

**For discussion by Planning Commission at meeting on 5/3/07;
Changes made on 4/12/07 are in bold type and
underlined; deletions are struck through.**

TOWNSHIP OF BLENDON

COUNTY OF OTTAWA, MICHIGAN

At a regular meeting of the Township Board of the Township of Blendon, held at the Township Hall, 7161 72nd Avenue, Hudsonville, Michigan on the _____ day of _____, 2007, at 7:00 p.m.

PRESENT: Members: _____

ABSENT: Members: _____

The following ordinance was offered by _____ and supported by _____.

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE
ZONING ORDINANCE OF THE TOWNSHIP OF BLENDON**

THE TOWNSHIP OF BLENDON ORDAINS:

[Excavation, Removal and Filling of Land and Related Activities]

Section 1. The Zoning Ordinance of the Township of Blendon is hereby amended by the amendment of subsection 03.02.01 of Section 03.02 so as to amend Table 03.01, "Uses Allowed in Agricultural and Residential Zoning Districts," to delete, "Removal and processing of topsoil, stone, rock, sand, gravel, line or other soil or mineral resources," and in the place thereof to insert:

Excavation, Removal and Related Activities when removing more than 300 cubic yards (d).

and to provide that such use shall be a special land use, indicated in Table 03.01 as "S" in the EAG, AG, R-1, R-2 and R-3 districts and to specify that the Use Conditions are set forth in subsection 13.05.19. Footnote (d) to Table 03.01 shall be added as follows:

(d) Excavation, Removal and Related Activities when removing less than 300 cubic yards is permitted in the EAG, AG, R-1, R-2 and R-3 districts.

Section 2. The Zoning Ordinance of the Township of Blendon is hereby amended by the amendment of Subsection 12.01.02 of Section 12.01, pertaining to site plan review, so as to amend subparagraph (a) thereof as follows:

12.01.02 Scope: . . .

- (a) Full Site Plan: Most new developments and major expansions shall require a site plan under Section 12.02 Site Plan Review Process. Special land uses must also comply with the requirements of Chapter 13, Special Land Uses. The establishment of a condominium project shall require the submission of a site plan and must also comply with Chapter 12A, Condominiums and Site Condominiums.

Section 3.

(a) The Zoning Ordinance of the Township of Blendon is hereby amended by the amendment of Table 12.01, “Table of Required Review Process,” of Section 12.01.02, so as to add “On-site Moving or Filling of Earth Materials (over 300 cubic yards, but less than 10,000 cubic yards)” and “On-site Moving or Filling of Earth Materials (10,000 or more cubic yards)” under the heading “Other Types of Projects” and also to specify that “On-site Moving or Filling of Earth Materials (over 300 cubic yards, but less than 10,000 cubic yards)” shall require administrative review; and “On-site Moving or Filling of Earth Materials (10,000 or more cubic yards)” shall require full site plan review.

(b) The Zoning Ordinance of the Township of Blendon is hereby amended by the amendment of Table 12.01, “Table of Required Review Process,” of Section 12.01.02, so as to add: excavation, removal and related activities of at least three hundred (300) cubic yards but not more than five thousand (5,000) cubic yards shall require full site plan review.

Section 4. The Zoning Ordinance of the Township of Blendon is hereby amended so as to add Section 12.07, as follows:

Section 12.07 Notification Required for On-Site Moving or Filling of Earth Materials of 10,000 Cubic Yards or More.

The Planning Commission shall conduct site plan review for the moving or filling of earth materials of 10,000 or more cubic yards in accordance with the provisions of this chapter. Written notice of the date, time and place of the meeting at which the site plan review will be conducted shall be personally delivered or sent by U. S. mail to the owners of all lands within 300 feet of the lands on which the proposed activity will occur, as the names and addresses of such owners are shown in the current Township tax assessment roll, as supplemented by any recent changes. Such notice shall be delivered or mailed at least 15 days prior to the date of the meeting at which the Commission will conduct site plan review. The notice shall include the legal description of the subject lands, the common address thereof, if any, and shall indicate that written comments concerning the proposed use may be submitted prior to a specified date. The address to which such written comments may be addressed or delivered shall be stated in the notice.

