



BOARD OF TRUSTEES
Regular Meeting
January 26, 2022
7:00 p.m.

1. CALL MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. PRESENTATIONS
6. PUBLIC HEARINGS
7. PUBLIC COMMENT: Restricted to three minutes regarding items on this agenda
Note: This is an opportunity for comments only, questions to the Board will not be answered at this time. For specific answers to questions, please call Township Hall (989-772-4600)
8. CLOSED SESSION
9. REPORTS/BOARD COMMENTS
 - A. Current List of Boards and Commissions – Appointments as needed (See applications in packet)
 - B. January Monthly Activity Report (to be supplied under a separate cover)
 - C. Planning Commission, EDA, Sidewalks, and ZBA updates by Community and Economic Development Director
 1. 2021 Annual Report from Planning Commission
 - D. Board Member Reports
10. CONSENT AGENDA
 - A. Communications
 - B. Minutes – January 12, 2022 – Regular Meeting
 - C. Accounts Payable
 - D. Payroll
 - E. Meeting Pay
 - F. Fire Reports

11. NEW BUSINESS

- A. Discussion/Action: (Nanney) Introduction and First Reading of the revised Extraction Ordinance
- B. Discussion/Action: (Stuhldreher) Policy Governance 2.1 Treatment of Consumers
- C. Discussion/Action: (Stuhldreher) Policy Governance 3.1 Governing Style

12. EXTENDED PUBLIC COMMENT: Restricted to 5 minutes regarding any issue

Note: This is an opportunity for comments only, questions to the Board will not be answered at this time. For specific answers to questions, please call Township Hall (989-772-4600)

13. MANAGER COMMENTS

14. FINAL BOARD MEMBER COMMENT

15. ADJOURNMENT

Board Expiration Dates

Planning Commission Board Members (9 Members) 3 year term			
#	F Name	L Name	Expiration Date
1-BOT Representative	James	Thering	11/20/2024
2-Chair	Phil	Squatrito	2/15/2023
3-Vice Chair	Ryan	Buckley	2/15/2022
4-Secretary	Doug	LaBelle II	2/15/2022
5 - Vice Secretary	Stan	Shingles	2/15/2024
6	Tera	Albrecht	2/15/2024
7	Mike	Darin	2/15/2022
8	Alex	Fuller	2/15/2023
9	Jessica	Lapp	2/15/2023
Zoning Board of Appeals Members (5 Members, 2 Alternates) 3 year term			
#	F Name	L Name	Expiration Date
1- PC Rep	Ryan	Buckley	2/15/2022
2 - Chair	Andy	Theisen	12/31/2022
3 - Vice Chair	Liz	Presnell	12/31/2022
4 - Secretary	Judy	Lannen	12/31/2022
5 -	Brandon	LaBelle	12/31/2022
Alt. #1	vacant seat		12/31/2022
Alt. #2	vacant seat		2/15/2021
Board of Review (3 Members) 2 year term			
#	F Name	L Name	Expiration Date
1	Doug	LaBelle II	12/31/2022
2	Sarvjit	Chowdhary	12/31/2022
3	Bryan	Neyer	12/31/2022
Alt #1	Randy	Golden	12/31/2022
Construction Board of Appeals (3 Members) 2 year term			
#	F Name	L Name	Expiration Date
1	Colin	Herren	12/31/2023
2	Richard	Jakubiec	12/31/2021
3	Andy	Theisen	12/31/2023
Hannah's Bark Park Advisory Board (2 Members from Township) 2 year term			
1	Mark	Stuhldreher	12/31/2022
2	John	Dinse	12/31/2023
Chippewa River District Library Board 4 year term			
1	Ruth	Helwig	12/31/2023
2	Lynn	Laskowsky	12/31/2025



Board Expiration Dates

EDA Board Members (11 Members) 4 year term			
#	F Name	L Name	Expiration Date
1-BOT Representative	Bryan	Mielke	11/2024
2	Thomas	Kequom	4/14/2023
3	James	Zalud	4/14/2023
4	Richard	Barz	2/13/2025
5	Robert	Bacon	1/13/2023
6	Marty	Figg	6/22/2022
7	Sarvjit	Chowdhary	1/20/2022
8	Cheryl	Hunter	6/22/2023
9	Jeff	Sweet	2/13/2025
10	vacant seat		2/13/2021
11	David	Coyne	3/26/2022
Mid Michigan Area Cable Consortium (2 Members)			
#	F Name	L Name	Expiration Date
1	Kim	Smith	12/31/2022
2	vacant seat		
Cultural and Recreational Commission (1 seat from Township) 3 year term			
#	F Name	L Name	Expiration Date
1	Robert	Sommerville	12/31/2022
Sidewalks and Pathways Prioritization Committee (2 year term -PC Appointments)			
#	F Name	L Name	Expiration Date
1 - BOT Representative	Kimberly	Rice	11/20/2024
2 - PC Representative	Mike	Darin	8/15/2022
3 - Township Resident	Jeff	Siler	8/15/2023
4 - Township Resident	Jeremy	MacDonald	10/17/2022
5 - Member at large	Phil	Hertzler	8/15/2023
Mid Michigan Aquatic Recreational Authority (2 seat from Township) 3 year term			
#	F Name	L Name	Expiration Date
1 - City of Mt. Pleasant	John	Zang	12/31/2023
2 - City of Mt. Pleasant	Judith	Wagley	12/31/2022
1 -Union Township	Stan	Shingles	12/31/2023
2 - Union Township	Allison	Chiodini	12/31/2022
1- Mt. Pleasant Schools	Lisa	Diaz	12/31/2021

Ryan M. Buckley

buckl1rm@gmail.com • Mount Pleasant, MI • 989.600.5941

Professional Profile

24 years of professional experience in • **Leadership, communication**, data analysis, technical and persuasive writing, and project management • **Public engagement, project and budget development and management** • Leading and implementing strategic planning efforts • Writing proposals, policy and process development and implementation, **leading team-based initiatives** • Interfacing with the highest levels of organizational leadership • **Successfully collaborating with multiple departments, organizations, agencies and individuals in pursuit of project development and completion.**

Direct experience in the soliciting, negotiating and securing of more than \$30m in corporate, foundation and major gifts. Supported the achievement of two successful capital campaigns at the \$80m (first-ever CMU capital campaign) and \$100m levels.

Education

Master of Science in Administration, General Administration, 2001

Central Michigan University, Mount Pleasant, MI

Bachelor of Science in Journalism (advertising major) and Art (graphic design major), 1998

Central Michigan University, Mount Pleasant, MI

Career Experience

Strategic Projects Consultant, Rockford University

2020 to Present

- Works directly with the Vice President of Advancement to identify, develop and pursue the strategic fundraising priorities of Rockford University.
- Works jointly with Advancement staff and other University faculty and staff to develop and submit corporate, foundation and major gifts proposals.
- Assists communications staff in preparing and editing print and electronic communications to alumni, donors and friends of the University.
- Provides consultation and support to the Advancement Office in the research, drafting and development of fundraising policies, processes, agreements and more.

Senior Director, Endowment & Proposal Development, Central Michigan University

2018 to 2020

- Worked directly with the Vice President of Advancement to identify, develop and pursue the strategic fundraising priorities of Central Michigan University.
- Worked jointly with development officers and other University faculty and staff to request and negotiate corporate, foundation and major gifts at the \$25,000 level and higher.
- Supervised an administrative assistant.
- Led and oversaw the proposal development process for all charitable fundraising requests (corporate, foundation and major gifts) on behalf of the university, collaborating with development officers and university leadership in each college, division and unit on campus.
- Served on the leadership team for the Vice President of Advancement to carry out the strategic initiatives of the division.
- Managed the preparation and development of all university endowment and annual gift agreements, working with senior leadership throughout the University to develop and refine Advancement policies, procedures, collaborative partnerships, and funding opportunities.

- Worked with the Office of Scholarships and Financial Aid, Office of the Treasury, General Counsel to develop scholarship policies and processes designed to ensure the successful administration of student scholarships and endowed funds each year.

Director, Proposal Development, Central Michigan University

2016 to 2018

- Worked directly with the Associate Vice President of Advancement, serving on the leadership team, to develop policies and processes designed to maximize fundraising effectiveness of development officers throughout each academic college and division on campus.
- Directly supervised an administrative assistant.
- Worked jointly with development officers and other University faculty and staff to request and negotiate corporate, foundation and major gifts at the \$25,000 level and higher.
- Collaborated with development officers, faculty and staff to assist in developing fundraising initiatives for their respective departments and programs on campus.
- Provided expert guidance and training to Advancement staff and University faculty regarding fundraising processes and best practices at CMU.
- Investigated, documented and proposed solutions to the Vice President of Advancement regarding charitable gift accounts identified as problematic due to lack of spending, improper expenses and more.
- Compiled and analyzed corporate and foundation donor data, preparing reports and assessments as needed to the Vice President of Advancement.
- Served as a liaison to the Office of Research and Sponsored programs, collaborating to coordinate the development, oversight and submission of philanthropic and non-philanthropic grants.

Assistant Director, Office of Corporate and Foundation Relations, Central Michigan University 2012 to 2016

- Compiled prospect research for corporate and foundation donors in the pursuit of external charitable grants.
- Supported the Director of Corporate and Foundation Relations in preparing materials and communications for donor cultivation and engagement activities.
- Worked with Advancement team members, faculty and staff to develop and submit all corporate and foundation charitable grant requests.
- Tracked and monitored the progress of charitable grant requests, beginning at the donor cultivation stage and continuing through the funding award stage.

