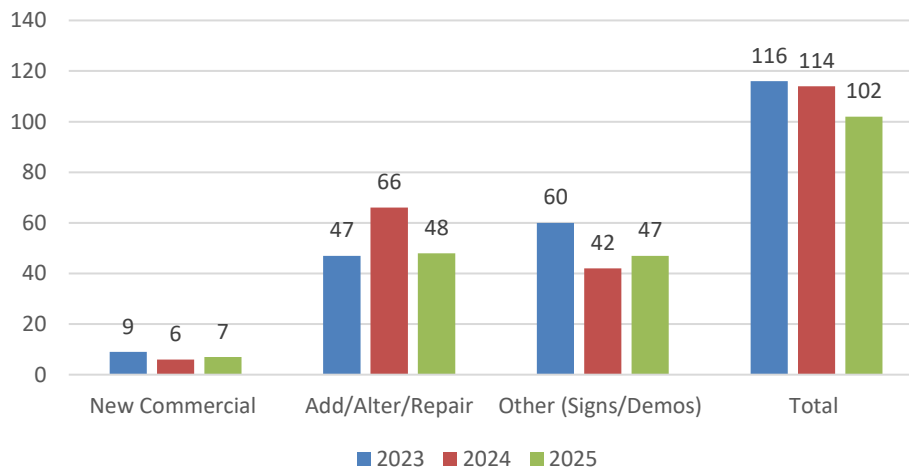
## BUILDING SERVICES STATS

**OVERVIEW:** Plainfield Township began its contract with Cascade Township to utilize their building services starting at the beginning of 2022. Plainfield Township completes a zoning review of all building permits, and Cascade Township reviews the plans for building code compliance, issues the permit, completes inspections, and issues occupancy permits. CDD staff conduct a zoning inspection on all new construction to ensure our standards are still met. Permit numbers from 2023 to 2025 are provided below. Overall, Residential permit numbers fell by about 16% and Commercial permit numbers fell by about 10.5%. See the below graphs for permit sub-categories.

## RESIDENTIAL PERMITS



## COMMERCIAL PERMITS



## ZONING BOARD OF APPEALS (ZBA)

**OVERVIEW:** The ZBA considered no variance requests in 2025. This is good. As a refresher, a variance request is asking for relief from a zoning ordinance regulation for rare or exceptional situations. Accordingly, the lack of variance requests a community receives is usually indicative that the regulations are fair, or there may be other solutions to address hardship situations without the need for a variance.

## ORDINANCE ENFORCEMENT & COMMUNITY POLICING

### ORDINANCE ENFORCEMENT:

Deputy Nick Mills and Deputy Jake Conner, with assistance from Abbey Addington, managed approximately 747 enforcement cases in 2025, far more than the 446 enforcement cases that were managed in 2024. Of the cases handled in 2025, the most frequent types of violations (top 4) were related to:

1. **Recreational Vehicle & Trailer Storage** (304)
2. **Inoperable Vehicles** (56)
3. **Tall Grass and Weeds** (184)
4. **Junk & Trash** (31)

### COMMUNITY POLICING/RELATIONS

Deputies Jake Mills and Nick Conner play a key role in building and enhancing connections with residents, local businesses, and other community partners by participating in community engagement activities and fostering strong relationships. The following provides a snapshot of their efforts from 2025:

- **Coffee with a Cop:** The Deputies host weekly meetings with residents and business owners, addressing a broad range of topics with an emphasis on crime reduction and prevention. These sessions provide an opportunity for community members to share their concerns regarding ordinance violations, public safety, and related issues directly with law enforcement. Over the past year, Deputies Mills and Conner facilitated 40 such meetings. A few of the topics included:

- Commercial Vehicle Enforcement
- Veterans Services
- Hostage Negotiation
- Fair Housing Center of West Michigan
- KCSO's Mounted Unit
- Paws with a Cause
- KC Animal Control
- KC Prosecutor's Office
- K9 Unit
- TAC Team
- Technical Service Unit (Drone)
- Digital Forensics
- Fraud
- Family Promise
- Secret Service
- Bomb Squad
- American Red Cross
- Much More

- **Community Events:** The Deputies participated in the following community events in 2025:

- Kozminski Basketball Game
- KDL Cops with Kids
- Law Enforcement Torch Run Event for Special Olympics
- Ice Cream Social Versluis Park
- Summer Celebration KDL
- National Night Out
- Golden Ticket
- Pumpkins with Police
- Shop with a Sheriff - 5 Locations
- Summer Celebration at Hidden Glades
- Numerous Tours of Kent County Sheriff's Office



- o Touch a Truck Events
- o Book Reading at several township locations
- o Polar Plunge

▪ **Community Education:** The deputies provided the following community education events in 2025:

- o Hunters Education at Plainfield Township Hall
- o GRCC Scenario Training
- o KCTC Criminal Justice Academy
- o Safety Education at Bethel Community Education
- o West Michigan Church Security Network
- o De-Escalation and Scenario Training
- o Cross Guard Training
- o River Grove Retirement Community

▪ **Business Relations:** The deputies were instrumental in forging and maintaining good relationships with our local businesses. They partnered with the following businesses in 2025:

- o Meijer
- o Lowes
- o KDL
- o Biggby Coffee
- o Bostwick Bakery
- o Ofield Funeral Home
- o The Score
- o Verizon
- o Frontline Church
- o BC Pizza
- o Blythefield Country Club
- o China Kitchen
- o Family Farm and Home
- o Village Bike and Fitness
- o Several others
- o Milestone Early Learning



In summary, as we reflect on 2025, the Community Development Department recognizes the progress made for township residents and business owners. By working with local organizations and maintaining a focus on improvement, we have established a solid foundation for future growth. We look forward to seeing how these initiatives will continue to benefit our community and support the ongoing development of the township.

**Development Application for Consideration by the  
Planning Commission**

**Project Name:** Phoenix Training Facility

**Applicant:** Ms. Sarah Scott, Phoenix Training Facility, represented by Mr. Justin Longstreth, Moore & Bruggink.

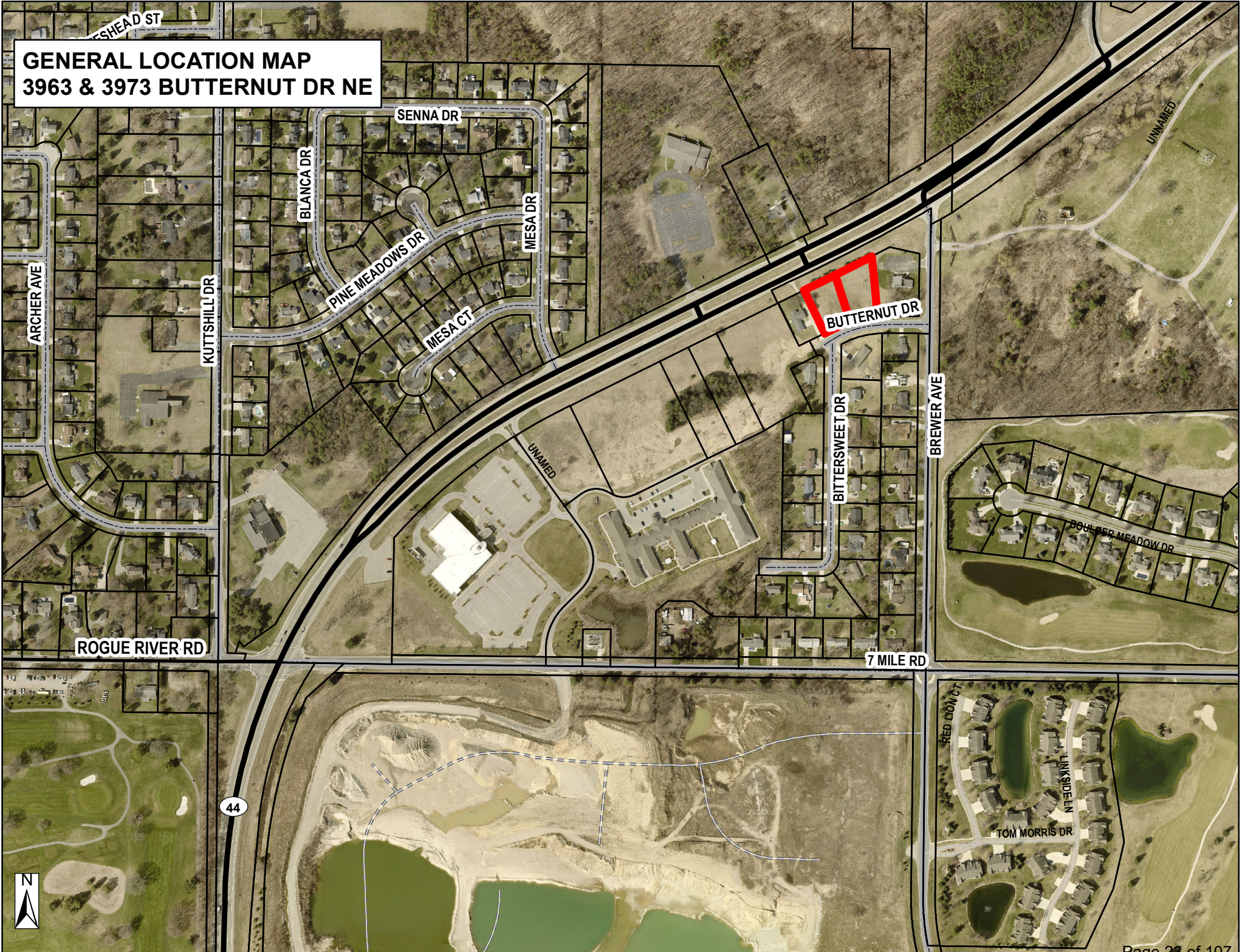
**Project Address:** 3963 & 3973 Butternut Drive NE

**Perm. Parcel #:** 41-10-14-476-002, 41-10-14-476-003

**Size of Site:** Approximately 0.98 acres (combined)

**Project Description & Action Requested of the PC:** To grant site plan approval for a new 5,000 square foot commercial office building and future addition.

**GENERAL LOCATION MAP**  
**3963 & 3973 BUTTERNUT DR NE**



## Project Narrative:

A new commercial building is being proposed at 3963 and 3973 Butternut Drive, NE Belding, MI 49306.

The site, which is currently vacant, is located between Farm Bureau Insurance (6207 Brewer Ave. NE) and Muston Construction (3955 Butternut Dr. NE) and was purchased by the applicant on January 8, 2026.

The applicant, Sarah Scott, is the owner of Phoenix Training, which has been operating at a nearby location for approximately 5 years. Phoenix Training is a functional fitness and wellness gym, focused on personal training and classes with a variety of options, including yoga, martial arts, and nutrition coaching.

Development of a 6,600 sq. ft. commercial building with off street parking and storm water management is being proposed.

The west 3,000 sq. ft. of the building (plus 2,000 sq. ft. on the 2<sup>nd</sup> floor) is the only currently proposed construction. The applicant may desire to build the east 3,600 sq. ft. when a user is identified.

The applicant intends to commence construction as soon as possible upon obtaining any necessary approvals and permits, with a goal of opening for business in this new location in third or fourth quarter of 2026.

BENCHMARKS - NAVD88

CONTROL POINTS - MI SOUTH SPCS NAD83

|                 |                 |
|-----------------|-----------------|
| CP#1            | CP#2            |
| M+B RED CAP     | M+B RED CAP     |
| N 576210.0075   | N 576167.3035   |
| E 12801747.0637 | E 12801354.3696 |
| ELEV 691.594    | ELEV 686.117    |



LOCATION MAP  
NO SCALE:

PROPERTY DESCRIPTION

LOTS 19 & 20, EAST BELMONT NO. 1, PLAINFIELD TOWNSHIP, KENT COUNTY, MICHIGAN, AS RECORDED IN LIBER 60 OF PLATS, PAGE 9, KENT COUNTY RECORDS. 0.98 ACRES

EXISTING UNDERGROUND UTILITY DATA

|   |  |
|---|--|
| SANITARY MH#1<br>RIM 691.67<br>15" CLAY INV N 679.77<br>15" CLAY INV S 679.77<br>2" DIA RIM<br>4" DIA PRECAST STRUCTURE                       | STORM MH#5<br>RIM 686.21<br>12" CONC INV N 681.31<br>12" CONC INV SE 681.21<br>12" CONC INV SW 680.71<br>12" CONC INV S 680.61<br>12" CONC INV ENE 680.21<br>STRUCTURE BOTTOM 680.21<br>2" DIA RIM<br>4" DIA BLOCK STRUCTURE |
| STORM MH#2<br>RIM 791.31<br>12" CONC INV N 786.91<br>12" CONC INV W 784.31<br>STRUCTURE BOTTOM 784.31<br>2" DIA RIM<br>4" DIA BLOCK STRUCTURE | STORM CB#6<br>RIM 685.35<br>12" CONC INV NW 681.45<br>STRUCTURE BOTTOM 679.05<br>2" SQUARE RIM<br>4" DIA PRECAST STRUCTURE   |
| STORM CB#3<br>RIM 690.77<br>12" CONC INV S 687.07<br>STRUCTURE BOTTOM 683.92<br>2" SQUARE RIM<br>4" DIA BLOCK STRUCTURE                       | STORM CB#4<br>RIM 685.7<br>12" CONC INV S 681.56<br>STRUCTURE BOTTOM 678.96<br>2" SQUARE RIM<br>4" DIA BLOCK STRUCTURE   |



LEGEND

|                                 |                               |                             |
|---------------------------------|-------------------------------|-----------------------------|
| — SANITARY SEWER (SAN)          | ▲ HYDRANT (HYD)               | ● SURVEY IRON (FOUND)       |
| — STORM SEWER (STM)             | ○ WATER VALVE (WV)            | ○ SURVEY IRON (SET)         |
| — WATERMAIN (WAT)               | ○ SPRINKLER CONTROL BOX (SCB) | M - MEASURED DIMENSION      |
| — GAS MAIN (GAS)                | ○ MANHOLE (MH)                | L - PLATTED DIMENSION       |
| — UG ELECTRIC (PWR)             | ⊗ CATCH BASIN (CB)            | L - LENGTH                  |
| — UG TELCOM (TELCOM)            | ⊗ YARD DRAIN (YD)             | R - RADIUS                  |
| — AERIAL UTILITY LINE (AERIAL)  | ⊗ UTILITY POLE (UP)           | CB - CHORD BEARING          |
| — FENCE                         | ⊗ GUY ANCHOR (GA)             | C - CHORD DISTANCE          |
|                                 | ○ GAS VALVE (GV)              | BM - BENCHMARK              |
|                                 | × UG GAS MARKER (UGM)         | CP - CONTROL POINT          |
|                                 | ⊗ TELCOM RISER (TR)           | TELCOM - TELECOMMUNICATIONS |
|                                 | ⊗ MAILBOX (MB)                |                             |
| ■ HOT MIX ASPHALT SURFACE (HMA) |                               |                             |

SHEET SCHEDULE

- 1 SITE SURVEY & REMOVALS
- 2 SITE LAYOUT PLAN
- 3 UTILITY PLAN
- 4 SITE GRADING & SOIL EROSION CONTROL PLAN
- 5 STORM WATER RETENTION BASIN
- 6 LANDSCAPE PLAN

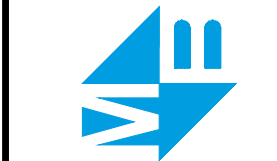
PREPARED FOR:  
BDR INC.  
50 CRAHEN AVE NE  
SUITE 200  
GRAND RAPIDS, MI 49525  
RIC DYK  
RDYK@BDRINC.COM

811  
Know what's below.  
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PLAN REVISIONS

|  |  |
|--|--|
|  |  |
|  |  |
|  |  |

Moore+Bruggink  
Consulting Engineers  
2020 Monroe Ave.  
Grand Rapids, MI 49505  
(616) 383-9801  
mailto:mail@mbce.com



SITE SURVEY & REMOVALS  
FOR  
3963 & 3973 BUTTERNUT DR.  
PLAINFIELD TOWNSHIP, KENT COUNTY, MICHIGAN

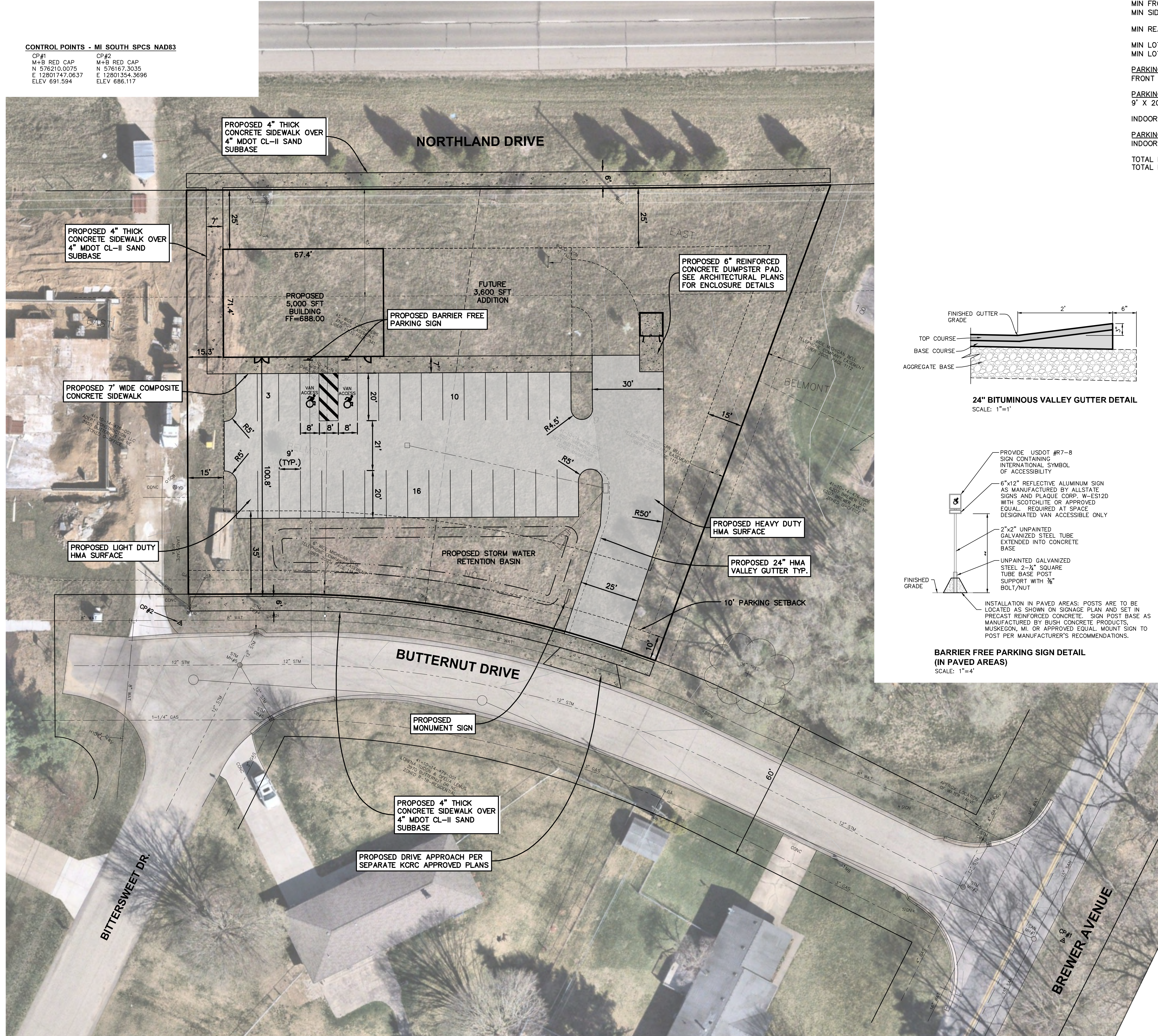
|                     |                 |
|---------------------|-----------------|
| FIELD SURVEY / DATE | GIS             |
| PROJECT NO.:        | 250207.01       |
| DESIGN DRAWN BY:    | MJK / JJB       |
| DESIGNED BY:        | JFL             |
| CHECKED BY:         | JFL             |
| PLAN DATE:          | JANUARY 5, 2026 |
| SHEET NUMBER        | 1 OF 6          |

P:\350207.01\_3973 Butternut NE - Plainfield\CAD\DWG\250207.01 SITE PLAN SHEET.dwg\_1/21/2026 3:05:26 PM, MATT KOZAK

BENCHMARKS - NAVD88

CONTROL POINTS - MI SOUTH SPCS NAD83

CP#1 CP#2  
M+B RED CAP M+B RED CAP  
N 576210.0075 N 576167.3035  
E 12801747.0637 E 12801354.3696  
ELEV 691.594 ELEV 686.117



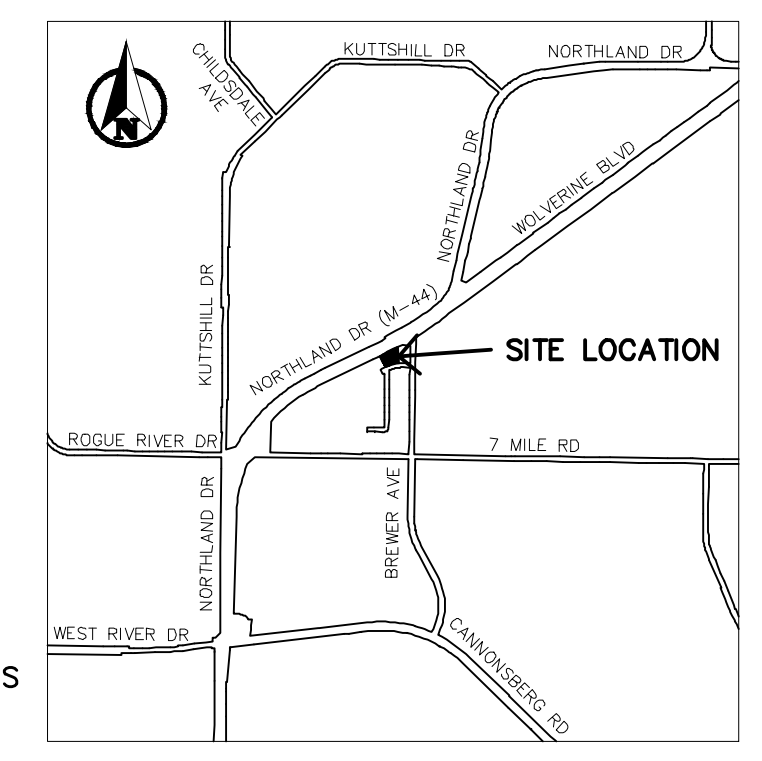
EXISTING ZONING: "O" OFFICE  
MIN FRONT SETBACK: 35'  
MIN SIDE SETBACK: 15'  
MIN REAR SETBACK: 25'  
MIN LOT AREA: 15,000 SFT  
MIN LOT WIDTH: 100'

PARKING LOT SETBACKS:  
FRONT SETBACK: 10'

PARKING REQUIREMENTS:  
9' X 20' WITH 20' DRIVE AISLE

INDOOR RECREATION FACILITY: 1 SPACE/300 SFT

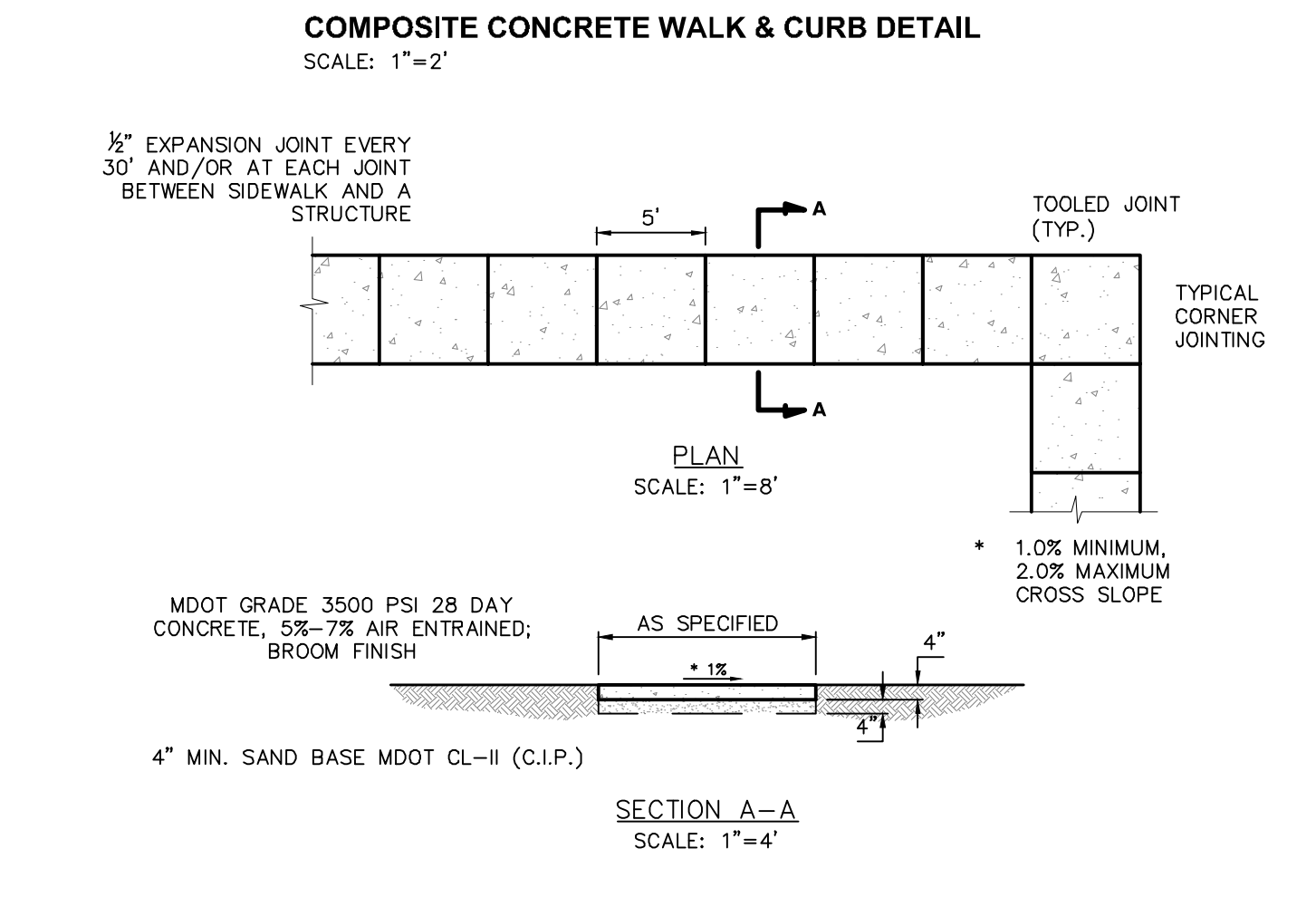
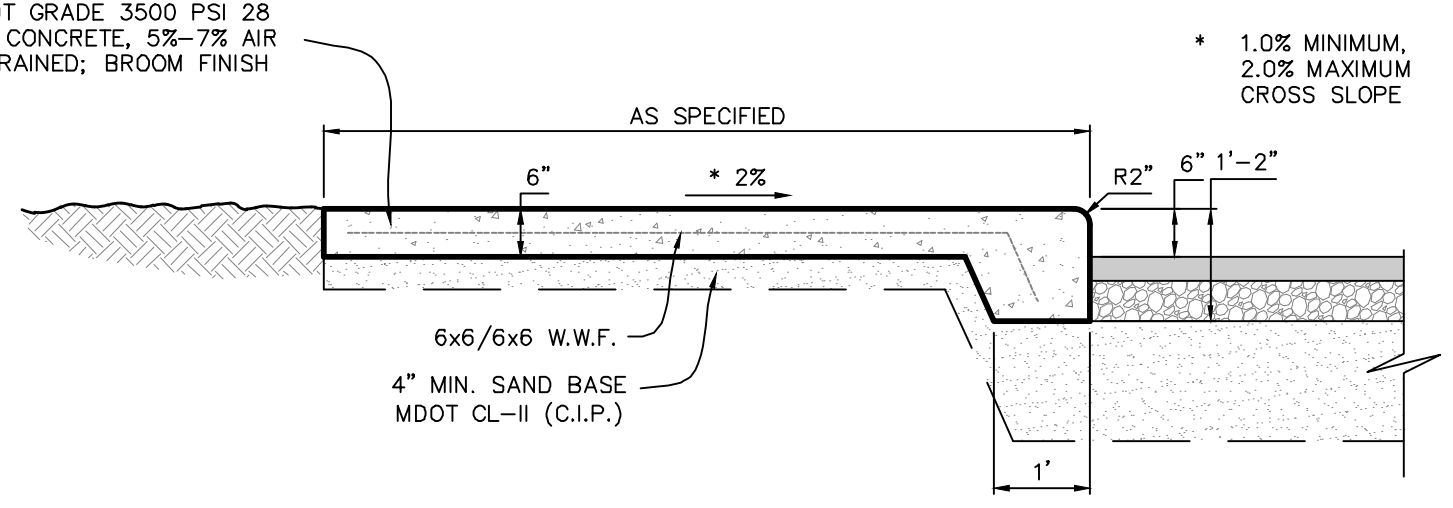
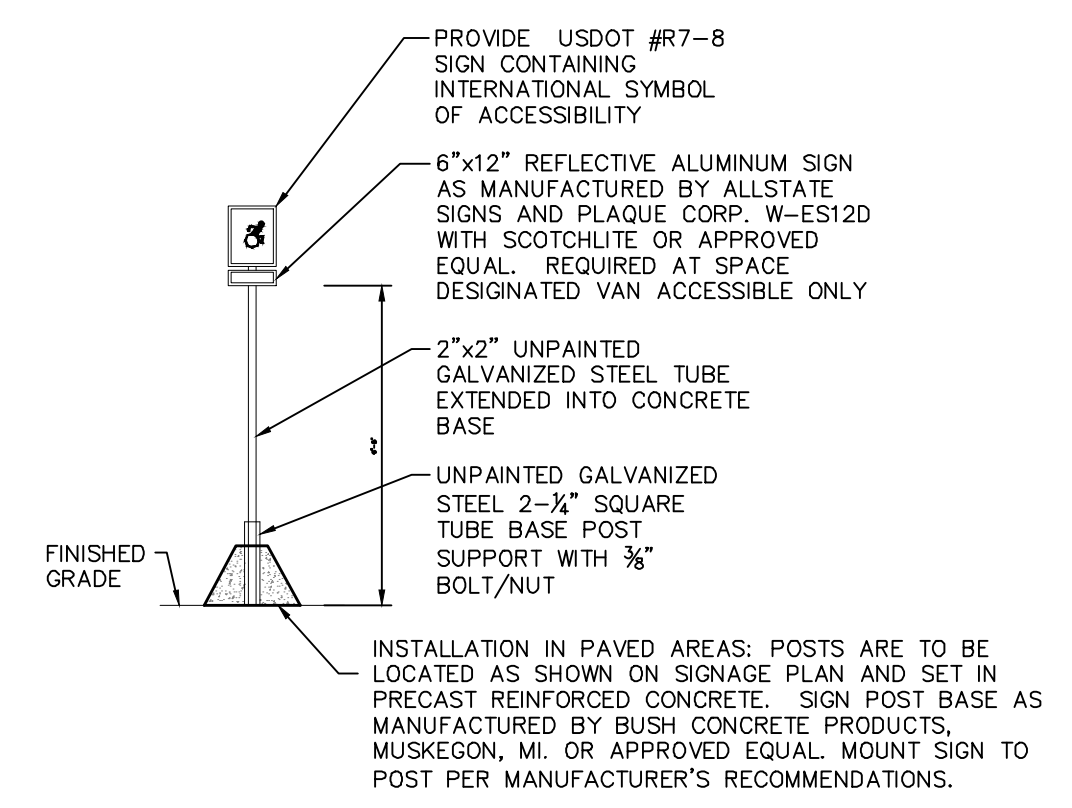
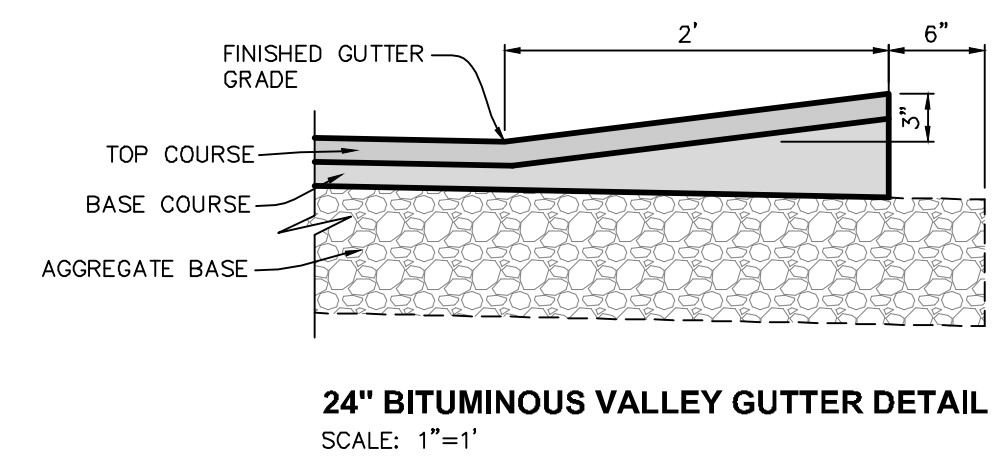
PARKING REQUIRED:  
INDOOR RECREATION FACILITY: 8,600 SFT/300=29 SPACES  
TOTAL PARKING REQUIRED: 29 SPACES  
TOTAL PARKING PROVIDED: 31 SPACES



North arrow and scale bar (1" = 20').  
811 logo with text: 'Know what's below. Call before you dig.'

