

<p style="text-align: center;">AMENDMENTS TO REVISE THE REQUIREMENTS FOR MINERAL MINING</p>
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**ALLENDALE CHARTER TOWNSHIP
ORDINANCE NO. 2015 - 1
ZONING ORDINANCE AMENDMENT**

THE CHARTER TOWNSHIP OF ALLENDALE, COUNTY OF OTTAWA, AND STATE OF MICHIGAN ORDAINS:

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SECTION 1

Section 23.08 of the Allendale Charter Township Zoning Ordinance, being Removal of Topsoil, Sand, Gravel, or Other Minerals, is hereby AMENDED in its entirety to read as follows:

Sec. 23.08 REMOVAL OF TOPSOIL, SAND, GRAVEL, OR OTHER MINERALS.

A. Special Land Use Required. Mineral mining as defined in this Section 23.08 may be authorized by the Allendale Township Planning Commission upon the granting of a special land use by for such purpose, in accordance with the provisions of this section and the requirements of Article 20 of this Ordinance. Such Special Land Use may be permitted in all zoning districts.

B. Purpose. The purpose of the mineral mining special land use is to regulate the appropriate excavation and removal of mineral resources, but, to authorize such activity only if it can be accomplished without very serious consequences to other land uses in the vicinity and elsewhere in the Township. While the excavation and removal of mineral resources is a legitimate land use, it may involve activities which are incompatible with residential uses or which have other adverse impacts.

The objective of these special land use provisions is to enable the Township to permit such mineral extraction and removal, where such activity can reasonably be permitted, but only upon such terms and conditions as will adequately protect residential and other land uses from very serious consequences and also assure that, once mineral material has been removed, the land shall be reclaimed and restored so as to be available for residential uses or other uses permitted by this Ordinance .

C. Definitions. For the purposes of this Section, the following words, terms and phrases shall have the following meanings:

1. Mineral Mining or Mining – The excavation, removal and/or processing of mineral material including peat, earth, gravel, sand, clay, top soil, stone or other soils or materials, including overburden, or the storage or transporting of such items on or from a mining site, or the reclamation of the site after removal or excavation of such items.

2. Mining Site – a site or property where mining or mineral mining occurs (whether dormant or active).

D. Exempt activities. For the purposes of this Ordinance, the following excavation activities are not included within the above definition of mineral mining or mining and are exempt from the requirements of this Ordinance:

1. Excavation approved and conducted or administered by a governmental body in conjunction with the installation or maintenance of publicly owned or publicly operated utilities, drainage facilities, roads, or other publicly owned or operated improvements, where the excavation is limited solely to the public utility or improvement.
2. Excavation and removal of minerals which are necessary to prepare a site for the use authorized by a building permit or other permit issued by Allendale Township. In order for such mineral mining activity to be exempt it shall be completed within one year of the date of commencing the mining activity for each phase of the proposed development, and shall not result in the excavated minerals being stored on site beyond the project completion date.
3. Excavation and removal of minerals in conjunction with bonafide farming operations conducted in accordance with generally accepted agricultural management practices, including agricultural drainage work incidental to farming operations and irrigation or stock watering ponds. If 5,000 or more cubic yards of minerals are proposed to be removed from the building site then the operation shall be considered to be a mineral mining activity and a special use permit shall be required to be obtained in accordance with the provisions of this Section 23.08.

In order for an extraction and removal from the site of mineral material of less than 5,000 cubic yards to be exempt from the provisions of this section, such excavation and removal must be complete in and of itself; it shall not, constitute only a part, portion or phase of some other larger, different, or recurring mineral removal operation, plan or activity. An applicant shall not repeat or combine successive removal operations of less than 5,000 cubic yards or less from the same parcel for the purpose of removing a larger total quantity of mineral material.

E. Requirements for Mining Permitted by Zoning Administrator In all zoning districts the Zoning Administrator may approve a permit for a mining activity subject to the following conditions and procedures.