Section 5. The Zoning Ordinance of the Township of Blendon is hereby amended by the amendment of Section 13.05, “Special Land Use Specific Requirements,” so as to amend “13.05.19 Excavation and Filling of Land,” to read “13.05.19 Excavation, Removal and Related Activities.”

Section 6. The Zoning Ordinance of the Township of Blendon is hereby amended by the amendment, in part, of subsection 13.05.19 of Section 13.05, so that such amended or additional provisions shall read as follows:

13.05.19 Excavation, Removal and Related Activities

(a) Definitions. The following words, terms and phrases, when used in this Section shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(1) Activities refers to the excavating, removing, processing, mining, dewatering, depositing and transporting Earth Materials.

- (2) Earth Materials means topsoil, subsoil, clay, sand, gravel, rock, stone and aggregate, earth or any other similar material proposed to be, removed, excavated, mined, filled, or deposited on land.
 - (3) [No change.]
 - (4) Project means any activity or operation relating to moving, removing, excavating, mining or depositing of Earth Materials.
 - (5) [No change.]
 - (6) Filling Activities means the transporting onto or into a parcel or parcels of land, from some other parcel of land, Earth Materials for the purpose of using the Earth Materials on-site to alter natural or artificial grades, or otherwise to add the transported Earth Materials to the site for purposes of land development, current or potential land uses or for other purposes, including the stockpiling of Earth Materials.
- (b) Special Land Use Required for Certain Excavation and Removal.
- (1) A Special Land Use shall be required before any person shall excavate, remove, mine, dewater, fill or deposit Earth Materials as noted below.
 - a) On-site Moving or Filling of Earth Materials over three hundred (300) cubic yards but not over ten thousand (10,000) cubic yards requires approval by the Zoning Administrator under section 15.05.06, On-site Moving or Filling of Earth Materials.
 - b) On-site Moving or Filling of Earth Materials of ten thousand (10,000) cubic yards or more requires site plan review and approval by the Planning Commission under Chapter 12, Site Plan Review.
 - c) Excavation, Removal and Related Activities of at least three hundred (300) cubic yards but not more than 5,000 cubic yards requires site plan review and approval by the Planning

Commission under Chapter 12, Site Plan Review.

- d) Excavation, Removal and Related Activities of more than five thousand (5,000) cubic yards requires special land use approval by the Planning Commission under section 15.05.07.
- (2) [Delete]; (3) [Delete].
- (2) The applicant shall submit an application for a special land use, on a form provided by the Township for that purpose.
- (3) The application shall include a narrative describing in detail the proposed Excavation, Removal and Related Activities covering the entire period during which Activities under the terms of the special land use are proposed to occur. The narrative shall include the following, among other matters:
- a) A description of the Earth Materials as to which Activities are proposed to occur, including the quantity to be excavated and removed, together with a description of the methods of excavation, removal, processing, loading and transporting Earth Materials on and from the site;
 - b) A description of the phases within which the excavation, removal and related activities will occur, showing the sequence in which operations in each phase will occur;
 - c) The estimated dates for completion of restoration of each phase;
 - d) The measures to be taken to:
 - i. control noise;
 - ii. control wind-blown minerals, dust/dirt or sand; and erosion;
 - iii. control access and prevent trespassing to the site;
 - iv. prevent waste accumulation;
 - v. prevent stagnant water;
 - vi. preserve existing vegetation;
 - vii. prevent or control the tracking of dirt and other debris onto the public streets

- adjacent to and in the vicinity of the Activities;
 - viii. control storm water drainage so that adjacent or nearby lands shall not be adversely affected by storm water runoff;
 - ix. prevent persons from entering the excavation and removal area when unsafe conditions may exist, such as steep slopes;
 - x. protect against spillage of motor vehicle fuels, if fueling of vehicles and equipment is proposed to take place on the site.
 - e) A description of the requested hours of each operation;
 - f) If mined materials will be shipped off-site by truck;
 - i. A description of the type and weight of trucks (when loaded) used;
 - ii. Number of trucks leaving the site per day, and
 - iii. Route through the township to be used by trucks leaving the site.
 - g) A description of any other significant aspect of the proposed Activities;
 - h) A description of the impact of the proposed Activities upon existing Activities in the township.
- (4) Hydrogeological report. If it is determined that the Activities may have an adverse effect on adjacent or nearby water wells or area water tables, the Planning Commission may require that the applicant submit a current hydrogeological report. The report shall be prepared by a licensed professional engineer, geologist and/or a licensed environmental consultant. The hydrogeological report shall include the professional seal or certificate of the professional engineer, ~~or the~~ **professional** geologist ~~and/or the licensed environmental consultant~~ who prepared it, together with a certificate or other evidence of the professional's liability insurance coverage. The

report shall contain the following minimum information:

- a) [No change.]
 - b) [No change.]
- (5) Site Plan. The applicant shall submit a site plan (drawing) prepared under the direct supervision of a licensed professional engineer. The land comprising the site plan shall be surveyed by a registered land surveyor. The site plan shall be dated, signed and sealed by the licensed professional who supervised the preparation of the site plan. The site plan shall be prepared at a scale of one (1) inch = one hundred (100) feet, and shall contain the information required by Section 12.03 for a Preliminary Site Plan. The following information shall also be provided:
- a) Existing elevations at ~~two (2)~~ one (1) foot intervals;
 - b) Driveways and on-site service roads;
 - c) The location of proposed fences, gates, signs, and parking areas;
 - d) The location of proposed fixed mining, processing, and loading equipment or structures;
 - e) The legal description of the land and a drawing of all boundaries thereof;
 - f) A drawing of the boundaries of all adjacent parcels of land and those within 200 feet of the boundaries of the land where the Activities will occur;
 - g) The boundaries of the area proposed for excavation and removal, showing the boundaries of each excavation phase, with numbering, and also showing the amount of acreage in each phase;
 - h) Proposed setback lines for the Activities, measured from the boundary lines of the affected lands;
 - i) The area of proposed artificial lakes or ponds, showing the proposed acreage of each;
 - j) The location and nature of existing structures on the land;
 - k) The location and direction of all streams and other water courses on the site; storm water

- drainage areas on the site; and all water courses and storm water drainage areas on other lands which may be affected by the Excavation, Removal and Related Activities;
- l) Typical cross sections showing the estimated extent of overburden, the estimated extent of mineral material proposed to be removed, and the depth of the groundwater table;
 - m) Areas proposed for the stockpiling of mineral material;
 - n) Roads to provide ingress to and egress from the lands, including on-site roads;
 - o) A map showing the streets proposed to be used for the hauling of Earth Materials and the return of trucks to the excavation and removal site;
- (6) Soil Erosion Study. A Soil Erosion Study which shall, at a minimum, contain the following:
- a) A soil erosion and sedimentation control permit issued by Ottawa County
 - b) A Storm Water Pollution Prevention Plan to the extent required by the Federal Clean Water Act.
- (7) Wetland Impact Study. [No change]
- (8) Site Restoration Plan. The applicant shall submit a site restoration plan and drawing, prepared under the direct supervision of a licensed professional engineer. The land comprising the site shall be surveyed by a registered land surveyor. The site restoration plan shall be dated, signed and sealed by the licensed professional supervising the preparation of the site restoration plan. The Plan shall be prepared at a scale of one (1) inch = one hundred (100) feet, and shall contain the information required by Section 12.03 for a Preliminary Site Plan. The following information shall also be provided:
- a) – l) [No change.]
- (9) Fees. The applicant shall submit a Permit application and review fee, to be remitted to the Township in such amounts as may be determined by resolution of the Township Board. In addition, the applicant shall

deposit the required amount under the terms of the Township Board resolution establishing the zoning escrow account policy, for the purpose of reimbursing the Township for all of its costs and expenses incurred or associated in the review and consideration of the application. In accordance with that resolution, the applicant shall, when required, deposit additional sums in escrow for the purpose of further reimbursement of costs and expenses as they occur in the matter.

- (10) Number of Copies; Form; Date of Submission. An applicant for a Permit shall submit (12) copies of all materials to the Township Zoning Administrator at least sixty (60) days prior to the proposed date of commencement of operations, or at least ninety (90) days prior to the expiration of any previously issued mineral mining permit. An incomplete submittal shall be returned to the applicant. An applicant is encouraged to review a draft submittal with the Zoning Administrator prior to submitting the application. The Zoning Administrator shall provide one (1) copy of the application to the Planning Commissioners, and one (1) copy of the application to the Ottawa County Road Commission within seven (7) days after the Township Zoning Administrator determines that the application is complete.