SITE PLAN GENERAL NOTES:

- 1. THE CONTRACTOR SHALL OBTAIN ALL PERMITS AND SURETY AS PART OF THIS WORK.
- 2. THE CONTRACTOR SHALL CALL MISS DIG 3 WORKING DAYS PRIOR TO THE START OF CONSTRUCTION.
- 3. THE CONTRACTOR SHALL FURNISH AND PLACE THE DRIVE APPROACH WITHIN THE PUBLIC RIGHT OF WAY IN ACCORDANCE WITH KENT COUNTY ROAD COMMISSION STANDARD CONSTRUCTION SPECIFICATIONS.
- 4. ALL STORM SEWER PIPE SHALL BE ADS N-12 PLASTIC PIPE UNLESS OTHERWISE SPECIFIED.
- 5. ALL CATCH BASINS AND MANHOLES SHALL BE MINIMUM 4' DIAMETER PRECAST CONCRETE, UNLESS NOTED OTHERWISE.
- 6. UNLESS OTHERWISE SPECIFIED, REINFORCED CONCRETE AREAS SHALL BE CONSTRUCTED WITH:  
8" MDOT CL-2 SAND SUBBASE (C.I.P.)  
8" MDOT GRADE P1 OR S2, 3,500 PSI, 28-DAY, 5-7% AIR ENTRAINED, BROOM FINISH  
2 LAYERS, 6X6/6X6 WOVEN WIRE FABRIC.
- 7. THE PAVED AREAS SUBJECT TO TRUCK TRAFFIC SHALL BE CONSTRUCTED WITH:  
12" MDOT CL-2 SAND SUBBASE (C.I.P.)  
8" 21AA GRAVEL BASE (C.I.P.)  
2" 3EL HMA LEVELING COURSE  
2" 5EML HMA WEARING COURSE
- 8. ALL OTHER PAVED AREAS SHALL BE CONSTRUCTED WITH:  
12" MDOT CL-2 SAND SUBBASE (C.I.P.)  
6" 21AA GRAVEL BASE (C.I.P.)  
2" 3EL HMA LEVELING COURSE  
1 1/2" SEL HMA WEARING COURSE
- 9. THE CONTRACTOR SHALL BED AND BACKFILL ALL UNDERGROUND PIPING WITH MDOT CL-2 SAND TO A MINIMUM OF 95% MAXIMUM DRY DENSITY PER ASTM- 1557.
- 10. THIS SITE PLAN SHALL NOT BE USED TO STAKE THE LOCATION OF PROPOSED BUILDING COLUMN LINES. THE SURVEYORS ARE TO USE THE BUILDING FOUNDATION PLANS.
- 11. THE CONTRACTOR SHALL PLACE AND COMPACT FILL UNDER THE PROPOSED BUILDING AREA TO A MINIMUM OF 95% MAXIMUM DRY DENSITY PER ASTM-1557. ALL OTHER AREAS SHALL BE COMPACTED TO A MINIMUM OF 90% MAXIMUM DRY DENSITY.
- 12. THE CONTRACTOR SHALL PIPE ALL BUILDING ROOF WATER TO THE STORM WATER RETENTION POND AS SHOWN AND SPECIFIED.
- 13. THE CONTRACTOR SHALL REQUEST CONSTRUCTION STAKING BY EMAIL USING THE MOORE & BRUGGINK, INC. CONTRACTORS CONSTRUCTION STAKING REQUEST FORM. ONLY COMPLETED REQUESTS WILL BE SCHEDULED. NOTE THE PROJECT OWNER WILL PAY THE SURVEYOR TO PLACE STAKES ONLY ONCE. ALL LOST AND DAMAGED STAKES ARE THE CONTRACTORS RESPONSIBILITY.
- 14. PROPOSED CROSS CONNECTIONS TO THE NORTH AND SOUTH SITES AS FEASIBLE.



SHEET SCHEDULE

|   |  |
|---|--|
| 1 | SITE SURVEY & REMOVALS                   |
| 2 | SITE LAYOUT PLAN                         |
| 3 | UTILITY PLAN                             |
| 4 | SITE GRADING & SOIL EROSION CONTROL PLAN |
| 5 | STORM WATER RETENTION BASIN              |
| 6 | LANDSCAPE PLAN                           |

PREPARED FOR:  
BDR INC.  
50 CRAHEN AVE NE  
SUITE 200  
GRAND RAPIDS, MI 49525  
RIC DYK  
RDYK@BDRINC.COM

PLAN REVISIONS

Moore+Bruggink  
Consulting Engineers  
2020 Monroe Ave.  
Grand Rapids, MI 49505  
(616) 365-9801  
mailto:info@mbce.com



SITE LAYOUT PLAN FOR  
3963 & 3973 BUTTERNUT DR.  
PLAINFIELD TOWNSHIP, KENT COUNTY, MICHIGAN

FIELD SURVEY / DATE: GIS

PROJECT NO.: 250207.01

DESIGN DRAWN BY: MJK / JJB

DESIGNED BY: JFL

CHECKED BY: JFL

PLAN DATE: JANUARY 5, 2026

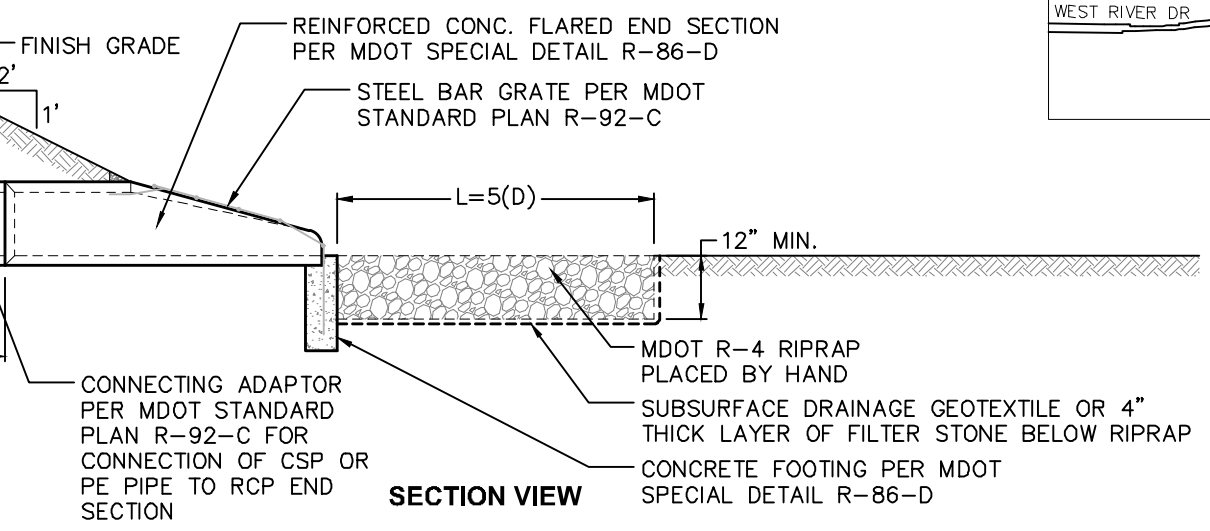
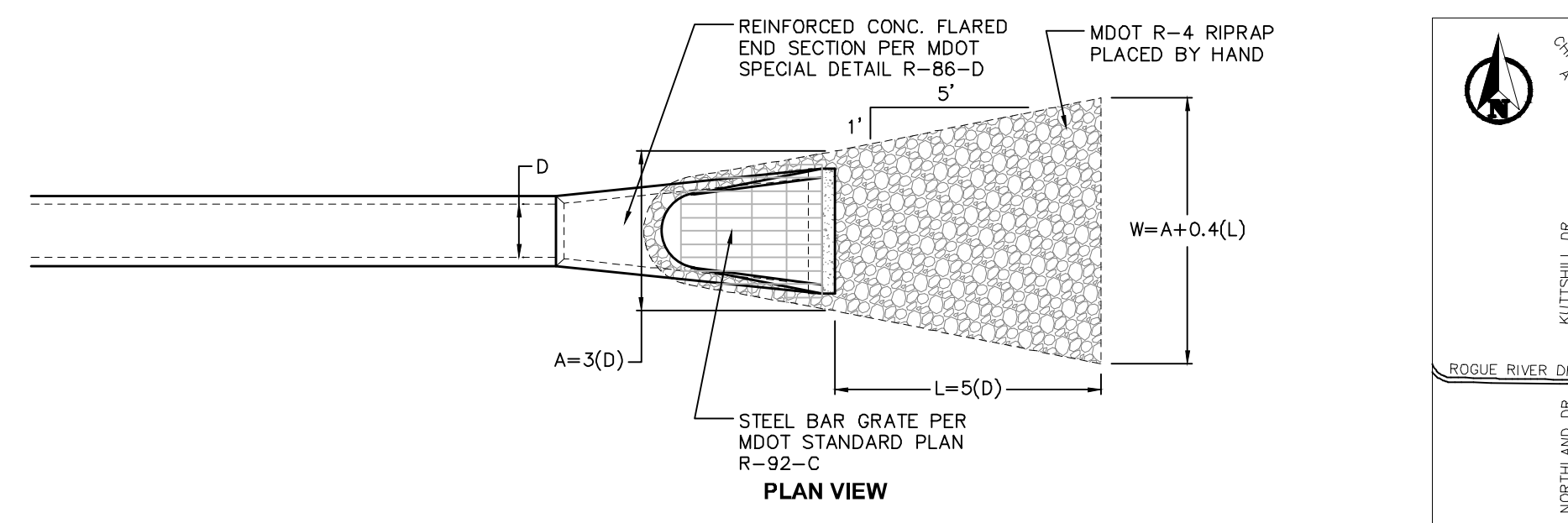
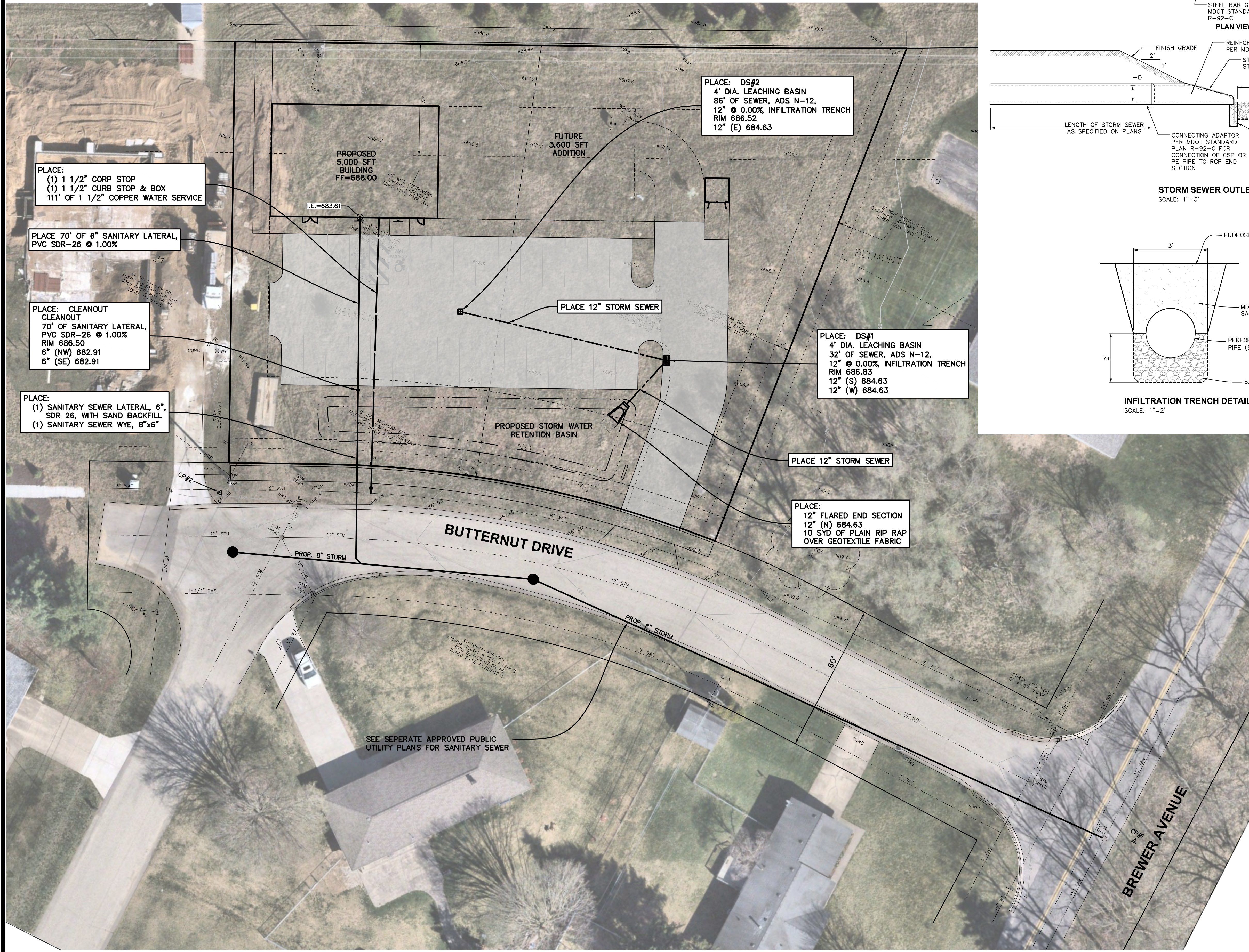
SHEET NUMBER: 2 OF 6

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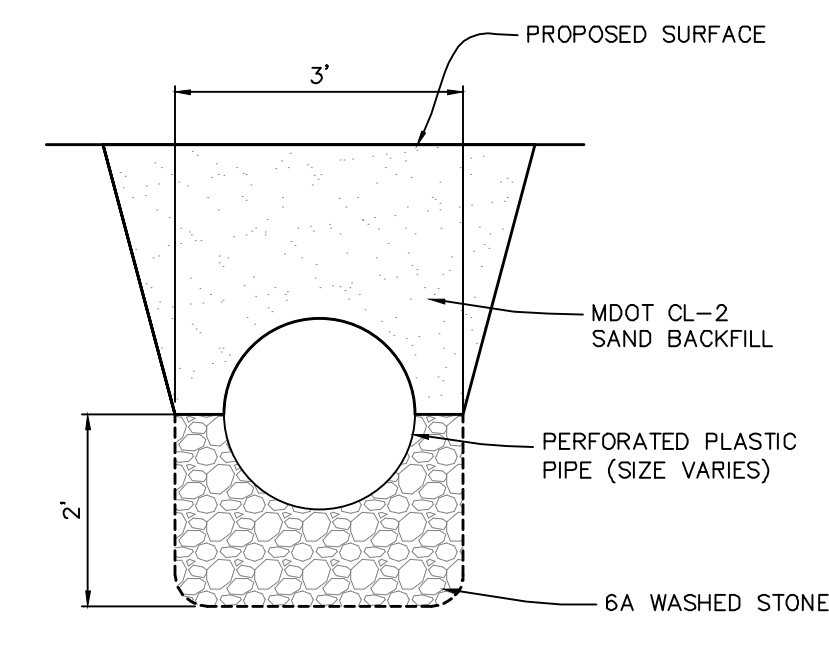
BENCHMARKS - NAVD88

CONTROL POINTS - MI SOUTH SPCS NAD83

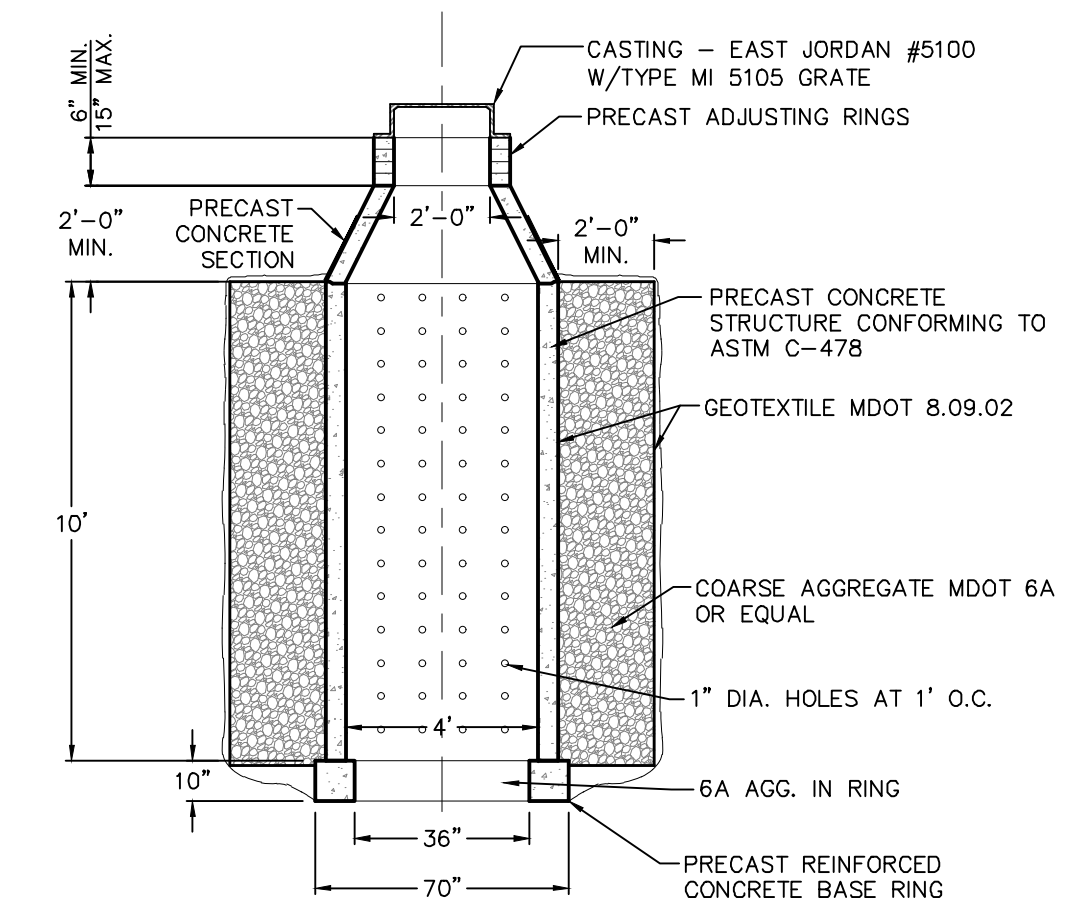
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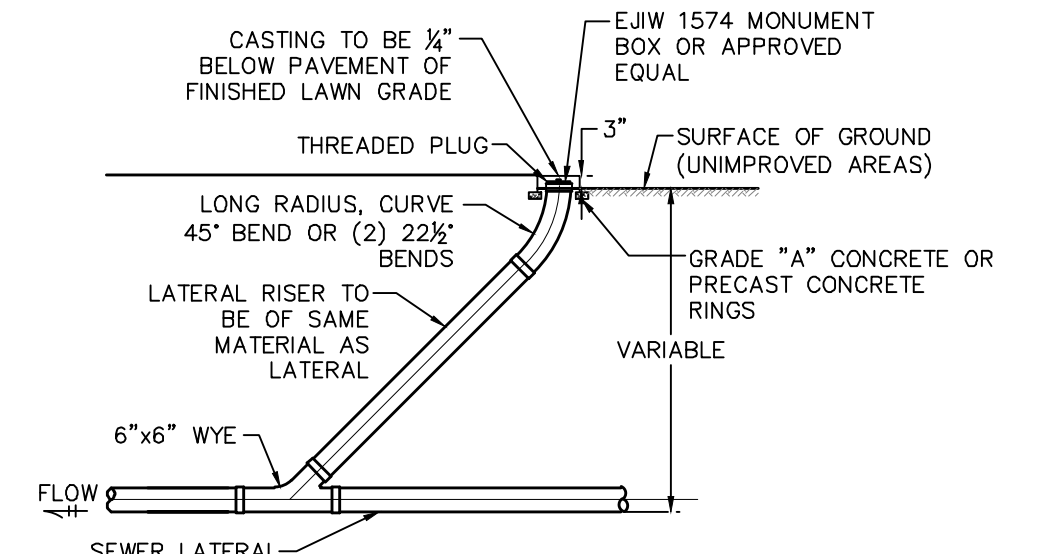
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SCALE: 1"=3'



INFILTRATION TRENCH DETAIL  
SCALE: 1"=2'



LEACHING BASIN DETAIL  
SCALE: 1"=4'



STANDARD SEWER CLEANOUT DETAIL  
SCALE: 1"=4'

UTILITY PLAN GENERAL NOTES:

- 1. THE CONTRACTOR SHALL OBTAIN ALL PERMITS AND SURETY AS PART OF THIS WORK.
- 2. THE CONTRACTOR SHALL CALL MISS DIG 3 WORKING DAYS PRIOR TO THE START OF CONSTRUCTION.
- 3. ALL STORM SEWER PIPE SHALL BE ADS N-12 PLASTIC PIPE UNLESS OTHERWISE SPECIFIED.
- 4. ALL CATCH BASINS AND MANHOLES SHALL BE MINIMUM 4' DIAMETER PRECAST CONCRETE, UNLESS NOTED OTHERWISE.
- 5. THE CONTRACTOR SHALL BED AND BACKFILL ALL UNDERGROUND PIPING WITH MDOOT CL-2 SAND TO A MINIMUM OF 95% MAXIMUM DRY DENSITY PER ASTM- 1557.
- 6. THE CONTRACTOR SHALL PIPE ALL BUILDING ROOF WATER TO THE STORM WATER MANAGEMENT SYSTEM AS SHOWN AND SPECIFIED.
- 11. THE CONTRACTOR SHALL REQUEST CONSTRUCTION STAKING BY EMAIL USING THE MOORE & BRUGGINK, INC. CONTRACTORS CONSTRUCTION STAKING REQUEST FORM. ONLY COMPLETED REQUESTS WILL BE SCHEDULED. NOTE THE PROJECT OWNER WILL PAY THE SURVEYOR TO PLACE STAKES ONLY ONCE. ALL LOST AND DAMAGED STAKES ARE THE CONTRACTORS RESPONSIBILITY.

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- 6 LANDSCAPE PLAN

PREPARED FOR:  
BDR INC.  
59 GRAHEN AVE NE  
SUITE 200  
GRAND RAPIDS, MI 49525  
RID DYK  
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811 logo with text: Know what's below. Call before you dig.

PLAN REVISIONS

Moore+Bruggink Consulting Engineers logo and address: 2020 Monroe Ave, Grand Rapids, MI 49505

UTILITY PLAN FOR 3963 & 3973 BUTTERNUT DR. PLAINFIELD TOWNSHIP, KENT COUNTY, MICHIGAN

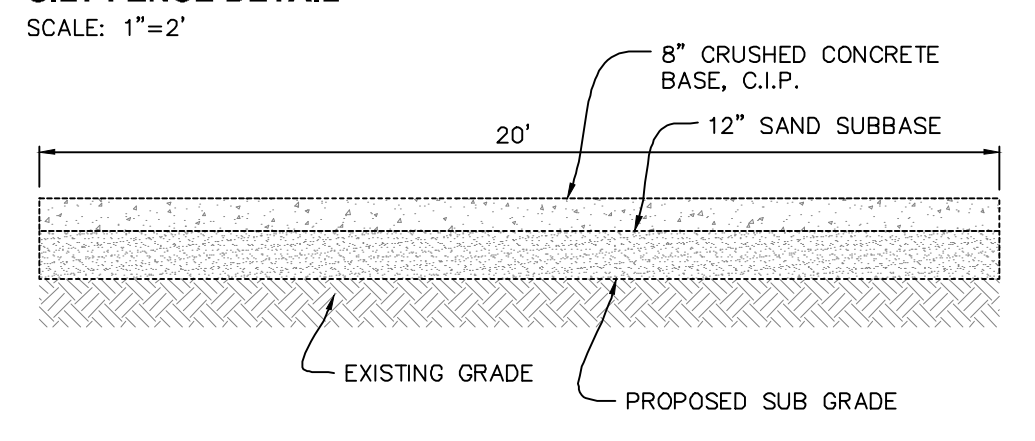
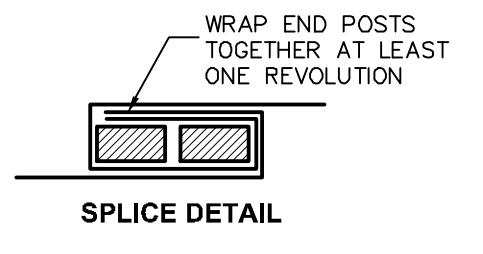
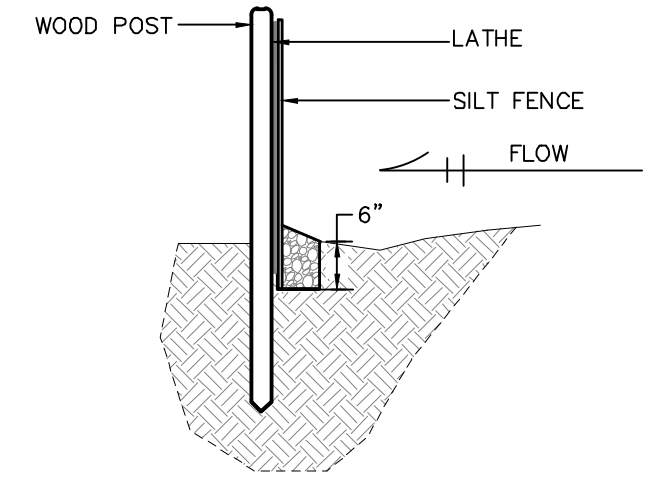
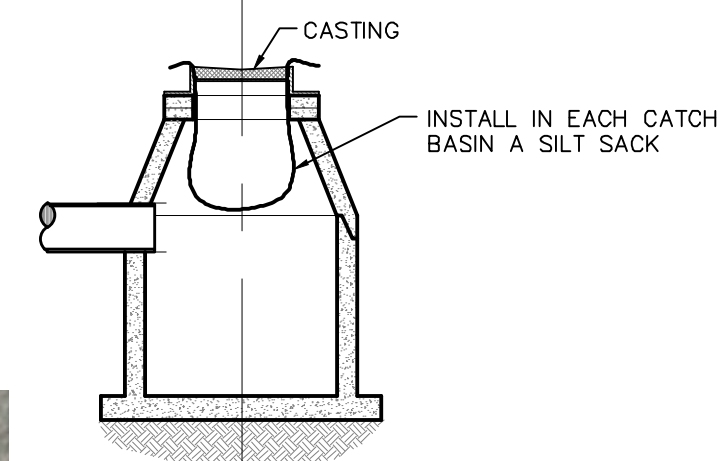
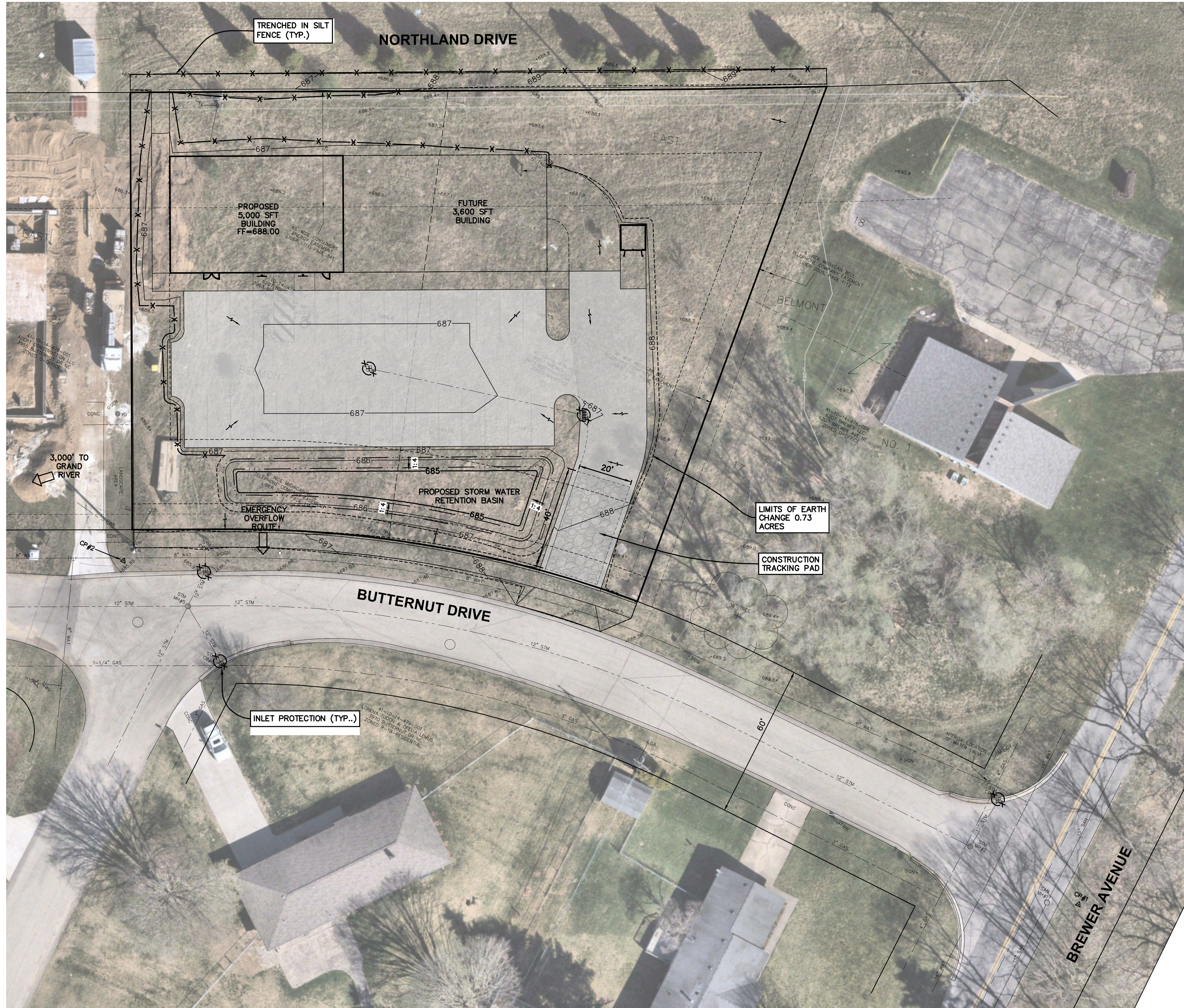
Table with project details: FIELD SURVEY / DATE, PROJECT NO., DESIGN DRAWN BY, DESIGNED BY, CHECKED BY, PLAN DATE, SHEET NUMBER (3 OF 6).