1. The mining activity is proposed to remove less than 5,000 cubic yards of minerals and the mining activity is proposed to last no more than one year from the issuance date of the mining permit.
2. If a dwelling unit is located within 300 feet of the limits of the excavation (not property lines) the proposed mining operation shall be required to obtain a special use permit in accordance with the provisions of Section 23.08.

However, if all owners of property and residents within 300 feet of the limits of the excavation do not object to the mining operation by submitting this statement in writing to the Zoning Administrator then the Zoning Administrator may review the mining request in accordance with the provisions of this Section 23.08.E

3. For mining activities which are to be reviewed by the Zoning Administrator the applicant for the mining permit shall submit an application per the requirements of Section 23.08.F along with a fee and escrow amount as may be required by the Township Board.

4. An accurate to scale drawing of the property to be mined illustrating the following information shall be submitted with the application:

a. Property lines and dimensions of the parcel proposed for mineral removal including any buildings on the site and noting the area on which mineral removal operations and activities will take place;

b. Natural features of the site including wooded areas, wetlands, bodies of water and the location and direction of all water courses which may be affected by the mineral removal operations;

c. Houses within 500 feet of the limits of the mining operation.

d. Existing elevations of the land at intervals of not more than 5 feet for the site and to a distance 50 feet beyond the boundaries of the site. Such elevations shall be based on USGS datum;

e. The entire mining operation showing the limits of the mining operation and the setbacks from all property lines;

f. Proposed fencing, gates, drives, signs, soil erosion measures and other features of the proposed use.

g. Roads for ingress to and egress from the lands, including on-site roads other areas to be used for movement of vehicles;

h. The condition of the site after completion of all mining activities demonstrating that it can be used for its intended purpose as recommended in the Township Master Plan.

i. The final contours at five feet elevations minimum.

5. The drawing shall be reviewed by the Zoning Administrator who may consult with the Township Engineer. The Zoning Administrator and Engineer if requested by the Administrator shall also conduct an inspection of the property to determine the accuracy of the drawing and to assess the impact of the proposed mining operation on nearby properties and residents. Based on the inspection the Zoning Administrator may require changes to the drawing and impose conditions in order to insure that the impact of the mining operation is minimized.

6. The mining operating shall comply with the requirements of Section 23.08.F.4 except that the Zoning Administrator may waive certain requirements if the requirement would not serve the intended purpose or if a modification of the requirement would still meet the intended purpose. In considering such modification or waiver the Zoning Administrator shall consider the standards of Section 23.08.G2.

7. In order to approve an application the Zoning Administrator must determine that the mining

operation will not have a detrimental effect on neighboring residents and properties based on the duration of the operation and the expected noise, dust, truck movements and other aspects of the mining operation and that the land will be restored following the mining activity so it is suitable for uses allowed in that zoning district or as recommended in the Township Master Plan.

8. The Zoning Administrator may refer such application to the Planning Commission for a decision in which case the application shall be processed as a Special Use Permit in accordance with all of the requirements of Section 23.08.F below.

F. Requirements for Mining Permitted by the Planning Commission. All mining activities not subject to the approval of the Zoning Administrator or otherwise exempted by this Ordinance in all zoning districts except the R2, R3 and all PUD districts shall be reviewed by the Planning Commission as a Special Land Use in accordance with the following procedures and conditions:

1. Application Requirements An application for a special land use for mineral removal shall include the following:

- a. Name of all of the owner(s) of the land from which removal is to be made or upon which mining operations will take place.
- b. Name and address of the applicant(s).
- c. Name and address of the person, firm or corporation who will be conducting the actual removal and/or processing operation.
- d. Location, size, and legal description of the area from which the removal is to be made.
- e. A description of the type of mineral to be removed and an estimate of the total quantity and an annual quantity to be removed. This estimate shall be verified by a registered civil engineer or land surveyor.
- f. If over 100,000 cubic yards of material is to be removed provide evidence to reasonably demonstrate that the amount of material proposed to be removed actually exists on the site
- g. A description of the trucks to be used to transport the minerals described in cubic yard capacity and single or double bottom.
- h. Estimated number of truck trips per day. (A truck going in and coming out is two truck trips.)
- i. The roads which will primarily be used to transport the minerals. (Haul route)
- j. The proposed hours and days of operation.
- k. A description of the types of equipment to be used in the mining operation.
- l. A description of the methods to be used for dust control.
- m. State if materials such as asphalt and concrete will be brought into the site for crushing and mixing with on-site mining minerals. If so, describe the extent of this activity, the equipment to be used, and if additional permits are required from state or federal agencies.
- n. The estimated number of years to complete operations and number of phases.
- o. A description of the proposed use of the land following completion of mining activities.
- p. Proof of liability insurance with at least one million dollars of coverage.

2. Site Plan Requirements Eight copies of the following site plans shall be submitted to the Township Clerk drawn at a scale not exceeding 1" = 100' if the site is less than 50 acres and 1" = 200' if the site is 50 acres or more. The plans shall be sealed by a registered civil engineer,

landscape architect or registered land surveyor.

a. *Provide a separate site plan showing the existing conditions of the property including:*

- i) A north arrow, scale and date;
- ii) Property lines and dimensions of the parcel proposed for mineral removal including any buildings on the site and noting the area on which mineral removal operations and activities will take place;
- iii) The location and width of all easements or rights-of-way on or abutting the property;
- iv) Natural features of the site including wooded areas, wetlands, bodies of water and the location and direction of all water courses which may be affected by the mineral removal operations;
- v) Existing elevations of the land at intervals of not more than 5 feet for the site and to a distance 50 feet beyond the boundaries of the site. Such elevations shall be based on USGS datum;
- vi) A current aerial photograph, or other accurate drawing or plan, showing the lands included in the application, and all other parcels with addresses within 1000 feet thereof, and also showing the location of and distance to dwellings and other existing land uses.
- vii) Estimated depth of the water table.
- viii) Zoning and property lines on adjacent parcels.

b. *Provide a separate site plan which complies with the requirements Section 23.08.F.4 showing how the site is to be mined including:*

- i) The entire mining operation showing the limits of the mining operation and the setbacks from all property lines.
- ii) Phasing of the mining operation including place of beginning and direction of mining. Phasing shall comply with the requirements of Section 23.08.F.4.m herein.
- iii) Proposed final elevations at two feet contour elevations.
- iv) Mineral processing, storage areas and stockpiling areas including the height of the stockpiles.
- v) Proposed fencing, gates, parking areas, temporary or permanent structures, drives, signs, truck washing facilities, soil erosion measures and other features of the proposed use; an illustration of the type of fencing and gate proposed shall also be provided;
- vi) Roads for ingress to and egress from the lands, including on-site roads, acceleration

and deceleration lanes, other areas to be used for movement of vehicles;

vii) If a lake or pond is to be created, details of the same, including planned depth contours and the proposed slope into the lake for the first 30 feet from the shore.

viii) Proposed or required landscaping and berms.

c. Provide a separate site reclamation plan which illustrates:

i) The condition of the site after completion of all mining activities demonstrating that it can be used for its intended purpose as recommended in the Township Master Plan or as currently zoned.

ii) The final contour elevations at two foot contours, and also

iii) Any water courses and any ponds or lakes including the final depth of the pond or lake and slopes into the lake for a distance of 30 feet.

iv) Landscaping and plantings.

3. Additional Information Required

The Planning Commission may require the applicant to provide studies or information concerning the need for and consequences of the proposed mineral extraction and removal. Such studies may include but need not be limited to the following: an environmental impact study, hydro- geological study, engineering data, traffic impact study, and economic analysis in particular the impact on the property values of nearby properties.

The environmental impact study may include a site inspection to determine whether or not the land contains threatened or endangered species or habitat. Such study shall also consult the Michigan Natural Features Inventory.