Additional experience as:

- *Grant Writer: Office of Corporate and Foundation Relations, Central Michigan University; 2004 – 2012*
- *Communication Specialist: Office of Information Technology; Central Michigan University; 2000 – 2004*
- *Marketing and Public Relations Specialist: Central Michigan Healthcare System; 1998 – 2000*
- *Boards and Committees:*
Professional & Administrative Council, Central Michigan University
Police Oversight Committee, Central Michigan University
University Diversity Council, Central Michigan University

Community Leadership

Planning Commissioner , Union Township, MI	2017 to Present
Zoning Board of Appeals , Union Township, MI	2019 to Present
Firefighter , Deerfield Township, MI	2004 to 2014

Certifications and Skills

Dimensions of Professional Selling: Carew International
Principles and Techniques of Fundraising: Center on Philanthropy at Indiana University
Supervisory Leadership: University of Notre Dame
Advanced Skills in M.S. Word, Excel & Powerpoint, as well as design and publication software
including Adobe InDesign, Illustrator and Photoshop
Additional skills in DSLR photography and photo editing

References

Mr. Stephen Kull, Vice President for Advancement, Rockford University; (314) 303-6354 (current supervisor)

Mrs. Megan Moreno, Senior Director of Development; (989) 289-6623 (professional peer)

Mr. Mike Dabbs, Director of Development; (989) 621-9040 (professional peer)

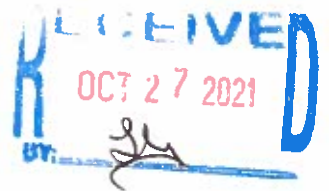
Mr. Mike Zehnder, Senior Director of Development; (989) 714-2468 (professional peer)

Mrs. Morgan Hales; Director of Development; (989) 506-7133 (professional peer)

Mrs. Rosa Best, Executive Secretary, (989) 506-7563 (former employee)

Mr. Paul Lauria, Director of Public Safety; (989) 330-4378 (professional peer)

**APPOINTMENT TO BOARDS & COMMISSIONS
OF CHARTER TOWNSHIP OF UNION
APPLICATION**



Name: SARVJIT CHOWDHARY Date: 10/27/20
 Address: 774 STONERIDGE DRIVE
 Phone (home) (989) 779-2900 (cell) (989) 400-2686 (work) _____
 Email: sarvchowdhary@yahoo.com
 Occupation: RETIRED

Please State in order of preference, area(s) of interest:

- | | | |
|------------|--|--|
| <u>3rd</u> | Zoning Board of Appeals | Must be a Union Township Resident |
| <u>2nd</u> | Board of Review | Must be a Union Township Resident |
| <u>4th</u> | Plan <u>Sec</u> Planning Commission | Must be a Union Township Resident |
| <u>1st</u> | EDA | Must meet one of the following qualifications:
<input checked="" type="checkbox"/> Property owner in East or West DDA
<input checked="" type="checkbox"/> Property owner in East or West DDA
<input checked="" type="checkbox"/> Resident in Union Township |

OTHER *Specify Board: _____

Please state reason(s) for interest in above board(s):

Retired and want to serve the community for Empowerment.

Other information that you feel would be useful in your application review (i.e., past experience, past board membership, etc. A resume is encouraged with the application):

I am board member of EDA since 2015.

Signature: [Signature] Date: 10/27/21

**APPOINTMENT TO BOARDS & COMMISSIONS
OF CHARTER TOWNSHIP OF UNION
APPLICATION**

Name: Doug LaBelle II Date: 10-30-21

Address: 955 Meadowbrook Drive, Mt. Pleasant, MI 48858

Phone (home) _____ (cell) 989-854-9126 (work) _____

Email: doug@labellerealty.net

Occupation: Real Estate Broker

Please State in order of preference, area(s) of interest:

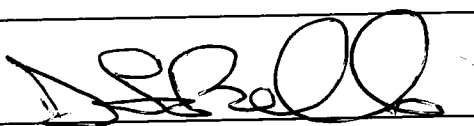
- | | | |
|----------|-------------------------|---|
| _____ | Zoning Board of Appeals | Must be a Union Township Resident |
| <u>2</u> | Board of Review | Must be a Union Township Resident |
| <u>1</u> | Planning Commission | Must be a Union Township Resident |
| _____ | EDA | Must meet one of the following qualifications:
____ Property owner in East or West DDA
____ Property owner in East or West DDA
____ Resident in Union Township |

_____ OTHER *Specify Board: _____

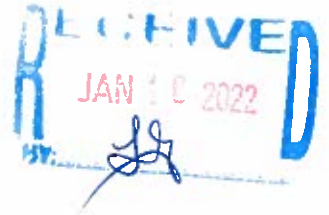
Please state reason(s) for interest in above board(s):

To serve the needs of our community.

Other information that you feel would be useful in your application review (i.e., past experience, past board membership, etc. A resume is encouraged with the application):

Signature:  Date: 10-30-21

**APPOINTMENT TO BOARDS & COMMISSIONS
OF CHARTER TOWNSHIP OF UNION
APPLICATION**



Name: Jack Williams Date: 1/2/22
Address: 2190 Cornerstone Dr Mt Pleasant
Phone (home) _____ (cell) 989 289 5234 (work) _____
Email: jw@hometown@gmail.com
Occupation: Self employed

Please State in order of preference, area(s) of interest:

- Zoning Board of Appeals Must be a Union Township Resident
- Board of Review Must be a Union Township Resident
- Planning Commission Must be a Union Township Resident
- EDA Must meet one of the following qualifications:
 - Property owner in East or West DDA
 - Property owner in East or West DDA
 - Resident in Union Township
- OTHER *Specify Board: _____

Please state reason(s) for interest in above board(s):

I feel I could be an asset & productive member of board.

Other information that you feel would be useful in your application review (i.e., past experience, past board membership, etc. A resume is encouraged with the application):

Village Council - Barrington MI
Director of Transportation & Facilities Chippewa Hills

Signature: Jack Williams Date: 1/2/22

**APPOINTMENT TO BOARDS & COMMISSIONS
OF CHARTER TOWNSHIP OF UNION
APPLICATION**

RECEIVED
DEC 21 2021
BY *[Signature]*

Name: Jeff Sweet Date: 12/21/2021
Address: 2112 Cobblestone Court, Mt. Pleasant, MI 48858
Phone (home) _____ (cell) 989-239-1516 (work) 989-773-1376
Email: jsweet@thefisher.co
Occupation: Vice President, Bucks Run Golf Club and Fisher Transportation

Please State in order of preference, area(s) of interest:

- | | | |
|-------------------------------------|-----------------------------|---|
| <input type="checkbox"/> | Zoning Board of Appeals | Must be a Union Township Resident |
| <input type="checkbox"/> | Board of Review | Must be a Union Township Resident |
| <input checked="" type="checkbox"/> | Planning Commission | Must be a Union Township Resident |
| <input type="checkbox"/> | EDA | Must meet one of the following qualifications:
<input type="checkbox"/> Property owner in East or West DDA
<input type="checkbox"/> Property owner in East or West DDA
<input type="checkbox"/> Resident in Union Township |
| <input type="checkbox"/> | OTHER *Specify Board: _____ | |

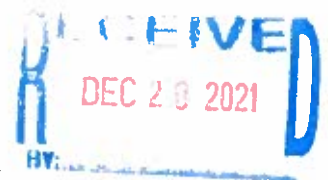
Please state reason(s) for interest in above board(s):

Union Township is a special place and I would like to serve the residents of the
township with a positive and collaborative approach.

Other information that you feel would be useful in your application review (i.e., past experience, past board membership, etc. A resume is encouraged with the application):

Currently serve on the board of the EDA. Past Trustee of Mt. Pleasant Community
Church, Past President of Michigan Golf Course Superintendents Association

Signature: *[Signature]* Date: 12/21/2021



APPOINTMENT TO BOARDS & COMMISSIONS
OF CHARTER TOWNSHIP OF UNION
APPLICATION

Name: Jeremy R. Sheets Date: 12/18/2021

Address: 1740 Leroy Lane, Mount Pleasant, MI 48858

Phone (home) _____ (cell) 989.289.5100 (work) 989.817.4055

Email: jeremy@cmsinter.net

Occupation: Small Business Owner - CMS Internet LLC - Internet / Phone / IT Services

Please State in order of preference, area(s) of interest:

- Zoning Board of Appeals Must be a Union Township Resident
- Board of Review Must be a Union Township Resident
- Planning Commission Must be a Union Township Resident
- EDA Must meet one of the following qualifications:
 - Property owner in East or West DDA
 - Property owner in East or West DDA
 - Resident in Union Township
- OTHER *Specify Board: _____

Please state reason(s) for interest in above board(s):

I have been living / working in this community since 2004, and I feel I have very good
logical / practical thinking skills. As well as extensive knowledge of the community.

Other information that you feel would be useful in your application review (i.e., past experience, past board membership, etc. A resume is encouraged with the application):

I currently serve on the Crystal Township DDA, The Care Store Board of Directors,
and Carson City Crystal Are Schools Foundation board.

Signature:  Date: 12/18/2021

**APPOINTMENT TO BOARDS & COMMISSIONS
OF CHARTER TOWNSHIP OF UNION
APPLICATION**

Name: Tim Lannen Date: 01.10.2022
Address: 1129 Meadow Dr. Mt. Pleasant, MI 48858
Phone (home) _____ (cell) (989) 289.8267 (work) _____
Email: timlannen@yahoo.com
Occupation: Retired: Health/Safety Director w/ Bandit Industries, Active: Firefighter/MFR

Please State in order of preference, area(s) of interest:

- | | | |
|----------|-----------------------------|---|
| _____ | Zoning Board of Appeals | Must be a Union Township Resident |
| _____ | Board of Review | Must be a Union Township Resident |
| <u>1</u> | Planning Commission | Must be a Union Township Resident |
| _____ | EDA | Must meet one of the following qualifications:
____ Property owner in East or West DDA
____ Property owner in East or West DDA
____ Resident in Union Township |
| _____ | OTHER *Specify Board: _____ | |

Please state reason(s) for interest in above board(s):

My interest as a PC member is to assist the township regulate and control property use and development which promote and protect the public's health, safety and welfare.