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BENCHMARKS - NAVD88

CONTROL POINTS - MI SOUTH SPCS NAD83

|                 |                 |
|-----------------|-----------------|
| CP#1            | CP#2            |
| M+B RED CAP     | M+B RED CAP     |
| N 576210.0075   | N 576167.3035   |
| E 12801747.0637 | E 12801354.3696 |
| ELEV 691.594    | ELEV 686.117    |



SOIL EROSION CONTROL NOTES:

1. THE CONTRACTOR SHALL OBTAIN ALL PERMITS AND SURETY AS PART OF THIS WORK.
2. THE CONTRACTOR SHALL CALL MISS DIG 3 WORKING DAYS PRIOR TO THE START OF CONSTRUCTION.
3. THE CONTRACTOR SHALL REQUEST CONSTRUCTION STAKING BY EMAIL USING THE MOORE & BRUGGINK, INC. CONTRACTORS CONSTRUCTION STAKING REQUEST FORM. ONLY COMPLETED REQUESTS WILL BE SCHEDULED. NOTE THE PROJECT OWNER WILL PAY THE SURVEYOR TO PLACE STAKES ONLY ONCE. ALL LOST AND DAMAGED STAKES ARE THE CONTRACTORS RESPONSIBILITY.
4. THE CONTRACTOR SHALL REMOVE ALL CONCRETE, BIT PAVEMENT, STORM SEWER STRUCTURES, STORM SEWER PIPE, LIGHT POLES, FENCING, UNDERGROUND ELECTRIC, VEGETATION AND SO ON TO PREPARE THE SITE FOR IMPROVEMENTS. CASTINGS, VALVE BOXES AND/OR OTHER UTILITY STRUCTURES TO REMAIN SHALL BE ADJUSTED AND PROTECTED FROM DAMAGE.
5. NORTH AMERICAN GREEN D5-150 EROSION CONTROL BLANKET SHALL BE PLACED ON ALL SLOPES 1:3 OR GREATER. SECURE BLANKET TO SLOPE PER MANUFACTURERS SPECIFICATIONS.
6. ALL SILT FENCING SHALL BE TRENCHED IN PRIOR TO COMMENCEMENT OF EARTHWORK ACTIVITIES.
7. SILT FENCING IS REQUIRED ALONG ALL DOWNSTREAM EDGES OF THE GRADING LIMITS AND MUST REMAIN IN PLACE UNTIL VEGETATION IS UNIFORMLY RE-ESTABLISHED.
8. ALL SOIL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE INSPECTED AND MAINTAINED ON A DAILY BASIS, AND IMMEDIATELY FOLLOWING EVERY SIGNIFICANT RAINFALL EVENT.
9. NEW & EXISTING STORM SEWER INLET POINTS SHALL BE PROTECTED FROM SEDIMENT INFILTRATION WITH INLET FABRIC DROP (SILT SACK) PER CITY OF GRAND RAPIDS APPROVED MANUFACTURERS (H-FLOW AND/OR ACF BRANDS). CONTRACTOR SHALL PROVIDE PRODUCT INFORMATION TO THE CITY PRIOR TO INSTALLATION.
10. ALL EXCESS SPOILS ARE TO BE REMOVED FROM THE SITE.
11. ALL TEMPORARY EROSION CONTROLS MUST REMAIN IN PLACE UNTIL VEGETATION IS UNIFORMLY RE-ESTABLISHED.
12. DUST CONTROL SHALL BE PROVIDED BY MEANS OF WATER DISTRIBUTION ON A REGULAR BASIS OVER AREAS THAT COULD POTENTIALLY PRODUCE DUST CONDITIONS.
13. A TRACKING PAD MUST BE PROVIDED AT CONSTRUCTION ACCESS POINTS TO PREVENT SOILS FROM BEING TRACKED OFF-SITE, PER DETAIL THIS SHEET.
14. CONTRACTOR SHALL SWEEP PAVED AREAS EACH DAY (OR MORE AS NEEDED) BY MECHANICAL MEANS FOR ALL PAVED AREAS IN AND AROUND THE PERIMETER OF THE PROJECT AFFECTED BY TRUCKING OPERATIONS.
15. ALL DISTURBED AREAS SHALL BE RESTORED WITH 4" TOPSOIL (MIN), SEED, FERTILIZER AND MULCH UNLESS OTHERWISE NOTED.
16. CONSTRUCTION ENTRANCE SHALL BE PROVIDED FROM BUTTERNUT STREET.
17. EXISTING SOIL CONDITIONS: CHELSEA LOAMY FINE SAND PER USDA SOIL SURVEY

CONSTRUCTION SCHEDULE

| ITEM                         | J | F | M | A | M | J | J | A | S | O | N | D |
|------------------------------|---|---|---|---|---|---|---|---|---|---|---|---|
| TEMP. EROSION CONTROL        |   |   |   |   |   |   |   |   |   |   |   |   |
| TOPSOIL STRIPPING            |   |   |   |   |   |   |   |   |   |   |   |   |
| SITE GRADING                 |   |   |   |   |   |   |   |   |   |   |   |   |
| SITE UTILITIES               |   |   |   |   |   |   |   |   |   |   |   |   |
| DETENTION POND               |   |   |   |   |   |   |   |   |   |   |   |   |
| BUILDING CONSTRUCTION        |   |   |   |   |   |   |   |   |   |   |   |   |
| PERM. EROSION CONTROL        |   |   |   |   |   |   |   |   |   |   |   |   |
| LANDSCAPING                  |   |   |   |   |   |   |   |   |   |   |   |   |
| PAVING                       |   |   |   |   |   |   |   |   |   |   |   |   |
| REMOVE TEMP. EROSION CONTROL |   |   |   |   |   |   |   |   |   |   |   |   |

SHEET SCHEDULE

- 1 SITE SURVEY & REMOVALS
- 2 SITE LAYOUT PLAN
- 3 UTILITY PLAN
- 4 SITE GRADING & SOIL EROSION CONTROL PLAN
- 5 STORM WATER RETENTION BASIN
- 6 LANDSCAPE PLAN

PREPARED FOR:  
BDR INC.  
50 GRAHEN AVE NE  
SUITE 200  
GRAND RAPIDS, MI 49505  
RIG DYK  
RDYK@BDRINC.COM

PLAN REVISIONS

| NO. | DATE | DESCRIPTION |
|-----|------|-------------|
|     |      |             |
|     |      |             |
|     |      |             |

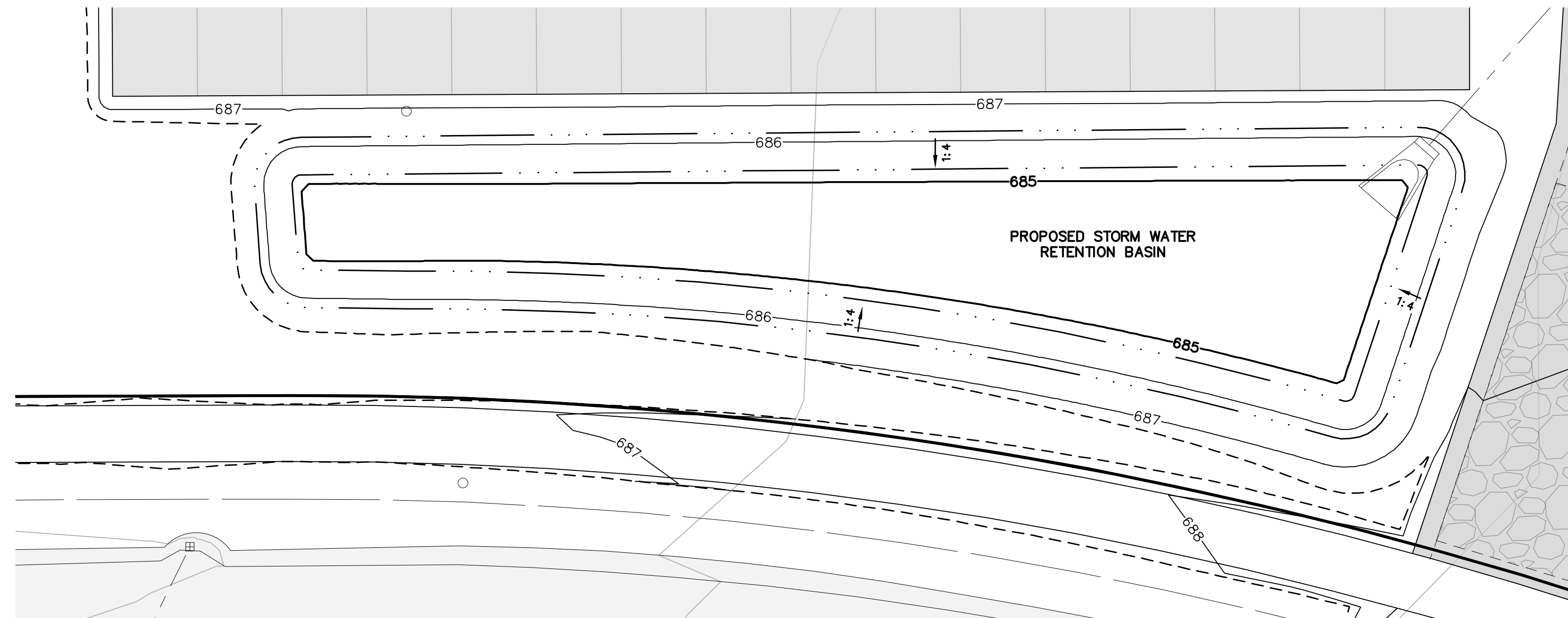
**Moore + Bruggink**  
Consulting Engineers, Inc.  
2020 Monroe Ave.  
Grand Rapids, MI 49505  
(616) 363-9801  
mailto:info@mbce.com

**SITE GRADING & SOIL EROSION CONTROL PLAN**  
FOR  
**3963 & 3973 BUTTERNUT DR.**  
PLAINFIELD TOWNSHIP, KENT COUNTY, MICHIGAN

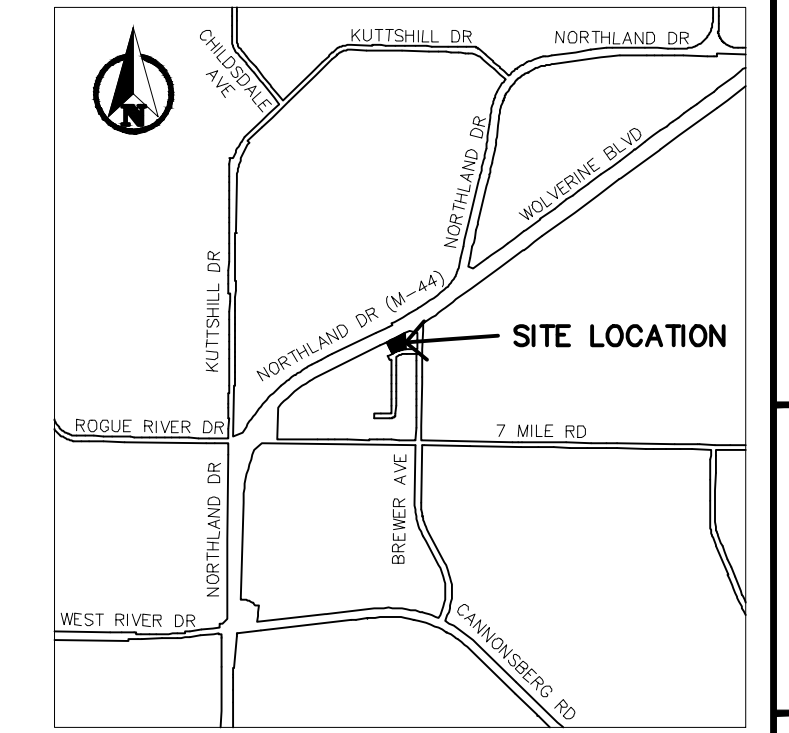
FIELD SURVEY / DATE: GIS  
PROJECT NO.: 250207.01  
DESIGN DRAWN BY: MJK / JJB  
DESIGNED BY: JFL  
CHECKED BY: JFL  
PLAN DATE: JANUARY 5, 2026  
SHEET NUMBER: 4 OF 6

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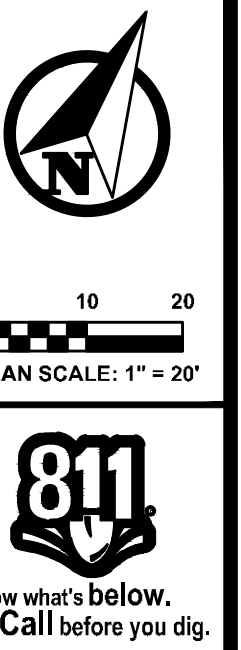
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| STAGE STORAGE TABLE                              |                          |                           |
|--|--------------------------|---------------------------|
| ELEV   | CUMULATIVE VOLUME (CFT.) | CUMULATIVE VOLUME (AC-FT) |
| 684.25   | 0.00                     | 0.00                      |
| 685.00   | 508.11                   | 0.01                      |
| 685.75   | 1923.42                  | 0.04                      |
| 686.00   | 2536.25                  | 0.06                      |
| 686.75   | 4809.44                  | 0.11                      |
| REQUIRED STORAGE VOLUME = 1,887 CFT = 0.04 AC-FT |                          |                           |

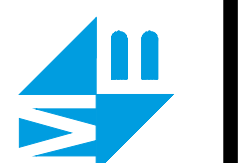


LOCATION MAP  
NO SCALE:



PLAN REVISIONS

**Moore+Bruggink**  
Consulting Engineers  
2020 Monroe Ave.  
Grand Rapids, MI 49505  
(616) 383-9801  
mailto:mboe@mbce.com



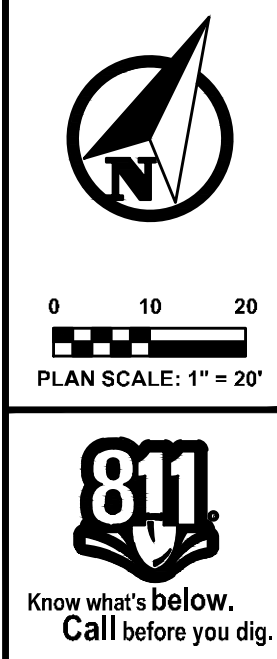
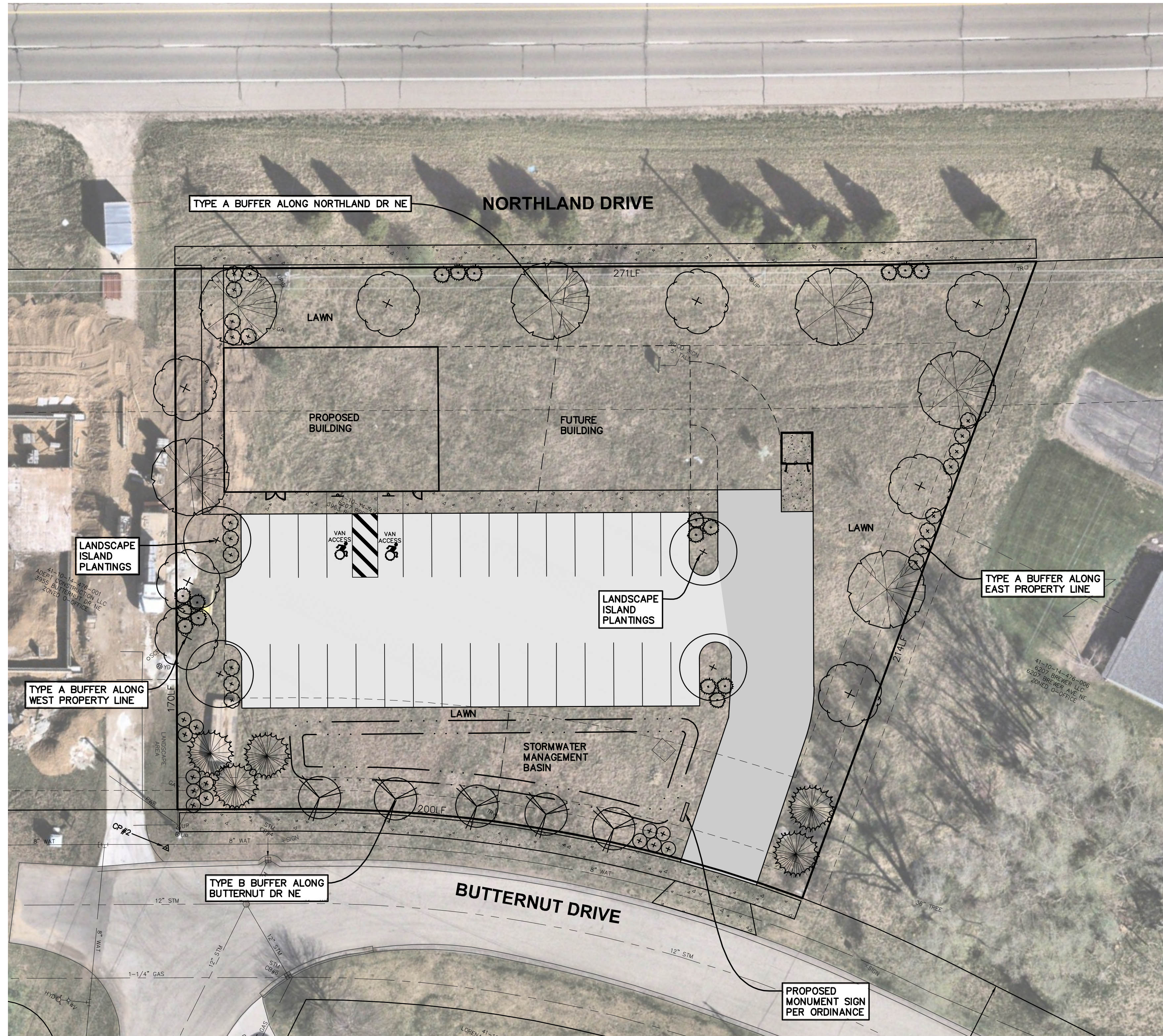
**STORM WATER RETENTION BASIN**  
FOR  
**3963 & 3973 BUTTERNUT DR.**  
PLAINFIELD TOWNSHIP, KENT COUNTY, MICHIGAN

FIELD SURVEY / DATE  
GIS  
PROJECT NO.:  
250207.01  
DESIGN DRAWN BY:  
MJK / JJB  
DESIGNED BY:  
JFL  
CHECKED BY:  
JFL  
PLAN DATE:  
JANUARY 5, 2026  
SHEET NUMBER  
**5** OF **6**

- SHEET SCHEDULE
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  - 2 SITE LAYOUT PLAN
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  - 6 LANDSCAPE PLAN

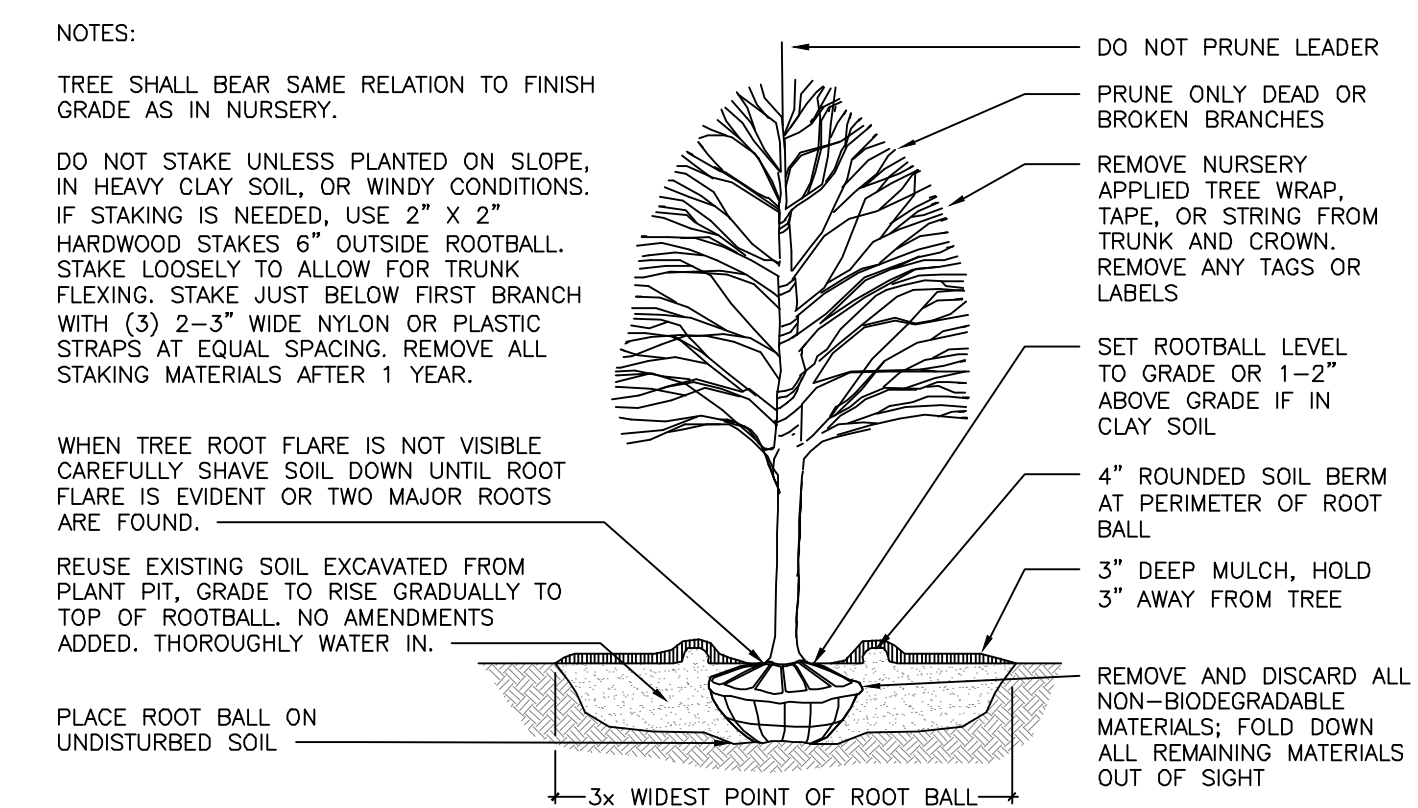
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50 CRAHEN AVE NE  
SUITE 200  
GRAND RAPIDS, MI 49525  
RIG DYK  
RDYK@BDRINC.COM

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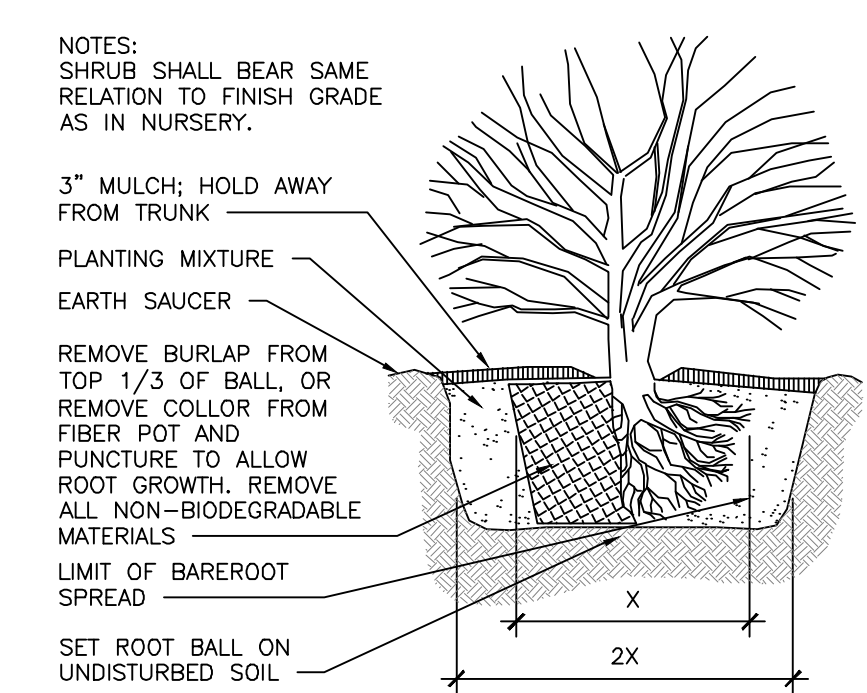


| PLAINFIELD TOWNSHIP LANDSCAPE REQUIREMENTS |   |
|--|---|
| ZONED OFFICE                               |   |
| PARKING LOT ISLANDS                        | 1 ISLAND PER 5000SF   |
| REQUIRED                                   | 13,202SF/5000 = 2.6 (180SF EACH = 540SF TOTAL)              |
| PROVIDED                                   | 4 ISLANDS   |
| PARKING LOT TREES                          | 1 TREE + 3 SHRUBS PER 8 SPACES                              |
| REQUIRED                                   | 29 SPACES/8 = 3.6   |
| PROVIDED                                   | 4 TREES + 12 SHRUBS   |
| NORTH BUFFER (NORTHLAND DR)                | TYPE A - 10' WIDE<br>2 TREES + 4 SHRUBS PER 100LF           |
| REQUIRED                                   | 271LF = 6 TREES + 12 SHRUBS                                 |
| PROVIDED                                   | 6 TREES + 12 SHRUBS   |
| EAST BUFFER                                | TYPE A - 10' WIDE<br>2 TREES + 4 SHRUBS PER 100LF           |
| REQUIRED                                   | 214LF = 4 TREES + 8 SHRUBS                                  |
| PROVIDED                                   | 4 TREES + 8 SHRUBS  |
| SOUTH BUFFER (BUTTERNUT DR)                | TYPE B - 15' WIDE<br>5 EVERGREEN TREES + 5 SHRUBS PER 100LF |
| REQUIRED                                   | 200LF = 10 TREES + 10 SHRUBS                                |
| PROVIDED                                   | 10 TREES + 10 SHRUBS  |
| WEST BUFFER                                | TYPE A - 10' WIDE<br>2 TREES + 4 SHRUBS PER 100LF           |
| REQUIRED                                   | 170LF = 4 TREES + 8 SHRUBS                                  |
| PROVIDED                                   | 4 TREES + 8 SHRUBS  |

- LANDSCAPING GENERAL NOTES:**
- EXISTING TREES SHALL BE PROTECTED WITH TREE PROTECTION FENCING PER DETAIL. NO STAGING OR GRADING SHALL TAKE PLACE WITHIN THE DRIP EDGE OF THE TREE.
  - ALL TREES TO HAVE CLAY OR CLAY LOAM BALLS, TREES WITH SAND BALLS WILL BE REJECTED.
  - ALL SINGLE STEM SHADE TREES TO HAVE STRAIGHT TRUNKS AND SYMMETRICAL CROWNS.
  - ALL SINGLE TRUNK SHADE TREES TO HAVE A CENTRAL LEADER; TREES WITH FORKED OR IRREGULAR TRUNKS WILL NOT BE ACCEPTED.
  - ALL MULTI-STEM TREES SHALL BE HEAVILY BRANCHED AND HAVE SYMMETRICAL CROWNS; ONE SIDED TREES OR THOSE WITH THIN OR OPEN CROWNS SHALL NOT BE ACCEPTED.
  - TREES PLANTED ADJACENT TO PEDESTRIAN AND VEHICULAR CIRCULATION ROUTES SHALL BE SELECTED FROM HIGH BRANCHED STOCK WITH APPROPRIATE CLEARANCE FOR THE ADJACENT USE.
  - ALL EVERGREEN TREES SHALL BE HEAVILY BRANCHED AND FULL TO THE GROUND, SYMMETRICAL IN SHAPE AND NOT SHEARED FOR THE LAST FIVE GROWING SEASONS.
  - SHRUBS AND PERENNIALS SHALL BE FULL AND WELL ROOTED. INSTALLATION SHALL BE MARCH 1 - NOVEMBER 30, ANNUALLY.
  - ALL PLANT MATERIALS SHALL BE NORTHERN NURSERY GROWN, NO. 1 GRADE AND INSTALLED ACCORDING TO ACCEPTED PLANTING PROCEDURES. ALL PLANT MATERIALS SHALL MEET CURRENT AMERICAN ASSOCIATION OF NURSEYMAN STANDARDS.
  - ALL PROPOSED MULCH TO BE NATURAL COLOR, DOUBLE PROCESSED, SHREDDED HARDWOOD BARK, 4" THICK BARK MULCH FOR TREES IN A 4-FOOT DIAMETER CIRCLE WITH 3" PULLED AWAY FROM THE TRUNK, 3" THICK BARK FOR SHRUBS AND 2" THICK BARK FOR PERENNIALS, TYP.
  - THE CONTRACTOR SHALL GUARANTEE ALL PLANTINGS FOR A TIME PERIOD OF ONE YEAR AFTER FINAL ACCEPTANCE OF ALL WORK ITEMS. DURING THIS GUARANTEE PERIOD, THE CONTRACTOR SHALL IMMEDIATELY REPLACE ALL PLANT MATERIALS THAT DIE OR ARE DISEASED.
  - LAWN AREAS ARE TO BE RESTORED WITH 4" OF TOPSOIL, CLASS A SEED AT 200#/ACRE, FERTILIZER & MULCH (MULCH BLANKET ON SLOPES 1:3 OR STEEPER), ANY DISTURBED AREA NOT SHOWN AS PAVEMENT OR PLANT BED SHALL BE TREATED AS LAWN.



**DECIDUOUS TREE PLANTING DETAIL**  
NOT TO SCALE



**SHRUB PLANTING DETAIL**  
NOT TO SCALE

**SHEET SCHEDULE**

|   |  |
|---|--|
| 1 | SITE SURVEY & REMOVALS                   |
| 2 | SITE LAYOUT PLAN                         |
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| 6 | LANDSCAPE PLAN                           |

PREPARED FOR:  
 BDR INC.  
 50 CRAHEN AVE NE  
 SUITE 200  
 GRAND RAPIDS, MI 49525  
 RIC DYK  
 RDYK@BDRINC.COM

PLAN REVISIONS

**Moore+Bruggink**  
 Consulting Engineers  
 2020 Monroe Ave.  
 Grand Rapids, MI 49505  
 (616) 385-9801  
 mailbox@mbce.com

**LANDSCAPE PLAN**  
 FOR  
**3963 & 3973 BUTTERNUT DR.**  
 PLAINFIELD TOWNSHIP, KENT COUNTY, MICHIGAN

|                     |                 |
|---------------------|-----------------|
| FIELD SURVEY / DATE | GIS             |
| PROJECT NO.:        | 250207.01       |
| DESIGN DRAWN BY:    | LCF             |
| DESIGNED BY:        | LCF             |
| CHECKED BY:         | JFL             |
| PLAN DATE:          | JANUARY 7, 2026 |
| SHEET NUMBER        | <b>6 OF 6</b>   |

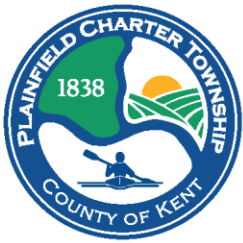
A Knox box is required on this proposed building. The FD does not have any additional concerns until phase 2. FD access will need to be looked at.

Thanks,

Rob Quist, CFI, PE  
Fire Marshal



4343 Plainfield Avenue NE  
Grand Rapids MI 49525  
Phone: 616-361-2895  
Email: [Quistr@plainfieldmi.org](mailto:Quistr@plainfieldmi.org)



# PLAINFIELD CHARTER TOWNSHIP

## PUBLIC SERVICES

WATER • SEWER • STORMWATER • ENGINEERING

### *MEMORANDUM*

---

**DATE:** January 15, 2026  
**TO:** Mr. Pet Elam  
**FROM:** Rick Solle, Director of Public Services  
**SUBJECT:** 3973 Butternut Drive Site Plan Review

We have reviewed the proposed site plan for the above-mentioned property dated January 5, 2026 and have the following comments:

#### WATER

- There is an existing water main in Butternut Drive that is available for connection.

#### SANITARY

- The proposed connection to the existing sanitary sewer in Brewer Avenue is feasible for service to this property.
- The cost of the sewer extension in Brewer Ave and in Butternut Drive will be the responsibility of the developer.
- Plans and specifications for the proposed extension will need to be reviewed by the Township prior to installation and a permit will be required from the state.

#### STORM

- The site will be required to have stormwater management facilities and the final design with stormwater calculations will need to be reviewed and approved prior to construction.
- A Stormwater Permit will be required for this project, including an Operation & Maintenance Agreement.