(11), (12) [Renumbered from (15) and (16)]

- (13) [Formerly (17)] Notice of Hearing. A Planning Commission public hearing on the application shall be scheduled as required by law and this ordinance for special land uses. A copy of the notice of the public hearing shall also be mailed to the Ottawa County Road Commission.

- (14) [Formerly (18)] Additional Information; Planning Commission Review. At any time, including after the public hearing, the Planning Commission may request additional materials, plans and information from the applicant.

- (15) [Formerly (19)] Standards for Review of Permit Applications. The following are the standards for the Planning Commission's review of permit applications in addition to the Standards of Section 13.03:

- a) the applicant's compliance with the operations, maintenance, performance, reclamation, and reuse standards;
- b) the impact of the Activities on adjacent property;
- c) the impact of the Activities on the groundwater under the mining site and under adjacent properties;
- d) the potential for the creation of any public or private nuisance;
- e) the adequacy of the plan for restoration and/or reuse of the site after the Activities are completed;
- f) the spirit and intent of the Blendon Township Master Plan being preserved and promoted by the reuse plan;
- g) the reasonableness of the applicant's schedule for completion of the Activities, completion of restoration of the mining site, and commencement of reuse of the restored site;
- h) special conditions which may need to be imposed, including, but not necessarily limited to those necessary to:
 - 1) eliminate or mitigate any potentially adverse impacts upon adjacent property, on public services or facilities, or on the natural environment;
 - 2) conserve natural resources or energy;
 - 3) ensure that mineral operations will not create a nuisance or unreasonably interfere with the enjoyment of life or property;
 - 4) otherwise to protect the public health, safety and welfare.

(c) Performance Guarantee.

- (1) Performance guarantee required; contents. After the approval of the special land use, and before the commencement of any operations thereunder, the applicant shall submit to the Township a performance guarantee in compliance with Section 17.13. The performance guarantee may be in the form of a performance bond, with a surety acceptable to the Township, or it may be in the form of a letter of

credit. The performance guarantee shall name the Township as the benefited party. The guarantee shall be conditioned upon the timely and complete compliance by the applicant with all of the terms and conditions of the special land use and the applicable requirements of this Ordinance. The performance guarantee shall remain in effect during the entire duration of the special land use, including all required restoration of the site.

(2) Amount.

- a) The amount of the required performance guarantee shall be specified in the special land use. The Planning Commission may consult with the Township Engineer concerning a suitable amount. The amount of the guarantee shall include the estimated cost of completing the restoration of the site, the complete removal of all excavation, removal, processing and loading equipment and all other expenses likely to be incurred by the Township, including the entire cost of restoration of the site under the terms of the special land use.
- b) No operations shall be commenced under the terms of the special land use until the Township has received and has approved the required performance guarantee.
- c) The Zoning Administrator shall not issue a Permit until the Township has received the required performance guarantee as described in this subsection.
- d) [Delete entire paragraph]

(d) Duration of Special Land Use. The special land use shall be for a duration of up to three years from the date of approval of the use.

(e) Transferability. A subsequent owner of the land covered by the special land use shall have the same extent of rights under the terms of the special land use as the property owner who originally applied for and received the special land use, to the extent permitted by law. If the special land use specifies a particular operator of the authorized Activities, the replacement of that operator with another operator, whether in whole or in part, shall be subject to the approval of the

Planning Commission, but no public hearing on the matter of change of operator shall be required.

(f) Permit Renewal. The special land use may be renewed, in the discretion of the Planning Commission. In the case of a proposed renewal, the applicant shall submit to the Township a complete application form, together with all information and materials required for the original application, except that the originally submitted lands and information may be revised or updated, if the same would accurately specify the Activities that have already occurred and the remaining Activities that are proposed to occur; provided, however, that in its discretion, the Planning Commission may require a new application form and a newly prepared site plan, site restoration plan and other application materials.

(g) Operations Standards.

(1), (2) and (3) [No change.]