Other information that you feel would be useful in your application review (i.e., past experience, past board membership, etc. A resume is encouraged with the application):

Possess practice understanding and utilization of the township's Master Plan and the principles of Smart Growth and the relation to land use and future land use.

Signature: Tim Lannen Date: 01.10.2022

PLANNING COMMISSION ANNUAL REPORT FOR 2021

TO:	Board of Trustees	DATE:	December 14, 2021
FROM:	Planning Commission		
PROJECT:	Annual Report for 2021		
ACTION REQUESTED:	To adopt the annual report to the Board of Trustees as required by the Michigan Zoning Enabling Act and the Planning Commission Bylaws.		

2021 Meetings

The Planning Commission met on the 3rd Tuesday of each month in 2021. In addition, the Planning Commission held special meetings in March and August.

Special Use Permits

1. PSUP20-03 New Isabella County Jail and Sheriff's Office located on E. Remus Road east of the U.S. 127. **A special use for a proposed new County facility on Summerton Road near the E. Remus Road intersection. (Withdrawn by the applicant – replaced with PSUP21-01)**
2. PSUP21-01 New Isabella County Jail and Sheriff's Office located on E. Remus Road east of the U.S. 127. **A special use for a new County facility as a public and institutional use. (Recommended Approval)**
3. PSUP21-02 Krist Filling Station located on the southwest corner of E. Pickard Road and S. Isabella Road. **A special use for a filling station in a B-7 District. (Recommended for Approval)**
4. PSUP21-03 Breanne Moeggenberg Group Day Care Home, 611 S. Bamber Road. **A special use for a Group Day Care Home. (Recommended for Approval)**

Site Plans

1. PSPR20-02 Sam's Club Filling Station Preliminary Site Plan. **A new gas station located at Sam's Club. (APPROVED)**
2. PSPR20-14 Grayling Investors – Dunkin Donuts/Marathon Filling Station Final Site Plan. **A new gas station along with convenience store and Dunkin Donuts drive thru located at the corner of S. Isabella and E. Broomfield Roads. (APPROVED)**
3. PSPR20-18 New Isabella County Jail and Sheriff's Office Preliminary Site Plan. **A proposed new County facility on Summerton Road near the E. Remus Road intersection. (Withdrawn by the applicant – replaced with PSPR21-12)**

4. PSPR20-19 Den at Broomfield Preliminary Site Plan. **A mixed – use structure on corner of Broomfield and Sweeney roads. Business on the first floor and residential on the 2nd and 3rd floors. (APPROVED)**
5. PSPR21-01 Sam’s Club Filling Station Final Site Plan. **A new gas station located at Sam’s Club. (APPROVED)**
6. PSPR21-02 Biggby Coffee Final Site Plan. **A new drive thru only Biggby Coffee located on E. Pickard Road in the parking lot of the old Mid-Michigan College building. (APPROVED)**
7. PSPR21-03 Malley Construction Contractor’s Yard Final Site Plan. **An expansion of Malley’s Construction operation on the corner of E. Airport and Packard roads. (APPROVED)**
8. PSPR21-04 McGuirk Mini Storage Inc. Phase 2 Preliminary Site Plan. **An expansion of an existing self-storage operation Located on Lexi Lane. (APPROVED)**
9. PSPR21-05 Consumers Energy City Gate Final Site Plan. **Improvements to Consumer Energy’s existing property located on the corner of S. Summerton Road and E. Pickard Road. (APPROVED)**
10. PSPR21-08 McGuirk Mini-Storage Expansion Final Site Plan. **An expansion of an existing self-storage operation Located on Lexi Lane. (APPROVED)**
11. PSPR21-09 The Den on Broomfield Final Site Plan. **A mixed – use structure on corner of Broomfield and Sweeney roads. Business on the first floor and residential on the 2nd and 3rd floors. (APPROVED)**
12. PSPR21-10 Broomfield Condominium 2420 E. Broomfield Road Combined Preliminary and Final Site Plan. **A new 41,600 square foot addition and 11,500 square foot addition to the existing buildings on site. (APPROVED)**
13. PSPR21-11 Amazon Distribution Center 2266 Northway Drive Combined Preliminary and Final Site Plan. **Improvements to part of an existing warehouse building and site for a new distribution center facility. (APPROVED)**
14. PSPR21-12 County Jail and Sheriff’s Office Preliminary Site Plan. **A new County facility located on the south side of E. Remus Road east of U.S. 127. (APPROVED)**
15. PSPR21-13 Combined Preliminary and Final Site Plan. **A new Dollar General located at 5048 E. Pickard Road. (APPROVED separately as preliminary and final site plans)**
16. PSPR21-14 Summerhill Village Mobile Home Park Preliminary Site Plan. **A new Clubhouse and parking lot improvements located at 5280 S. Mission Road. (APPROVED)**
17. PSPR21-15 Krist Oil Preliminary Site Plan. **A new Krist Oil Filling Station located on the corner of E. Pickard Road and S. Isabella Road. (APPROVED)**
18. PSPR21-16 Summerhill Village Mobile Home Park Final Site Plan. **A new Clubhouse and parking lot improvements located at 5280 S. Mission Road. (APPROVED)**
19. PSPR21-18 County Jail and Sheriff’s Office Final Site Plan. **A new County facility located on the south side of E. Remus Road east of U.S. 127. (APPROVED)**

20. PSPR21-19 Grafx Central Addition Combined Preliminary and Final Site Plan. A proposed 6,000 square foot addition to existing building. (Approved as a Preliminary Site Plan only)

Rezone Applications and Text Amendments

1. PREZ21-01 Rezone 5048-5082 E. Pickard Road on the south side of Pickard Road and west side of Florence Street from B-7/R-2B to all B-7. The rezoning request would end up being for a new Dollar General. (Recommended Approval)
2. PREZ21-02 Rezone 2266 Northway Drive from B-7 to I-2. The rezoning request would end up being for the new Amazon Distribution Center. (Recommended Approval)
3. PTXT21-01 Zoning Ordinance Text Amendment. Amendments to further clarify and improve the function of the Zoning Ordinance. (Recommended Approval)

Other items of Business

- Commissioners Tera Albrecht and Phillip Squatrito attended remote training sessions held over the course of the year.
- Appointed Ryan Buckley as liaison from the Planning Commission to the Zoning Board of Appeals.
- Discussed ways to implement Township Master Plan policy recommendations.
- Discussed updating the Township Parks and Recreation Master Plan.
- Elected Officers of the Planning Commission for the year 2021.
- Appointed Jeff Siler and Phil Hertzler to the Sidewalk and Pathways Prioritization Committee.
- Reviewed and adopted updated Planning Commission Bylaws.
- Presentation on freestanding solar arrays.
- Adopted 2022 Meeting Calendar.
- Discussed reviewing and amending the Township Sidewalks and Pathways Ordinance.
- Discussed reviewing and amending the Township Private Road Ordinance.
- Presentation of Home Occupations and Home Limited Based Business uses in the Township.

2022 CHARTER TOWNSHIP OF UNION
Board of Trustees
Regular Meeting Minutes

A regular meeting of the Charter Township of Union Board of Trustees was held on January 12, 2022, at 7:00 p.m. at the Union Township Hall.

Meeting was called to order at 7:00 p.m.

Hauck moved **Bills** supported to appoint Clerk Cody to chair the Board of Trustee's meeting in the absence of the Supervisor. **Vote: Ayes: 5 Nays: 0. Motion Carried.**

Roll Call

Present:

Clerk Cody, Trustee Bills, Trustee Brown, Trustee Hauck, and Trustee Thering

Excused:

Supervisor Mielke, Treasurer Rice

Approval of Agenda

Bills moved **Hauck** supported to approve the agenda as presented. **Vote: Ayes: 5 Nays: 0. Motion carried.**

Public Hearings

N/A

Presentation

N/A

Public Comment

Open: 7:01 p.m.

No comments offered

Closed: 7:01 p.m.

Reports/Board Comments

A. Current List of Boards and Commissions – Appointments as needed

Discussion by the Board to postpone Boards and Commissions appointments until the January 26, 2022 Board meeting.

B. Board Member Reports

Brown – Gave updates on the City Commission meeting; On January 10, 2022, Amy Perschbacher and Olivia Cyman was sworn in as the new City Mayor and Vice Mayor.

Bills – Gave updates on the Isabella County Commissioners meeting and reappointments.

Cody – Gave update that the School Reimbursement from the November election, for approximately \$7,800, has been submitted.

Consent Agenda

- Communications
- Minutes – December 15, 2021 – Regular Meeting

- Accounts Payable
- Payroll
- Meeting Pay
- Fire Reports
- Second Reading and Adoption of the new Consumer Energy Company Franchise Ordinance
- Coyne LLC Commercial Property Utility Service Agreement and Franchise Agreement

Bills moved Brown supported to approve the consent agenda as presented. Vote: Ayes: 5 Nays: 0. Motion carried.

EXTENDED PUBLIC COMMENT: RESTRICTED TO 5 MINUTES REGARDING ANY ISSUE

Open 7:07 p.m.

No comments were offered.

Closed: 7:07 p.m.

MANAGER COMMENTS

Happy New Year. Check out Jameson Hall.

FINAL BOARD MEMBER COMMENTS

Bills – Happy New Year

Brown – Happy New Year and thanks for a great year, last year.

ADJOURNMENT

Bills moved Brown supported to adjourn the meeting at 7:10 p.m. Vote: Ayes: 5 Nays: 0. Motion carried.