**Development Application for Consideration by the  
Planning Commission**

**Project Name:** J.M. Development, LLC

**Applicant:** Mr. Matt Cole and Mr. Mike Rusche.

**Project Address:** 4640 and 4672 Coit Avenue NE

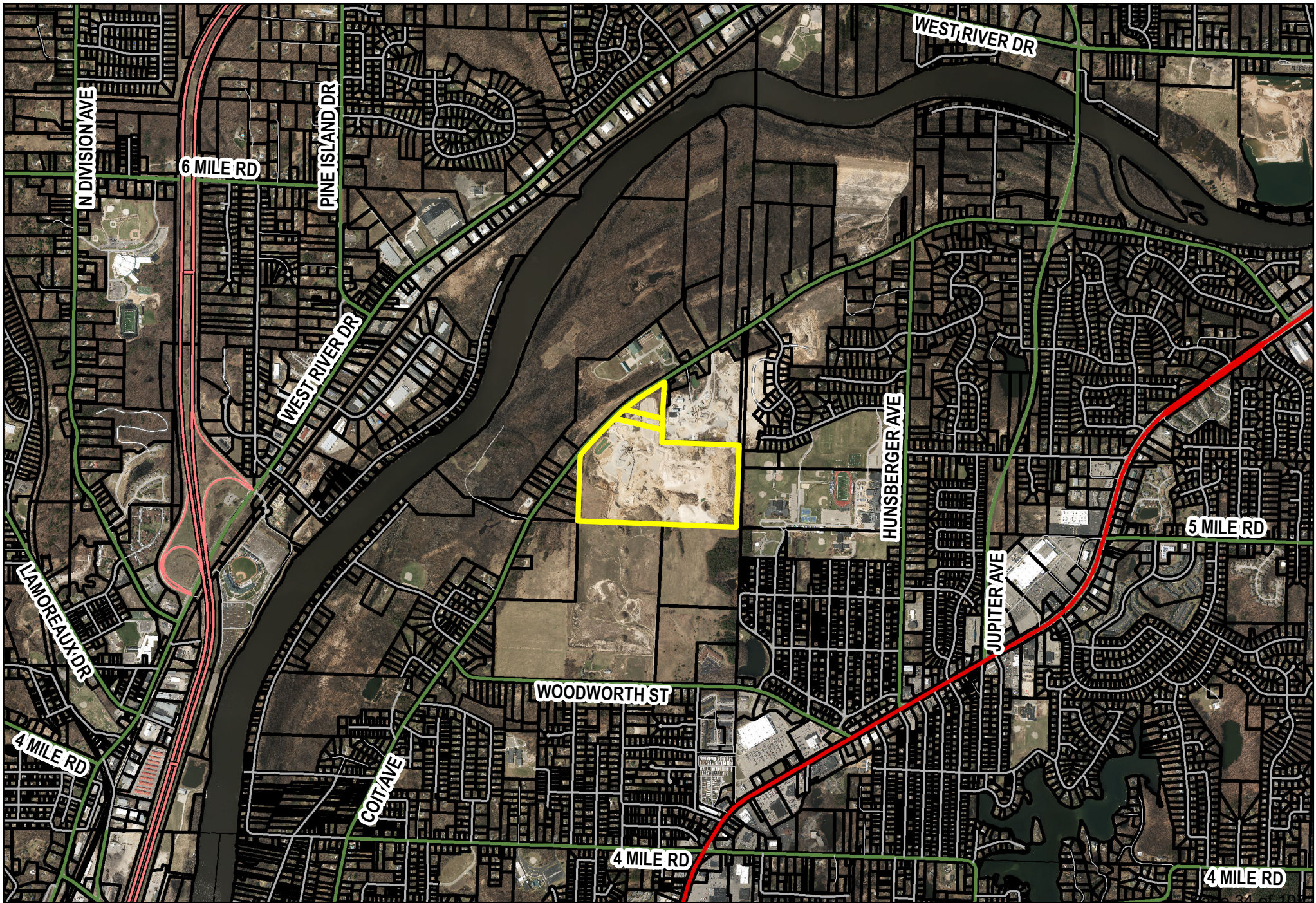
**Perm. Parcel #:** 41-10-29-400-019 and 41-10-29-400-005

**Size of Site:** Approximately 93.22 acres (combined)

**Project Description & Action Requested of the PC:** To provide a favorable recommendation to the Township Board (TB) to change and/or amend the Coit Investors PUD, Restrictive Covenants, and Soil Removal Permit

# GENERAL LOCATION MAP

## 4640 & 4672 Coit Avenue NE



January 15, 2026  
2210582

Mr. Peter Elam, Senior Planner  
Plainfield Charter Township  
5195 Plainfield Avenue NE  
Grand Rapids, MI 49525

RE: JM Development, Mike Rusche, 4640 Coit Avenue NE  
**Rusche Mining Operation**  
**Request for PUD Amendment**

Dear Mr. Elam:

In mid-December 2025, we received a Progress Update Letter and a Project Narrative for Removal and Processing of Sand and Gravel, both dated December 16, 2025. We also received a set of drawings consisting of four (4) plan sheets dated September 5, 2025. The drawings consist of an Existing Conditions and Removals plan, a Grading Plan, a Reclamation Plan, and a Future Development Plan. All documents were prepared by Matt Cole, P.E. of Roosien & Associates.

In response to your request, we have completed our review of the submitted information, and we offer the following summary:

1. **Reason for Current Submittal.** In 2021-2022, the Applicant indicated there was about 2,180,000 cubic yards (cyd) of soil material to be removed from the site. The Applicant initially estimated that this volume of material would be removed in five phases, with each phase taking 3-5 years to complete. However, because the mining operation must be completed by 2030, there is not enough time to remove more than 2 million cyd of soil. Therefore, the Applicant is requesting approval to reduce the soil removal volume, and they anticipate about 600,000 cyd of soil can be removed from the site by 2030, which equates to about 110,000 cyd of soil removed per year. This annual removal volume is slightly higher than the annual volume of removal in recent years. The proposed Grading Plan represents 600,000 cyd of soil removed.
2. **Phasing, Timing.** The Project Narrative and Grading Plan now indicate the 600,000 cubic yards of material are to be removed during six (6) phases of mining, with annual removal volumes depending on market demands. Information provided indicates the following phases:
  - a. Phase 1 (removal of soil piles): 60,000 cyd; by July 2026
  - b. Phase 2 (west end of property): 30,000 cyd; several months
  - c. Phase 3 (south side of property): 150,000 cyd; 1+ years
  - d. Phase 4 (east end): 50,000 cyd; several months
  - e. Phase 5 (northeast end): 100,000 cyd; ~1 year
  - f. Phase 6 (north end, entrance): 210,000 cyd; ~2 years

Per the above estimates, mining will be complete by 2030. We recommend that reclamation and site stabilization for each phase be required to be completed within six (6) months of the completion of mining for each phase.

Mr. Elam  
January 15, 2026  
Page 2

3. **Final Grades, Feasibility of Sanitary Sewer.** The final grading plans for the Rusche and Woodworth pits still show a grade differential (steep hill) between the two developments, with the Rusche (north) property being lower elevation. However, with less soil removed on the Rusche side, the grade differential might be less than initially anticipated. The proposed surface grades for the Rusche site are equal to or lower than the site grades we evaluated in Summer 2025 relative to maximum sewer depth; therefore, we anticipate the final sanitary sewer grades will be able to be less than 18 feet deep if/when the proposed volumes noted above are removed by 2030.

The narrative indicates the two property owners have agreed that the elevation of a future connecting road at the south property line will be at elevation 660 feet. This would result in a reasonable sanitary sewer depth and is consistent with previous evaluations.

4. **Annual Reporting.** We recommend the annual drone survey, data analysis, site visit, and reporting requested of and completed by our office be maintained for the duration of mining.

Overall, we don't have engineering concerns with the revised/reduced plan. If you have any questions, please don't hesitate to contact me.

Sincerely,

**Prein&Newhof**

  
Kevin L. Gritters, P.E.

cc: Cliff Bloom, Bloom Sluggett PC ([cliff@bloomsluggett.com](mailto:cliff@bloomsluggett.com))

**MEMORANDUM**

**TO: Plainfield Township Planning Commission**

**FROM: JM Development (Rusche)**

**DATE: January 19, 2026**

**RE: Completion of Mining**

---

We are before you requesting an alteration of our mining permit and want to make it clear that we are NOT ASKING for either more time or the right to take out additional material. The following are salient facts we wish to discuss with you:

1. As the Operator, we met the 2025' standard for removal.
2. As we now view things including the market, we will not be able to remove the 1.2 million yards originally sought in the time frame available.
3. Accordingly, we request that the permit be adjusted to remove LESS material (approx. 600,000 yards).
4. The time frame for removal and restoration of the land will remain the same and NO ADDITIONAL TIME is being requested
5. We will still have removed all of the piles and at the end, will have restored the land to a developable state.
6. The pad ready site will be approximately 5' higher than originally planned which will be MORE aligned with the adjoining property and make development of the site more aligned with the surrounding properties and adjoining roads

Additional advantages are the following:

1. There will be less material removed resulting in less truck traffic.
2. A lesser number of truck trips will be required on surrounding roads.
3. The property will blend into the neighboring properties on a more aesthetic basis.
4. The end use development potential will be enhanced and the property will be restored as planned other than the higher elevation.

We look forward to discussing this with you.

Matt Cole



**SOIL BORING LOG**

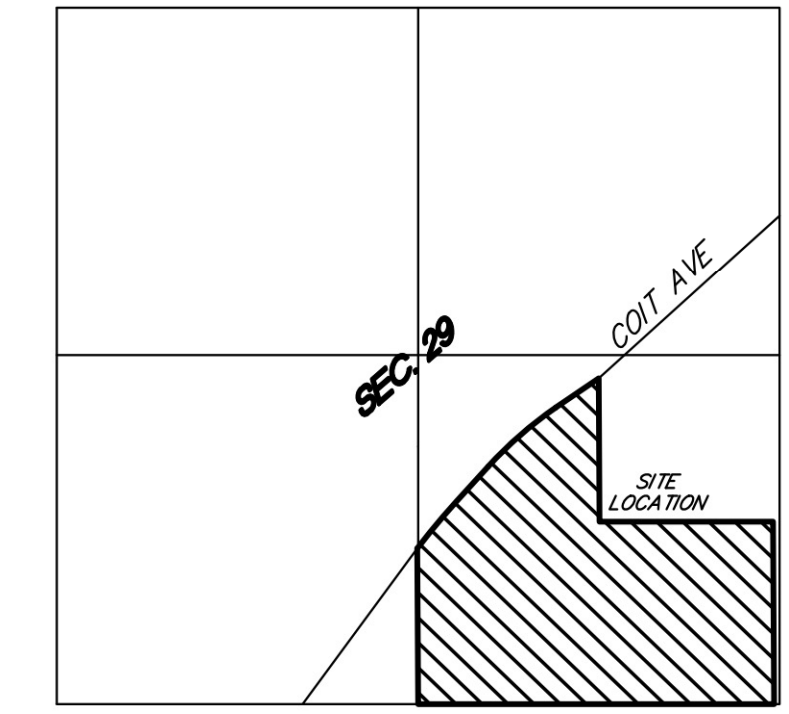
|         |                                      |
|---------|--------------------------------------|
| 0'-5'   | COARSE DARK SAND                     |
| 5'-10'  | CLEAN WHITE SAND                     |
| 10'-14' | CLEAN COARSE SAND                    |
| 14'-20' | SAND, CLAY, STONE MIXTURE (DAMP)     |
| 20'-25' | COARSE SANDY LOAM (WET)              |
| SB-2    |                                      |
| 0'-5'   | COARSE DARK SAND                     |
| 5'-8'   | RED CLAY WITH STONE                  |
| 8'-13'  | RED CLAY WITH STONE (DAMP)           |
| 13'-20' | BLUE CLAY (WET)                      |
| SB-3    |                                      |
| 0'-5'   | FINE SAND                            |
| 5'-10'  | COARSE CLEAN SAND (DAMP)             |
| 10'-15' | COARSE CLEAN SAND (WET)              |
| 17'-20' | RED CLAY                             |
| 20'-25' | RED/GRAY CLAY (WET)                  |
| SB-4    |                                      |
| 0'-5'   | STONEY ROAD GRAVEL MATERIAL          |
| 5'-10'  | BIRDSEYE TO 1" STONE                 |
| 10'-15' | FINE PEA STONE (DAMP)                |
| 15'-20' | RED CLAY (WET)                       |
| SB-5    |                                      |
| 0'-5'   | DARK WASHOUT DIRT                    |
| 5'-10'  | FINE SAND                            |
| 10'-15' | SAND WITH UP TO 1" STONE             |
| 15'-20' | FINE COARSE SAND (DAMP)              |
| SB-6    |                                      |
| 0'-5'   | BROWN WASHOUT DIRT                   |
| 5'-8'   | GREY CLAY                            |
| 6'-10'  | FINE STONE (DAMP)                    |
| 10'-20' | FINE STONE (WET)                     |
| SB-7    |                                      |
| 0'-5'   | STONEY ROAD GRAVEL MATERIAL          |
| 5'-8'   | RED CLAY                             |
| 6'-9'   | COARSE SAND                          |
| 9'-11'  | CLAY WITH STONE                      |
| 11'-20' | SAND, STONE, CLAY MIXTURE (WET)      |
| SB-8    |                                      |
| 0'-10'  | STONEY ROAD GRAVEL MATERIAL          |
| 10'-20' | STONE COBBLES                        |
| SB-9    |                                      |
| 0'-5'   | STONEY ROAD GRAVEL MATERIAL          |
| 0'-5'   | STONE PROHIBITED BORING CONTINUATION |



**LEGAL DESCRIPTION:**

THAT PART OF W 1/2 SE 1/4 LYING SLY OF CL OF COIT AVE ALSO SE 1/4 SE 1/4 EX E 66 FT \* SEC 29 T8N R11W 90.22 A.

TAX ID:  
41-10-29-400-019 and -400-005



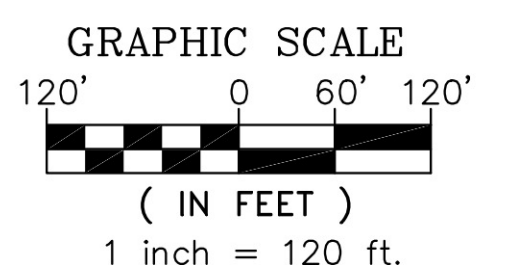
**LOCATION MAP**  
NOT TO SCALE

ADDRESS  
4640 COIT AVENUE NE,  
GRAND RAPIDS, MI 49525



**LEGEND**

---650--- EXISTING CONTOURS



**LEGEND**

|       |                                |
|-------|--------------------------------|
| o     | IRON STAKE - SET               |
| ●     | IRON FOUND                     |
| □     | WOOD STAKE                     |
| R     | RECORDED DIMENSION             |
| D     | DEED DIMENSION                 |
| P     | PLATTED DIMENSION              |
| M     | MEASURED DIMENSION             |
| CL    | CENTER LINE                    |
| CC    | CORNER ON CONCRETE             |
| EB    | EDGE OF BITUMINOUS             |
| EC    | EDGE OF CONCRETE               |
| EG    | EDGE OF GRAVEL                 |
| G     | GROUND ELEVATION               |
| GTR   | FLOW LINE OF GUTTER            |
| OHE   | OVERHEAD ELECTRIC UTILITY LINE |
| —     | LIGHT POLE                     |
| —     | EX. CONTOUR LINE               |
| X-X   | FENCE LINE                     |
| CONC. | CONCRETE                       |
| BT    | BITUMINOUS PAVEMENT            |
| ENCR  | PROPERTY LINE ENCROACHMENT     |
| UTIL  | UTILITY                        |
| ELEC  | ELECTRIC                       |
| RET.  | RETAINING WALL                 |
| P/L   | PROPERTY LINE                  |
| P/MT  | PAVEMENT                       |
| W.S.  | WATER SERVICE LATERAL          |
| B.M.  | BENCHMARK                      |
| W.V.  | WATER VALVE                    |
| HYD.  | FIRE HYDRANT                   |
| CB    | CATCH BASIN                    |
| MH    | MANHOLE                        |

|   |  |   |  |  |   |                       |       |
|---|--|---|--|--|---|-----------------------|-------|
| REVISIONS:<br>JULY 11, 2022 - TOWNSHIP SUBMITTAL<br>JANUARY 19, 2023 - TOWNSHIP COMMENT<br>SEPTEMBER 5, 2025 - REVISED REMOVALS | DRAWN BY: CW<br>APPROVED BY: MC<br>DATE: NOV. 3, 2020<br>REVISIONS:<br>NOV. 17, 2020 - REVISED PER TOWNSHIP<br>SEPT. 21, 2021 - TOWNSHIP SUBMITTAL<br>JUNE 21, 2022 - TOWNSHIP SUBMITTAL | SERVING THE NEEDS OF OUR CLIENTS SINCE 1987 | Roosten & Associates<br>SURVEYING AND ENGINEERING<br>6555 HAWFIELD AVE. SE<br>GRAND RAPIDS, MI 49525<br>TEL: (616) 961-7252<br>FAX: (616) 961-1822 | EXISTING CONDITIONS & REMOVALS<br>J.M. DEVELOPMENT, LLC<br>Part of Section 29, T8N, R11W<br>Plainfield Township, Kent County, Michigan | CLIENT:<br>RUSCHE TRUCKING<br>4457 ALPINE NW<br>COMSTOCK PARK, MI 49321<br>(616) 291-4242 | PROJECT NO.<br>200992 | C-101 |
|---|--|---|--|--|---|-----------------------|-------|



**MINERAL EXTRACTION NOTES:**

1. EXCAVATION: APPROXIMATELY 600,000 CUBIC YARDS OF ADDITIONAL MATERIAL WILL BE REMOVED FROM THE PROPERTY.
2. PHASING: EXCAVATION HAS OCCURRED ALL OVER THE PROPERTY TO DATE. EXCAVATION WILL CONTINUE TO FOCUS ON THE PILES THROUGHOUT THE SITE. ONCE THOSE ARE COMPLETED, EXCAVATION WILL BEGIN TO FOCUS AT THE SOUTHWEST CORNER OF THE PROPERTY AND PROCEED COUNTERCLOCKWISE TO THE NORTH AND EAST AS DEMAND FOR EXCAVATED MATERIALS DICTATES. RESTORATION AND STABILIZATION WILL OCCUR ANNUALLY ON THOSE AREAS WHERE THE FINISHED GRADING HAS BEEN PERFORMED.
3. TIMING: IT IS ESTIMATED THAT APPROXIMATELY 110,000 CUBIC YARDS OF MATERIAL WILL BE REMOVED ANNUALLY FROM THE PROPERTY. THE ACTUAL REMOVAL WILL BE BASED ON MARKET CONDITIONS. IT IS ANTICIPATED THAT EACH PHASE AS SHOWN ON THE DRAWING WILL BE COMPLETED IN TWO YEARS OR LESS.
4. FENCING SHALL BE INSTALLED AS NEEDED ALONG THE SIDES IN AREAS WHERE STEEP SLOPES ARE TO BE CREATED.
5. AN EXCAVATOR AND DUMP TRUCKS SHALL BE USED TO REMOVE THE EXTRACTED MATERIALS.
6. THE HOURS OF OPERATION HAVE ALREADY BEEN SET AND APPROVED BY THE TOWNSHIP.
7. WATER OR BRINE WILL BE APPLIED TO UNPAVED PORTIONS OF THE HALL ROAD FOR DUST CONTROL AS NEEDED. ACCESS TO COIT AVENUE WILL BE VIA THE EXISTING DRIVEWAY.
8. APPLICANT WILL COMPLY WITH STATE, LOCAL, AND FEDERAL LAWS AS APPLICABLE TO THE SITE OR INTENDED USE.

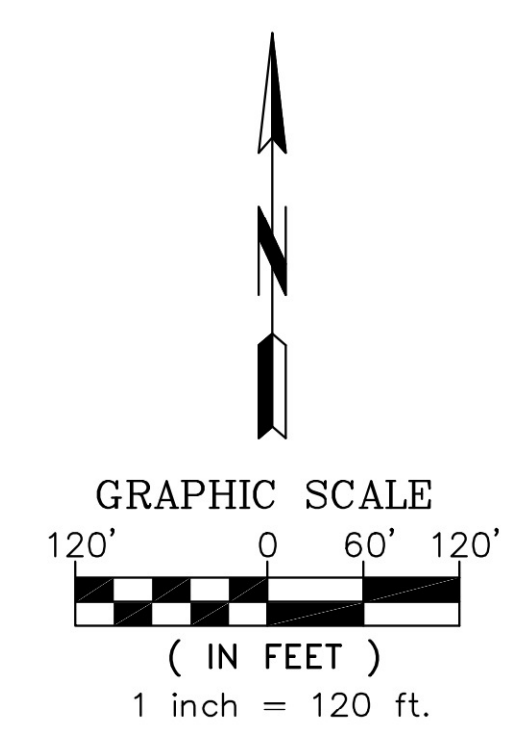
**NOTES:**

1. SOIL EROSION PERMITS SHALL BE KEPT CURRENT WITH THE KENT COUNTY ROAD COMMISSION.
2. SUFFICIENT TOPSOIL WILL BE PLACED AND VEGETATION SUFFICIENT TO PREVENT EROSION SHALL BE ESTABLISHED ON ALL DISTURBED GROUND UPON COMPLETION OF PHASES.
3. THE OWNER SHALL COORDINATE WITH THE ADJACENT PROPERTY OWNER TO REMOVE THE BERM(S) ALONG THE SOUTH PROPERTY LINE AND PERFORM GRADING AS NECESSARY FOR A FUTURE CROSS CONNECTION AT ELEVATION 660.

**TABLE OF REMOVAL**

| PHASE         | NET CUT (CYD)  |
|---------------|----------------|
| 1 (EX. PILES) | 60,000         |
| 2             | 30,000         |
| 3             | 150,000        |
| 4             | 50,000         |
| 5             | 100,000        |
| 6             | 210,000        |
| <b>TOTAL</b>  | <b>600,000</b> |

- LEGEND**
- 680 — EXISTING MAJOR CONTOUR
  - 679 — EXISTING MINOR CONTOUR
  - 650 — PROPOSED MAJOR CONTOUR
  - 645 — PROPOSED MINOR CONTOUR
  - ↘ DRAINAGE ARROW



**REVISIONS:**

|                   |                      |
|-------------------|----------------------|
| JULY 11, 2022     | — TOWNSHIP SUBMITTAL |
| JANUARY 19, 2023  | — TOWNSHIP COMMENT   |
| SEPTEMBER 5, 2025 | — REVISED REMOVALS   |

**REVISIONS:**

|                |                        |
|----------------|------------------------|
| NOV. 17, 2020  | — REVISED PER TOWNSHIP |
| SEPT. 21, 2021 | — TOWNSHIP SUBMITTAL   |
| JUNE 21, 2022  | — TOWNSHIP SUBMITTAL   |

**Roosten & Associates**  
SURVEYING AND ENGINEERING

6658 HAWKFIELD AVE. SE  
GRAND RAPIDS, MI 49525  
TEL: (616) 961-7252  
FAX: (616) 961-1222

**GRADING PLAN**  
**J.M. DEVELOPMENT, LLC**  
Part of Section 29, T8N, R11W  
Plainfield Township, Kent County, Michigan

**CLIENT:**  
**RUSCHE TRUCKING**  
**4457 ALPINE NW**  
**COMSTOCK PARK, MI 49321**  
**(616) 291-4242**

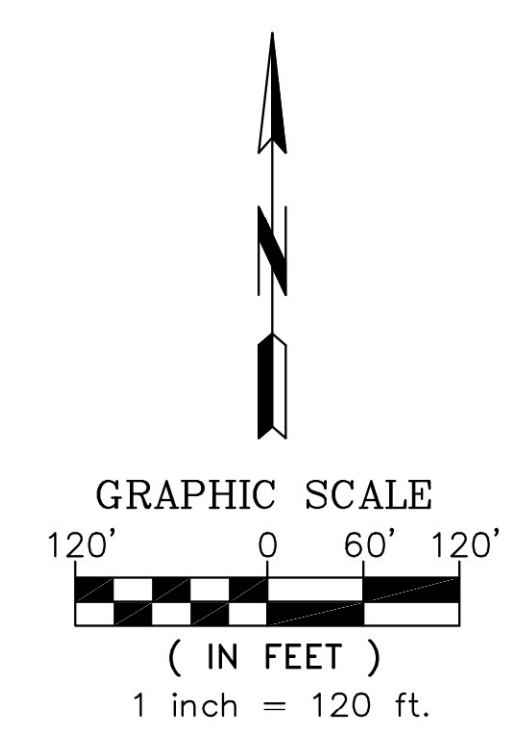
PROJECT NO.  
200992

C-102



- NOTES:
1. RECLAMATION AND SITE STABILIZATION FOR EACH PHASE SHALL BE COMPLETED WITHIN SIX MONTHS OF THE COMPLETION OF THE MINING IN EACH PHASE EXCLUSIVE OF ACCESS ROUTES AND SUPPORT STRUCTURES.
  2. FINISHED SLOPES SHALL BE NO STEEPER THAN 1:2.
  3. SUFFICIENT TOPSOIL WILL BE PLACED AND VEGETATION SHALL BE ESTABLISHED ON ALL DISTURBED GROUND TO PREVENT EROSION UPON COMPLETION OF THE PROJECT.
  4. SOIL EROSION PERMITS SHALL BE KEPT CURRENT WITH THE KENT COUNTY ROAD COMMISSION AND ALL REQUIRED MEASURES SHALL BE PERFORMED.

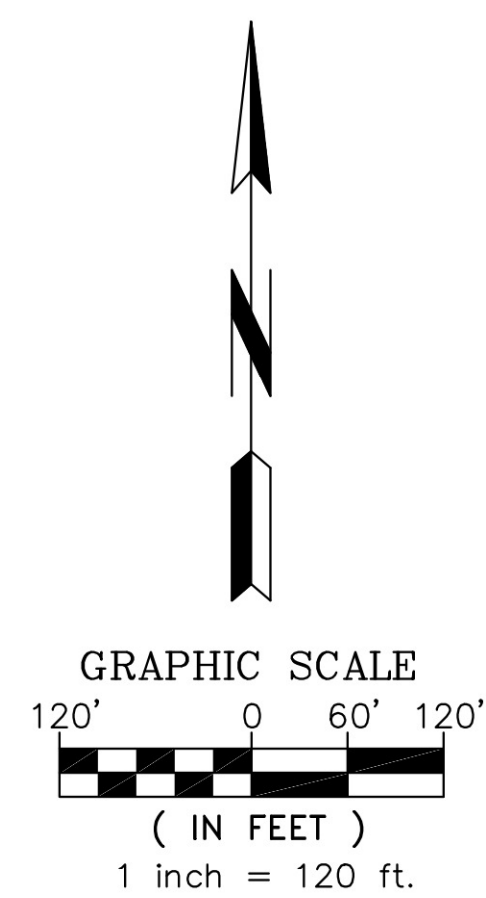
- LEGEND**
- 650 — PROPOSED MAJOR CONTOUR
  - - 645 - - PROPOSED MINOR CONTOUR



|  |  |  |   |   |
|--|--|--|---|---|
| <b>CLIENT:</b><br><b>RUSCHE TRUCKING</b><br><b>4457 ALPINE NW</b><br><b>COMSTOCK PARK, MI 49321</b><br><b>(616) 291-4242</b> | <b>RECLAMATION PLAN</b><br><b>J.M. DEVELOPMENT, LLC</b><br>Part of Section 29, T8N, R11W<br>Plainfield Township, Kent County, Michigan | <br><small>6658 PLAINFIELD AVE. SE<br/>         GRAND RAPIDS, MI 49525<br/>         TEL: (616) 361-7252<br/>         FAX: (616) 361-1222</small> | <small>DRAWN BY: CW</small><br><small>APPROVED BY: MC</small><br><small>DATE: NOV. 3, 2020</small>  | <small>REVISIONS:</small><br><small>NOV. 17, 2020 - REVISED PER TOWNSHIP</small><br><small>SEPT. 21, 2021 - TOWNSHIP SUBMITTAL</small><br><small>JUNE 21, 2022 - TOWNSHIP SUBMITTAL</small> |
|  |  |  | <small>REVISIONS:</small><br><small>JULY 11, 2022 - TOWNSHIP SUBMITTAL</small><br><small>JANUARY 19, 2023 - TOWNSHIP COMMENT</small><br><small>SEPTEMBER 5, 2025 - REVISED REMOVALS</small> | <small>REVISIONS:</small><br><small>NOV. 17, 2020 - REVISED PER TOWNSHIP</small><br><small>SEPT. 21, 2021 - TOWNSHIP SUBMITTAL</small><br><small>JUNE 21, 2022 - TOWNSHIP SUBMITTAL</small> |



- GENERAL NOTES:**
- P.P.N. 41-10-29-400-019 AND -400-005  
ADDRESS: 4640 COIT AVE NE  
APPLICANT:  
RUSCHE TRUCKING  
4457 ALPINE NW  
COMSTOCK PARK, MICHIGAN 49321
  - CURRENT ZONING: P.U.D (R-1 RESIDENTIAL STANDARDS USED FOR FUTURE LAYOUT/DEVELOPMENT)  
MINIMUM LOT AREA: 11,700 S.F.  
MINIMUM LOT WIDTH: 90 FEET  
SETBACKS:  
FRONT YARD 30 FEET  
SIDE YARD 10 FEET  
REAR YARD 40 FEET  
MAXIMUM BUILDING HT. 2-1/2 STORIES OR 35 FEET (WHICHEVER IS LESS)
  - 160 LOTS PROPOSED
  - CONTOUR INTERVALS = 5 FOOT
  - CURRENT USE IS FOR MINERAL EXTRACTION. ALL FUTURE LOTS ARE INTENDED FOR SINGLE FAMILY USE ONLY.
  - ALL STREETS WILL BE DEDICATED TO THE PUBLIC AND WILL BE CONSTRUCTED PER CITY OF PLAINFIELD STANDARDS AND SPECIFICATIONS.
  - THE SITE WILL BE SERVED BY PUBLIC UTILITIES - 8 INCH SANITARY SEWER, 12 INCH OR LARGER STORM SEWER, 6 INCH WATER MAIN, BURIED ELECTRICAL, GAS, TELEPHONE, AND CABLE TV. IT IS ALSO INTENDED TO INSTALL STREET LIGHTS WITH LOCATIONS TO BE PER CONSUMERS ENERGY. STORM WATER DRAINAGE SYSTEM SHALL CONFORM TO THE STANDARDS AND SPECIFICATIONS.
  - THIS SITE SHALL CONFORM TO THE KENT COUNTY SOIL EROSION CONTROL ORDINANCE.



|  |   |
|--|---|
| DRAWN BY: CW<br>APPROVED BY: MC<br>DATE: NOV. 3, 2020<br>REVISIONS:<br>NOV. 17, 2020 - REVISED PER TOWNSHIP<br>SEPT. 21, 2021 - TOWNSHIP SUBMITTAL<br>JUNE 21, 2022 - TOWNSHIP SUBMITTAL | JULY 11, 2022 - TOWNSHIP SUBMITTAL<br>JANUARY 19, 2023 - TOWNSHIP COMMENT<br>SEPTEMBER 5, 2025 - REVISED REMOVALS |
|  |   |
| <b>Rusche &amp; Associates</b><br><i>Surveying and Engineering</i><br>6656 PLAINFIELD AVE. NE (616) 361-1222<br>GRAND RAPIDS, MI 49525 FAX (616) 361-1222                                |   |
| <b>A FUTURE DEVELOPMENT PLAN</b><br><b>J.M. DEVELOPMENT, LLC</b><br>Part of Section 29, T8N, R11W<br>Plainfield Township, Kent County, Michigan  |   |
| <b>CLIENT:</b><br><b>RUSCHE TRUCKING</b><br><b>4457 ALPINE NW</b><br><b>COMSTOCK PARK, MI 49321</b><br><b>(616) 291-4242</b>   |   |
| PROJECT NO.<br>200992  |   |
| C-104  |   |

**SOIL BORING LOG**

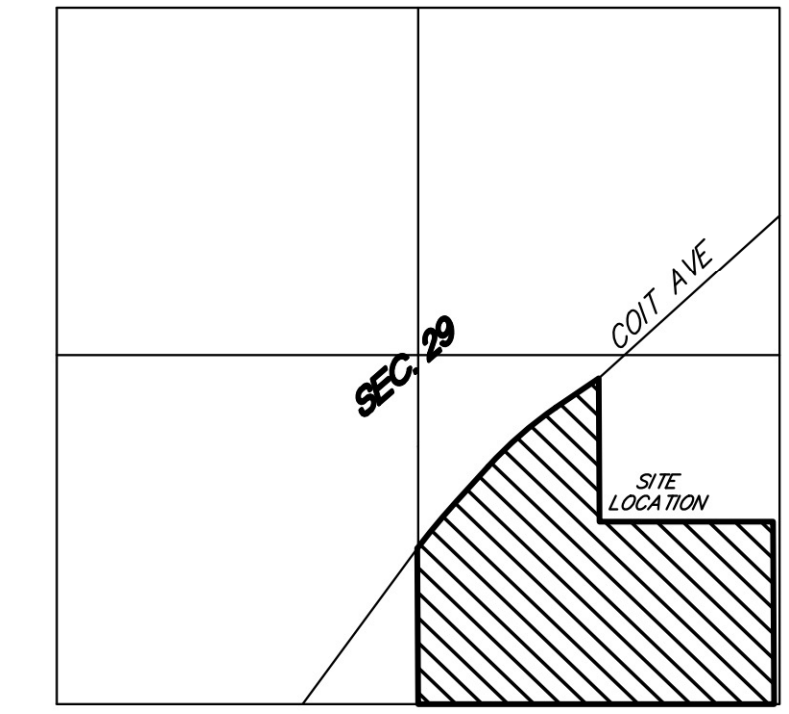
|         |                                      |
|---------|--------------------------------------|
| 0'-5'   | COARSE DARK SAND                     |
| 5'-10'  | CLEAN WHITE SAND                     |
| 10'-14' | CLEAN COARSE SAND                    |
| 14'-20' | SAND, CLAY, STONE MIXTURE (DAMP)     |
| 20'-25' | COARSE SANDY LOAM (WET)              |
| SB-2    |                                      |
| 0'-5'   | COARSE DARK SAND                     |
| 5'-8'   | RED CLAY WITH STONE                  |
| 8'-13'  | RED CLAY WITH STONE (DAMP)           |
| 13'-20' | BLUE CLAY (WET)                      |
| SB-3    |                                      |
| 0'-5'   | FINE SAND                            |
| 5'-10'  | COARSE CLEAN SAND (DAMP)             |
| 10'-15' | COARSE CLEAN SAND (WET)              |
| 17'-20' | RED CLAY                             |
| 20'-25' | RED/GRAY CLAY (WET)                  |
| SB-4    |                                      |
| 0'-5'   | STONEY ROAD GRAVEL MATERIAL          |
| 5'-10'  | BIRDSEYE TO 1" STONE                 |
| 10'-15' | FINE PEA STONE (DAMP)                |
| 15'-20' | RED CLAY (WET)                       |
| SB-5    |                                      |
| 0'-5'   | DARK WASHOUT DIRT                    |
| 5'-10'  | FINE SAND                            |
| 10'-15' | SAND WITH UP TO 1" STONE             |
| 15'-20' | FINE COARSE SAND (DAMP)              |
| SB-6    |                                      |
| 0'-5'   | BROWN WASHOUT DIRT                   |
| 5'-8'   | GREY CLAY                            |
| 6'-10'  | FINE STONE (DAMP)                    |
| 10'-20' | FINE STONE (WET)                     |
| SB-7    |                                      |
| 0'-5'   | STONEY ROAD GRAVEL MATERIAL          |
| 5'-8'   | RED CLAY                             |
| 6'-9'   | COARSE SAND                          |
| 9'-11'  | CLAY WITH STONE                      |
| 11'-20' | SAND, STONE, CLAY MIXTURE (WET)      |
| SB-8    |                                      |
| 0'-10'  | STONEY ROAD GRAVEL MATERIAL          |
| 10'-20' | STONE COBBLES                        |
| SB-9    |                                      |
| 0'-5'   | STONEY ROAD GRAVEL MATERIAL          |
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**LEGAL DESCRIPTION:**

THAT PART OF W 1/2 SE 1/4 LYING SLY OF CL OF COIT AVE ALSO SE 1/4 SE 1/4 EX E 66 FT \* SEC 29 T8N R11W 90.22 A.