(4) Driveways and On-Site Roads. An operator of a site shall control dust on any unpaved driveway or road on the site. As a minimum, the first one hundred fifty (150) feet of any driveway to a site from a public road regularly used in the course of Activities shall be paved with asphalt or concrete; provided, however, that the Planning Commission may require a paved driveway of greater length. If an asphalt driveway, there shall be a course of asphalt at least three inches in depth, laid over a course of gravel at least eight inches in depth, installed over a course of sand at least one foot in depth. If a concrete driveway, the driveway shall have a course of concrete at least six inches in depth, laid over a sand sub-base of at least one foot in depth. The permittee shall be responsible for removal of any materials which fall from trucks onto public streets, without requiring any notice or request from the Township. A driveway and any other on-site road shall be of sufficient width so as to accommodate all trucks and other vehicles under all weather conditions.

(5) [No change.]

(6) Temporary Fencing. Except for fencing installed as of the effective date of this Ordinance, a temporary fence at least five (5) feet high and of a type to discourage

and impede unauthorized entry shall be erected around all areas of a site where slopes exceed 1:3 and around any other hazardous areas within a site, or as may be required by the Planning Commission; provided, however, that in its approval of the special land use, the Planning Commission may require fencing of all or part of an excavation and removal area, whether or not the slopes are steeper than 3:1.

(7), (8) [No change.]

(9) The equipment to be used on the site of excavation, removal and related activities shall be only that equipment authorized in the special land use, or shall otherwise comply with the provisions of the special land use with respect to the type, nature and quantity of such equipment. If after receiving the special land use, the applicant proposes to change the nature, type or quantity of equipment to be used at the site, the applicant may so inform the Planning Commission in writing, and the Commission may in its discretion approve such change, in whole or in part. The Planning Commission shall consider any such proposed change at a public meeting, but a public hearing shall not be required. If the Planning Commission does not approve the proposed change in equipment, the applicant shall not install or use any equipment not covered or specified in the special land use.

(10) Screening. Residential uses within one hundred (100) feet from the property line of an Activity and public streets adjacent to a site shall be screened from Activities with a minimum six (6)-foot high screen. Acceptable screening methods are raised earth berms, coniferous trees, fences which provide eighty percent (80%) solid visual barrier, and natural topography. The Planning Commission may determine that setbacks from property lines, existing landscaping, or other measures are acceptable means to fulfill the screening requirement.

(11) Setbacks.

Type of Operation or Equipment	Setbacks (in feet) From:	
	Property Lines	Public Streets
Mining	50	100
Excavating**	50	50

Stockpiling**	50	100
Processing*	300	300
Loading*	300	300
<p>*Includes only those structures and equipment which remain on the site for the duration of the mining or removal Processing equipment in place as of the effective date of this Ordinance are not included. Setbacks of existing processing equipment shall not be reduced.</p> <p>**Contouring of a site for development purposes is permitted within the setback area. Berming within the setback area is permitted in compliance with section 11.03.08.</p>		

(12) [No change.]

(13) Slopes.

a) Any site shall have slopes restored as follows:

1) [No change.]

2) subsurface slopes:

a. minimum four (4) feet horizontal/one (1) foot vertical from water's edge to six (6) feet deep;

b. maximum three (3) foot horizontal/ one (1) foot vertical beyond six (6) feet deep.

b) [No change.]

(14) Structures and Stockpiles. Any structure proposed as a part of the special land use shall comply with applicable provisions of the Township Building Code, as well as the terms of the special land use. In its approval of the special land use, the Planning Commission may regulate the size and nature of Earth Materials stockpiles, including the maximum height of stockpiles, the steepness of the slopes of stockpiles, the distance between stockpiles and the property boundary lines and the measures to be taken to avoid blowing dust and dirt from stockpiles.

(15), (16), (17) and (18) [No change.]

(19) Water body creation. Any body of water resulting from Activities shall not be permitted to become

stagnant. Final underwater slopes shall be as required above. Beyond the intercept of submerged slopes, the minimum depth of such a body of water shall be fourteen (14) feet. The Planning Commission may find that a lesser depth is possible that will not permit water to become stagnant. The Planning Commission may permit a lesser depth where the clay aquitard is located at or closer to the surface than fourteen (14) feet. Creation of a body of water shall also comply with state regulations.