APPROVED BY:

Lisa Cody, Clerk

Bryan Mielke, Supervisor

(Recorded by Tera Green)

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
Bank 101 POOLED CHECKING						
01/24/2022	101	495 (E)	00146	CONSUMERS ENERGY	48858 LED LIGHT	135.62
					2010 S LINCOLN L4	71.76
					STREET LIGHTS	1,927.24
					900 MULBERRY	53.96
					5240 E BROOMFIELD	1,128.32
					2270 NORTHWAY	36.18
					2055 ENTERPRISE	293.12
					5525 E REMUS	75.59
					5537 E BROADWAY	264.47
					1933 S ISABELLA	689.35
					1660 BELMONT	131.60
					5142 BUDD	234.06
					5144 BUDD	33.06
					5228 S ISABELLA	7,454.09
					4244 E BLUE GRASS	106.07
					4822 ENCORE	116.72
					4797 S MISSION BARN	695.91
					4795 S MISSION	2,749.35
					5076 S MISSION	1,202.59
					3248 S CONCOURSE	233.68
					5369 S CRAWFORD	86.10
					3998 E DEERFIELD	175.99
					4511 E RIVER	11,297.66
					800 CRAIG HILL	59.03
					4520 E RIVER	445.50
					2279 S MERIDIAN PUMP HOUSE	209.01
					1633 S LINCOLN	394.54
					2279 S MERIDIAN	1,239.98
					5319 E AIRPORT	90.47
					1046 S MISSION	150.16
					1605 SCULLY RD	77.15
					1876 S LINCOLN	19.20
					2188 E PICKARD	93.20
					1876 E PICKARD	105.97
					2495 E DEERFIELD	396.06
					2424 W MAY	587.59
					1776 E PICKARD	40.71
					2180 S LINCOLN	30.64
						<u>33,131.70</u>
01/24/2022	101	496 (E)	00146	VOID		
				Void Reason: Created From Check Run Process		V
01/24/2022	101	497 (E)	00146	VOID		
				Void Reason: Created From Check Run Process		V
01/20/2022	101	498 (E)	01186	COYNE PROPANE LLC	PROPANE FOR 5228 S ISABELLA RD	1,116.04
01/14/2022	101	23401	01032	UNITED STATES POSTAL SERVICE	REPLENISH PERMIT #11-WATER/SEWER BILLING	1,200.00
01/14/2022	101	23402	01013	USA BLUE BOOK	WALL MOUNTING BRACKET	54.02
					CREDIT FOR FREIGHT DISCREPANCIES	(6.85)
						<u>47.17</u>
01/14/2022	101	23403	01723	V&V ASSESSING LLC	ASSESSING SERVICES-1ST Q 2022	22,500.00
01/14/2022	101	23404	01760	VEGA AMERICAS, INC.	SLUDGE TANK-WWTP	990.00
01/14/2022	101	23405	01314	VERIZON WIRELESS	CELL PHONES 11/16/21 TO 12/15/21	445.93

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
01/14/2022	101	23406	01257	JOSH WALDRON	MILEAGE REIMBURSEMENT-WALDRON	17.92
					MILEAGE REIMBURSEMENT-WALDRON	6.72
						<u>24.64</u>
01/14/2022	101	23407	00703	WASTE MANAGEMENT OF MICHIGAN, INC	DUMPSTER SERVICE TWP-JAN 2022	63.26
					DUMPSTER SERVICE JAMESON-DEC 2021	107.85
					DUMPSTER SERVICE WWTP-JAN 2022	228.05
					DUMPSTER SERVICE WTR-JAN 2022	42.86
					DUMPSTER SERVICE MCDONALD-JAN 2022	133.42
					DUMPSTER SERVICE SHOP-JAN 2022	47.39
						<u>622.83</u>
01/14/2022	101	23408	01236	WEB ASCENDER	WEBSITE HOSTING Q1 2022	90.00
01/14/2022	101	23409	00723	WINN TELECOM	PHONE SERVICE 1/1/22 TO 1/31/22	332.51
01/26/2022	101	23410	01358	21ST CENTURY MEDIA-MICHIGAN	BOT & CONSUMERS FRANCHISE ADS	434.77
01/26/2022	101	23411	00095	C & C ENTERPRISES, INC.	OFFICE/SHOP SUPPLIES	154.00
01/26/2022	101	23412	00155	COYNE OIL CORPORATION	FUEL IN TOWNSHIP VEHICLES-DEC 2021	366.14
01/26/2022	101	23413	01242	CULLIGAN WATER	WATER COOLER RENT-ISABELLA	25.50
01/26/2022	101	23414	01171	DBI BUSINESS INTERIORS	OFFICE SUPPLIES-BLDG DEPT	33.65
01/26/2022	101	23415	00183	DIXON ENGINEERING, INC.	WATER TOWER MAINT.-PMT #4	2,850.00
01/26/2022	101	23416	00209	ETNA SUPPLY COMPANY	SENSUS ANNUAL SUPPORT	3,000.00
					SENSUS TOUCH PAD	200.00
						<u>3,200.00</u>
01/26/2022	101	23417	01353	EVOQUA WATER TECHNOLOGIES LLC	BIOXIDE	11,269.12
01/26/2022	101	23418	00249	GILL-ROY'S HARDWARE	TEMPORARY HEATED ENCLOSURE	69.48
01/26/2022	101	23419	00257	GOURDIE-FRASER, INC.	SITE RESEARCH FOR TYPE I WATER WELL SYST	4,250.00
01/26/2022	101	23420	00261	GRAINGER	RADIAL BEARING	194.57
					DESCALER	943.98
					BUTTERFLY VALVE ACTUATOR	2,846.45
						<u>3,985.00</u>
01/26/2022	101	23421	00266	HACH COMPANY	SENSOR CAP REPLACEMENT	352.22
01/26/2022	101	23422	00324	ISABELLA CORPORATION	WASHED STONE-KAY STREET	500.00
01/26/2022	101	23423	01324	KENEWELL GROUP	BUSINESS CARDS- PEAK & LOVEBERRY	122.00
01/26/2022	101	23424	01506	MCKENNA ASSOCIATES	BLDG OFFICIAL & INSP SVCS-DEC 2021	1,000.00
01/26/2022	101	23425	01356	MCLAREN CENTRAL MICHIGAN	CONSORTIUM FEE/DRUG SCREENS-4TH Q 2021	580.00
01/26/2022	101	23426	01766	MERSINO DEWATERING INC	6" AUTOMATIC PRIMING PUMPSET	39,600.00
01/26/2022	101	23427	00415	MICHIGAN CAT	MIRROR FOR BACKHOE	53.45
					WASHER	0.44
						<u>53.89</u>
01/26/2022	101	23428	00463	MT. PLEASANT HEATING & AIR COND	SERVICE TO CLEAN FURNACE SENSORS-ISABELL	498.00
01/26/2022	101	23429	00494	NORTH CENTRAL LABORATORIES	ASPIRATOR BOTTLE	267.35
01/26/2022	101	23430	01641	NORTHSTAR MEDICAL EQUIPMENT	ELECTRODE CARTRIDGE	402.00
01/26/2022	101	23431	01136	OPTO SOLUTIONS, INC	SNAP AC R-SERIES AUTOMATION	1,082.75
01/26/2022	101	23432	00131	PERCEPTIVE CONTROLS, INC	WWTP MISC SERVICES	945.00
01/26/2022	101	23433	01527	PUBWORKS	PUBWORKS ANNUAL SUPPORT-2022	3,206.00
01/26/2022	101	23434	00574	SAGINAW VALLEY CHAPTER ICC	2022 MADCAD ONLINE LIBRARY FEES & DUES	255.00
01/26/2022	101	23435	01293	SHAY WATER CO/CUSTOM COFFEE SERV	COFFEE BREWER RENT Q4 2021	45.00
01/26/2022	101	23436	00601	KIMBERLY SMITH	MILEAGE REIMBURSEMENT-SMITH	99.12
01/26/2022	101	23437	01542	STERICYCLE, INC.	PAPER SHREDDING 12-29-21	129.29
01/26/2022	101	23438	01013	USA BLUE BOOK	MISS DIG PAINT	55.95
					MISS DIG PAINT	55.95

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
					WALL MOUNT BRACKET	115.99
						227.89
01/26/2022	101	23439	01613	WATERTAP	EMERGENCY REPAIR-RIVER RD/US 127 VALVE	18,268.00
01/26/2022	101	23440	00710	WEBB CHEMICAL SERVICE	FERRIC CHLORIDE SOLUTION	6,246.96

101 TOTALS:

Total of 44 Checks:

161,018.95

Less 2 Void Checks:

0.00

Total of 42 Disbursements:

161,018.95

Charter Township of Union Payroll
--

CHECK DATE: January 20, 2022

PPE: January 15, 2022

NOTE: PAYROLL TRANSFER NEEDED

General Fund	\$	35,138.30
Fire Fund		
EDDA		
WDDA		
Sewer Fund		37,147.58
Water Fund		29,127.06
Total To Transfer from Pooled Savings	\$	101,412.94

NOTE: CHECK TOTAL FOR TRANSFER

Gross Payroll	\$	64,067.69
Employer Share Med		921.55
Employer Share SS		3,940.44
SUI		778.99
Pension-Employer Portion		5,289.40
Workers' Comp		597.27
Life/LTD		-
Dental		1,343.81
Health Care		23,283.44
Vision		-
Vision Contribution		-
Health Care Contribution		-
Flex Administrators		65.00
Cobra/Flex Administration		1,125.35
PCORI Fee		-
Total Transfer to Payroll Checking	\$	101,412.94