If a mineral removal operation will result in the creation of a lake or is proposed within 1000 feet of a lake, river, stream or a wetland regulated by the State of Michigan a hydro geological study may be required to determine the impact of the mining operation on nearby wells and nearby water features.

4. Operating And Site Reclamation Conditions.

All mineral mining activities which are approved for a special land use shall comply with all of the following conditions:

a. *Driveways.* Driveway access to a mineral removal site shall be only at the locations approved for such purpose in the special land use.

b. *Truck Routes.* Routes for truck movements to and from the removal site shall comply with the Allendale Township Truck Route Ordinance.

c. *Entry Roads.* The entry road or roads to and from a removal area shall be composed of asphalt, concrete, or similar dustless hard surface extending from the public road surface for a

distance of at least 30 feet into the site unless a greater distance is required by the Commission. This entry road shall be swept at regular intervals to minimize dust.

d. *Setbacks.* The following setbacks shall apply although the Planning Commission may require a greater setback if deemed necessary to protect adjoining properties or may allow a lesser setback based upon evidence that such lesser distance will not result in adverse effect upon nearby residents or properties

i) No cut or excavation shall be made closer than 25 feet to any street right-of-way line or property line and closer than 100 feet to a principle building on an adjoining property.

ii) No machinery for mineral processing shall be located or used within 250 feet of any property or street line and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact.

iii) Storage or stockpile area, equipment used for mineral mining or processing or interior truck access drive shall not be closer than 250 feet to a principal building or dwelling on adjoining or nearby lands existing at the time of the approval of the special land use.

iv) No cut or excavation shall be made within 100 feet of the banks of any stream or waterway unless previously approved, in writing, by the Michigan Department of Environmental Quality.

e. *Fencing and Signs.* All phases in which mineral excavation or earth moving activities are taking place shall be fenced and gated at all times, so as to avoid hazards to persons who may enter the removal area. Such fencing shall be installed before any activity pertaining to the mining operation begins. Such fencing may be removed upon the completed reclamation of each phase. No trespassing signs shall be placed every 100 feet along all property lines.

Fencing shall be at least four feet high and sturdily installed. Such fencing, shall, at a minimum be plastic or similar visible material as may be approved by the Planning Commission. Gates shall be at least four feet in height and locked when operations are not occurring. The Planning Commission may require fencing along the perimeter of the property to restrict or deter access by motorized vehicles.

f. *Entrance Gate.* The entrance to the site shall have a gate which shall be located so there is room on the site to accommodate mining vehicles waiting outside the gate. The entrance gate shall be posted with the name and phone number of the mine operator and the approved hours of operation.

g. *Hours of Operation.* The hours of operation of any mining operation shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, and 8:00 a.m. to 1:00 p.m. on Saturday. No hours of operation shall be permitted on Sundays and legal holidays. In certain situations, this time period may be modified by the prior written consent of the Township Zoning Administrator, provided that such order shall not be effective for more than 72 hours. No mining uses or mining or processing-related activity of any kind shall occur outside of the permitted hours of operation.

h. *Noise*. Mining sites shall be operated in such a fashion that the noises of operation or equipment vibration cannot reasonably be considered disturbing to neighboring uses or users of land. Objectionable noises due to intermittence, beat, frequency, or shrillness shall be muffled so as not to become a nuisance to the owners or occupants of adjoining properties.

i. *Crushing & Processing of Materials*. Concrete, asphalt or other artificial minerals and natural minerals may be brought to and stored on a mineral removal site for processing into a usable product subject to the specific approval of the Planning Commission which may attach conditions for such processing including limiting the amount of material brought into the site, the location and size of stockpiles and when such material may be processed and removal of the processed product from the site. Additional permits may be required for such activities from county, state and federal agencies and copies of such permits shall be provided to the Township.