- (20) Monitoring Well Report. If dewatering is proposed to occur, the Applicant shall cause to be filed with the Township Clerk an annual report by the applicant's Professional Contractor showing changes in the information previously reported pursuant to this Ordinance or in the previous annual report. The annual report shall be filed not earlier than thirty (30) days prior to and not later than an anniversary date of a permit.
- (21) Administration and enforcement fee. The permittee shall pay to the Township a fee equal to five (5) cents per cubic yard of Earth Materials mined, removed and sold or otherwise disposed of off-site. Such fee shall be for the purpose of defraying the Township's expense in the administration and enforcement of this ordinance. The total amount of the fee, accurately calculated, shall be paid by the permittee to the Township each month, with respect to the amount of Earth Materials removed during the previous month. The payment of such fee shall be made no later than the fifteenth (15th) day of the month following the month to which the fee applies, and it shall be accompanied by the permittee's written monthly report, stating accurately the amount of Earth Materials mined, removed and sold or otherwise disposed of off the site during the previous month. If requested, the permittee shall furnish to the Township load tickets or other proof sufficient to establish the amount of Earth Materials removed during any monthly or other period specified.
- (22) Dirt and dust control measures. Measures shall be taken, throughout the duration of the special land use, for the control of dust and dirt arising from the Activities. Such measures shall at all times be

sufficient to prevent the blowing or other migration of dust and dirt to other lands, in such quantity or with such frequency as to constitute a serious adverse effect. Dust and dirt control measures may include the application of water, to retard blowing dust, the application of dust-inhibiting solvents or similar non-polluting surface treatments, and such other measures that will prevent serious adverse effects on other lands by reason of blowing dust and dirt.

(23) [No change.]

(24) Activities shall not result in the tracking or spreading of dirt, mud or other debris onto the public streets or within any storm water drainage system, to any extent greater than a minimal, inconsequential amount.(25), (26), and (27) [No change.]

(28) Storm water drainage on and from the special land use site shall be controlled so that adjacent or nearby lands shall not be adversely affected by surface water drainage, erosion or other similar effects. The excavation and removal site shall be contoured and graded so as to avoid the unintended impoundment of water, except where ponds or lakes are proposed in the approved site restoration plan.

(29) [No change.]

(30) Activities, except for transportation, shall not be conducted within fifty (50) feet of the boundary lines of the subject lands, or within such greater distance from the boundary lines as the Planning Commission may require in its approval of the special land use.

(h) and (i) [No change.]

(j) Noncompliance; Stop Work Orders, et al

If the permittee does not comply with the terms of this ordinance or the Permit, the Zoning Administrator may issue a Stop Work Order. The Stop Work Order shall be delivered to the permittee or shall be posted at the work site. Upon the posting or delivery of the Stop Work Order, the permittee or any other persons acting for the permittee whether with or without the permittee's knowledge, shall cease all Activities until the entire operation is brought into full compliance with this ordinance and the Permit.

(3) [Delete.]

Section 7. The Zoning Ordinance of the Township of Blendon is hereby amended by the addition of Section 15.06, as follows:

15.06 On-site Moving or Filling of Earth Materials (in excess of 300 cubic yards, but less than 10,000 cubic yards).

15.06.01 Any On-Site Moving or Filling of Earth Materials in excess of three hundred (300) cubic yards but less than ten thousand (10,000) cubic yards requires review and approval of the Zoning Administrator.

(a) Application form. The applicant shall submit a completed permit application form provided by the Zoning Administrator.

(b) Plan narrative. The applicant shall submit four (4) copies of a narrative covering a time period from the current year to completion of all On-site Moving or Filling Activities, including:

(1) A description of materials including quantities of earth materials to be moved or filled; and the methods of moving and transporting fill materials on to the site;

(2) The estimated dates for completion of the fill areas;

(3) The measures to be taken to:

a) control noise;

b) control wind-blown minerals, dust/dirt or sand; and erosion;

c) control access and prevent trespassing to the site;

d) prevent waste accumulation;

e) prevent stagnant water;

f) preserve existing vegetation;

g) control storm water drainage so that adjacent or nearby lands shall not be adversely affected by storm water runoff;