TOTAL TRANSFER FROM POOLED SAVINGS TO PAYROLL ACCOUNT

CONFIRMATION NUMBER: _____ **DATE:** _____

ACH NUMBER: _____ **TIME:** _____



Union Township Report-1

Date: Tuesday, January 18, 2022



Alarm Date between 2022-01-03 and 2022-01-16

District	NFIRS Number	Alarm Date	Incident Type Code	Incident Type	Apparatus Name	Personnel Count	Alarms
Union Township	0000008						
		1/3/2022 4:54:46 PM	745	Alarm system activation, no fire - unintentional	ENG 31	3	1
						Total Responding 3	
Union Township	0000013						
		1/5/2022 11:57:32 AM	731	Sprinkler activation due to malfunction	ENG 31	2	1
						Total Responding 2	
Union Township	0000016						
		1/5/2022 12:21:04 PM	322	Motor vehicle accident with injuries	ENG 31	2	3
		1/5/2022 12:21:04 PM	322	Motor vehicle accident with injuries	POV	7	3

		1/5/2022 12:21:04 PM	322	Motor vehicle accident with injuries	Assistant Chief	1	3
		1/5/2022 12:21:04 PM	322	Motor vehicle accident with injuries	Rescue 31	1	3
						Total Responding 11	
Union Township	0000017						
		1/5/2022 7:01:43 PM	411	Gasoline or other flammable liquid spill	ENG 31	2	1
		1/5/2022 7:01:43 PM	411	Gasoline or other flammable liquid spill	ENG 31	2	1
						Total Responding 4	
Union Township	0000018						
		1/7/2022 4:01:29 AM	730	System malfunction, other	ENG 31	2	1
						Total Responding 2	
Union Township	0000019						
		1/7/2022 9:37:34 AM	324	Motor vehicle accident with no injuries.	ENG 31	2	1

		1/7/2022 9:37:34 AM	324	Motor vehicle accident with no injuries.	C 31	1	1
						Total Responding 3	
Union Township	0000021						
		1/7/2022 8:38:00 PM	412	Gas leak (natural gas or LPG)	ENG 31	3	1
						Total Responding 3	
Union Township	0000025						
		1/9/2022 4:30:54 AM	741	Sprinkler activation, no fire - unintentional	ENG 31	2	1
						Total Responding 2	
Union Township	0000028						
		1/10/2022 8:12:17 AM	311	Medical assist, assist EMS crew	ENG 32	2	1
						Total Responding 2	

Union Township	0000029						
		1/10/2022 8:48:52 AM	311	Medical assist, assist EMS crew	ENG 32	2	1
						Total Responding 2	
Union Township	0000034						
		1/14/2022 2:44:56 AM	321	EMS call, excluding vehicle accident with injury	ENG 32	3	1
						Total Responding 3	
Union Township	0000035						
		1/14/2022 1:09:00 PM	550	Public service assistance, other	ENG 32	2	1
		1/14/2022 1:09:00 PM	550	Public service assistance, other	C 31	1	1
						Total Responding 3	
Union Township	0000036						
		1/14/2022 8:59:32 PM	445	Arcing, shorted electrical equipment	ENG 32	2	1

						Total Responding 2	
Union Township	0000039						
		1/14/2022 9:11:58 PM	311	Medical assist, assist EMS crew	ENG 32	2	1
		1/14/2022 9:11:58 PM	311	Medical assist, assist EMS crew	C 31	1	1
						Total Responding 3	
	Total Runs 14					Total Responding 45	

Note: Alarms

1=Duty Crew

2=Paged Off Duty Full-time

3=Paged Paid-on-Call Firefighters

4=Paged All

Highlighted Yellow Indicates an Emergency Call



REQUEST FOR TOWNSHIP BOARD ACTION

To: Board of Trustees	DATE: January 19, 2022
FROM: Mark Stuhldreher, Township Manager	DATE FOR BOARD CONSIDERATION: 1/26/2022
ACTION REQUESTED: To introduce and conduct a First Reading for the revised Extraction Ordinance.	

Current Action Emergency

Funds Budgeted: If Yes Account # No N/A

Finance Approval _____

BACKGROUND INFORMATION

It is recognized that sand, gravel, and other non-metallic minerals within the Township's boundaries are non-renewable natural resources necessary and beneficial to the welfare of community and the surrounding region. These resources are widely used for building and road construction, and by necessity are locally sourced. However, sand and gravel pits and other extraction operations have the potential to impact the health, safety, environment, and general welfare of persons and property within the Township.

Adoption of the current Extraction Ordinance

Recognizing these potential impacts, the Board of Trustees took action on January 8, 2020 to adopt a temporary moratorium on review of sand and gravel pit applications. The purpose of this moratorium was to provide time to research and develop revisions to the Township's existing sand and gravel pit regulations, which had not been updated since 1981. Following a review process that included multiple public meetings and revisions in response to public comments and Board direction, the Extraction Ordinance No. 20-01 was adopted by the Board of Trustees on May 12, 2020 under provisions of the Charter Township Act.

The new Ordinance established an Extraction Permit approval process, requirements and financial guarantees for proper reclamation of the land at the conclusion of extraction activities, and administrative procedures and inspection requirements to verify that all extraction operations and reclamation activities are completed per approved plans and applicable Ordinance requirements.

Revisions Proposed as a Product of Settlement Discussions

Shortly after adoption of Ord. No. 20-01, two separate lawsuits were filed against the Township in the Isabella County Circuit Court, both seeking to invalidate the new Ordinance. While vigorously defending the Ordinance, Township administration and the Township Attorney have also met several times with the opposing parties to discuss potential resolution of these cases. The revised Extraction Ordinance document is the product of these settlement discussions.

The following is a summary of key revisions incorporated into the revised Ordinance, which are supported by the Township administration:

Section	Summary of Revisions
5	<p>Exemptions</p> <ul style="list-style-type: none"> ○ The list of exempt activities has been clarified to reduce the potential for dispute and to address asphalt and concrete crushing/recycling and screening of topsoil, sand or gravel on sites not otherwise subject to this Ordinance.
6	<p>Application Procedure</p> <ul style="list-style-type: none"> ○ The initial escrow amount is capped at \$10,000. ○ The escrow account may be replenished if it goes below 20% of the initial amount. ○ The distance from the extraction site for distribution of public hearing notices has been reduced from 2,000 feet to 1,000 feet. This same adjustment was made in sections 16 & 17 with regards to hearings for variances and appeals. No change has been made to requirements for newspaper publication and Township website posting of notices. ○ Permits would be issued for ten (10) year terms instead of the initial three (3) year term and five (5) year renewals under the current ordinance. Although the permit term would be longer, permitted extraction activities would continue to be subject to requirements for annual reports, inspections, and re-evaluation of financial guarantees. ○ Renewal of a permit would generally be presumed appropriate unless there are changes in conditions or uncured permit violations.
9	<p>Survey, Base Maps, and Photographs</p> <ul style="list-style-type: none"> ○ Mapping of bodies of water has been clarified as required for lakes and streams. ○ Requirements for aerial photographs have been adjusted, but remain sufficient in detail for the Planning Commission to evaluate site conditions and plans. ○ Additional clarification is provided for governing what appears on the required maps. ○ Requirements for detailing aggregate reserves have been removed, with the revised Ordinance instead focused on the depth and contour of extraction activities. ○ The updated base document information requirements remain sufficient to ensure that the Planning Commission has the necessary information to make informed decisions on Extraction Permit applications.
10	<p>Additional Studies and Analysis</p> <ul style="list-style-type: none"> ○ A provision has been added clarifying that detailed hydrogeologic reports are only required if the proposed extraction operation is going to extend into an aquifer. ○ The applicant is only required to evaluate hydrologic conditions within 500 feet of the extraction area and only if the applicant can get legal access to such area. ○ The map radius for this section was reduced from one (1) mile to 0.5 miles, with mapping to be done using publicly available information. ○ Base line water quality for extraction operations that extend into an aquifer will be monitored annually based on state requirements for primary drinking water. ○ Data analysis requirements for extraction operations extending into an aquifer have been streamlined somewhat, and the requirement to study the social and economic conditions of the area as part of the Environmental Impact Analysis has been removed. ○ Updated provisions for hydrogeologic studies and environmental impact analysis of extraction operations that would extend into an aquifer (creating a pond or lake) remain sufficient to protect natural resources, drinking water wells, and other environmental conditions in the vicinity of the operation.

Section	Summary of Revisions
11	<p>Mining Plan</p> <ul style="list-style-type: none"> ○ The revised Ordinance sets a slightly reduced timeline of 10-years (vs. the current 15-years) for what needs to be shown on the overall long-term mining plan. ○ Wetland mitigation requirements were adjusted to reference state requirements for wetland protection. ○ The revised provisions remain sufficient to ensure that the Planning Commission has the necessary information to make informed decisions on Extraction Permit applications.
13	<p>Specific Operating Conditions and Regulations</p> <ul style="list-style-type: none"> ○ The ability of the Planning Commission to establish a larger setback than otherwise required by the Ordinance has been removed. ○ Clarification was added that temporary dewatering of a site would be allowed under certain circumstances. Permanent dewatering activities would continue to be prohibited. ○ The mechanism for addressing importation of fill into an extraction site has been substantially revised. Ord. No. 20-01 completely prohibited importation of fill. The revised Ordinance includes prohibitions against importation of any contaminated fill, but would allow for limited importation of clean fill materials for reclamation, subject to rigorous standards that require the operator to demonstrate compliance and to test materials as needed for verification.
14	<p>Ingress-Egress Requirements</p> <ul style="list-style-type: none"> ○ The current limitation on extraction site access to paved public roads would be revised to allow for use of gravel roads for access and haul routes, while retaining maintenance, spillage, and dust control provisions and the prohibition against use of private roads.
20	<p>Performance Guarantees</p> <ul style="list-style-type: none"> ○ The performance guarantee requirement was revised to be based off a projected cost estimate for land reclamation and site restoration, instead of the set minimum \$250,000 or \$400,000 guarantee amount established in Ord. No. 20-01. ○ The guarantee amount is also flexible if the operator plans to mine material in phases. ○ The amount of this guarantee can be revisited by the parties once per year, to reflect changes in the scope of extraction or reclamation activities. ○ The revised standards will require annual inspections by and consultations with a Township engineering consultant to verify the scope of extraction and reclamation activities on a site and the continuing accuracy of an operator’s reclamation cost estimates that would form the basis for required guarantee amounts. This is an increased cost that would be billed against the operator’s \$10,000 escrow deposit.
21	<p>Indemnity Insurance</p> <ul style="list-style-type: none"> ○ The insurance requirements were lowered from a minimum of \$5 Million to \$1 Million, and the Township does not need to be added as an additional insured.
23	<p>Definitions</p> <ul style="list-style-type: none"> ○ New or updated definitions for aquifer, extraction operation, lake, and stream have been included in the revised Ordinance.