j. *Dust Control*. Interior access roads shall be maintained by the operator of the site so as to keep the dust arising from the use of said roads. Such maintenance shall be accomplished through the application of calcium chloride, brine, water, and /or similar dust retardant material. Application of oil is prohibited. Dust control measures used on public roadways are subject to the approval of the Ottawa County Road Commission.

k. *Drainage*. Drainage on the mineral mining site shall be maintained in a manner which most closely approximates the natural drainage patterns. Measures shall be taken to avoid or mitigate the run off of surface water so that adjacent or nearby lands shall not be adversely affected by excessive surface water drainage, erosion or other effects.

l. *Topsoil*. Topsoil shall be replaced on the site to a depth of not less than four inches unless it is demonstrated that there was less than four inches of topsoil on the site prior to any excavation in which case topsoil shall be replaced to the extent that it existed on the site prior to any excavation.

m. *Phasing*. If the mining operation is to occur in phases, topsoil shall be replaced and slopes shall be graded and stabilized in one phase before mineral removal operations or activities are commenced in another phase or area. Within each phase no more than five acres, at any time shall be cleared and actively mined at any time without reclamation occurring consistent with the approved reclamation plan. Provided however, that the Commission may require a lesser acreage if deemed necessary to avoid serious adverse consequences on adjacent properties. The area used for stockpiling excavated material shall not be included in the five acres. It is the intent of this section that site restoration and reclamation occur in unison with the mining process

n. *Final Slopes*. Final slopes shall have a ratio of not greater than one foot of elevation to each four feet of horizontal distance. However, the Planning Commission may approve a ratio of one foot of elevation to each three feet of horizontal distance for portions of the site if it is demonstrated: that such slopes are necessary to blend with the grades on adjoining parcels; that they can be properly maintained and: that such slopes will still allow the land to be used in accordance with the recommendation of the Township Master Plan.

If the mining operation creates a lake or a pond the slope from the shore into the water shall be

one to six (rise to run) or flatter to a depth of five feet.

o. *Screening.* Earth berms, landscaping or both may be required by the Planning Commission along all boundaries of the site which lack natural screening conditions through existing contours or evergreen growth. Berm shall have slopes that are not in excess of one foot vertical to three feet horizontal and shall at a minimum be planted with grass. Berms which are constructed but which are intended to be removed before the completion of the entire mining activity are considered to be temporary and may have a steeper slope.

p. *Lake.* The creation or enlargement of a lake, in connection with reclamation of the site, shall be permitted only where the applicant demonstrates from engineering and hydro geological studies that the waters of the lake will not become polluted or stagnant due to depth, lack of fresh water inflow or other reason and that the creation of the lake will not adversely affect groundwater supplies for nearby uses. Any such lake shall be approved by those state and county agencies having jurisdiction. Construction of the lake shall not begin until written approvals from these agencies have been provided to the Township

G. REVIEW BY PLANNING COMMISSION; STANDARDS FOR APPROVAL /DENIAL

1. Commission Review. Upon submission of a complete application and following the public hearing required by Article 20 the Planning Commission shall review the application and determine whether to approve, deny or approve the application with conditions. In its review of the application, the Planning Commission shall consider, among other matters, the intent and purposes of this section, compliance with the requirements of Section 23.08.F.4 and the Special Land Use approval standards of Section 20.03 herein.

2. Standards. The Township Planning Commission shall not approve any special land use for mineral mining unless the application sufficiently demonstrates that the proposed mineral mining operations and activities will not create very serious consequences or serious environmental impact upon adjacent or nearby lands or other lands in the Township or the area.

Furthermore, before approving a Special Use Permit for mineral mining activities under this Ordinance the Planning Commission shall consider the following factors of the proposed mining operation as applicable:

- a. The relationship of extraction and associated activities with existing land uses.
- b. The impact on existing land uses in the vicinity of the property.
- c. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
- d. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
- e. The impact on other identifiable health, safety, and welfare interests in the local unit of government.

f. The overall public interest in the extraction of the specific natural resources on the property.