- h) prevent persons from entering the area of on-site moving or filling when unsafe conditions may exist, such as steep slopes;
 - i) protect against spillage of motor vehicle fuels, if fueling of vehicles and equipment is proposed to take place on the site.
- (4) A description of any other significant aspect of the proposed On-site Moving or Filling Activities;
 - (5) A description of the impact of the proposed On-site Moving or Filling Activities in the township.
 - (6) Sketch Plan. The applicant shall submit four (4) copies of a sketch plan (drawing) prepared under the direct supervision of a licensed professional engineer, and the land indicated on the sketch plan shall be surveyed by a registered land surveyor. The sketch plan shall be dated, signed and sealed by the licensed professional who supervised the preparation of the plan. The plan shall be prepared at a scale of one (1) inch = one hundred (100) feet, and shall contain the information required by Section 12.03 for a Sketch Plan. The following information shall also be provided:
 - a) Existing elevations at ~~two (2)~~ one (1) foot contours;
 - b) Driveways and on-site service roads;
 - c) The location of proposed fences, gates, signs, and parking areas;
 - d) The location of proposed fixed mining, processing, and loading equipment or structures;
 - e) The legal description of the land and a drawing of all boundaries thereof;
 - f) A drawing of the boundaries of all adjacent parcels of land and those within 200 feet of the boundaries of the land where the Activities will occur;
 - g) The boundaries of the area proposed for moving and filling activities, showing the boundaries of each excavation phase, if any, with numbering, and also showing the amount of acreage in each phase, if any;

- h) Proposed setback lines for the Activities, measured from the boundary lines of the affected lands;
 - i) The area of proposed artificial lakes or ponds, showing the proposed acreage of each;
 - j) The location and nature of existing structures on the land;
 - k) The location and direction of all streams and other water courses on the site; storm water drainage areas on the site; and all water courses and storm water drainage areas on other lands which may be affected by the moving and filling activities;
 - l) Areas proposed for any stockpiling of mineral material;
- (c) Standards for Review. The following are the standards for the Zoning Administrator's review of On-site Moving or Filling of Earth Materials:
- (1) the impact of the On-site Moving or Filling Activities on adjacent property;
 - (2) the potential for serious adverse effects on other lands and public and private streets;
 - (3) the potential for the creation of fugitive dust;
 - (4) the spirit and intent of the Blendon Township Master Plan being preserved and promoted by the restoration plan;
 - (5) the reasonableness of the applicant's schedule for completion of the On-site Moving or Filling Activities, and commencement of reuse of the restored site;
- (d) Discretionary Notice to Certain Property Owners. In the discretion of the Zoning Administrator, a written notice of the date and time when the Zoning Administrator will make a decision on the on-site moving or filling activities may be personally delivered or sent by regular U. S. mail to the owners of all lands within 300 feet of the lands on which the on-site moving or filling activities are proposed to occur, as the names and addresses of such owners are shown in the current Township property tax assessment roll, as supplemented by any recent changes. If the administrator

determines to provide such notices, they shall be personally delivered or mailed at least 15 days prior to the date on which the decision is proposed to be made. The notice, if given, shall generally describe the matter that is to be decided, and shall give the legal description of the lands involved, and their common address, if any. The notice, if given, shall indicate that written comments concerning the proposed decision may be submitted, and shall provide an address for such purpose and shall indicate a deadline date by which any such comments must be received by the Township.

- (e) Decision. The Zoning Administrator shall approve the request, shall deny the request or shall approve it with conditions. The decision shall be made in writing and shall be signed by the Administrator. Such written decision may be written on the site plan, or if desired, it may be set forth in a separate written statement or memorandum. If the request is approved or if it is approved with conditions, the Administrator shall sign the site plan; if the decision includes conditions that require changes in the site plan, the applicant shall make the changes, submit the revised site plan and if it conforms to the decision, the Administrator shall then sign it so as to indicate approval.

If the request is denied, the Administrator shall state in writing the reasons for the denial. In the course of reaching a decision, the Administrator may prepare a report summarizing the request, findings of fact and other relevant information and may obtain the assistance of the Township engineer and other professional consultants.

Upon approval of the site plan, or upon its approval with conditions, two copies of the approved plan shall be kept on file in the Township office, one copy shall be filed with the Zoning Administrator and one copy shall be filed with the building inspector.

Section 8. [Previous text deleted.]

Section 9. This Ordinance shall become effective seven days after its publication or seven days after the publication of a summary of its provisions in a local newspaper of general circulation.

AYES: _____

NAYS: _____

ORDINANCE DECLARED ADOPTED.

Township Clerk

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