It is the opinion of the Township administration that, if adopted as presented, the revised Ordinance would continue to provide for reasonable utilization of sand, gravel, and other non-metallic minerals within the Township’s boundaries in a manner compatible with nearby residential uses, protection of human health and the environment, and reclamation of the land for another land use at the conclusion of the extraction operation.

The Revised Ordinance Retains Essential Protective Elements of Ord. No. 20-01

Township administration strongly believes that the revised ordinance retains the essential protective elements of Ord. No. 20-01. The following is a summary of some of these current requirements and standards that are retained without significant alteration in the revised Ordinance:

Provision	Summary of the Requirement or Standard
Review Process	Extraction Permit applications would continue to follow the same review process, and Planning Commission approval after a public hearing would continue to be required.
Base Documents	An Extraction Permit application would continue to include public documents, survey, base maps, and aerial photographs, all required studies and analysis based on the type and depth of extraction, and detailed mining and reclamation plans.
Screening	Requirements for berms and other screening elements remain in the revised Ordinance to minimize visual impacts from the operation on neighboring properties and road rights-of-way.
Minimum Setbacks	Requirements for all extraction activities to be set back a minimum of 500 feet from any existing residence and 200 feet from any lot boundary or road right-of-way remain consistent in the revised Ordinance.
Hours	Limitations on hours of operation remain substantially unchanged in the revised Ordinance.
Reclamation	Requirements for reclamation of the land consistent with a viable end use (such as a return to agricultural activities) remain consistent in the revised Ordinance.
Annual Reports and Inspections	With minor revisions, the requirements for operators to provide an Annual Report to the Planning Commission and to open their site to an annual inspection are retained in the revised Ordinance.

SCOPE OF SERVICES

Introduction and First Reading of the revised Extraction Ordinance, which would repeal and replace the existing Extraction Ordinance No. 20-01.

JUSTIFICATION

Adoption of a revised Extraction Ordinance has been determined to be a worthwhile step as a component of resolving matters of litigation associated with the current Extraction Ordinance No. 20-01.

The updated regulations incorporated into the revised Ordinance reflect an acceptable balance between the needs of the extraction industry and those of the larger community, including the needs and interests of residents, agricultural operations, and other property and business owners that would be in close proximity to an active extraction operation.

The Township continues to recognize that sand, gravel, and other non-metallic minerals within the Township’s boundaries are non-renewable natural resources necessary and beneficial to the welfare of its inhabitants and the surrounding region.

PROJECT IMPROVEMENTS

Board of Trustees goals addressed by this Ordinance (From Policy 1.0: Global End).

- 1. Community well-being and common good**
- 3. Safety**
- 4. Health**
- 5. Natural environment**
- 6. Commerce**

Adoption of the revised Extraction Ordinance would help to facilitate the most effective use of Township resources that achieve the highest quality of life (1.0). The structure and standards of the revised Ordinance continue to prioritize fair and nondiscriminatory code enforcement (1.1.1.2), safety (1.3), well-maintained roads (1.3.4), protection of drinking water wells (1.4.2), and preservation of the Township’s natural resources (1.5). The revised Ordinance would allow for controlled establishment of extraction operations consistent with rigorous standards (1.6.1).

COSTS

NA

PROJECT TIMETABLE

After a Second Reading and adoption by the Board of Trustees, the Ordinance would take effect on the day immediately following publication of the required notice of adoption.

RESOLUTION

Motion to introduce and conduct a First Reading of the revised Extraction Ordinance.

Resolved by _____

Seconded by _____

Yes:
No:
Absent:

**CHARTER TOWNSHIP OF UNION
ISABELLA COUNTY, MICHIGAN**

EXTRACTION ORDINANCE NO. _____

[An ordinance adopted under the provisions of the Charter Township Act (Public Act 359 of 1947, as amended, being MCL 42.1 – MCL 42.34) to regulate and establish standards and approval procedures for extraction of non-metallic minerals on land within the Charter Township of Union, and reclamation of the land at the conclusion of the operation; to provide for the administration and enforcement thereof, and for the establishment of fees, escrow deposits, and performance guarantees to defray the administrative and enforcement costs incident thereto, and to ensure that all extraction operations and reclamation activities are completed in accordance with this ordinance and approved plans; to provide for severability, repeal, publication, and an effective date; and for other purposes.]

CHARTER TOWNSHIP OF UNION, ISABELLA COUNTY, MICHIGAN HEREBY ORDAINS:

Section 1. Short Title.

This Ordinance shall be known and cited as the Extraction Ordinance and may be referred to herein as “this Ordinance.”

Section 2. Intent and Purposes.

The Township recognizes that sand, gravel, and other non-metallic minerals within the Township’s boundaries are non-renewable natural resources necessary and beneficial to the welfare of its inhabitants and the surrounding region. To provide for utilization of these resources in a manner compatible with nearby residential uses, to protect human health and the environment, and to ensure complete reclamation for another land use at the conclusion of the extraction operation, it is the intent of this Ordinance to regulate and provide procedures and standards for extraction of non-metallic minerals and for the reclamation of the land at the conclusion of the operation.

This ordinance is necessary because extraction operations and related activities, such as the importation of fill material for reclamation of an extraction operation site at the conclusion of mining activities, can cause unique and substantial impacts upon the environment and the welfare of adjacent properties and the community as a whole. They can disrupt the environment, impair water quality and quantity, cause noise and dust nuisances, damage roads and create conditions dangerous to Township residents. Extraction of non-metallic minerals and importation of fill materials can leave land in an unsightly condition and present an unattractive and dangerous nuisance.

Extraction operations and importation of fill materials can also have serious adverse impacts on watercourses, wetlands, and groundwater resources, which are indispensable and fragile natural resources that provide many public benefits, including a supply of potable water for private and municipal systems, fish and wildlife habitat, maintenance of water quality through nutrient cycling and sediment trapping; flood and storm water runoff control through temporary water storage; groundwater recharge; and outdoor recreation. It is the further intent of this Ordinance to protect Township watercourses, wetlands, and groundwater resources located in proximity to extraction operations in a manner that preserves their hydrological, economic, recreational, and aesthetic natural resource values for existing and future Township residents.

Section 3. Authority and Scope.

The Township has authority to regulate extraction operations, reclamation activities, and the associated importation of fill materials for reclamation purposes to protect the public health, safety, and welfare pursuant to the Charter Township Act (Public Act 359 of 1947, as amended, being MCL 42.1 – MCL 42.34), in accordance with applicable state laws. The Planning Commission has the authority under this Ordinance to administer, review, deny, approve or approve with conditions permits issued under this Ordinance. The Township Planner and Ordinance Enforcement Officer shall have authority, with the assistance of any designated Township consultants, to administer and enforce the provisions of this Ordinance and approved Extraction Permits. The requirements of this Ordinance shall be held to be the minimum necessary for promotion of the public health, safety, and general welfare.

Section 4. Prohibitions

It shall be unlawful to extract non-metallic minerals or import fill materials as regulated by this Ordinance without complying with the provisions of this Ordinance. It shall also be unlawful for the Applicant/Owner/Operator or any other person or permit holder to conduct an activity or maintain any land area or extraction operation in violation of any approved Extraction Permit, approved plans for an extraction operation or reclamation or condition of any Permit issued under this Ordinance.

Section 5. Exemptions.

Subject to compliance with all other applicable statutes, ordinances, rules, and regulations, this Ordinance shall not apply to the following activities:

- 5.1 Ordinary and necessary grading of land for the tilling and cultivation of soils for the growing of agricultural crops, ornamental or garden plants, commercial sod, and trees, including any associated agricultural land balancing or soil augmentation, and any removal from the earth of products or commodities that contain incidental amounts of non-metallic minerals.
- 5.2 Ordinary and necessary grading, fill or excavation for land development including construction of buildings, structures, septic systems, driveways, retaining walls, and other associated site improvements pursuant to all required permits from the Township and any other governmental authority having jurisdiction over such activities.
- 5.3 Ordinary and necessary grading, fill or excavation for a specific public improvement project of limited scope and duration, such as to construct or improve a public or private road, sidewalk, pathway, pipeline or utility service, or for maintenance work within a public or private road right-of-way, or drainage or utility easement, as conducted by an authorized contractor or governmental agency with jurisdiction in compliance with applicable regulations and permit requirements.
- 5.4 Remediation of environmental contamination.
- 5.5 Construction of a solid waste disposal facility subject to State of Michigan permits.
- 5.6 Ordinary and necessary grading, fill or excavation for land development purposes pursuant to an approved site plan, subdivision plat or other approved development plan, and in compliance with applicable Township ordinances and permit requirements.
- 5.7 Ordinary and necessary grading, fill or excavation for construction of a pond, swimming pool, berm, detention/retention basin or similar improvement pursuant to all required permits from the Township and any other governmental authority having jurisdiction over such activities.

- 5.8 Screening of topsoil, mulch, sand, gravel, and other materials lawfully conducted in compliance with applicable Township ordinances and permit requirements on a site not subject to the requirements of this Ordinance.
- 5.9 Asphalt or concrete crushing and recycling activities lawfully conducted in compliance with applicable Township ordinances and permit requirements on a site not subject to the requirements of this Ordinance.