3. Conditions. The Planning Commission may require compliance with such other conditions as may be necessary to insure compliance with the terms of this Ordinance. Such conditions may include, though need not be limited to, weed controls, erosion and sedimentation controls, fencing and visual screening, requirements for groundwater monitoring wells, preservation of trees and other vegetation and fuel loading and storage requirements.

4. Duration An approval granted by the Planning Commission shall be valid for a period of up to five years beginning on the date of approval of the Special Land Use by the Planning Commission.

5. Letter Of Credit or Performance Bond. The applicant shall post a surety performance bond, cash deposit or irrevocable letter of credit naming the Township as the beneficiary thereof in a form and in an amount determined by the Township engineer and approved by the Planning Commission to be reasonably necessary to insure compliance with all license and Ordinance requirements (“security”), including reclamation and repair of damage to any public roads. The Township shall also approve the form of the security and the bank or financial institutions supplying the security. Mined material and other items such as property or equipment shall not be used for such security.

Upon completion of the applicant’s activities on the land described in the application and the land has been reclaimed in accordance with the approved reclamation plan to the satisfaction of the Zoning Administrator, the security shall be void in accordance with the procedures of Section 23.08.H herein; otherwise, the Township shall have the right to use the security proceeds to the extent necessary to reclaim the property and to comply with all other Ordinance requirements. This security shall be kept in effect at all times by the applicant until the land has been fully restored by the applicant as required by this Ordinance or until such time that the Township through its officers, agents, and contractors is able to restore the site in accordance with the security requirements.

No security shall be discharged, returned or voided until the Township deems full compliance to have occurred. In fixing the amount of security, the Planning Commission shall take into account the size and scope of the proposed operation, current prevailing costs of reclaiming the premises upon default of the operator, and such other conditions and factors as might be relevant in determining what sum is reasonable in light of all facts and circumstances surrounding each application.

The applicant shall notify the bank or financial institution providing the security and provide proof thereof that the Township will be notified in the event of any lapse in the effectiveness of the security. The amount of the security shall apply to all lands occupied by mining areas, roadways, storage areas, equipment, stockpiles, and similar elements.

6. Annual Review. A special land use approved by the Planning Commission shall be subject to a yearly review by the Planning Commission to determine compliance with the approved special use. For purposes of this subsection the date of review shall be each year on or about the anniversary date of approval of the permit.

At each annual review the applicant/operator shall appear before the Commission and provide to the Commission a written description of the progress made over the preceding year including amount and percent of material removed, amount and percent of material remaining, whether the mining

will be completed within the time limit of the permit, a list of complaints received and how they were addressed, reclamation progress and other information as requested by the Commission.

7. Inspections. The mineral mining activity shall be subject to periodic inspections by the Township Engineer to determine that the mining activity is proceeding in accordance with the conditions of the approved site plan and special land use.

H. COMPLIANCE WITH RECLAMATION PLAN

Upon the expiration of the mineral mining special land use permit the applicant shall provide to the Township Zoning Administrator a certification from a registered civil engineer, landscape architect or registered land surveyor that the site has been restored in conformance with the approved reclamation plan. The Zoning Administrator may conduct an inspection of the site to determine compliance with the approved reclamation plan and may consult with the Township Engineer. Any costs incurred by the Township for such engineering services shall be paid for by the applicant.

If the reclamation of the site is determined to comply with the approved reclamation plan the Zoning Administrator shall issue a letter of approval to the applicant and void the letter of credit or performance bond as required by Section 23.08.G.5 herein.

If the reclamation of the site is not in accordance with the approved reclamation plan the Zoning Administrator shall require the applicant to take the necessary measures to achieve compliance or the Zoning Administrator shall have the right to use the security proceeds to the extent necessary to reclaim the property and to comply with all other Ordinance requirements. The applicant may request approval from the Planning Commission for a modification of the reclamation plan.