TAX ID:  
41-10-29-400-019 and -400-005



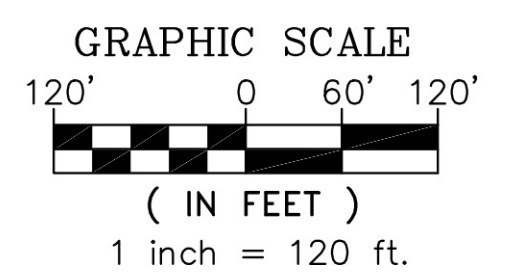
**LOCATION MAP**  
NOT TO SCALE

ADDRESS  
4640 COIT AVENUE NE,  
GRAND RAPIDS, MI 49525



**LEGEND**

---650--- EXISTING CONTOURS



**LEGEND**

|       |                                |
|-------|--------------------------------|
| o     | IRON STAKE - SET               |
| •     | IRON FOUND                     |
| □     | WOOD STAKE                     |
| R     | RECORDED DIMENSION             |
| D     | DEED DIMENSION                 |
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| G     | GROUND ELEVATION               |
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|   |  |   |  |  |   |                       |       |
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|---|--|---|--|--|---|-----------------------|-------|



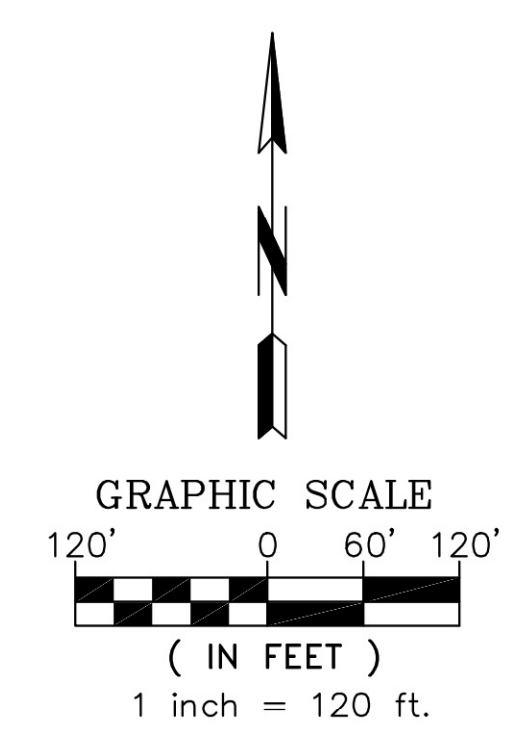
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TABLE OF REMOVAL

| PHASE         | NET CUT (CYD) |
|---------------|---------------|
| 1 (EX. PILES) | 60,000        |
| 2             | 30,000        |
| 3             | 150,000       |
| 4             | 50,000        |
| 5             | 100,000       |
| 6             | 210,000       |
| TOTAL         | 600,000       |

- LEGEND
- 680 — EXISTING MAJOR CONTOUR
  - 679 — EXISTING MINOR CONTOUR
  - 650 — PROPOSED MAJOR CONTOUR
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  - ↘ DRAINAGE ARROW



REVISIONS:  
 JULY 11, 2022 - TOWNSHIP SUBMITTAL  
 JANUARY 19, 2023 - TOWNSHIP COMMENT  
 SEPTEMBER 5, 2025 - REVISED REMOVALS

DRAWN BY: CW  
 APPROVED BY: MC  
 DATE: NOV. 3, 2020

REVISIONS:  
 NOV. 17, 2020 - REVISED PER TOWNSHIP  
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**Rosten & Associates**  
 Surveying and Engineering  
 6555 HAWFIELD AVE. SE  
 GRAND RAPIDS, MI 49525  
 TEL: (616) 961-7252  
 FAX: (616) 961-1222

**GRADING PLAN**  
**J.M. DEVELOPMENT, LLC**  
 Part of Section 29, T8N, R11W  
 Plainfield Township, Kent County, Michigan

CLIENT:  
**RUSCHE TRUCKING**  
**4457 ALPINE NW**  
**COMSTOCK PARK, MI 49321**  
**(616) 291-4242**

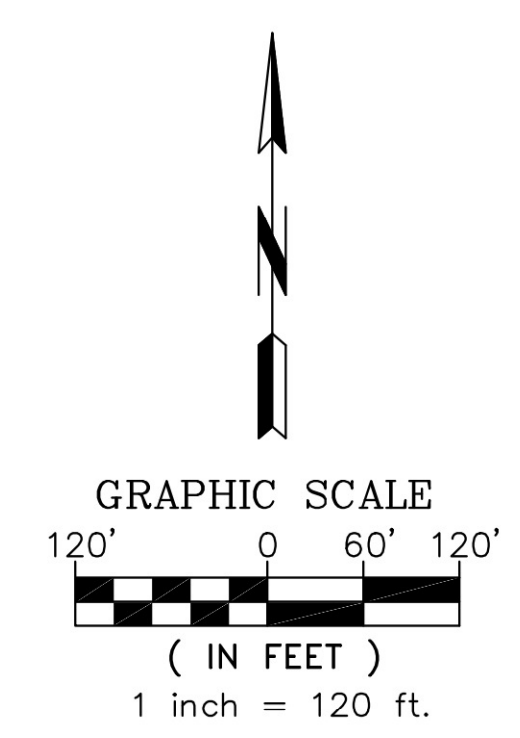
PROJECT NO.  
 200992

C-102



- NOTES:
1. RECLAMATION AND SITE STABILIZATION FOR EACH PHASE SHALL BE COMPLETED WITHIN SIX MONTHS OF THE COMPLETION OF THE MINING IN EACH PHASE EXCLUSIVE OF ACCESS ROUTES AND SUPPORT STRUCTURES.
  2. FINISHED SLOPES SHALL BE NO STEEPER THAN 1:2.
  3. SUFFICIENT TOPSOIL WILL BE PLACED AND VEGETATION SHALL BE ESTABLISHED ON ALL DISTURBED GROUND TO PREVENT EROSION UPON COMPLETION OF THE PROJECT.
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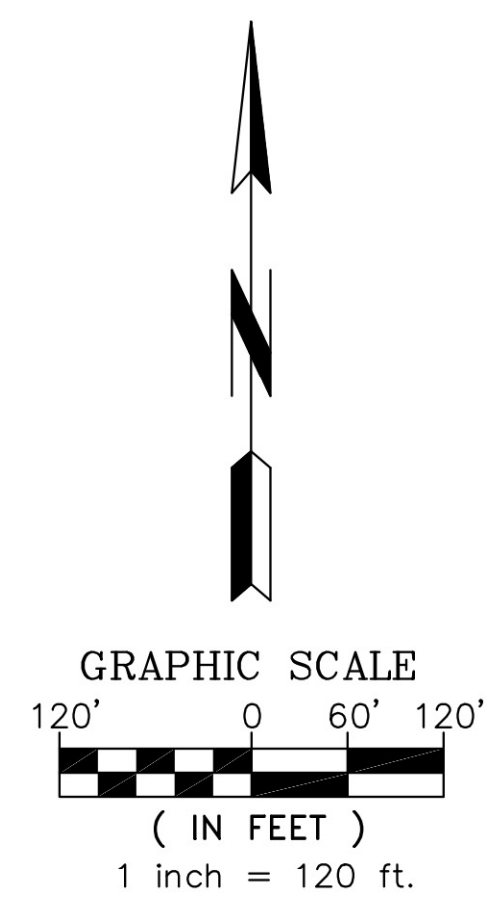
- LEGEND**
- 650 — PROPOSED MAJOR CONTOUR
  - - 645 - - PROPOSED MINOR CONTOUR



|  |  |       |   |   |
|--|--|-------|---|---|
| <b>CLIENT:</b><br><b>RUSCHE TRUCKING</b><br><b>4457 ALPINE NW</b><br><b>COMSTOCK PARK, MI 49321</b><br><b>(616) 291-4242</b> | <b>RECLAMATION PLAN</b><br><b>J.M. DEVELOPMENT, LLC</b><br>Part of Section 29, T8N, R11W<br>Plainfield Township, Kent County, Michigan |       | DRAWN BY: CW<br>APPROVED BY: MC<br>DATE: NOV. 3, 2020   | JULY 11, 2022 – TOWNSHIP SUBMITTAL<br>JANUARY 19, 2023 – TOWNSHIP COMMENT<br>SEPTEMBER 5, 2025 – REVISED REMOVALS               |
|  |  |       | REVISIONS:<br>NOV. 17, 2020 – REVISED PER TOWNSHIP<br>SEPT. 21, 2021 – TOWNSHIP SUBMITTAL<br>JUNE 21, 2022 – TOWNSHIP SUBMITTAL | REVISIONS:<br>NOV. 17, 2020 – REVISED PER TOWNSHIP<br>SEPT. 21, 2021 – TOWNSHIP SUBMITTAL<br>JUNE 21, 2022 – TOWNSHIP SUBMITTAL |
| PROJECT NO.<br>200992  |  | C-103 |   |   |



- GENERAL NOTES:**
- P.P.N. 41-10-29-400-019 AND -400-005  
ADDRESS: 4640 COIT AVE NE  
APPLICANT:  
RUSCHE TRUCKING  
4457 ALPINE NW  
COMSTOCK PARK, MICHIGAN 49321
  - CURRENT ZONING: P.U.D (R-1 RESIDENTIAL STANDARDS USED FOR FUTURE LAYOUT/DEVELOPMENT)  
MINIMUM LOT AREA: 11,700 S.F.  
MINIMUM LOT WIDTH: 90 FEET  
SETBACKS:  
FRONT YARD 30 FEET  
SIDE YARD 10 FEET  
REAR YARD 40 FEET  
MAXIMUM BUILDING HT. 2-1/2 STORIES OR 35 FEET (WHICHEVER IS LESS)
  - 160 LOTS PROPOSED
  - CONTOUR INTERVALS = 5 FOOT
  - CURRENT USE IS FOR MINERAL EXTRACTION. ALL FUTURE LOTS ARE INTENDED FOR SINGLE FAMILY USE ONLY.
  - ALL STREETS WILL BE DEDICATED TO THE PUBLIC AND WILL BE CONSTRUCTED PER CITY OF PLAINFIELD STANDARDS AND SPECIFICATIONS.
  - THE SITE WILL BE SERVED BY PUBLIC UTILITIES - 8 INCH SANITARY SEWER, 12 INCH OR LARGER STORM SEWER, 6 INCH WATER MAIN, BURIED ELECTRICAL, GAS, TELEPHONE, AND CABLE TV. IT IS ALSO INTENDED TO INSTALL STREET LIGHTS WITH LOCATIONS TO BE PER CONSUMERS ENERGY. STORM WATER DRAINAGE SYSTEM SHALL CONFORM TO THE STANDARDS AND SPECIFICATIONS.
  - THIS SITE SHALL CONFORM TO THE KENT COUNTY SOIL EROSION CONTROL ORDINANCE.



|  |   |
|--|---|
| DRAWN BY: CW<br>APPROVED BY: MC<br>DATE: NOV. 3, 2020<br>REVISIONS:<br>NOV. 17, 2020 - REVISED PER TOWNSHIP<br>SEPT. 21, 2021 - TOWNSHIP SUBMITTAL<br>JUNE 21, 2022 - TOWNSHIP SUBMITTAL | JULY 11, 2022 - TOWNSHIP SUBMITTAL<br>JANUARY 19, 2023 - TOWNSHIP COMMENT<br>SEPTEMBER 5, 2025 - REVISED REMOVALS |
|  |   |
| <b>A FUTURE DEVELOPMENT PLAN</b><br><b>J.M. DEVELOPMENT, LLC</b><br>Part of Section 29, T8N, R11W<br>Plainfield Township, Kent County, Michigan  |   |
| CLIENT:<br><b>RUSCHE TRUCKING</b><br><b>4457 ALPINE NW</b><br><b>COMSTOCK PARK, MI 49321</b><br><b>(616) 291-4242</b>  |   |
| PROJECT NO.<br>200992  |   |
| C-104  |   |

**SOIL BORING LOG**

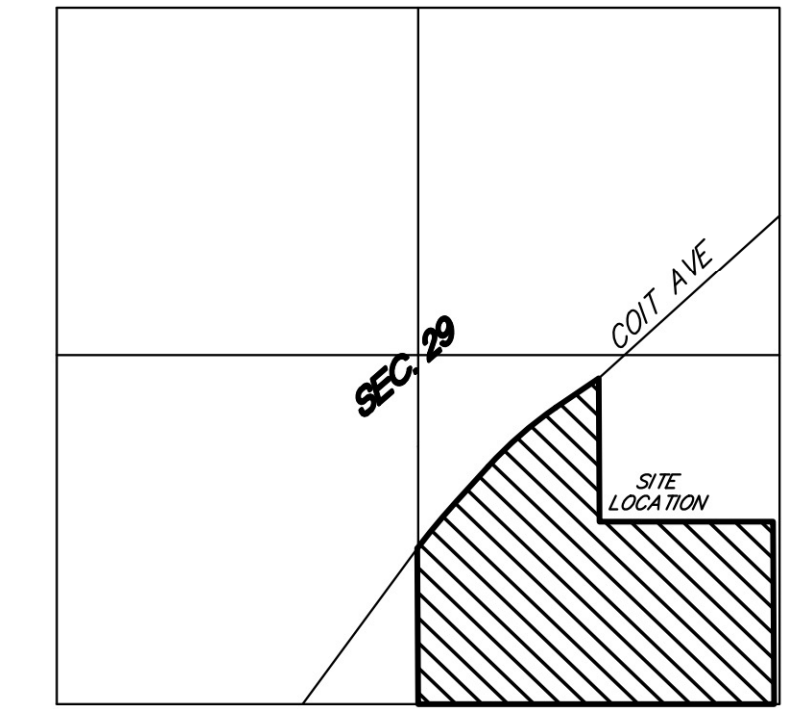
|         |                                      |
|---------|--------------------------------------|
| 0'-5'   | COARSE DARK SAND                     |
| 5'-10'  | CLEAN WHITE SAND                     |
| 10'-14' | CLEAN COARSE SAND                    |
| 14'-20' | SAND, CLAY, STONE MIXTURE (DAMP)     |
| 20'-25' | COARSE SANDY LOAM (WET)              |
| SB-2    |                                      |
| 0'-5'   | COARSE DARK SAND                     |
| 5'-8'   | RED CLAY WITH STONE                  |
| 8'-13'  | RED CLAY WITH STONE (DAMP)           |
| 13'-20' | BLUE CLAY (WET)                      |
| SB-3    |                                      |
| 0'-5'   | FINE SAND                            |
| 5'-10'  | COARSE CLEAN SAND (DAMP)             |
| 10'-15' | COARSE CLEAN SAND (WET)              |
| 17'-20' | RED CLAY                             |
| 20'-25' | RED/GRAY CLAY (WET)                  |
| SB-4    |                                      |
| 0'-5'   | STONEY ROAD GRAVEL MATERIAL          |
| 5'-10'  | BIRDSEYE TO 1" STONE                 |
| 10'-15' | FINE PEA STONE (DAMP)                |
| 15'-20' | RED CLAY (WET)                       |
| SB-5    |                                      |
| 0'-5'   | DARK WASHOUT DIRT                    |
| 5'-10'  | FINE SAND                            |
| 10'-15' | SAND WITH UP TO 1" STONE             |
| 15'-20' | FINE COARSE SAND (DAMP)              |
| SB-6    |                                      |
| 0'-5'   | BROWN WASHOUT DIRT                   |
| 5'-8'   | GREY CLAY                            |
| 6'-10'  | FINE STONE (DAMP)                    |
| 10'-20' | FINE STONE (WET)                     |
| SB-7    |                                      |
| 0'-5'   | STONEY ROAD GRAVEL MATERIAL          |
| 5'-8'   | RED CLAY                             |
| 6'-9'   | COARSE SAND                          |
| 9'-11'  | CLAY WITH STONE                      |
| 11'-20' | SAND, STONE, CLAY MIXTURE (WET)      |
| SB-8    |                                      |
| 0'-10'  | STONEY ROAD GRAVEL MATERIAL          |
| 10'-20' | STONE COBBLES                        |
| SB-9    |                                      |
| 0'-5'   | STONEY ROAD GRAVEL MATERIAL          |
| 0'-5'   | STONE PROHIBITED BORING CONTINUATION |



**LEGAL DESCRIPTION:**

THAT PART OF W 1/2 SE 1/4 LYING SLY OF CL OF COIT AVE ALSO SE 1/4 SE 1/4 EX E 66 FT \* SEC 29 T8N R11W 90.22 A.

TAX ID:  
41-10-29-400-019 and -400-005



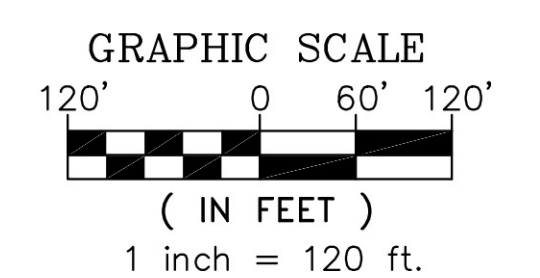
**LOCATION MAP**  
NOT TO SCALE

ADDRESS  
4640 COIT AVENUE NE,  
GRAND RAPIDS, MI 49525



**LEGEND**

---650--- EXISTING CONTOURS



**LEGEND**

|       |                                |
|-------|--------------------------------|
| o     | IRON STAKE - SET               |
| ●     | IRON FOUND                     |
| □     | WOOD STAKE                     |
| R     | RECORDED DIMENSION             |
| D     | DEED DIMENSION                 |
| P     | PLATTED DIMENSION              |
| M     | MEASURED DIMENSION             |
| CL    | CENTER LINE                    |
| CC    | CORNER ON CONCRETE             |
| EB    | EDGE OF BITUMINOUS             |
| EC    | EDGE OF CONCRETE               |
| EG    | EDGE OF GRAVEL                 |
| G     | GROUND ELEVATION               |
| GTR   | FLOW LINE OF GUTTER            |
| OHE   | OVERHEAD ELECTRIC UTILITY LINE |
| —     | LIGHT POLE                     |
| —     | EX. CONTOUR LINE               |
| X-X   | FENCE LINE                     |
| CONC. | CONCRETE                       |
| BT    | BITUMINOUS PAVEMENT            |
| ENCR  | PROPERTY LINE ENCROACHMENT     |
| UTIL  | UTILITY                        |
| ELEC  | ELECTRIC                       |
| RET.  | RETAINING WALL                 |
| P/L   | PROPERTY LINE                  |
| P/MT  | PAVEMENT                       |
| W.S.  | WATER SERVICE LATERAL          |
| B.M.  | BENCHMARK                      |
| W.V.  | WATER VALVE                    |
| HYD.  | FIRE HYDRANT                   |
| CB    | CATCH BASIN                    |
| MH    | MANHOLE                        |

|   |  |   |  |  |   |                       |       |
|---|--|---|--|--|---|-----------------------|-------|
| REVISIONS:<br>JULY 11, 2022 - TOWNSHIP SUBMITTAL<br>JANUARY 19, 2023 - TOWNSHIP COMMENT<br>SEPTEMBER 5, 2025 - REVISED REMOVALS | DRAWN BY: CW<br>APPROVED BY: MC<br>DATE: NOV. 3, 2020<br>REVISIONS:<br>NOV. 17, 2020 - REVISED PER TOWNSHIP<br>SEPT. 21, 2021 - TOWNSHIP SUBMITTAL<br>JUNE 21, 2022 - TOWNSHIP SUBMITTAL | SERVING THE NEEDS OF OUR CLIENTS SINCE 1987 | Roosten & Associates<br>SURVEYING AND ENGINEERING<br>6555 HAWFIELD AVE. SE<br>GRAND RAPIDS, MI 49525<br>TEL: (616) 961-7252<br>FAX: (616) 961-1822 | EXISTING CONDITIONS & REMOVALS<br>J.M. DEVELOPMENT, LLC<br>Part of Section 29, T8N, R11W<br>Plainfield Township, Kent County, Michigan | CLIENT:<br>RUSCHE TRUCKING<br>4457 ALPINE NW<br>COMSTOCK PARK, MI 49321<br>(616) 291-4242 | PROJECT NO.<br>200992 | C-101 |
|---|--|---|--|--|---|-----------------------|-------|



**MINERAL EXTRACTION NOTES:**

1. EXCAVATION: APPROXIMATELY 600,000 CUBIC YARDS OF ADDITIONAL MATERIAL WILL BE REMOVED FROM THE PROPERTY.
2. PHASING: EXCAVATION HAS OCCURRED ALL OVER THE PROPERTY TO DATE. EXCAVATION WILL CONTINUE TO FOCUS ON THE PILES THROUGHOUT THE SITE. ONCE THOSE ARE COMPLETED, EXCAVATION WILL BEGIN TO FOCUS AT THE SOUTHWEST CORNER OF THE PROPERTY AND PROCEED COUNTERCLOCKWISE TO THE NORTH AND EAST AS DEMAND FOR EXCAVATED MATERIALS DICTATES. RESTORATION AND STABILIZATION WILL OCCUR ANNUALLY ON THOSE AREAS WHERE THE FINISHED GRADING HAS BEEN PERFORMED.
3. TIMING: IT IS ESTIMATED THAT APPROXIMATELY 110,000 CUBIC YARDS OF MATERIAL WILL BE REMOVED ANNUALLY FROM THE PROPERTY. THE ACTUAL REMOVAL WILL BE BASED ON MARKET CONDITIONS. IT IS ANTICIPATED THAT EACH PHASE AS SHOWN ON THE DRAWING WILL BE COMPLETED IN TWO YEARS OR LESS.
4. FENCING SHALL BE INSTALLED AS NEEDED ALONG THE SIDES IN AREAS WHERE STEEP SLOPES ARE TO BE CREATED.
5. AN EXCAVATOR AND DUMP TRUCKS SHALL BE USED TO REMOVE THE EXTRACTED MATERIALS.
6. THE HOURS OF OPERATION HAVE ALREADY BEEN SET AND APPROVED BY THE TOWNSHIP.
7. WATER OR BRINE WILL BE APPLIED TO UNPAVED PORTIONS OF THE HALL ROAD FOR DUST CONTROL AS NEEDED. ACCESS TO COIT AVENUE WILL BE VIA THE EXISTING DRIVEWAY.
8. APPLICANT WILL COMPLY WITH STATE, LOCAL, AND FEDERAL LAWS AS APPLICABLE TO THE SITE OR INTENDED USE.

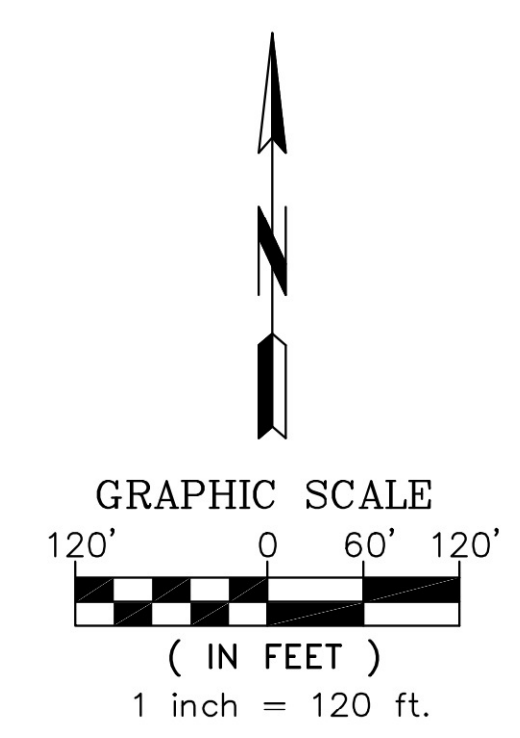
**NOTES:**

1. SOIL EROSION PERMITS SHALL BE KEPT CURRENT WITH THE KENT COUNTY ROAD COMMISSION.
2. SUFFICIENT TOPSOIL WILL BE PLACED AND VEGETATION SUFFICIENT TO PREVENT EROSION SHALL BE ESTABLISHED ON ALL DISTURBED GROUND UPON COMPLETION OF PHASES.
3. THE OWNER SHALL COORDINATE WITH THE ADJACENT PROPERTY OWNER TO REMOVE THE BERM(S) ALONG THE SOUTH PROPERTY LINE AND PERFORM GRADING AS NECESSARY FOR A FUTURE CROSS CONNECTION AT ELEVATION 660.

**TABLE OF REMOVAL**

| PHASE         | NET CUT (CYD)  |
|---------------|----------------|
| 1 (EX. PILES) | 60,000         |
| 2             | 30,000         |
| 3             | 150,000        |
| 4             | 50,000         |
| 5             | 100,000        |
| 6             | 210,000        |
| <b>TOTAL</b>  | <b>600,000</b> |

- LEGEND**
- 680 — EXISTING MAJOR CONTOUR
  - 679 — EXISTING MINOR CONTOUR
  - 650 — PROPOSED MAJOR CONTOUR
  - 645 — PROPOSED MINOR CONTOUR
  - ↘ DRAINAGE ARROW



**REVISIONS:**

|                   |                      |
|-------------------|----------------------|
| JULY 11, 2022     | — TOWNSHIP SUBMITTAL |
| JANUARY 19, 2023  | — TOWNSHIP COMMENT   |
| SEPTEMBER 5, 2025 | — REVISED REMOVALS   |

**APPROVED BY:** MC  
**DATE:** NOV. 3, 2020

**REVISIONS:**

|                |                        |
|----------------|------------------------|
| NOV. 17, 2020  | — REVISED PER TOWNSHIP |
| SEPT. 21, 2021 | — TOWNSHIP SUBMITTAL   |
| JUNE 21, 2022  | — TOWNSHIP SUBMITTAL   |

**Roosten & Associates**  
 Surveying and Engineering  
 6658 HAWFIELD AVE. SE  
 GRAND RAPIDS, MI 49525  
 TEL: (616) 961-7252  
 FAX: (616) 961-1222

**GRADING PLAN**  
**J.M. DEVELOPMENT, LLC**  
 Part of Section 29, T8N, R11W  
 Plainfield Township, Kent County, Michigan

**CLIENT:**  
**RUSCHE TRUCKING**  
**4457 ALPINE NW**  
**COMSTOCK PARK, MI 49321**  
**(616) 291-4242**

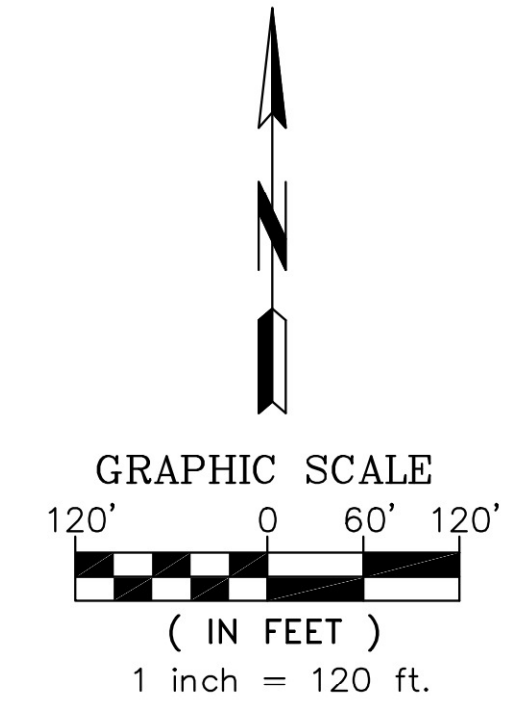
**PROJECT NO.**  
 200992

**C-102**



NOTES:  
 1. RECLAMATION AND SITE STABILIZATION FOR EACH PHASE SHALL BE COMPLETED WITHIN SIX MONTHS OF THE COMPLETION OF THE MINING IN EACH PHASE EXCLUSIVE OF ACCESS ROUTES AND SUPPORT STRUCTURES.  
 2. FINISHED SLOPES SHALL BE NO STEEPER THAN 1:2.  
 3. SUFFICIENT TOPSOIL WILL BE PLACED AND VEGETATION SHALL BE ESTABLISHED ON ALL DISTURBED GROUND TO PREVENT EROSION UPON COMPLETION OF THE PROJECT.  
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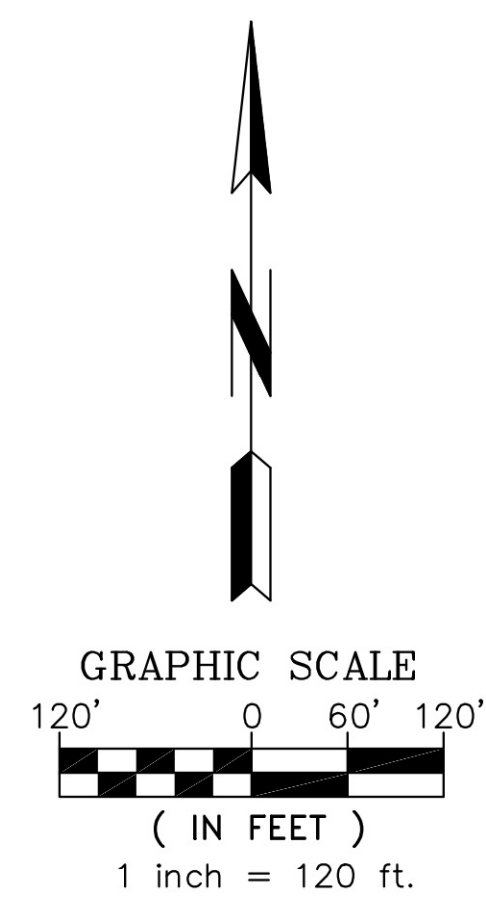
**LEGEND**  
 - 650 - PROPOSED MAJOR CONTOUR  
 - 645 - PROPOSED MINOR CONTOUR



|  |  |  |   |   |
|--|--|--|---|---|
| <b>CLIENT:</b><br><b>RUSCHE TRUCKING</b><br><b>4457 ALPINE NW</b><br><b>COMSTOCK PARK, MI 49321</b><br><b>(616) 291-4242</b> | <b>RECLAMATION PLAN</b><br><b>J.M. DEVELOPMENT, LLC</b><br>Part of Section 29, T8N, R11W<br>Plainfield Township, Kent County, Michigan | <br><small>6555 PLAINFIELD AVE. SE<br/>         GRAND RAPIDS, MI 49525<br/>         TEL: (616) 361-7252<br/>         FAX: (616) 361-1222</small> | <small>DRAWN BY: CW</small><br><small>APPROVED BY: MC</small><br><small>DATE: NOV. 3, 2020</small>  | <small>REVISIONS:</small><br><small>NOV. 17, 2020 - REVISED PER TOWNSHIP</small><br><small>SEPT. 21, 2021 - TOWNSHIP SUBMITTAL</small><br><small>JUNE 21, 2022 - TOWNSHIP SUBMITTAL</small> |
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- GENERAL NOTES:**
- P.P.N. 41-10-29-400-019 AND -400-005  
ADDRESS: 4640 COIT AVE NE  
APPLICANT:  
RUSCHE TRUCKING  
4457 ALPINE NW  
COMSTOCK PARK, MICHIGAN 49321
  - CURRENT ZONING: P.U.D (R-1 RESIDENTIAL STANDARDS USED FOR FUTURE LAYOUT/DEVELOPMENT)  
MINIMUM LOT AREA: 11,700 S.F.  
MINIMUM LOT WIDTH: 90 FEET  
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SIDE YARD 10 FEET  
REAR YARD 40 FEET  
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|--|---|
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|  |   |
| <b>Roostein &amp; Associates</b><br>SURVEYING AND ENGINEERING<br>6656 PLAINFIELD AVE. SE<br>GRAND RAPIDS, MI 49525<br>TEL: (616) 961-7920<br>FAX: (616) 961-1822                         |   |
| <b>A FUTURE DEVELOPMENT PLAN</b><br><b>J.M. DEVELOPMENT, LLC</b><br>Part of Section 29, T8N, R11W<br>Plainfield Township, Kent County, Michigan  |   |
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| PROJECT NO.<br>200992  |   |
| C-104  |   |

**SOIL BORING LOG**

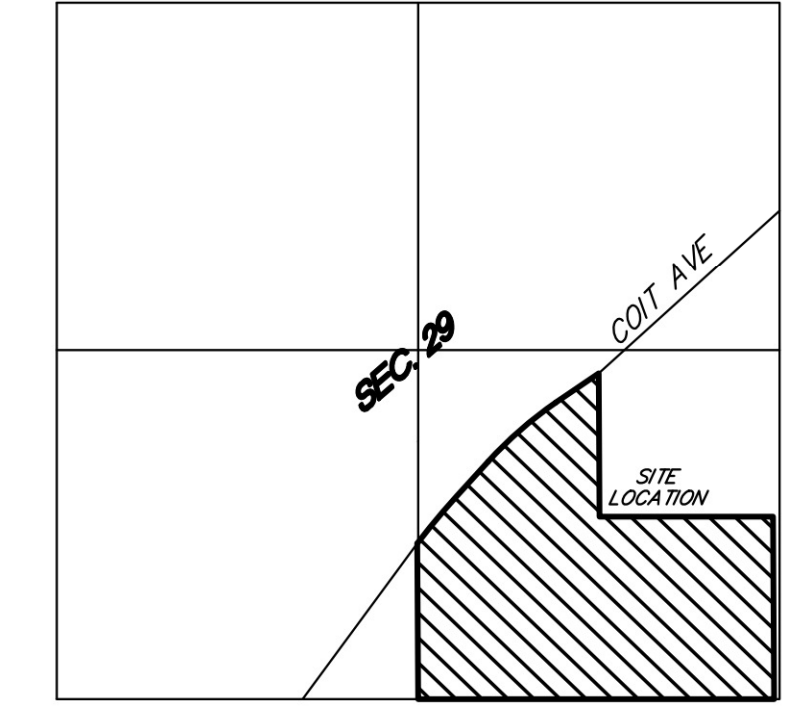
|         |                                      |
|---------|--------------------------------------|
| 0'-5'   | COARSE DARK SAND                     |
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| SB-2    |                                      |
| 0'-5'   | COARSE DARK SAND                     |
| 5'-8'   | RED CLAY WITH STONE                  |
| 8'-13'  | RED CLAY WITH STONE (DAMP)           |
| 13'-20' | BLUE CLAY (WET)                      |
| SB-3    |                                      |
| 0'-5'   | FINE SAND                            |
| 5'-10'  | COARSE CLEAN SAND (DAMP)             |
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| SB-5    |                                      |
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**LEGAL DESCRIPTION:**

THAT PART OF W 1/2 SE 1/4 LYING SLY OF CL OF COIT AVE ALSO SE 1/4 SE 1/4 EX E 66 FT \* SEC 29 T8N R11W 90.22 A.