Section 6. Application Procedure

The following procedures shall apply when processing any application under the terms of this Ordinance:

- 6.1 **Optional Pre-Application Conference.** The Applicant/Owner/Operator may request a pre-application conference with the Township Planner. The purpose of this informal meeting is to provide information and guidance to the Applicant/Owner/Operator that will assist in preparation of a complete application. No formal action shall be taken during this meeting. The Applicant/Owner/Operator may be required to pay a fee for a pre-application conference in an amount determined by resolution of the Township Board of Trustees.
- 6.2 **Application Information.** All applications shall be on a form provided by the Township and shall be signed by the Applicant/Owner/Operator(s) and the titleholder(s) of the parcel(s) upon which the extraction operation is proposed. To initiate formal review by the Planning Commission, the Applicant/Owner/Operator shall submit one (1) completed and signed copy of the required application form, the required fee and any required escrow deposit, one (1) digital copy in .PDF format of the complete set of application materials, one (1) large (up to 24-inch by 36-inch maximum) printed plan set, and eleven (11) reduced 11-inch by 17-inch printed plan sets at the Union Township Hall. All notes and plan details must be clearly legible at the sheet size. The following minimum information shall be required with any application:
 - A. The name, address, and contact information for the Applicant/Owner/Operator, and the Applicant/Owner/Operator's interest in the property. If the Applicant/Owner/Operator is not the owner, the name, address, and contact information for the owner(s) and the signed consent of the owner(s) shall also be required.
 - B. Signature(s) of the Applicant/Owner/Operator(s) certifying the accuracy of the information.
 - C. A legal description of the property, including street address(es) and tax code number(s).
 - D. The set of required base documents, including all necessary information to confirm compliance with the requirements and standards of this Ordinance.
- 6.3 **Application Fee Required.** The amount of the application fee shall be established and may be adjusted from time to time by resolution of the Township Board of Trustees.
- 6.4 **Refundable Escrow Deposit.** In addition to the non-refundable application fee provided for in subsection 6.3, the Applicant/Owner/Operator may be required to deposit with the Township at the time of the application a refundable escrow deposit intended for use to defray the Township's costs for professional reviews and consultations by experts in the law, civil engineering, hydrogeology, and other fields determined necessary by the Planning Commission or Township Planner to assist with evaluation of the application and/or Permit inspections and administration. The amount of any required refundable escrow deposit shall be established by resolution of the Township Board of Trustees in an amount not to exceed \$10,000.00.

- A. **Accounting.** The Township shall annually deliver to the Applicant/Owner/Operator an accounting that shows the debits and credits during the accounting period.
- B. **Replenishment of the Escrow.** If the escrow amount drops below twenty percent (20%) of the minimum amount established by Board of Trustees resolution during the term of the approved Extraction Permit, the Applicant/Owner/Operator shall restore the sums in the escrow account to the minimum amount established by the resolution. The sums needed to restore the account shall be paid by the Applicant/Owner/Operator within 30 calendar days of receipt of a written Township request. Failure to replenish such sums within 30 calendar days shall be grounds for the Township Planner or Ordinance Enforcement Official to issue a stop work order, at which time no further processing of the application or excavation or stockpiling of materials may occur until the order is rescinded.
- C. **Interest.** The Township shall have no duty to deposit the sums in an interest-bearing account. However, if interest is earned on the sums deposited by Applicant/Owner/Operator, such interest shall be credited to the Applicant/Owner/Operator's account.
- D. **Return of Escrow Funds.** If the application is denied, any unexpended funds shall be returned to the Applicant/Owner/Operator within 45 calendar days after all actual costs and expenses incurred by the Township have been paid. Any unexpended escrow funds shall also be returned to the Applicant/Owner/Operator within 45 calendar days after the site is completely restored following cessation of the extraction operation and all actual costs and expenses incurred by the Township have been paid.

6.5 Reserved

6.6 **Technical Review.** Prior to Planning Commission consideration, the application materials shall be distributed to the Township Planner for review and comment. The Township Planner or Planning Commission may also request comments from other Township departments, consultants or outside agencies with jurisdiction. Applications that are found by the Township to be incomplete or inaccurate shall be returned to the Applicant/Owner/Operator without further consideration, provided that the Township shall provide the Applicant/Owner/Operator a detailed listing of all deficiencies. An application deemed incomplete shall not be considered denied for purposes of Sections 6.9 and 6.10.

6.7 **Public Hearing.** The Planning Commission shall hold a public hearing on the application. At least 15 calendar days prior to the hearing, notices shall be sent by mail or personal delivery to the Applicant/Owner/Operator, the titleholder of the parcel, and to the owners of all property and occupants of all structures within 1,000 feet of the subject property. The notice shall also be posted at the Township Hall, published once in the Township's newspaper of record, and placed on the Township website. The notices shall include the time, date, place, and purpose of the hearing.

6.8 **Standards for Permit Approval or Renewal.** The following general standards for approval shall apply to any application for Extraction Permit approval or renewal:

- A. An Extraction Permit shall be approved, and shall be deemed not to create any very serious consequences to the Township or its residents, if the Applicant/Owner/Operator provides information, data and documentation sufficient to meet each of the following standards:

- (1) The application is administratively complete, and the Planning Commission has determined that all necessary information has been provided.
 - (2) The Planning Commission has determined that the application satisfies all applicable Township ordinance requirements necessary for Permit approval or renewal.
 - (3) Written assurance has been provided in the form of a reclamation plan and financial guarantee that the site will be reclaimed to a condition which is safe and harmonious with surrounding land uses.
 - (4) Required fees, surety bonds, and evidence of insurance have been submitted, along with any required escrow deposit.
 - (5) Copies of all federal, state, and local permits which relate to an activity on the property which were issued and in effect at the time the application was submitted to the Township.
 - (6) The Planning Commission has determined that the application satisfies all applicable requirements of Section 10 of this Ordinance.
 - (7) There will be no net loss of wetlands on-site or, where determined necessary, proposed wetland mitigation measures are acceptable and consistent with state laws and Township ordinance requirements.
 - (8) The operation will not materially impair the environment; pollute or degrade the air, water or other natural resources.
- B. The burden of meeting each standard is on the Applicant/Owner/Operator. The Applicant/Owner/Operator's failure to provide the information, data or documentation necessary to meet a standard is a basis for denial of the application. However, in the event that an application contains technical deficiencies or lacks information, data or documentation necessary to meet a standard, the Applicant/Owner/Operator will be informed of the specific deficiencies and given a reasonable opportunity to correct such deficiencies before a denial is issued.

6.9 **Decision.** The decision rendered on the application shall be in writing, shall be supported by competent, material, and substantial evidence on the record of compliance with all applicable requirements of this Ordinance.

6.10 **Reapplication.** If an application is denied, a reapplication for that site shall not be filed for 365 calendar days from the date the decision was rendered, unless there is a material change in circumstances that was not present when the application was considered.

6.11 **Conditions of Approval.** In granting approval of an Extraction Permit the Planning Commission may impose such reasonable conditions as it deems necessary to ensure the standards are met and maintained. The following conditions shall be printed on the Extraction Permit, in addition to any others imposed by the Planning Commission:

- A. The authorization herein granted only authorizes those uses and activities specifically set forth in the Permit, is subject to the Township's right to inspect the site, and is contingent upon the Applicant/Owner/Operator(s) strict adherence to the terms and provisions of the Permit, this Ordinance, and other applicable regulations.
- B. Within 365 calendar days following cessation of the extraction operation by abandonment or otherwise, the site shall be fully reclaimed in strict accordance with the

approved reclamation plan, unless an alternative timeline for completion of reclamation activities was approved by the Planning Commission as part of an Extraction Permit approval or renewal.

- C. The application and base documents are incorporated by reference into the Permit. A material misrepresentation or unauthorized change in a base document is cause for revocation of the Permit.
- D. The Applicant/Owner/Operator shall, within 60 calendar days of an initial Extraction Permit approval, record copies of the Permit, at the Isabella County Register of Deeds office, and shall provide copies of the recorded documents to the Township Planner.

6.12 **Permit Terms.** An Extraction Permit shall state the name of the Applicant/Owner/Operator, metes and bounds description of the site, conditions imposed, and any variances granted in conjunction with the Permit, the base document titles and revision dates, and the commencement date and term for which the Permit is issued.

- A. An Extraction Permit issued for a new or expanded extraction operation, or for renewal of an existing operation, shall be valid for a period of up to ten (10) calendar years, beginning from the commencement date and ending on December 31 of the tenth year.
- B. An Extraction Permit is transferable to a new Applicant/Owner/Operator with prior written consent of the Planning Commission. The Planning Commission may impose conditions to ensure that the requirements and standards of this Ordinance are met.
- C. The Applicant/Owner/Operator shall submit an application to the Township for renewal of an Extraction Permit not less than 180 calendar days nor more than 365 calendar days before the end of the term of the Permit. Absent substantial uncured permit violations or substantial changes in conditions, renewal of an Extraction Permit shall be rebuttably presumed and proceed as soon as practicable.

6.13 **Outside Agency Permits and Approvals.** Copies of permits and approvals issued by a governmental body or agency that regulates an aspect of the activity conducted on a site shall be promptly filed with the Township Planner. The Applicant/Owner/Operator shall also notify the Township Planner of any requests for amendments to or notices of violation of any outside agency permits.

Section 7. Base Documents

The following base document requirements shall apply to all Extraction Permit projects:

7.1 **General Provisions.** The purpose of the base documents is to define the scope and character of the activities authorized on the site and provide evidence that the standards are met. The following general requirements shall apply to all required base documents:

- A. Any modification or change intended or contemplated to the scope or character of the activities shall require Planning Commission approval, and the base document(s) shall be revised accordingly.
- B. When a change in the scope or character of the activities on a site is intended or contemplated, the base documents submitted with the application shall depict and explain the proposed change.