The Commission may approve the modification if it determines that the proposed modification substantially complies with the approved reclamation plan or that circumstances relating to the physical features of the site prevented compliance with the approved reclamation plan but that the modified reclamation plan still allows the site to be used in accordance with the uses recommended by the Township Master Plan.

I. RENEWAL OF SPECIAL LAND USE.

The special land use authorized by this section is granted for a period of up to five years and may be renewed in the discretion of the Planning Commission for an additional period of up to five years. Such renewal shall be subject to the terms of this subsection as follows:

1. The applicant or operator shall file an application for renewal of the special land use, prior to the expiration of the use, or prior to the expiration of any annual or other increment in which excavation and removal operations are permitted under the terms of the special land use.
2. Prior to consideration of an application for renewal, the Township Engineer or other designated Township official shall inspect the land to determine compliance with the mineral mining activities to date and shall submit a report to the Township Planning Commission.
3. Upon receiving the completed application for renewal, including the report of the Township Engineer, the Township Planning Commission shall approve, disapprove or approve with conditions the requested renewal. All payments to the Township of any required mineral removal surveillance, escrow or administration fee shall be current as a condition of renewal

4. In determining whether to approve a renewal of the special land use, the Township Planning Commission shall apply the standards and conditions for approval that are then in effect and that are applicable to original special land uses under this section, taking into consideration current land use conditions in the vicinity, the operational history under the special land use and any complaints, comments or other information that have been received concerning the uses and operations there under and the report of the Township Engineer.

5. The consideration of any such renewal shall take place at a public hearing with public notice given in the same manner and to the same extent as that required for an original granting of a special land use.

6. In approving a renewal of the special land use, the Planning Commission may include terms and conditions which are in addition to or different from those specified in the original special land use or in a previous renewal thereof.

J. TRANSFER OF SPECIAL LAND USE.

No special land use authorized by this section shall be transferred to a person or party other than the applicant to whom it was granted unless such transfer is approved by the Planning Commission. In considering a request for transfer of the special land use, the Planning Commission shall consider, among other matters, whether the terms of the required letter of credit or performance bond remain sufficient to assure satisfactory compliance with the terms of the special land use.

K. RE-APPLICATION

No application for a special land use for a mineral mining project which has been denied by the Planning Commission shall be resubmitted within one year from the date of the denial except that the applicant may present new evidence or proof of changed conditions relating to the reasons for denial of the original application. If the Planning Commission finds this information to be valid it may allow a re-submittal of a new application before the one year period is over.

L. EXISTING MINING OPERATIONS

Mining operations which existed and were legally authorized by Allendale Charter Township before the effective date of this amendment (September 14, 2015) shall be allowed to continue according to the conditions of approval imposed by the Township at the time of their original approval. If such existing mining operation is proposed to be extended to a parcel or parcels which were not included in the original approval then only the extended mining operation on the new parcel or parcels shall be subject to the regulations and requirements of this amended Section 23.08.

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SECTION 2. EFFECTIVE DATE. That the foregoing amendments to the Allendale Charter Township Zoning Ordinance were approved and adopted by the Township Board of Allendale Charter Township, Ottawa County, Michigan, on August 24, 2015, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended, and after introduction and a first reading on August 10, 2015, and publication after such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective on September 14, 2015, which date is more than 7 days after publication of the ordinance as is required by Section 401 of Act 110 of

2006, as amended, provided that the effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110 of 2006, as amended.



Township Supervisor

Township Clerk

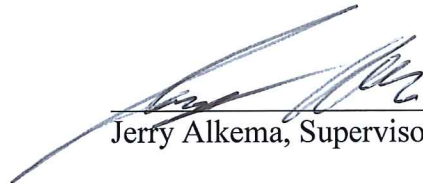
CERTIFICATE

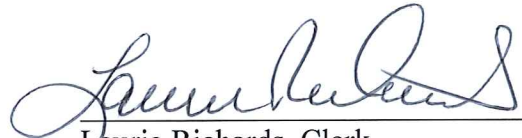
We, Jerry Alkema and Laurie Richards, the Supervisor and Clerk, respectively, for the Charter Township of Allendale, Ottawa County, Michigan, do hereby certify that the foregoing Allendale Charter Township No. 2015-1 Zoning Ordinance Amendment was adopted at a regular meeting of the Allendale Charter Township Board held on August 24, 2015.