TAX ID:  
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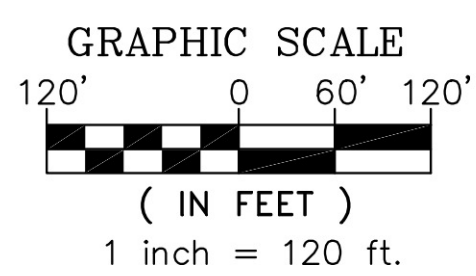
**LOCATION MAP**  
NOT TO SCALE

ADDRESS  
4640 COIT AVENUE NE,  
GRAND RAPIDS, MI 49525



**LEGEND**

---650--- EXISTING CONTOURS



**LEGEND**

|       |                                |
|-------|--------------------------------|
| o     | IRON STAKE - SET               |
| ●     | IRON FOUND                     |
| □     | WOOD STAKE                     |
| R     | RECORDED DIMENSION             |
| D     | DEED DIMENSION                 |
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| P/MT  | PAVEMENT                       |
| W.S.  | WATER SERVICE LATERAL          |
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| W.V.  | WATER VALVE                    |
| HYD.  | FIRE HYDRANT                   |
| CB    | CATCH BASIN                    |
| MH    | MANHOLE                        |

|   |  |   |  |  |   |                       |       |
|---|--|---|--|--|---|-----------------------|-------|
| REVISIONS:<br>JULY 11, 2022 - TOWNSHIP SUBMITTAL<br>JANUARY 19, 2023 - TOWNSHIP COMMENT<br>SEPTEMBER 5, 2025 - REVISED REMOVALS | DRAWN BY: CW<br>APPROVED BY: MC<br>DATE: NOV. 3, 2020<br>REVISIONS:<br>NOV. 17, 2020 - REVISED PER TOWNSHIP<br>SEPT. 21, 2021 - TOWNSHIP SUBMITTAL<br>JUNE 21, 2022 - TOWNSHIP SUBMITTAL | SERVING THE NEEDS OF OUR CLIENTS SINCE 1987 | Roosten & Associates<br>SURVEYING AND ENGINEERING<br>6555 HAWFIELD AVE. SE<br>GRAND RAPIDS, MI 49525<br>TEL: (616) 961-7252<br>FAX: (616) 961-1822 | EXISTING CONDITIONS & REMOVALS<br>J.M. DEVELOPMENT, LLC<br>Part of Section 29, T8N, R11W<br>Plainfield Township, Kent County, Michigan | CLIENT:<br>RUSCHE TRUCKING<br>4457 ALPINE NW<br>COMSTOCK PARK, MI 49321<br>(616) 291-4242 | PROJECT NO.<br>200992 | C-101 |
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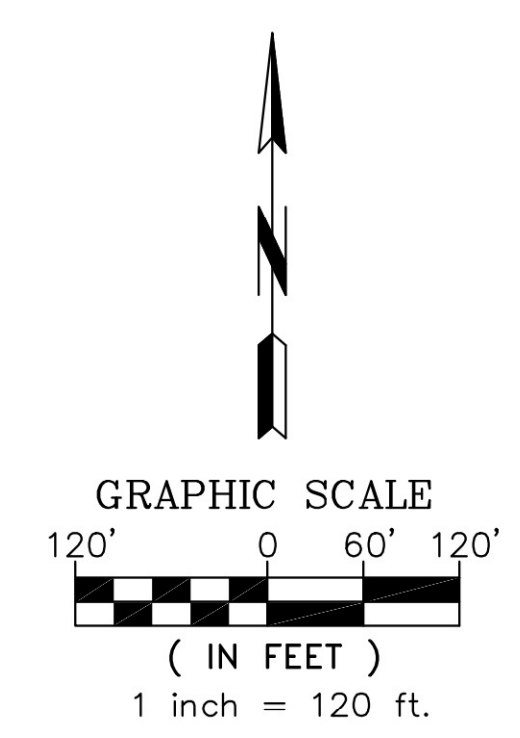
MINERAL EXTRACTION NOTES:  
 1. EXCAVATION: APPROXIMATELY 600,000 CUBIC YARDS OF ADDITIONAL MATERIAL WILL BE REMOVED FROM THE PROPERTY.  
 2. PHASING: EXCAVATION HAS OCCURRED ALL OVER THE PROPERTY TO DATE. EXCAVATION WILL CONTINUE TO FOCUS ON THE PILES THROUGHOUT THE SITE. ONCE THOSE ARE COMPLETED, EXCAVATION WILL BEGIN TO FOCUS AT THE SOUTHWEST CORNER OF THE PROPERTY AND PROCEED COUNTERCLOCKWISE TO THE NORTH AND EAST AS DEMAND FOR EXCAVATED MATERIALS DICTATES. RESTORATION AND STABILIZATION WILL OCCUR ANNUALLY ON THOSE AREAS WHERE THE FINISHED GRADING HAS BEEN PERFORMED.  
 3. TIMING: IT IS ESTIMATED THAT APPROXIMATELY 110,000 CUBIC YARDS OF MATERIAL WILL BE REMOVED ANNUALLY FROM THE PROPERTY. THE ACTUAL REMOVAL WILL BE BASED ON MARKET CONDITIONS. IT IS ANTICIPATED THAT EACH PHASE AS SHOWN ON THE DRAWING WILL BE COMPLETED IN TWO YEARS OR LESS.  
 4. FENCING SHALL BE INSTALLED AS NEEDED ALONG THE SIDES IN AREAS WHERE STEEP SLOPES ARE TO BE CREATED.  
 5. AN EXCAVATOR AND DUMP TRUCKS SHALL BE USED TO REMOVE THE EXTRACTED MATERIALS.  
 6. THE HOURS OF OPERATION HAVE ALREADY BEEN SET AND APPROVED BY THE TOWNSHIP.  
 7. WATER OR BRINE WILL BE APPLIED TO UNPAVED PORTIONS OF THE HALL ROAD FOR DUST CONTROL AS NEEDED. ACCESS TO COIT AVENUE WILL BE VIA THE EXISTING DRIVEWAY.  
 8. APPLICANT WILL COMPLY WITH STATE, LOCAL, AND FEDERAL LAWS AS APPLICABLE TO THE SITE OR INTENDED USE.

NOTES:  
 1. SOIL EROSION PERMITS SHALL BE KEPT CURRENT WITH THE KENT COUNTY ROAD COMMISSION.  
 2. SUFFICIENT TOPSOIL WILL BE PLACED AND VEGETATION SUFFICIENT TO PREVENT EROSION SHALL BE ESTABLISHED ON ALL DISTURBED GROUND UPON COMPLETION OF PHASES.  
 3. THE OWNER SHALL COORDINATE WITH THE ADJACENT PROPERTY OWNER TO REMOVE THE BERM(S) ALONG THE SOUTH PROPERTY LINE AND PERFORM GRADING AS NECESSARY FOR A FUTURE CROSS CONNECTION AT ELEVATION 660.

TABLE OF REMOVAL

| PHASE         | NET CUT (CYD) |
|---------------|---------------|
| 1 (EX. PILES) | 60,000        |
| 2             | 30,000        |
| 3             | 150,000       |
| 4             | 50,000        |
| 5             | 100,000       |
| 6             | 210,000       |
| TOTAL         | 600,000       |

- LEGEND**
- 680 — EXISTING MAJOR CONTOUR
  - 679 — EXISTING MINOR CONTOUR
  - 650 — PROPOSED MAJOR CONTOUR
  - 645 — PROPOSED MINOR CONTOUR
  - ↘ DRAINAGE ARROW



REVISIONS:  
 JULY 11, 2022 - TOWNSHIP SUBMITTAL  
 JANUARY 19, 2023 - TOWNSHIP COMMENT  
 SEPTEMBER 5, 2025 - REVISED REMOVALS

DRAWN BY: CW  
 APPROVED BY: MC  
 DATE: NOV. 3, 2020

REVISIONS:  
 NOV. 17, 2020 - REVISED PER TOWNSHIP  
 SEPT. 21, 2021 - TOWNSHIP SUBMITTAL  
 JUNE 21, 2022 - TOWNSHIP SUBMITTAL

**Roosten & Associates**  
 SURVEYING AND ENGINEERING  
 6658 HAWFIELD AVE. SE  
 GRAND RAPIDS, MI 49525  
 TEL: (616) 961-7252  
 FAX: (616) 961-1822

**GRADING PLAN**  
**J.M. DEVELOPMENT, LLC**  
 Part of Section 29, T8N, R11W  
 Plainfield Township, Kent County, Michigan

CLIENT:  
**RUSCHE TRUCKING**  
**4457 ALPINE NW**  
**COMSTOCK PARK, MI 49321**  
**(616) 291-4242**

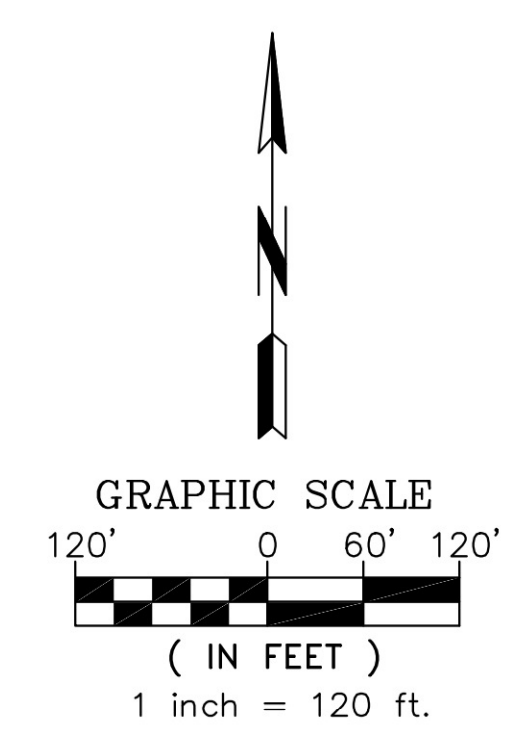
PROJECT NO.  
 200992

C-102



NOTES:  
 1. RECLAMATION AND SITE STABILIZATION FOR EACH PHASE SHALL BE COMPLETED WITHIN SIX MONTHS OF THE COMPLETION OF THE MINING IN EACH PHASE EXCLUSIVE OF ACCESS ROUTES AND SUPPORT STRUCTURES.  
 2. FINISHED SLOPES SHALL BE NO STEEPER THAN 1:2.  
 3. SUFFICIENT TOPSOIL WILL BE PLACED AND VEGETATION SHALL BE ESTABLISHED ON ALL DISTURBED GROUND TO PREVENT EROSION UPON COMPLETION OF THE PROJECT.  
 4. SOIL EROSION PERMITS SHALL BE KEPT CURRENT WITH THE KENT COUNTY ROAD COMMISSION AND ALL REQUIRED MEASURES SHALL BE PERFORMED.

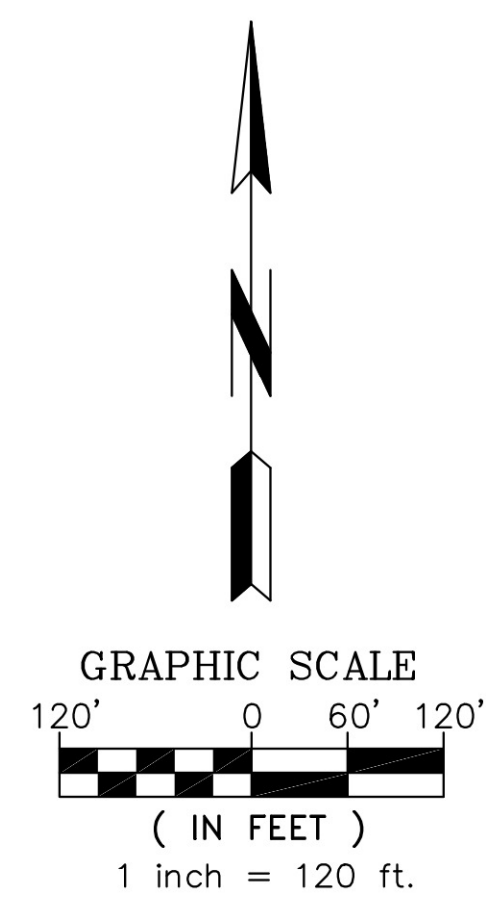
**LEGEND**  
 — 650 — PROPOSED MAJOR CONTOUR  
 - - 645 - - PROPOSED MINOR CONTOUR



|  |  |  |  |
|--|--|--|--|
| <p>CLIENT:<br/> <b>RUSCHE TRUCKING</b><br/> <b>4457 ALPINE NW</b><br/> <b>COMSTOCK PARK, MI 49321</b><br/> <b>(616) 291-4242</b></p> | <p>RECLAMATION PLAN<br/> <b>J.M. DEVELOPMENT, LLC</b><br/>         Part of Section 29, T8N, R11W<br/>         Plainfield Township, Kent County, Michigan</p> | <p>Roosten &amp; Associates<br/>         Surveying and Engineering<br/>         6656 PLUMBER AVE. SE<br/>         GRAND RAPIDS, MI 49525<br/>         TEL: (616) 961-7252<br/>         FAX: (616) 961-1222</p> | <p>REVISIONS:<br/>         JULY 11, 2022 - TOWNSHIP SUBMITTAL<br/>         JANUARY 19, 2023 - TOWNSHIP COMMENT<br/>         SEPTEMBER 5, 2025 - REVISED REMOVALS</p> |
| <p>PROJECT NO.<br/>         200992</p>   | <p>DATE: NOV. 3, 2020</p>  | <p>APPROVED BY: MC</p>   | <p>DRAWN BY: CW</p>  |
| <p>C-103</p>   | <p>NOV. 17, 2020 - REVISED PER TOWNSHIP<br/>         SEPT. 21, 2021 - TOWNSHIP SUBMITTAL<br/>         JUNE 21, 2022 - TOWNSHIP SUBMITTAL</p>                 | <p>SERVING THE NEEDS OF OUR<br/>         CLIENTS SINCE 1987</p>  | <p>REVISIONS:<br/>         NOV. 17, 2020 - REVISED PER TOWNSHIP<br/>         SEPT. 21, 2021 - TOWNSHIP SUBMITTAL<br/>         JUNE 21, 2022 - TOWNSHIP SUBMITTAL</p> |



- GENERAL NOTES:**
- P.P.N. 41-10-29-400-019 AND -400-005  
ADDRESS: 4640 COIT AVE NE  
APPLICANT:  
RUSCHE TRUCKING  
4457 ALPINE NW  
COMSTOCK PARK, MICHIGAN 49321
  - CURRENT ZONING: P.U.D (R-1 RESIDENTIAL STANDARDS USED FOR FUTURE LAYOUT/DEVELOPMENT)  
MINIMUM LOT AREA: 11,700 S.F.  
MINIMUM LOT WIDTH: 90 FEET  
SETBACKS:  
FRONT YARD 30 FEET  
SIDE YARD 10 FEET  
REAR YARD 40 FEET  
MAXIMUM BUILDING HT. 2-1/2 STORIES OR 35 FEET (WHICHEVER IS LESS)
  - 160 LOTS PROPOSED
  - CONTOUR INTERVALS = 5 FOOT
  - CURRENT USE IS FOR MINERAL EXTRACTION. ALL FUTURE LOTS ARE INTENDED FOR SINGLE FAMILY USE ONLY.
  - ALL STREETS WILL BE DEDICATED TO THE PUBLIC AND WILL BE CONSTRUCTED PER CITY OF PLAINFIELD STANDARDS AND SPECIFICATIONS.
  - THE SITE WILL BE SERVED BY PUBLIC UTILITIES - 8 INCH SANITARY SEWER, 12 INCH OR LARGER STORM SEWER, 6 INCH WATER MAIN, BURIED ELECTRICAL, GAS, TELEPHONE, AND CABLE TV. IT IS ALSO INTENDED TO INSTALL STREET LIGHTS WITH LOCATIONS TO BE PER CONSUMERS ENERGY. STORM WATER DRAINAGE SYSTEM SHALL CONFORM TO THE STANDARDS AND SPECIFICATIONS.
  - THIS SITE SHALL CONFORM TO THE KENT COUNTY SOIL EROSION CONTROL ORDINANCE.



|  |   |
|--|---|
| DRAWN BY: CW<br>APPROVED BY: MC<br>DATE: NOV. 3, 2020<br>REVISIONS:<br>NOV. 17, 2020 - REVISED PER TOWNSHIP<br>SEPT. 21, 2021 - TOWNSHIP SUBMITTAL<br>JUNE 21, 2022 - TOWNSHIP SUBMITTAL | JULY 11, 2022 - TOWNSHIP SUBMITTAL<br>JANUARY 19, 2023 - TOWNSHIP COMMENT<br>SEPTEMBER 5, 2025 - REVISED REMOVALS |
|  |   |
| <b>A FUTURE DEVELOPMENT PLAN</b><br><b>J.M. DEVELOPMENT, LLC</b><br>Part of Section 29, T8N, R11W<br>Plainfield Township, Kent County, Michigan  |   |
| CLIENT:<br><b>RUSCHE TRUCKING</b><br><b>4457 ALPINE NW</b><br><b>COMSTOCK PARK, MI 49321</b><br><b>(616) 291-4242</b>  |   |
| PROJECT NO.<br>200992  |   |
| C-104  |   |

# EXHIBIT C-106

## Soil Removal Permit - Conditions

### PLAINFIELD GRAVEL AND SAND PIT

#### Soil Removal Permit Conditions

A soil removal permit shall be in effect prior to and during any soil removal operations or activities on the site. The following shall also apply to the PUD amendment and soil permit.

1. Duration: Mining is allowed within the areas shown on the Grading Plan attached here as Exhibit C-102.

All of the following uses, activities and matters on and from the Property shall meet all of the following absolute requirements and deadlines:

- A. General End Date. Unless ceasing earlier under Subsection (F) as follows, all mining, excavation, creating new stockpiles, increasing the size of stockpiles, and crushing and processing must be fully completed and cease completely on or before December 31, 2030 (and all reclamation must also be fully completed by December 31, 2030).
- B. Existing Stockpiles. As of January 1, 2023, there existed approximately 510,000 cubic yards, not counting topsoil, of existing stockpiled materials on the Property (including, but not limited to, piles of aggregate, sand, gravel, stones, etc.) as shown on Exhibit C-102 as attached hereto. All such existing stockpiled materials (including, but not limited to, aggregate, sand, gravel, stones, etc.) must be entirely removed from the Property on or before July 1, 2026. However, topsoil to be used exclusively for reclamation of the Property consistent with the approved reclamation plan and end use plan and associated with the housing development(s) to be developed later on the Property (i.e., however, the topsoil shall not be available for sale or transfer to third parties), may be stored in the locations shown on the Exhibit C-103 plan if seeded to prevent dust and runoff. No topsoil pile shall exceed twenty (20) feet in height or the height of the nearest berm, whichever is higher.

No sand, gravel, aggregate or other materials shall be added to the pre-existing piles. Such stockpiles shall not be moved around on site except to directly remove them from the Property. Notwithstanding such restrictions, materials from a pre-existing stockpile can be moved and relocated on site but only to produce required material mixes as allowed in this Ordinance with the stockpiles involved being removed from the site thereafter within the required timelines. The only portions of the existing stockpiles that may remain on site are limited materials to be

used solely for reclamation.

- C. Removal of all Equipment, Items and Vehicles Generally. Any and all equipment, vehicles, sheds, tools, buildings and similar items (except for those items expressly necessary for reclamation) must be completely removed from the Property on or before December 31, 2030. In addition, any vehicles and equipment necessary for landscaping, reclamation and seeding related to reclamation shall be completely removed from the Property on or before July 1, 2031.
- D. General Reclamation Deadline. All reclamation must be fully completed for the Property on or before December 31, 2030 and shall fully comply with the approved reclamation plan attached hereto as Exhibit C-103.
- E. Removal of Reclamation Items. Any and all equipment, vehicles, and items necessary for the reclamation must also be fully removed from the Property on or before July 1, 2031.
- F. Earlier Penalty Deadlines. The following earlier absolute deadlines (and the consequences of not meeting the original deadlines) shall apply to the Property:
  - (i) If at least 50 percent of the existing stockpiles (as measured by volume, but excluding the allowed topsoil piles) that were present on the Property on January 1, 2023 referenced in Subsection (b) above (and as shown on Exhibits C-101 and C-102 as attached hereto) have not been fully removed from the Property on or before July 1, 2025, then all mining must permanently cease on and from the Property (which would include mining, excavating for salable materials, crushing, processing, hauling, etc.) immediately as of July 1, 2025 and full reclamation of the entire Property would have to occur on or before December 31, 2025.
  - (ii) If 100 percent of all of the existing stockpiles (as measured by volume, but excluding the allowed topsoil piles) that were present on the Property on January 1, 2023 referenced in Subsection (b) above (and shown on Exhibits C-101 and C102 as attached hereto) have not been fully removed from the Property on or before July 1, 2026, then all mining must permanently cease on and from the Property (which would include mining, excavating for salable materials, crushing, processing, hauling, etc.) immediately as of July 1, 2026 and full reclamation of the entire Property would have to occur on or before December 31, 2026.
  - (iii) If on or before July 1, 2026 at least 550,000 cubic yards of sand, gravel or other salable aggregates in total have not been mined and removed from the Property after January 1, 2023 (and not counting stockpiles that existed before January 1,

2023), then all mining must permanently cease on and from the Property (which would include mining, excavating for salable materials, crushing, processing, hauling, etc.) immediately as of July 1, 2026 and full reclamation of the entire Property would have to occur on or before December 31, 2026.

(iv) If on or before July 1, 2029 at least an additional 1,100,000 cubic yards of sand, gravel or other salable aggregates in total have not been mined and removed from the Property after January 1, 2023 (and not counting stockpiles that existed before January 1, 2023), then all mining must permanently cease on and from the Property (which would include mining, excavating for salable materials, crushing, processing, hauling, etc.) immediately as of July 1, 2029 and full reclamation of the entire Property would have to occur on or before December 31, 2029.

G. Absolute Deadlines, with No Extensions. Neither the Landowner nor the Landowner's successor(s) shall request, pursue or seek any delays or time extensions beyond the above time limits and hereby expressly waives any and all rights of challenge, delay or extension. The parties hereto agree that the above are "hard deadlines," and that such deadlines (and any related cessation of mining or other operations on the Property) shall fully apply and govern regardless of possible changed market conditions, emergencies, foreseen or unforeseen circumstances or other events.

H. New Stockpiles. No new stockpile pile shall exceed approximately 50 feet in height.

2. Hours of Operation: Processing, mining, excavating, crushing, mixing, soil removal, vehicles entering and leaving the Property, maintenance or repair of vehicles and equipment, and loading of vehicles used to transport gravel, sand, etc. are permitted only between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday (inclusive) and between the hours of 8:00 a.m. and 12:00 p.m., on Saturday, unless otherwise permitted by the Township Community Development Department. No processing, excavating, mining, crushing, mixing, maintenance or repair of vehicles and equipment, soil removal or loading of vehicles is permitted on Sunday or the following holidays: New Year's Day (January 1), Memorial Day (last Monday in May), Independence Day (July 4), Labor Day (first Monday in September), Thanksgiving Day (fourth Thursday in November), and Christmas Day (December 25). Also, unless otherwise permitted by the Township Community Development Department:

- No vehicle or equipment will be permitted to park, idle, or wait at the entrance gate or along the public road before 7:00 a.m. (8:00 a.m. on allowed Saturdays).
- The entrance gates are to be closed and secured against the entry or exit of trucks between the hours of 6:00 p.m. and 7:00 a.m. (8:00 a.m. on allowed Saturdays).

- The Landowner shall actively inform owners and operators of vehicles that arrival and parking outside of the gate or along the public road prior to 7:00 a.m. on allowed days (8:00 a.m. on allowed Saturdays) is a violation and that sanctions will be imposed without further notice upon individuals or owners of vehicles who violate.
  - Vehicles arriving after 7:00 a.m. on allowed days (8:00 a.m. on allowed Saturdays) must be permitted to enter through the gate and proceed to the loading or unloading areas immediately.
3. Noise: All earth removal and other operations, crushing, excavating, general mining operations and activities on the site shall fully comply with and be subject to the provisions of the Noise Control Ordinance of Plainfield Charter Township Ordinance No. 667 Resolution 99-44, as amended.
  4. Fencing: The site shall be fenced in accordance with Section E.1, of the Township Soil Removal Ordinance. Per the PUD approval, a fence must be installed and maintained along the East property line and the most Westerly property line. Mining shall not occur until the site complies with all fence requirements. Fencing need not be installed on top of the existing berm along the common boundary line between the Property and the adjoining Dykema property.
  5. Fueling: Fueling of vehicles shall be consistent with the requirements of the Michigan Department of Environment, Great Lakes and Energy and shall occur from a single location on the Property that shall consist of a berm and lined area, or other secondary containment acceptable means.
  6. Restoration Materials: Restoration (exclusive of haul roads and the processing area within ten feet of actively mined areas) will be completed as soon as possible. The restoration shall include placement of at least 4" minimum of topsoil and seeding at 100 pounds per acre with growth being established during the next growing season as defined by Michigan Department of Transportation specifications.  
  
There shall be sufficient topsoil kept on site to complete the required reclamation. No topsoil shall be sold or removed from the Property that would not leave sufficient topsoil on site to complete the required reclamation.
  7. Compliance: The Landowner shall fully comply with all provisions of the Plainfield Charter Township Soil Removal Ordinance (as amended) and all other provisions of applicable Township ordinances and state and federal statutes.
  8. Approved Plans: The Landowner shall fully comply with all provisions of the plans submitted with its application for the PUD amendment (and also for a soil removal permit) and as approved by the Township.

9. Back-up Alarms: On-site loading equipment shall be equipped with working back- up alarms (and such alarms shall be operational and shall be used at all times) per Michigan Safety and Health Administration regulations.
10. Tree Removal: All trees that are cut down to accommodate the mining or soil removal operation or otherwise, and all resultant stumps and brush, shall be removed from the site during each phase.
11. Excavation Depth: No area shall be excavated to a depth greater than 15 feet below the final contours illustrated on the approved Grading Plan, without prior approval of the Township Community Development Department. An area may be excavated to a depth greater than 15 feet below the final contours with prior approval by the Township Community Development Department, which approval shall not be unreasonably withheld. Any area excavated below the final contours shall be filled and graded in accordance with the final Township approved contours as part of site restoration.
12. Coit Avenue Access: Trucks entering and leaving the site shall only use Coit Avenue east of the driveway on site, except as may be necessary for construction projects located within Plainfield Charter Township, Southwesterly of the mining operation.
13. Retention Basin(s): As determined by the Township Engineer, the Township has the right to require that the Landowner, at any time, enlarge the retention basin on site in the event that the expected runoff and infiltration rates do not adequately contain the flows on-site.
14. Soil Erosion Permit: A copy of the then current Soil Erosion and Sedimentation Control Permit required from the Kent County Road Commission shall be submitted to the Township.
15. Processing and Wash Area: All mined material to be transported to the processing/washing area illustrated on the approved Grading Plan shall be only by front end loader, off-road trucks or conveyor.
16. Off-site Material: No materials such as concrete, asphalt, tailings, etc. shall be brought or transferred onto or sold out of or from the Property except as mixed on the Property with materials mined from the Property as follows:
  - (i) Materials necessary for processing products meeting Michigan Department of Transportation ("MDOT") specifications may be hauled onto the site and used for mixing on site with aggregates mined on site.
  - (ii) Any clean materials necessary for reclamation, including additional topsoil.
  - (iii) At no time shall any materials containing contamination be brought onto the site.
  - (iv) Broken up or scrap concrete, asphalt or similar materials may be brought onto the Property solely for the purpose of mixing with

aggregates mined from the Property.

17. Sales from the Property: Only the following items and materials may be sold out of or from the Property (and must all be mined on site):

- Sand.
- Gravel.
- Aggregates.
- MDOT mixed materials (as mentioned above).
- Stones and boulders.

[All of the above must be mined only from the Property and none of the above materials may be brought onto the Property, except for the above-mentioned materials for MDOT mixes and any clean materials necessary for reclamation]

By way of example, but not of limitation, the following shall not be brought onto or sold out of the Property:

- Tree bark.
- Mulch.
- Trees, shrubs, bushes, etc.
- Fertilizer.
- Dolomite.
- Milled asphalt.
- Crushed, scrap or broken asphalt or concrete.
- Topsoil.
- Yard waste.

18. Screening and Berming: The entry drive shall be screened by plantings or berming to prevent any site visibility from Coit Avenue. Where areas have become deficient, the Landowner shall promptly restore plantings subject to approval by the Township Community Development Department. The existing berm and vegetation along Coit Avenue will be maintained as much as possible and as shown on the approved Landscaped Plan.
19. Gate: Visiting Vehicles: The entry shall be gated and kept locked except during approved hours/days of operation. Entry keys shall be provided to the Township Fire Department, if requested.

The Landowner shall ensure that all vehicles going to and leaving the Property shall fully comply with all required truck routes, times of operation, etc. Among other matters, the Landowner shall prohibit the owner or operator of any truck or vehicle that does not comply from entering the Property and hauling in or out any sand, gravel, aggregate or other materials.

20. No Trespassing: The property lines and the Coit Avenue frontage shall be posted with signs to deter unwanted access. Such signs shall be placed at a maximum interval of every 200 feet.

21. Stormwater and Soil Erosion: The site shall be graded at all times to prevent any storm water and water born soil erosion from leaving the site as a result of any on- site grading.
22. Dewatering: There shall be no dewatering for any purpose without the prior written approval of the Township engineer.
23. Dust Control: This procedure shall be used for complaints relating to a lack of dust control:
  - The Township receives or generates a complaint.
  - A complaint form for soil mining operations is completed. (The Landowner may accept complaints directly from the public and resolve them without notifying the Township.)
  - The Township shall deliver the complaint to the manager of the mining operation. The Landowner shall provide current contact information to the Township. The Landowner shall respond to the Township within two (2) business days (and the complainant, if desired) by outlining and specifying what action was or will be taken to resolve the complaint.
  - If the problem cannot be resolved to the satisfaction of the Township, the Township may commence formal enforcement procedures as provided by law.
  - Complaints, other than dust control, shall be reported to the Landowner using the same complaint form, and the Landowner will be granted the opportunity to investigate, reply, and comply with conditions
24. Reporting/Sureties:
  - Annual Report: The Township Community Development Department shall create an annual report, which shall be provided to the Planning Commission, summarizing and indicating approximately how much material has been processed, the status of restoration and how much material has been removed from the site.
  - Bi-Annual Report: A bi-annual (i.e. every 6 months) report shall be submitted by the Landowner to the Township Community Development Department indicating approximately how much material has been processed and how much material has been removed from the site. This report shall be submitted to the Community Development Department every six months for as long as the mining is active.
  - Annual Report: The Landowner shall also provide an annual report to the Township that includes a written narrative of the progress made in the last year, a tabulated summary (by week or month) of the total volume and tonnage of material removed from the site, a description of type and volume of material hauled onto the site, and supporting load ticket

documentation. The report shall be in a form, with graphs or tables and contain information all as reasonably required by the Township. This annual reporting shall be made on a calendar year basis with final reporting due within 30 days of the end of the reporting period.

- Surety Bond: No mining shall occur until a surety bond, or other form of a financial guarantee acceptable to the Township, in the amount specified below is submitted to the Township to ensure the timely and faithful compliance with the Plainfield Charter Township Soil Removal Ordinance, the PUD amendment approval, reclamation requirements and these conditions.

The initial bond shall be in the amount of \$2,000,000 initially. If by July 1, 2025, the Property is in full compliance with these conditions, the PUD ordinance amendment and the Zoning Ordinance in general, the required bond amount shall decrease to \$1,200,000. If by July 1, 2026, the Property is still in compliance with these conditions, the PUD ordinance and the Zoning Ordinance in general, the required bond amount shall decrease to \$600,000 and remain at that amount until December 31, 2031. The bond shall be noncancellable through at least December 31, 2031.

- The surety bond, or other form of financial guarantee acceptable to the Township, shall be noncancellable and also not be refunded, reduced or transferred (except as specified above) until the site has received final inspection and reclamation approval by the Township and until the Landowner, or its successor, has fully complied with all of the terms, conditions and requirements of the Plainfield Charter Township Soil Removal Ordinance, all approved plans (including reclamation) and this document.
- Written proof of liability insurance for the Property and operation, with a minimum coverage of \$2,000,000, must be submitted for review to and approval by the Township Community Development Department, by January 31<sup>st</sup> of each calendar year.
- The Township may utilize the bond or other security to remedy or correct any violation or infraction of this Ordinance/ordinance amendment, the approved site plan, the Zoning Ordinance or any of the PUD documents or approvals if the violation or infraction remains 60 days or longer after the Township has provided written notice of the violation or infraction to the Landowner. Furthermore, if the Landowner violates or fails to meet any deadline imposed by this Ordinance/ordinance amendment for mining, reclamation or similar matter, the Township may utilize the bond or other security to complete the mining, reclamation and/or other matter commencing the day after the applicable deadline has passed. The

Landowner waives any and all claims and causes of action against the Township (as well as its officials, officers, employees, bodies, commissions, agents and contractors) with regard to any aspect of the Township remedying or altering the Property so as to comply with this Ordinance/ordinance amendment, the approved site plan, the PUD approval documents and/or the Zoning Ordinance or the manner, fashion or degree to which the Township completes the mining, reclamation and/or related matters when the Landowner has failed to do so by the required deadlines. Where the Township has taken over the act(s) of completion of mining, reclamation and/or similar matters due to the failure of the Landowner to do so by the required deadline(s), the Township may (at its sole discretion) utilize valuable resources, stockpiles, etc. on the Property for reclamation in any fashion the Township deems appropriate, including in any way or fashion to make reclamation easier, less expensive and less burdensome.

- **Escrow:** Apart from (and in addition to) the zoning escrow, the Landowner must also annually deposit and keep the sum in escrow with the Township of at least \$15,000 (increased every two years by the Federal Consumer Price Index). That amount may be used by the Township to hire an engineer or engineers (or to use the Township's regular engineers) to determine both how much of the pre-existing stockpiles have been removed from the site and how much mining has been done for the prior year. Such engineer or engineers shall annually produce one or more reports. Such engineer or engineers shall be allowed to inspect the Property every year in order to prepare that report, may use drones and may use other tests, observations, mapping and techniques. The surveys and reports that may be done by the Township, its engineer(s) or other experts (and which will be paid for out of the Landowner's escrow amounts) may include, but are not necessarily limited to, the following:
  - (i) The Township may complete an initial "Baseline Site Topographical Survey," which shall be completed by December 31, 2023. A copy of the initial Baseline Site Topographical Survey shall be provided to the Landowner, who shall acknowledge receipt of the same.
  - (ii) The Township may conduct an Annual Site Topographical Survey whereby a topographical survey shall be done annually to accurately measure the progress of removing the pre-existing stockpiles and to monitor mining operations. Each updated annual topographical survey will be compared to the previous year's survey and the difference can be used to estimate the location and volume of materials removed from the site.
  - (iii) A final annual report will be undertaken by the Township to be delivered to the Township by May 15 of every year. A copy of that report shall be provided to the Landowner who shall acknowledge receipt of the same. Such final annual report shall include a brief written summary of the progress being made on site and a general statement regarding compliance with this document and the Soil

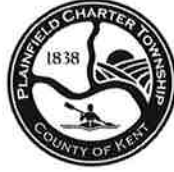
Removal Permit Conditions (attached hereto as Exhibit C-106). A copy of that report shall be provided to the Landowner, who shall acknowledge receipt of the same.

25. Other Conditions: Any other condition of approval that may be added by the Township Board hereafter.
26. Phasing or Rolling Plan: Both the remaining mining and restoration shall be done on a "phased" or "rolling" basis as shown on attached Exhibits C-102 and C-103 herein. Such plans must be followed precisely.
27. Reclamation Areas: The cessation of mining operations and reclamation for a given area shall be "rolling." In general, the "rolling reclamation" shall run from Phase 2 on the west side of the Property to Phase 5 on the east side of the Property.
28. End Use Plan: A conceptual end use plan shall be submitted to and approved by the Township at least one year prior to the completion of mining activities. Such plan shall be an amendment to the PUD and shall provide for public street access to the Dykema Property and the Woodworth Property through the Property, both of which are adjacent to the South of the Property.
29. Deed Restrictions: All of the conditions and requirements in this document shall also be placed in a deed restriction/restrictive covenant document which shall be signed by both the Township and the Landowner (as well as any and all owners, lien holders, etc. of the Property). Such deed restrictions shall "run with the land" and the deed restrictions document is attached hereto as Exhibit C-105. In addition to such deed restrictions document containing all of the conditions and requirements in this document (and recited therein), the Landowner shall also waive any and all claims and benefits under Michigan's "very serious consequences" standard and statute and the Landowner agrees to be bound solely by the deed restrictions document, this document and the PUD documents. The deed restrictions document will also provide that once the land has been fully reclaimed (and approved by the Township) and the final end use has been approved by the Township, the deed restrictions document shall become null and void, except the prohibition against further mining shall remain in effect forever. The Landowner shall forever waive the "very serious consequences" defense, claim and protection.
30. Violations: The Community Development Department shall determine if a violation of this document and/or any of the approved plans or the deed restrictions document has been committed.
31. Inspections/Site Visits: Township officials (and its outside experts and agents) shall have the right to inspect the Property upon 24 hours prior written notice to the Landowner in order to ensure compliance with this document, the Deed Restrictions document and the PUD documents, and to facilitate required reports.

32. Coordination with Adjacent Property Owner: Per the Landowner's representation, the Township understands that the Landowner and adjacent (south) property owner have agreed to work together to remove some or all of the berms between the two properties and that the finished grade elevation at the shared property line will be 660 feet. Regardless of the timing of other site activities, the Landowner must have met this elevation requirement by the time the Soil Removal Permit expires as it is necessary for site grading, future connecting road(s) and utility construction. All berms, shall be removed from the Property no later than December 31, 2030, with such obligation secured by a security bond filed with the Township in an amount determined by the Township to be adequate for removing the berms and with language and drawn on a financial institution that is acceptable to the Township.
33. Approved Plans: The plans submitted by the Landowner and approved by the Township (which plans are expressly incorporated herein) are as follows, and shall always be complied with by the Landowner:
- Exhibit C-101 – Existing Conditions Plan, Sheet C101
- Exhibit C-102 – Grading Plan, Sheet C-102
- Exhibit C-103 – Reclamation Plan, Sheet C-103
- Exhibit C-104 – Future Development Plan, Sheet C-104
- Exhibit C-105 – The Deed Restrictions Document
34. Crushing: Crushing of rocks, asphalt, concrete, etc. shall not occur on or from the Property for more than 30 days during any calendar year.
35. Enforcement and Remedies. A violation of any provision of this Ordinance/ordinance amendment shall constitute a violation of the Plainfield Charter Township Zoning Ordinance and shall also be a nuisance *per se*. The parties shall have such remedies as are provided by Michigan law and equity. Venue shall be in Kent County, Michigan. Should the Township be involved in any litigation or enforcement or interpretation proceeding regarding this Ordinance/ordinance amendment (whether as a plaintiff or a defendant or involved in the enforcement or interpretation of this Ordinance/ordinance amendment or via any third-party action) and should the Township prevail in such litigation or proceeding in whole or in part, then the Landowner shall pay and reimburse the Township for the reasonable attorney fees and costs of the Township, including those attorney fees and costs incurred by the Township in both the pre-litigation, trial and appeal stages. Such attorney fees and costs provision shall benefit not only the Township, but also the Township's officials, officers, employees, agents and contractors. In no event shall attorney fees or costs be assessed against the Township or the Township's officials, officers, employees, agents or contractors.
36. Compliance. The provisions of this Ordinance/ordinance amendment are not intended as a substitute for the Plainfield Charter Township Zoning Ordinance,

nor do they in any way relieve the Landowner from obtaining all approvals and permits required by the Township, Kent County, the State of Michigan or the federal government, except as otherwise expressly provided herein. If a matter is not specifically addressed by this Ordinance/ordinance amendment, the applicable provision(s) of the Plainfield Charter Township Zoning Ordinance shall apply.

37. Zoning Administrator. The Zoning Administrator has the legal authority to not only interpret and enforce this document, the Deed Restrictions and the Conditions of Approval, but to also make binding interpretations/determinations regarding the same and whether there has been non-compliance or a violation of any provision of this document, the Deed Restrictions and/or the Conditions of Approval. The Landowner may appeal any such determination/interpretation to the Plainfield Charter Township Zoning Board of Appeals pursuant to the procedures established in the Plainfield Charter Township zoning regulations for zoning appeals.
38. Stop Work Orders. The stop work order provision within the Plainfield Charter Township zoning regulations may be utilized by the Township for any violation or infraction of this document, the Deed Restrictions or the Conditions of Approval (together with any and all other remedies available to the Township).



**PLAINFIELD CHARTER TOWNSHIP BOARD**

**Ordinance No. 2023-02Z**

**AN ORDINANCE TO AMEND THE PUD FOR THE  
PLAINFIELD GRAVEL AND SAND PIT**

At a regular meeting of the Township Board for Plainfield Charter Township held at the Township offices on April 10, 2023 at 6:00 p.m., Township Board Member Hagedorn made a motion to adopt this Ordinance/ordinance amendment which motion was seconded by Township Board Member Morrow:

**AN ORDINANCE/ORDINANCE AMENDMENT UNDER THE PLAINFIELD CHARTER TOWNSHIP ZONING ORDINANCE AND ZONING MAP TO FURTHER AMEND THE EXISTING PLANNED UNIT DEVELOPMENT (“PUD”) AND SITE PLAN ORIGINALLY COMMONLY KNOWN AS THE “PLAINFIELD GRAVEL AND SAND PIT” FOR THE PROPERTIES WITH ADDRESSES OF 4640 and 4672 COIT AVENUE NE, AND ALSO KNOWN AS PERMANENT PARCEL NOS. 41-10-29-400-005 AND 019 AND RELATED MATTERS.**

THE CHARTER TOWNSHIP OF PLAINFIELD (the “Township”) ORDAINS:

**Section 1. Procedural effects.**

This Ordinance/ordinance amendment amends the earlier approved original planned unit development (“PUD”) and site plan commonly known as the Plainfield Gravel and Sand Pit that was approved in 2002 for mining and related uses on the property within the Township with common addresses of 4640 and 4672 Coit Avenue NE and also known as Permanent Parcel Nos. 41-10-29-400-005 and 019 (the “Original PUD”). The Original PUD was amended on two different occasions in the past to extend mining and reclamation time limits.

**Section 2. The lands involved.**

This Ordinance/ordinance amendment pertains to, governs, and binds the properties within the Township that are legally described as follows:

Land situated in the State of Michigan, County of Kent, Township of Plainfield:

Part of the Northwest one-quarter of the Southeast one-quarter of Section 29, Town 8 North, Range 11 West, commencing at the intersection of the centerline of the highway and the South line of the Northwest one-quarter of the Southeast one-quarter; thence Northeasterly along the centerline of the highway 534 feet for the point of beginning; thence Southeasterly to a point on the East line of the Northwest one-quarter of the Southeast one-quarter which is 200 feet North of the Southeast corner thereof; thence North along the East line of the Northwest one-quarter of the Southeast one-quarter 11 rods; thence Northwesterly parallel with the Southerly line of the said description to the centerline of the Highway; thence Southwesterly along the centerline of the Highway to the beginning.

[and]

That part of the SE 1/4, Section 29, T8N, R11W, Plainfield Township, Kent County, Michigan, described as: Commencing at the E 1/4 corner of Section 28; thence N87°44'06"W 1320.18 feet along the North line of said SE 1/4; thence S01°57'36"W 280.49 feet along the East line of the W 1/2 of said SE 1/4 to the centerline of Coit Avenue and the PLACE OF BEGINNING of this description; thence S01°57'36"W 652.70 feet along said East line; thence N74°00'4"W 682.02 feet; thence Northeasterly 447.13 feet along the centerline of Coit Avenue on a 2790.01 foot radius curve to the right, the chord of which bears N53°29'17"E 446.65 feet; thence N58°04'45"E 375.82 feet along said centerline to the place of beginning.

[and]

Also, that part of the SE 1/4, Section 29, T8N, R11W, Plainfield Township, Kent County, Michigan, described as: BEGINNING at the S 1/4 corner of Section 29; thence N01°56'48"E 1121.71 feet along the West line of said SE 1/4; thence Northeasterly 441.75 feet along the centerline of Coit Avenue on a 4584.26 foot radius curve to the right, the chord of which bears N41°59'07"E 441.58 feet; thence N44°44'45"E 338.01 feet along said centerline; thence S74°00'43"E 831.00 feet; thence S01°57'36"W 200.00 feet along the East line of the W 1/2 of said SE 1/4; thence S87°42'33"E 1253.89 feet along the North line of the SE 1/4 of said SE 1/4; thence S01°58'21"W 1315.26 feet along the West line of the East 66.00 feet of said SE 1/4; thence N87°41'00"W 2573.18 feet along the South line of said SE 1/4 to the place of beginning.

Address: 4640 Coit Ave NE & 4672 Coit Ave NE, Grand Rapids, MI 49525  
Tax ID no.: 41-10-29-400-019 and 41-10-29-400-005

(collectively, the “Property”).

**Section 3. Facts.**

The Property is commonly known as 4640 and 4672 Coit Avenue NE and also as Permanent Parcel Nos. 41-10-29-400-005 and 019. The Property is approximately ninety-two acres in size. The Property is currently subject to multiple amendments of its planned unit development (“PUD”) zoning designation and approved site plan pursuant to the Plainfield Charter Township Zoning Ordinance (the “Zoning Ordinance”).

It is believed that mining for sand and gravel originally commenced on the Property in approximately March of 2002.

The current overall PUD zoning designation and site plan were approved in 2002 for Coit Investors, LLC for mining and a residential housing end use and was called the “Coit Investor’s PUD.” That Original PUD provided that all mining and restoration activities had to be completed on and from the Property by the end of 2011. Once restored, the then-owner of the Property was supposed to return to the Township with a more detailed residential housing development plan. An extension of the 2002 mining approval was granted by the Township in 2012 for an additional seven (7) years (ending on December 31, 2019). In 2018, the Township granted yet another time extension requiring that all mining and general reclamation had to be completed within three (3) years or by December 31, 2022. In addition, all mining-related equipment, buildings and structures had to be removed from the site no later than July 1, 2023.

Unfortunately, Coit Investors, LLC did not fully comply with the mining completion and reclamation requirements of the amended PUD. All mining under the PUD had to be completed by

December 31, 2022. All stockpiles also had to be removed and the reclamation fully completed by December 31, 2022. That has not occurred. Consequently, there are a significant number of stockpiles of mined materials and unreclaimed areas on site, as well as approximately 1,600,000 cubic yards (or more) of commercial grade materials left in the ground.

J. M. Development, LLC (the “Landowner”) purchased the Property in December of 2019. The Landowner has now requested that the Township formally modify the existing PUD and site plan to allow:

- A. Continued mining of the materials left in the ground for another approximately twenty years, with reclamation being completed within six months thereafter.
- B. Allow the existing stockpiles of materials to be removed over a number of years based on market conditions.
- C. Modify the existing approved reclamation plan to allow a different layout of “rolling” reclamation.

**Section 4. PUD amendment.**

Pursuant to this Ordinance/ordinance amendment, the Original PUD (including the amendments thereto and extensions thereof and the approved site plan) are hereby formally amended to allow continued mining and related activities on the Property for an additional period of eight (8) years (commencing on January 1, 2023, and ending on December 31, 2030), but also fully subject to all of the conditions and requirements as specified in this Ordinance/ordinance amendment. Except as expressly amended and changed by this Ordinance/ordinance amendment, the Original PUD (with the various amendments thereto over the years) remains unchanged and in full force and effect.

**Section 5. Conditions and requirements.**

All mining, excavating, crushing, reclamation and other uses and activities on and from the Property are and shall be fully subject to and in compliance with all of the following conditions and requirements:

- (a) Duration: Mining is allowed within the areas shown on the Grading Plan attached here as Exhibit C-102.

All of the following uses, activities and matters on and from the Property shall meet all of the following absolute requirements and deadlines:

1. General End Date. Unless ceasing earlier under Subsection 6 as follows, all mining, excavation, creating new stockpiles, increasing the size of stockpiles, crushing and processing must be fully completed and cease completely on or before December 31, 2030 (and all reclamation must also be fully completed by December 31, 2030).
2. Existing Stockpiles. As of January 1, 2023, there existed approximately 510,000 cubic yards, not counting topsoil, of stockpiled materials on the Property (including, but not limited to, piles of aggregate, sand, gravel, stones, etc.) as shown on Exhibit C-102 as attached hereto. All such existing stockpiled materials (including, but not limited to, aggregate, sand, gravel, stones, etc.) must be entirely removed from the Property on or before July 1, 2026. However, topsoil to be used exclusively for reclamation of the Property consistent with the approved reclamation plan and end use plan and associated with the housing development(s) to be developed later on the Property (i.e., however, the topsoil shall not be available for sale or transfer to third parties), may be stored in the locations shown on the Exhibit C-103 plan if seeded to prevent dust and runoff. No topsoil pile shall exceed twenty (20) feet in height or the height of the nearest berm, whichever is higher.

No sand, gravel, aggregate or other materials shall be added to the pre-existing piles. Such stockpiles shall not be moved around on site except to directly remove them from the Property. Notwithstanding such restrictions, materials from a pre-existing stockpile can be moved and relocated on site but only to produce required material mixes as allowed in this Ordinance with the stockpiles involved being removed from the site thereafter within the required timelines. The only portions of the existing stockpiles that may remain on site are limited materials to be used solely for reclamation.

3. Removal of all Equipment, Items and Vehicles Generally. Any and all equipment, vehicles, sheds, tools, buildings and similar items (except for those items expressly necessary for reclamation) must be completely removed from the Property on or before December 31, 2030. In addition,

any vehicles and equipment necessary for landscaping, reclamation and seeding related to reclamation shall be completely removed from the Property on or before July 1, 2031.

4. General Reclamation Deadline. All reclamation must be fully completed for the Property on or before December 31, 2031 and shall fully comply with the approved reclamation plan attached hereto as Exhibit C-103.
5. Removal of Reclamation Items. Any and all equipment, vehicles, and items necessary for the reclamation must also be fully removed from the Property on or before July 1, 2031.
6. Earlier Penalty Deadlines. The following earlier absolute deadlines (and the consequences of not meeting the original deadlines) shall apply to the Property:
  - (i) If at least 50 percent of the stockpiles (as measured by volume, but excluding the allowed topsoil piles) that were present on the Property on January 1, 2023 referenced in Subsection (b) above (and as shown on Exhibits C-101 and C-102 as attached hereto) have not been fully removed from the Property on or before July 1, 2025, then all mining must permanently cease on and from the Property (which would include mining, excavating for salable materials, crushing, processing, hauling, etc.) immediately as of July 1, 2025 and full reclamation of the entire Property would have to occur on or before December 31, 2025.
  - (ii) If 100 percent of all of the stockpiles (as measured by volume, but excluding the allowed topsoil piles) that were present on the Property on January 1, 2023 referenced in Subsection (b) above (and shown on Exhibits C-101 and C102 as attached hereto) have not been fully removed from the Property on or before July 1, 2026, then all mining must permanently cease on and from the Property (which would include mining, excavating for salable materials, crushing, processing, hauling, etc.) immediately as of July 1, 2026 and full reclamation of the entire Property would have to occur on or before December 31, 2026.
  - (iii) If on or before July 1, 2026 at least 550,000 cubic yards of sand, gravel or other salable aggregates in total have not been mined and removed from the Property after January 1, 2023 (and not counting stockpiles that existed before January 1, 2023), then all mining must permanently cease on and from the Property (which would include mining, excavating for salable materials, crushing, processing, hauling, etc.) immediately as of July 1, 2026 and full

reclamation of the entire Property would have to occur on or before December 31, 2026.

- (iv) If on or before July 1, 2029 at least an additional 1,100,000 cubic yards of sand, gravel or other salable aggregates in total have not been mined and removed from the Property after January 1, 2023 (and not counting stockpiles that existed before January 1, 2023), then all mining must permanently cease on and from the Property (which would include mining, excavating for salable materials, crushing, processing, hauling, etc.) immediately as of July 1, 2029 and full reclamation of the entire Property would have to occur on or before December 31, 2029.

7. Absolute Deadlines, with No Extensions. Neither the Landowner nor the Landowner's successor(s) shall request, pursue or seek any delays or time extensions beyond the above time limits and hereby expressly waives any and all rights of challenge, delay or extension. The parties hereto agree that the above are "hard deadlines," and that such deadlines (and any related cessation of mining or other operations on the Property) shall fully apply and govern regardless of possible changed market conditions, emergencies, foreseen or unforeseen circumstances or other events.

8. New Stockpiles. No new stockpile pile shall exceed approximately 50 feet in height.

(b) Hours of Operation: Processing, mining, excavating, crushing, mixing, soil removal, vehicles entering and leaving the Property, maintenance or repair of vehicles and equipment, and loading of vehicles used to transport gravel, sand, etc. are permitted only between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday (inclusive) and between the hours of 8:00 a.m. and 12:00 p.m., on Saturday, unless otherwise permitted by the Township Community Development Department. No processing, excavating, mining, crushing, mixing, maintenance or repair of vehicles and equipment, soil removal or loading of vehicles is permitted on Sunday or the following holidays: New Year's Day (January 1), Memorial Day (last Monday in May), Independence Day (July 4), Labor Day (first Monday in September), Thanksgiving Day (fourth Thursday in November), and Christmas Day (December 25). Also, unless otherwise permitted by the Township Community Development Department:

- No vehicle or equipment will be permitted to park, idle, or wait at the entrance gate or along the public road before 7:00 a.m. (8:00 a.m. on allowed Saturdays).
- The entrance gates are to be closed and secured against the entry or exit of trucks between the hours of 6:00 p.m. and 7:00 a.m. (8:00 a.m. on allowed Saturdays).

Saturdays).

- The Landowner shall actively inform owners and operators of vehicles that arrival and parking outside of the gate or along the public road prior to 7:00 a.m. on allowed days (8:00 a.m. on allowed Saturdays) is a violation and that sanctions will be imposed without further notice upon individuals or owners of vehicles who violate.
  - Vehicles arriving after 7:00 a.m. on allowed days (8:00 a.m. on allowed Saturdays) must be permitted to enter through the gate and proceed to the loading or unloading areas immediately.
- (c) Noise: All earth removal and other operations, crushing, excavating, general mining operations and activities on the site shall fully comply with and be subject to the provisions of the Noise Control Ordinance of Plainfield Charter Township Ordinance No. 667 Resolution 99-44, as amended.
- (d) Fencing: The site shall be fenced in accordance with Section E.1, of the Township Soil Removal Ordinance. Per the PUD approval, a fence must be installed and maintained along the East property line and the most Westerly property line. Mining shall not occur until the site complies with all fence requirements. Fencing need not be installed on top of the existing berm along the common boundary line between the Property and the adjoining Dykema property.
- (e) Fueling: Fueling of vehicles shall be consistent with the requirements of the Michigan Department of Environment, Great Lakes and Energy and shall occur from a single location on the Property that shall consist of a berm and lined area, or other secondary containment acceptable means.
- (f) Restoration Materials; Topsoil: Restoration (exclusive of haul roads and the processing area within ten feet of actively mined areas) will be completed as soon as possible. The restoration shall include placement of at least 4" minimum of topsoil and seeding at 100 pounds per acre with growth being established during the next growing season as defined by Michigan Department of Transportation specifications.
- There shall be sufficient topsoil kept on site to complete the required reclamation. No topsoil shall be sold or removed from the Property that would not leave sufficient topsoil on site to complete the required reclamation.
- (g) Compliance: The Landowner shall fully comply with all provisions of the Plainfield Charter Township Soil Removal Ordinance (as amended), the document entitled "Plainfield Gravel and Sand Pit – Soil Removal Permit –

Conditions” (attached hereto as Exhibit C-106) and all other provisions of all applicable Township ordinances and state and federal statutes. If there is any conflict by or among any of those requirements or documents, the stricter requirement shall govern.

- (h) Approved Plans: The Landowner shall fully comply with all provisions of the plans submitted with its application for the PUD amendment (and also for a soil removal permit) and as approved by the Township.
- (i) Back-up Alarms: On-site loading equipment shall be equipped with working back- up alarms (and such alarms shall be operational and shall be used at all times) per Michigan Safety and Health Administration regulations.
- (j) Tree Removal: All trees that are cut down to accommodate the mining or soil removal operation or otherwise, and all resultant stumps and brush, shall be removed from the site during each phase.
- (k) Excavation Depth: No area shall be excavated to a depth greater than 15 feet below the final contours illustrated on the approved Grading Plan, without prior approval of the Township Community Development Department. An area may be excavated to a depth greater than 15 feet below the final contours with prior approval by the Township Community Development Department, which approval shall not be unreasonably withheld. Any area excavated below the final contours shall be filled and graded in accordance with the final Township approved contours as part of site restoration.
- (l) Coit Avenue Access: Trucks entering and leaving the site shall only use Coit Avenue east of the driveway on site, except as may be necessary for construction projects located within Plainfield Charter Township, Southwesterly of the mining operation.
- (m) Retention Basin(s): As determined by the Township Engineer, the Township has the right to require that the Landowner, at any time, enlarge the retention basin on site in the event that the expected runoff and infiltration rates do not adequately contain the flows on-site.
- (n) Soil Erosion Permit: A copy of the then current Soil Erosion and Sedimentation Control Permit required from the Kent County Road Commission shall be submitted to the Township.
- (o) Processing and Wash Area: All mined material to be transported to the processing/washing area illustrated on the approved Grading Plan shall be only by front end loader, off-road trucks or conveyor.
- (p) Off-site Material: No materials such as concrete, asphalt, tailings, etc. shall be

brought or transferred onto or sold out of or from the Property except as mixed on the Property with materials mined from the Property as follows:

- (i) Materials necessary for processing products meeting Michigan Department of Transportation (“MDOT”) specifications may be hauled onto the site and used for mixing on site with aggregates mined on site.
  - (ii) Any clean materials necessary for reclamation, including additional topsoil.
  - (iii) At no time shall any materials containing contamination be brought onto the site.
  - (iv) Broken up or scrap concrete, asphalt or similar materials may be brought onto the Property solely for the purpose of mixing with aggregates mined from the Property.
- (q) Sales from the Property: Only the following items and materials may be sold out of or from the Property (and must all be mined on site):
- Sand.
  - Gravel.
  - Aggregates.
  - MDOT mixed materials (as mentioned above).
  - Stones and boulders.

[All of the above must be mined only from the Property and none of the above materials may be brought onto the Property, except for the above-mentioned materials for MDOT mixes and any clean materials necessary for reclamation]

By way of example, but not of limitation, the following shall not be brought onto or sold out of the Property:

- Tree bark.
  - Mulch.
  - Trees, shrubs, bushes, etc.
  - Fertilizer.
  - Dolomite.
  - Milled asphalt.
  - Crushed, scrap or broken asphalt or concrete.
  - Topsoil.
  - Yard waste.
- (r) Screening and Berming: The entry drive shall be screened by plantings or berming to prevent any site visibility from Coit Avenue. Where areas have become

deficient, the Landowner shall promptly restore plantings subject to approval by the Township Community Development Department. The existing berm and vegetation along Coit Avenue will be maintained as much as possible and as shown on the approved Landscaped Plan.

- (s) Gate: Visiting Vehicles: The entry shall be gated and kept locked except during approved hours/days of operation. Entry keys shall be provided to the Township Fire Department, if requested.

The Landowner shall ensure that all vehicles going to and leaving the Property shall fully comply with all required truck routes, times of operation, etc. Among other matters, the Landowner shall prohibit the owner or operator of any truck or vehicle that does not comply from entering the Property and hauling in or out any sand, gravel, aggregate or other materials.

- (t) No Trespassing: The property lines and the Coit Avenue frontage shall be posted with signs to deter unwanted access. Such signs shall be placed at a maximum interval of every 200 feet.
- (u) Stormwater and Soil Erosion: The site shall be graded at all times to prevent any storm water and water born soil erosion from leaving the site as a result of any on- site grading.
- (v) Dewatering: There shall be no dewatering for any purpose without the prior written approval of the Township engineer.
- (w) Dust Control: This procedure shall be used for complaints relating to a lack of dust control:

- The Township receives or generates a complaint.
- A complaint form for soil mining operations is completed. (The Landowner may accept complaints directly from the public and resolve them without notifying the Township.)
- The Township shall deliver the complaint to the manager of the mining operation. The Landowner shall provide current contact information to the Township. The Landowner shall respond to the Township within two (2) business days (and the complainant, if desired) by outlining and specifying what action was or will be taken to resolve the complaint.
- If the problem cannot be resolved to the satisfaction of the Township, the Township may commence formal enforcement procedures as provided by law.

- Complaints, other than dust control, shall be reported to the Landowner using the same complaint form, and the Landowner will be granted the opportunity to investigate, reply, and comply with conditions.

(x) Reporting/Sureties:

- Annual Report: The Township Community Development Department shall create an annual report, which shall be provided to the Planning Commission, summarizing and indicating approximately how much material has been processed, the status of restoration and how much material has been removed from the site.
- Bi-Annual Report: A bi-annual (i.e. every 6 months) report shall be submitted by the Landowner to the Township Community Development Department indicating approximately how much material has been processed and how much material has been removed from the site. This report shall be submitted to the Community Development Department every six months for as long as the mining is active.
- Annual Report: The Landowner shall also provide an annual report to the Township that includes a written narrative of the progress made in the last year, a tabulated summary (by week or month) of the total volume and tonnage of material removed from the site, a description of type and volume of material hauled onto the site, and supporting load ticket documentation. The report shall be in a form, with graphs or tables and contain information all as reasonably required by the Township. This annual reporting shall be made on a calendar year basis with final reporting due within 30 days of the end of the reporting period.
- Proof of liability insurance for the Property and operation, with a minimum coverage of \$2,000,000, must be submitted for review to and approval by the Township Community Development Department, by January 31<sup>st</sup> of each calendar year.
- Surety Bond: No mining shall occur until a surety bond, or other form of a financial guarantee acceptable to the Township, in the amount specified below is submitted to the Township to ensure the timely and faithful compliance with the Plainfield Charter Township Soil Removal Ordinance, this PUD amendment approval, reclamation requirements and these conditions.