The following members of the Township Board were present at that meeting: Alkema, Zeinstra, Hoekstra, Murphy, Richards

The following members of the Township Board were absent: Modderman, Door.

The Ordinance was adopted by the Township Board with members of the Board, Zeinstra, Hoekstra, Murphy, Richards voting in favor and members of the Board Alkema voting in opposition. The Ordinance was published in the Advance Newspapers, the Ottawa Edition on September 6, 2015.



Jerry Alkema, Supervisor

Laurie Richards, Clerk

SUMMARY OF MINERAL MINING AMENDMENTS
Recommended for Board Approval by the Planning Commission
Following a Public Hearing on December 2, 2014

1. Mining still allowed in all zones.
2. Purpose section added with language noting that the intent of the requirements is to reduce the “very serious consequences” of mining which is the phrase contained in a 2013 amendment to the Michigan Zoning Enabling Act making it more difficult for townships to deny a mining request. See Section 23.08.B of proposed Ordinance.
3. Definitions of mineral mining and mining site added.
4. Amendments now exempt excavations for:
 - Public improvement projects;
 - Farming purposes if less than 5000 cubic yards are removed;
 - Excavation and removal necessary to prepare a site for development for which the Township has issued a building permit provided the removal is done within one year, and no stockpiles left after project completion.
 - See Section 23.08.D.
5. Allows Zoning Administrator to approve mining projects for less than 5000 cubic yards of material; current trigger is 1,000 cubic yards. New language says if a dwelling unit is within 300 feet of a house all property owners and residents within 300 feet must submit in writing that they do not object to the mining activity otherwise a special use permit approved by the Planning Commission is required. Language added to require applicant to submit a scaled drawing and standards for the ZA to use in approving the project. See Section 23.08.E.
6. Application information to be submitted expanded to include such items as number of truck trips, proof of insurance and if over 100,000 cubic yards is to be removed that the applicant demonstrate that this amount of material is actually on the site. See Section 23.08.F.
7. Three separate site plans are now required for readability: a separate site plan showing the existing conditions of the site; a separate site plan which complies with the requirements of Section 23.08.F.4 showing how the site is to be mined and; a separate site reclamation plan.
8. The new language requires more items than currently required to be illustrated on the site plans such as fencing, stockpile areas, and the slope along the shore of any proposed lakes.
9. Language added so the Commission can require additional information and studies such as traffic and hydro-geological studies. See Section 23.08.3.
10. A list of operating and site reclamation requirements have been added which are similar to requirements imposed by the Commission for mining projects approved in the past except these past approved requirements were actually not listed in the current ordinance. These requirements include standards for the paving of entry roads, minimum setback distances for mining activities, fence type and height requirements, hours of operation, dust control, crushing of materials on site, final slopes, screening and others listed in Section 23.08.F.4.
11. Standards for review and approval by the Planning Commission have been added including the review standards contained in the Michigan Zoning Enabling Act for mining activities. See Section 23.08.G.2.
12. An annual review of the project by the Commission has been added including information required to be submitted by the applicant. See Section 23.08.G.6.

13. Language added to require the applicant to have a registered engineer certify that the site has been restored in compliance with the approved reclamation plan or to allow the Commission to approve a modified reclamation plan. See Section 23.08.H

14. Language added to allow for a renewal of the mining permit. Public hearing will be required. See Section 23.08.I.

15. Language added to allow existing mining operations to continue under their approvals. Expansions will need to comply with proposed new rules. See Section 23.08.L.