The initial bond shall be in the amount of \$2,000,000 initially. If by July 1, 2025, the Property is in full compliance with these conditions, the PUD ordinance amendment and the Zoning Ordinance in general, the required bond amount shall decrease to \$1,200,000. If by July 1, 2026, the Property is still in compliance with these conditions, the PUD ordinance and

the Zoning Ordinance in general, the required bond amount shall decrease to \$600,000 and remain at that amount until December 31, 2031. The bond shall be noncancellable through at least December 31, 2031.

- The Township may utilize the bond or other security to remedy or correct any violation or infraction of this Ordinance/ordinance amendment, the approved site plan, the Zoning Ordinance or any of the PUD documents or approvals if the violation or infraction remains 60 days or longer after the Township has provided written notice of the violation or infraction to the Landowner. Furthermore, if the Landowner violates or fails to meet any deadline imposed by this Ordinance/ordinance amendment for mining, reclamation or similar matter, the Township may utilize the bond or other security to complete the mining, reclamation and/or other matter commencing the day after the applicable deadline has passed. The Landowner waives any and all claims and causes of action against the Township (as well as its officials, officers, employees, bodies, commissions, agents and contractors) with regard to any aspect of the Township remedying or altering the Property so as to comply with this Ordinance/ordinance amendment, the approved site plan, the PUD approval documents and/or the Zoning Ordinance or the manner, fashion or degree to which the Township completes the mining, reclamation and/or related matters when the Landowner has failed to do so by the required deadlines. Where the Township has taken over the act(s) of completion of mining, reclamation and/or similar matters due to the failure of the Landowner to do so by the required deadline(s), the Township may (at its sole discretion) utilize valuable resources, stockpiles, etc. on the Property for reclamation in any fashion the Township deems appropriate, including in any way or fashion to make reclamation easier, less expensive and less burdensome.
- (y) Escrow: Apart from (and in addition to) the zoning escrow, the Landowner must also annually deposit and keep the sum in escrow with the Township of at least \$15,000 (increased every two years by the Federal Consumer Price Index). That amount may be used by the Township to hire an engineer or engineers (or to use

the Township's regular engineers) to determine both how much of the pre-existing stockpiles have been removed from the site and how much mining has been done for the prior year. Such engineer or engineers shall annually produce one or more reports. Such engineer or engineers shall be allowed to inspect the Property every year in order to prepare that report, may use drones and may use other tests, observations, mapping and techniques. The surveys and reports that may be done by the Township, its engineer(s) or other experts (and which will be paid for out of the Landowner's escrow amounts) may include, but are not necessarily limited to, the following:

- (i) The Township may complete an initial "Baseline Site Topographical Survey," which shall be completed by December 31, 2023. A copy of the initial Baseline Site Topographical Survey shall be provided to the Landowner, who shall acknowledge receipt of the same.
  - (ii) The Township may conduct an Annual Site Topographical Survey whereby a topographical survey shall be done annually to accurately measure the progress of removing the pre-existing stockpiles and to monitor mining operations. Each updated annual topographical survey will be compared to the previous year's survey and the difference can be used to estimate the location and volume of materials removed from the site.
  - (iii) A final annual report will be undertaken by the Township to be delivered to the Township by May 15 of every year. A copy of that report shall be provided to the Landowner who shall acknowledge receipt of the same. Such final annual report shall include a brief written summary of the progress being made on site and a general statement regarding compliance with this document and the Soil Removal Permit Conditions (attached hereto as Exhibit C-106). A copy of that report shall be provided to the Landowner, who shall acknowledge receipt of the same.
- (z) Other Conditions: Any other condition of approval that may be added by the Township Board hereafter.
- (aa) Phasing or Rolling Plan: Both the remaining mining and restoration shall be done on a "phased" or "rolling" basis as shown on attached Exhibits C-102 and C-103 herein. Such plans must be followed precisely.
- (bb) Reclamation Areas: The cessation of mining operations and reclamation for a given area shall be "rolling." In general, the "rolling reclamation" shall run from Phase 2 on the west side of the Property to Phase 5 on the east side of the Property.
- (aa) End Use Plan: A conceptual end use plan shall be submitted to and approved by the Township at least one year prior to the completion of mining activities. Such

plan shall be an amendment to the PUD and shall provide for public street access to the Dykema Property and the Woodworth Property through the Property, both of which are adjacent to the South of the Property.

- (bb) Deed Restrictions: All of the conditions and requirements in this document shall also be placed in a deed restriction/restrictive covenant document which shall be signed by both the Township and the Landowner (as well as any and all owners, lien holders, etc. of the Property) before any removal of the existing stockpiles or mining occurs. Such deed restrictions shall “run with the land” and the deed restrictions document is attached hereto as Exhibit C-105. In addition to such deed restrictions document containing all of the conditions and requirements in this document (and recited therein), the Landowner shall also waive any and all claims and benefits under Michigan’s “very serious consequences” standard and statute and the Landowner agrees to be bound solely by the deed restrictions document, this document and the PUD documents. The deed restrictions document will also provide that once the land has been fully reclaimed (and approved by the Township) and the final end use has been approved by the Township, the deed restrictions document shall become null and void, except the prohibition against further mining shall remain in effect forever. The Landowner shall forever waive the “very serious consequences” defense, claim and protection.
- (cc) Violations: The Community Development Department shall determine if a violation of this document and/or any of the approved plans or the deed restrictions document has been committed.
- (dd) Inspections/Site Visits: Township officials (and its outside experts and agents) shall have the right to inspect the Property upon 24 hours prior written notice to the Landowner in order to ensure compliance with this document, the Deed Restrictions document and the PUD documents, and to facilitate required reports.
- (ee) Coordination with Adjacent Property Owner: Per the Landowner’s representation, the Township understands that the Landowner and adjacent (south) property owner have agreed to work together to remove some or all of the berms between the two properties and that the finished grade elevation at the shared property line will be 660 feet. Regardless of the timing of other site activities, the Landowner must have met this elevation requirement by the time the Soil Removal Permit expires as it is necessary for site grading, future connecting road(s) and utility construction. All berms, shall be removed from the Property no later than December 31, 2022, with such obligation secured by a security bond filed with the Township in an amount determined by the Township to be adequate for removing the berms and with language and drawn on a financial institution that is acceptable to the Township.

- (ff) Approved Plans: The plans submitted by the Landowner (and other documents) and approved by the Township (which plans and documents are expressly incorporated herein) are as follows, and shall always be complied with by the Landowner:

Exhibit C-101 – Existing Conditions Plan, Sheet C101

Exhibit C-102 – Grading Plan, Sheet C-102

Exhibit C-103 – Reclamation Plan, Sheet C-103

Exhibit C-104 – Future Development Plan, Sheet C-104

Exhibit C-105 – The Deed Restrictions

Exhibit C-106 – Soil Removal Permit – Conditions

If the requirements or conditions in an Exhibit conflict with a portion or portions of another Exhibit, the stricter condition or requirement shall govern.

- (gg) Crushing: Crushing of rocks, asphalt, concrete, etc. shall not occur on or from the Property for more than 30 days during any calendar year.
- (hh) Enforcement and Remedies. A violation of any provision of this Ordinance/ ordinance amendment shall constitute a violation of the Plainfield Charter Township Zoning Ordinance and shall also be a nuisance *per se*. The parties shall have such remedies as are provided by Michigan law and equity. Venue shall be in Kent County, Michigan. Should the Township be involved in any litigation or enforcement or interpretation proceeding regarding this Ordinance/ordinance amendment (whether as a plaintiff or a defendant or involved in the enforcement or interpretation of this Ordinance/ordinance amendment or via any third-party action) and should the Township prevail in such litigation or proceeding in whole or in part, then the Landowner shall pay and reimburse the Township for the reasonable attorney fees and costs of the Township, including those attorney fees and costs incurred by the Township in both the pre-litigation, trial and appeal stages. Such attorney fees and costs provision shall benefit not only the Township, but also the Township's officials, officers, employees, agents and contractors. In no event shall attorney fees or costs be assessed against the Township or the Township's officials, officers, employees, agents or contractors.
- (ii) Compliance. The provisions of this Ordinance/ordinance amendment are not intended as a substitute for the Plainfield Charter Township Zoning Ordinance, nor do they in any way relieve the Landowner from obtaining all approvals and permits required by the Township, Kent County, the State of Michigan or the federal government, except as otherwise expressly provided herein. If a matter is not specifically addressed by this Ordinance/ordinance amendment, the

applicable provision(s) of the Plainfield Charter Township Zoning Ordinance shall apply.

- (jj) The Township's Option if Successfully Challenged. This Ordinance/ordinance amendment approval is expressly contingent upon all requirements and conditions of approval herein remaining fully effective and valid. If any condition or requirement imposed herein is determined to be invalid, illegal or contrary to law as a result of a successful legal challenge by the Landowner or its assigns, or any other party, the Township reserves the right to review all mining, reclamation and other operations on, from and to the Property under the PUD provisions of the Plainfield Charter Township Zoning Ordinance and further, to withdraw its approval of this Ordinance/ordinance amendment if the Township finds that, absent the effect of a condition imposed herein, the PUD no longer meets the standards for PUD approval contained in the Plainfield Charter Township Zoning Ordinance.
- (kk) Runs with the Land. All conditions, standards and requirements in this Ordinance/ordinance amendment run with the land and shall be binding upon the Landowner, as well as its successors, creditors, tenants, transferees, co-owners and assigns.
- (ll) Zoning Administrator. The Zoning Administrator has the legal authority to not only interpret and enforce this document, the Deed Restrictions and the Conditions of Approval, but to also make binding interpretations/determinations regarding the same and whether there has been non-compliance or a violation of any provision of this document, the Deed Restrictions and/or the Conditions of Approval. The Landowner may appeal any such determination/interpretation to the Plainfield Charter Township Zoning Board of Appeals pursuant to the procedures established in the Plainfield Charter Township zoning regulations for zoning appeals.
- (mm) Stop Work Orders. The stop work order provision within the Plainfield Charter Township zoning regulations may be utilized by the Township for any violation or infraction of this document, the Deed Restrictions or the Conditions of Approval (together with any and all other remedies available to the Township).
- (oo) Supersedes. This final PUD amendment approval shall supersede and replace the decision by the Township Board of March 13, 2023 regarding the interim removal of the pre-existing stockpiles.


**Section 6. Effective Date.**

This Ordinance/ordinance amendment shall not be effective unless and until all of the following occurs:

- (a) At least seven (7) days have expired after the notice of adoption for this Ordinance/ordinance amendment appears in the newspaper as provided by law; [and]
- (b) The Landowner also signs and dates a copy of this Ordinance/ordinance amendment document as enacted after typing in the following paragraph at the end of a copy of this enacted Ordinance/ordinance amendment, and returns the same to the Township Clerk:

J. M. Development, LLC, a Michigan limited liability company, hereby certifies, represents and guarantees that it is the owner of the Property listed in Section 2 of this Ordinance/ordinance amendment document, fully agrees with all of the conditions and requirements contained in this Ordinance/ordinance amendment document and shall fully comply therewith and certifies, warrants and represents that it is the sole owner of the Property and has full authority to enter into this acknowledgment, agreement and guarantee and to make it fully binding on both itself and the Property.

J. M. DEVELOPMENT, LLC,  
a Michigan limited liability company

Dated: April 18, 2023 By   
Michael L. Rusche  
Its Managing Member

[and]

- (c) The Restrictive Covenant Agreement (attached hereto as Exhibit C-105) has been signed by both the Township and the Landowner.

The vote to adopt this Ordinance/ordinance amendment was as follows:

YEAS: Hagedorn, Batey, Morrow, Pfaff, Brinkman, Postmus, Coleman

NAYS: None

ABSENT/ABSTAIN: None

THIS ORDINANCE/ORDINANCE AMENDMENT IS HEREBY DECLARED ADOPTED.

**CERTIFICATION**

I hereby certify that the above is an Ordinance/ordinance amendment adopted by the Township Board for Plainfield Charter Township at the time, date and place specified above pursuant to the required statutory procedures.

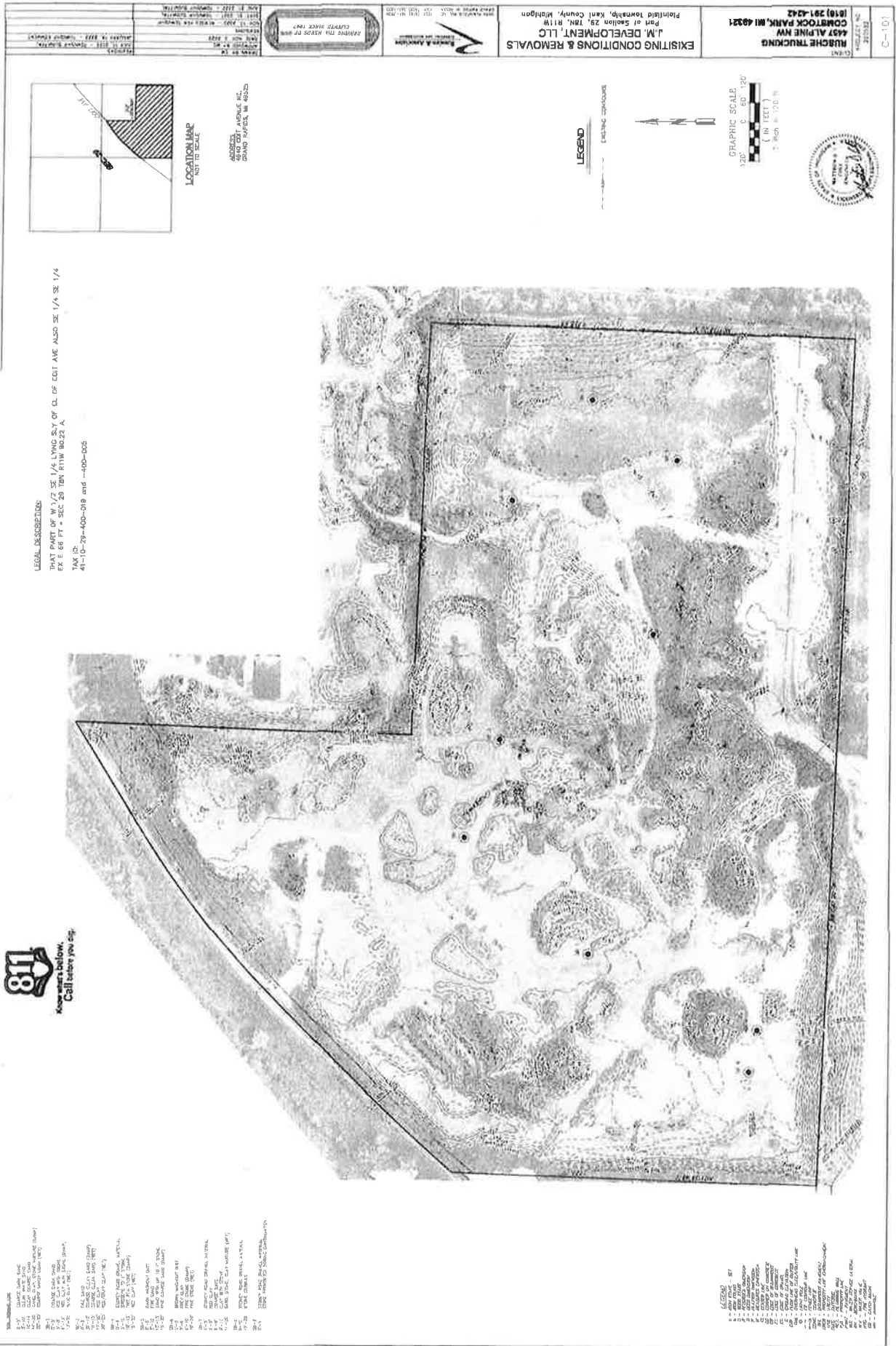
Respectfully submitted,

By



Cathleen Postmus  
Plainfield Charter Township Clerk

# Exhibit C-101 – Existing Conditions Plan Sheet C101











8/3/23

APR 24 2023

**202304240021966**  
 Total Pages: 18  
 04/24/2023 03:52 PM Fees: \$30.00  
 Lisa Posthumus Lyons, County Clerk/Register  
 Kent County, MI

**RESTRICTIVE COVENANT AGREEMENT**

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which is acknowledged by the parties hereto, J. M. DEVELOPMENT, LLC, a Michigan limited liability company (“Landowner”), with an address of 4510 Peach Ridge NW, Grand Rapids, Michigan 49544 and PLAINFIELD CHARTER TOWNSHIP (“Township”), a Michigan charter township, with its offices located at 6161 Belmont Avenue NE, Belmont, Michigan 49306, enter into this Restrictive Covenant Agreement (the “Agreement”) as of the date that the last party hereto signs below.

**RECITALS**

A. The Landowner owns certain property within the Township commonly known as 4640 and 4672 Coit Avenue NE, Grand Rapids, Michigan 49525 and also as Permanent Parcel Nos. 41-10-29-400-005 and 19, being approximately 92 acres in size, which is bounded on the south by Coit Avenue and is legally described as follows:

Land situated in the State of Michigan, County of Kent, Township of Plainfield:

Part of the Northwest one-quarter of the Southeast one-quarter of Section 29, Town 8 North, Range 11 West, commencing at the intersection of the centerline of the highway and the South line of the Northwest one-quarter of the Southeast one-quarter; thence Northeasterly along the centerline of the highway 534 feet for the point of beginning; thence Southeasterly to a point on the East line of the Northwest one-quarter of the Southeast one-quarter which is 200 feet North of the Southeast corner thereof; thence North along the East line

of the Northwest one- quarter of the Southeast one-quarter 11 rods; thence Northwesterly parallel with the Southerly line of the said description to the centerline of the Highway; thence Southwesterly along the centerline of the Highway to the beginning.

[and]

That part of the SE 1/4, Section 29, T8N, R11W, Plainfield Township, Kent County, Michigan, described as: Commencing at the E 1/4 corner of Section 28; thence N87°44'06"W 1320.18 feet along the North line of said SE 1/4; thence S01°57'36"W 280.49 feet along the East line of the W 1/2 of said SE 1/4 to the centerline of Coit Avenue and the PLACE OF BEGINNING of this description; thence S01 °57'36"W 652.70 feet along said East line; thence N74°00'4"W 682.02 feet; thence Northeasterly 447.13 feet along the centerline of Coit Avenue on a 2790.01 foot radius curve to the right, the chord of which bears N53°29'17"E 446.65 feet; thence N58°04'45"E 375.82 feet along said centerline to the place of beginning.

[and]

Also, that part of the SE 1/4, Section 29, T8N, R11W, Plainfield Township, Kent County, Michigan, described as: BEGINNING at the S 1/4 corner of Section 29; thence N01°56'48"E 1121.71 feet along the West line of said SE 1/4; thence Northeasterly 441.75 feet along the centerline of Coit Avenue on a 4584.26 foot radius curve to the right, the chord of which bears N41 °59'07"E 441.58 feet; thence N44°44'45"E 338.01 feet along said centerline; thence S74°00'43"E 831.00 feet; thence S01°57'36"W 200.00 feet along the East line of the W 1/2 of said SE 1/4; thence S87°42'33"E 1253.89 feet along the North line of the SE 1/4 of said SE 1/4; thence S01 °58'21 "W 1315.26 feet along the West line of the East 66.00 feet of said SE 1/4; thence N87°41'00"W 2573.18 feet along the South line of said SE 1/4 to the place of beginning.

Address: 4640 Coit Ave NE & 4672 Coit Ave NE, Grand Rapids, MI  
49525 Tax ID no.: 41-10-29-400-019 and 41-10-29-400-005

(collectively, the "Property").

B. The original planned unit development ("PUD") zoning designation and site plan were approved by the Township in 2002 for Coit Investors, LLC for mining and a residential housing end use and was originally called the "Coit Investors PUD." The original PUD provided that all mining and restoration activities had to be completed on the Property by

the end of 2011.

C. In 2012, the Township approved an amendment to the original PUD to allow an additional seven (7) years of mining (ending on December 31, 2019).

D. In 2018, the Township granted yet another time extension for the PUD for the Property, but required that all mining and reclamation had to be completed within three (3) years or by December 31, 2022 (with all reclamation to be completed no later than July 1, 2023).

E. Unfortunately, Coit Investors, LLC did not fully comply with the mining completion and reclamation dates and requirements of the PUD, even with the amended and extended deadlines. Coit Investors, LLC left many stockpiles on the Property. Furthermore, Coit Investors, LLC did not complete either all mining operations or reclamation as required.

F. The Landowner purchased the Property in December of 2019. The Landowner has requested yet another formal amendment to the PUD to allow continuing mining for an additional 20 years, to permit the existing stockpiles and materials to be removed over a number of years and for modification of the prior approved reclamation plan.

G. In order to avoid litigation and to facilitate the end of all mining and related operations on the Property (and to complete reclamation of the Property), the parties hereto (the "parties") have entered into this Agreement. Furthermore, this Agreement implements (and incorporates) the PUD ordinance amendment document for the Property approved by the Township Board on April 10, 2023.

#### AGREEMENT

#### IT IS AGREED AS FOLLOWS:

1. FINAL DEADLINES FOR THE CESSATION OF ALL MINING AND

RECLAMATION OPERATIONS ON AND FROM THE PROPERTY: All of the following uses, activities and matters on and from the Property shall meet the following absolute requirements and deadlines:

- (a) General End Date. Unless ceasing earlier under Subsection (f) as follows, all mining, excavation, creating new stockpiles, increasing the size of stockpiles, crushing and processing must be fully completed and cease completely on or before December 31, 2030 (and all reclamation must also be fully completed by December 31, 2030).
- (b) Existing Stockpiles. As of January 1, 2023, there existed approximately 510,000 cubic yards, not counting topsoil, of existing stockpiled materials on the Property (including, but not limited to, piles of aggregate, sand, gravel, stones, etc.) as shown on Exhibit C-102 as attached hereto. All such existing stockpiled materials (including, but not limited to, aggregate, sand, gravel, stones, etc.) must be entirely removed from the Property on or before July 1, 2026. However, topsoil to be used exclusively for reclamation of the Property consistent with the approved reclamation plan and end use plan and associated with the housing development(s) to be developed later on the Property (i.e., however, the topsoil shall not be available for sale or transfer to third parties), may be stored in the locations shown on the Exhibit C-103 plan as attached hereto if seeded to prevent dust and runoff. No topsoil pile shall exceed twenty (20) feet in height or the height of the nearest berm, whichever is higher.

No sand, gravel, aggregate or other material shall be added to the pre-existing stockpiles. Such stockpiles shall not be moved around on site except to directly remove them from the Property. The only portions of the existing stockpiles that may remain on site are limited materials to be used solely for reclamation.

- (c) Removal of all Equipment, Items and Vehicles Generally. Any and all equipment, vehicles, sheds, tools, buildings and similar items (except for those items expressly necessary for reclamation) must be completely removed from the Property on or before December 31, 2030. In addition, any vehicles and equipment necessary for landscaping, reclamation and seeding related to reclamation shall be completely removed from the Property on or before July 1, 2031.
- (d) General Reclamation Deadline. All reclamation must be fully completed for the Property on or before December 31, 2030 and shall fully comply with the approved reclamation plan or higher elevations attached hereto as Exhibit C-103.
- (e) Removal of Reclamation Items. Any and all equipment, vehicles, and items necessary for the reclamation must also be fully removed from the Property on or before July 1, 2031.
- (f) Earlier Penalty Deadlines. The following earlier absolute deadlines (and the consequences of not meeting the original deadlines) shall apply to the Property:

- (i) If at least 50 percent of the existing stockpiles (as measured by volume, but excluding the allowed topsoil piles) that were present on the Property on January 1, 2023 referenced in Subsection (b) above (and as shown on Exhibits C-101 and C-102 as attached hereto) have not been fully removed from the Property on or before July 1, 2025, then all mining must permanently cease on and from the Property (which would include mining, excavating for salable materials, crushing, processing, hauling, etc.) immediately as of July 1, 2025 and full reclamation of the entire Property would have to occur on or before December 31, 2025.
- (ii) If 100 percent of all of the existing stockpiles (as measured by volume, but excluding the allowed topsoil piles) that were present on the Property on January 1, 2023 referenced in Subsection (b) above (and shown on Exhibits C-101 and C102 as attached hereto) have not been fully removed from the Property on or before July 1, 2026, then all mining must permanently cease on and from the Property (which would include mining, excavating for salable materials, crushing, processing, hauling, etc.) immediately as of July 1, 2026 and full reclamation of the entire Property would have to occur on or before December 31, 2026.
- (iii) If on or before July 1, 2026 at least 550,000 cubic yards of sand,

gravel or other salable aggregates in total have not been mined and removed from the Property after January 1, 2023 (and not counting the stockpiles that existed before January 1, 2023), then all mining must permanently cease on and from the Property (which would include mining, excavating for salable materials, crushing, processing, hauling, etc.) immediately as of December July 1, 2026 and full reclamation of the entire Property would have to occur on or before December 31, 2026.

- (iv) If on or before July 1, 2029 at least 1,100,000 cubic yards of sand, gravel or other salable aggregates in total have not been mined and removed from the Property after January 1, 2023, (and not counting the stockpiles that existed before January 1, 2023), then all mining must permanently cease on and from the Property (which would include mining, excavating for salable materials, crushing, processing, hauling, etc.) immediately as of July 1, 2029 and full reclamation of the entire Property would have to occur on or before December 31, 2029.

- (g) Absolute Deadlines, with No Extensions. Neither the Landowner nor the Landowner's successor(s) shall request, pursue or seek any delays or time extensions beyond the above time limits and hereby expressly waives any and all rights of challenge, delay or extension. The parties hereto agree that the above are "hard deadlines," and that such deadlines (and any related cessation of mining or other operations on the

Property) shall fully apply and govern regardless of possible changed market conditions, emergencies, foreseen or unforeseen circumstances or other events.

2. **BINDING DEED RESTRICTIONS:** The Property is fully bound by and subject to all of the restrictions, requirements and conditions contained in this Agreement. This Agreement (as well as the restrictions, requirements and conditions contained in this Agreement) constitutes binding deed restrictions/restrictive covenants.

3. **WAIVER OF THE VERY SERIOUS CONSEQUENCES TEST AND PROTECTION:** The Landowner hereby expressly, voluntarily and completely waives, relinquishes and releases any right, claim, benefit or defense it might otherwise have or had with regard to the “very serious consequences” test and the protections of MCL 125.3205(3) – (7) (inclusive) and applicable Michigan appellate case law with regard to the Property and all aspects of the Property based in part on the execution by the parties of this Agreement. The Landowner acknowledges and agrees that it will not challenge (in litigation or otherwise) the validity of this Agreement, the PUD amendment document approved by the Township Board dated April 10, 2023, the Soil Removal Permit Conditions or the Zoning Ordinance as it relates to mining and related mining operations on or from the Property.

4. **CERTIFICATION:** Once per calendar year, the Landowner shall file with the Township (between November 15 and December 31 of the calendar year involved) a written report certifying, attesting and swearing as to the following with regard to the Property:

- (i) How much sand, gravel, aggregate, etc. has been mined/removed from the ground on the Property by type and also by cubic yard and tonnage

during that calendar year.

- (ii) How much sand, gravel, aggregate, etc. has been removed from the Property (by type and also by cubic yard and tonnage) and transported off site during that calendar year.
- (iii) How much materials (by type and also by cubic yard and tonnage) have been brought from off site and onto the Property during that calendar year.
- (iv) A topographic survey.

This shall be in addition to any reports or surveys required by the PUD ordinance amendment document.

5. REIMBURSEMENT TO THE TOWNSHIP: For the drafting, review and negotiation of this Agreement, the Landowner shall reimburse the Township within 30 days of the date of this Agreement. Such reimbursement shall be apart and distinct from any zoning escrow fee amounts owed to the Township, permit fees, application fees or any other such fees or costs.

6. ENFORCEMENT AND LITIGATION: This Agreement may be enforced pursuant to any remedy allowed the parties by Michigan law or equity, including a lawsuit for damages and/or specific performance. The venue shall be in Kent County, Michigan. Should the Township be involved in any litigation or proceeding regarding this Agreement (whether as a plaintiff or a defendant or involving the enforcement or interpretation of this Agreement or via any third party action) and should the Township prevail in such litigation in whole or in part, then the Landowner shall pay and reimburse the Township for the reasonable attorney fees and costs of the Township, including those attorney fees and costs incurred by the

Township in both the pre-litigation, trial and appeal stages. Such attorney fees and costs provisions shall benefit not only the Township, but also its officials, officers, employees, agents and contractors. In no event shall attorney fees or costs be assessed against the Township or the Township's officials, officers, employees, agents and contractors.

7. **RUNS WITH THE LAND:** This Agreement and all of the terms and conditions thereof are permanent, constitute binding deed restrictions/restrictive covenants, touch and concern the land and shall run with the land and shall benefit and be binding upon all of the current and future owners of the Property and all of the Landowner's heirs, transferees, personal representatives, successors and assigns.

8. **RECORDING:** This Agreement shall be recorded in the records of the Kent County Register of Deeds by the Township, and the Landowner shall reimburse the Township for the recording costs.

9. **ZONING ESCROW FEES:** The Landowner shall promptly reimburse the Township for any and all zoning escrow fee amounts still outstanding or owed by the Landowner to the Township regarding the Property.

10. **MODIFICATIONS, AMENDMENTS, ETC.:** This Agreement shall not be amended, altered, changed or modified except in a writing signed by both the Landowner (or its successors) and also by the Township and the same has been recorded with the Kent County Register of Deeds records.

11. **INCORPORATION OF THE ORDINANCE/ORDINANCE AMENDMENT; COMPLIANCE:** This Agreement also incorporates the Ordinance/ordinance amendment by the Township Board dated April 10, 2023 approving the PUD amendment. The Landowner shall fully comply with all requirements and provisions in that Ordinance/ordinance amendment, the

Soil Removal Permit Conditions and the attendant zoning approval (all of which also constitute binding deed restrictions/restrictive covenants pursuant to this document).

12. DRAFTING: This document shall be deemed to have been drafted by both the Township and the Landowner.

13. SEVERABILITY. If any term, provision or clause of this Agreement is determined to be unconstitutional or unenforceable by a court of competent jurisdiction, that shall not affect any other provision or clause of this Agreement and the remainder of this Agreement shall remain in full force and effect.

14. NON-ASSIGNMENT. Except as expressly otherwise provided in this Agreement, no duty, right, privilege or responsibility under this Agreement shall be assigned, sublet or contracted out to any person, firm or entity who is not a party to this Agreement unless agreed to in writing by all parties hereto.

15. BINDING EFFECT; AUTHORITY. The parties hereto agree, represent and warrant that they have full authority to sign this Agreement and to make it fully binding and enforceable.

16. TIME IS OF THE ESSENCE. Time will be of the essence regarding this Agreement.

17. APPLICABLE LAW. This Agreement shall be governed by the laws of the State of Michigan.

18. COUNTERPARTS; EFFECTIVE DATE. This Agreement may be executed in two counterparts, each of which when executed shall constitute an original, but all counterparts together shall constitute but one and the same instrument. This Agreement shall be effective as of the date of the last party signing this document.

19. **WAIVERS.** A waiver of any right or remedy under this Agreement or as provided by law is only effective if given in a writing signed by all parties and shall not be deemed to be waiver of any other breach or default. A failure or delay by a party in exercising any right or remedy under this Agreement or by law shall not constitute a waiver of that or any other right or remedy thereafter.

20. **ENTIRE AGREEMENT.** This Agreement constitutes the entire agreement and understandings between the parties relating to the subject matter of this Agreement. This Agreement supersedes all prior negotiations, courses of dealing, other agreements and all representations and promises, whether written or oral, relating to the subject matter of this Agreement. However, this section shall not affect, alter, or waive any zoning matters or related requirements, the PUD ordinance amendment, the Soil Removal Permit Conditions or other approved documents.

21. **NO THIRD-PARTY BENEFICIARIES.** Except as otherwise expressly provided for herein, there are no third-party beneficiaries to this Agreement.

22. **EXEMPTION:** The monetary consideration for this document is under \$100.

[Signature pages to follow]









Exhibit C-103 – Reclamation Plan  
Sheet C-103