- C. This Ordinance requires certain documents be prepared by professionally qualified individuals. In all such cases the person preparing the document shall hold the academic degree, license, registration or other credential necessary to practice in his or her field.
- D. Each base document shall be signed and dated by the person who prepared the document and, if applicable, shall bear their seal.

7.2 **Waiver of Base Document Information.** Unless waived in writing in accordance with this Section, all base documents shall be submitted in compliance with this Ordinance. Upon written request by the Applicant/Owner/Operator, the Planning Commission may modify or waive the requirement for a base document or specified item(s) of information required by this Ordinance to be included on a base document, subject to the following:

- A. Determination by the Planning Commission that the modification or waiver does not adversely affect the ability of the Planning Commission to ascertain whether the applicable requirements of this Ordinance have been met. The Applicant/Owner/Operator has the burden of providing facts, data, and documents sufficient to establishing that a requested waiver meets the standards of this subsection. Failure to do so shall be grounds for denying the waiver.
- B. If the Planning Commission subsequently determines that the waived base documents are necessary for their review and action on an application, then the Applicant/Owner/Operator shall promptly take action to amend the application by providing the requested base documents.

7.3 **Summary List of Required Base Documents.** The required maps, photographs, studies, analyses, and data specified and described in the following sections of this Ordinance shall be considered to be the minimum set of base documents required under this Section:

- A. Section 8 (Public Documents)
- B. Section 9 (Survey, Base Maps, and Photographs)
- C. Section 10 (Required Studies and Analysis)
- D. Section 11 (Mining Plan)
- E. Section 12 (Reclamation Plan).

7.4 **Other Relevant Information and Documents.** The Planning Commission may require the Applicant/Owner/Operator to submit additional items of information as determined necessary to confirm that the extraction operation conforms to the requirements and standards of this Ordinance, including all of the standards for Extraction Permit approval or renewal listed in Section 6.8.

Section 8. Public Documents

At a minimum, the following public documents shall be required as part of any application for Permit approval or renewal, unless expressly waived by the Planning Commission:

- 8.1 A title status report, together with copies of all recorded documents identified in the status report, current to within 30 calendar days of the date of submission of the application, which evidences ownership and all easements on the site, together with a copy of the record document which vests fee title in the Applicant/Owner/Operator.
- 8.2 Copies of all existing federal, state, and county permits which are in effect and relate to an activity on the site.

- 8.3 If an Applicant/Owner/Operator is other than an individual, a copy of the public document which evidences its legal status and right to conduct business in the State of Michigan.
- 8.4 A list of names, address, telephone/facsimile number(s), and e-mail address of all persons, firms, corporations or other entities having legal or other ownership interest in the property.

Section 9. Survey, Base Maps, and Photographs

The following minimum requirements shall apply to the survey, maps, and aerial photographs required by this Ordinance:

- 9.1 **General Requirements.** All survey drawings, base maps, and aerial photographs shall be provided in a bound or stapled set, and shall be of a consistent sheet size, orientation, and scale to allow for easy cross-referencing between sheets. Upon written request from the Applicant/Owner/Operator, specific mapping materials or other documentation required by this Section that contain proprietary information may be labeled as such and provided in accordance with the following:
- A. The proprietary information shall be in a separate bound or stapled set with a cover sheet listing each map or document title, revision date, number of sheets, and the name, address, and other contact information of the firm or individual responsible for preparation.
 - B. The Township Planner and Applicant/Owner/Operator shall initial and date the cover sheet. The Township Planner shall retain a copy of the signed cover sheet for the Township's records and shall request that all proprietary information be returned to the Applicant/Owner/Operator at the conclusion of the review process.
 - C. The Applicant/Owner/Operator shall retain possession of the signed set of proprietary information and, upon written request from the Township Planner, shall promptly furnish the set to the Township for further review and inspection. Failure to retain or promptly provide the information shall be considered a violation of this Ordinance.
- 9.2 **Survey.** A survey shall be provided, which shall be prepared and sealed by a surveyor or engineer in accordance with applicable State of Michigan standards and shall include the following minimum information:
- A. Map scale and a north directional arrow.
 - B. A legal description, with street address, township, and county; and the property's location and dimensions by metes and bounds written on the survey map from a fixed point of beginning or, if applicable, the lot and block numbers, by subdivision name and recording information.
 - C. Existing means of ingress and egress to and from the property, if not by abutting road(s).
 - D. Established building line(s), if any, the line of the abutting road(s) identified by names and right-of-way widths, and the location of all utility lines and connections.
 - E. All existing structures and improvements by location, nature (including character of construction and number of stories), dimensions, distance from the property lines on all sides, and publicly known occupants.
 - F. All servient and beneficial easements, if any, and all easements appurtenant to the property, if any, indicating the identity, by liber and page, if any, and nature or purpose of the easement.

- G. Locations, dimensions, and nature of all encroachments upon the property or from the property on adjoining land.
- H. Locations of all lakes, streams, wetlands, and established flood plains on the subject property, if any.
- I. Designation of existing uses surrounding the proposed extraction area.
- J. The benchmark utilized for the survey.
- K. A signed and dated certification statement attesting to the accuracy of the survey and specifying the credentials of the preparer.

9.3 **Topographical Map.** A recent topographical map shall be provided showing two (2) foot contour intervals, unless the Planning Commission determines that a greater interval of five (5) feet would be acceptable for all or part of the site. The map shall be at a standard engineer’s scale not to exceed one-inch equals two hundred feet (1" = 200'). The topographic contours shall extend at least 100 feet beyond the boundaries of the requested extraction area(s), and shall include all required setback lines, lot boundaries, and easements with dimensions and bearings correlated with the legal description and all required setback lines.

9.4 **Aerial Photograph.** A recent aerial photograph shall be provided, which shall be current to within two (2) years of the application date unless the Planning Commission waives this requirement. The aerial photograph shall be of sufficient clarity and scale to allow the Planning Commission to easily refer and compare the aerial photograph with the survey.

9.5 **Vicinity Map.** Township map that depicts the location of the extraction area and the haul route(s) to and from the site.

9.6 **Site Inventory Data and Map(s).** The following site data shall be collected and one or more site inventory maps shall be prepared by a qualified environmental professional(s), certified to the Township and clearly showing the locations and types of existing surface and subsurface conditions on the proposed extraction site, including:

A. **Written description.** The site inventory shall include a written description of the quality, character, and extent of the natural features on the site, and a summary of the required data and evaluation.

B. **Data from test borings.** For all extraction operations, test borings shall be required to be drilled to determine the subsurface geology. A minimum of four (4) test borings shall be conducted. At least one boring shall be in the center of the proposed extraction operation, but within the property boundaries owned or controlled by the Applicant/Owner/Operator. These borings must be drilled at least ten (10) feet deeper than the proposed depth of an excavation. The locations of these borings must be clearly shown and labeled on the map. Descriptive logs for each boring should be prepared by a geologist using the Unified Soil Classification System (“USCS”) to describe the subsurface soil and sediment. Boring logs must contain the following minimum information:

- (1) Boring name.
- (2) Land surface elevation.
- (3) Depth of boring.
- (4) Description of different sediments encountered to the bottom of the boring.
- (5) Construction details.
- (6) Top of casing elevation (if the boring is cased).

- (7) Depth to water if encountered in boring.
- C. **Surface water levels.** For all extraction operations, water levels and water quality in any existing wells and on-site wetlands, streams, and lakes shall be measured or documented using publicly available information including:
- (1) All water levels shall be related to an established ordinary high-water mark or common USGS datum and elevations shown on a map and in a report table.
 - (2) Water quality parameters shall be documented consistent with the primary drinking water quality standards as promulgated by the United States Environmental Protection Agency. The number, type and locations of on-site surface water samples shall be sufficient to identify potential surface water impacts from extraction operations, subject to the following:
 - (a) Each lake and stream shall be sampled and evaluated for pH levels and conductivity.
 - (b) The study shall evaluate the hydraulic relationship between each on-site lake or stream and the groundwater (e.g., groundwater discharges to surface water or surface water discharges to groundwater).
 - (c) The Township may require additional samples or sample locations determined necessary to verify compliance with this Ordinance.
- D. The map(s) shall, at a minimum, depict the location, extent, and areas for the following elements of the site:
- (1) Setbacks as required by this Ordinance.
 - (2) Known archeological and historical features.
 - (3) Known agricultural tile drainage infrastructure.
 - (4) Existing buildings, structures, and other site improvements.
 - (5) Existing drainage courses, both private and under county Drain Commissioner jurisdiction, along with surface water drainage patterns.
 - (6) Flood hazard area boundaries.
 - (7) Lakes or streams with measured water levels or the established ordinary high-water marks noted.
 - (8) Delineated wetlands, with the extent of wetland areas regulated by the State of Michigan identified on the map(s).
 - (9) Anticipated depths to groundwater, generalized from publicly available data required for all Extraction Permit applications.
 - (10) Woodlands, treerows, special habitats, and endangered flora or fauna as recognized under the Endangered Species Act.
 - (11) Existing easements and road rights-of-way, and access points to the site.
 - (12) Depth and lowest elevations of the anticipated extraction activity on the site.
 - (13) Estimated depths and quantities of topsoil and of overburden to be stripped.
 - (14) Two (2) foot contour intervals indicating the anticipated vertical and horizontal extent of excavation below the existing surface elevations, unless the Planning Commission determines that a greater interval of five (5) feet would be acceptable for all or part of the site.

Section 10. Additional Studies and Analysis

The following requirements shall apply to hydrogeologic studies, environmental impact analyses, and other technical research and reports as may be required by this Ordinance based on the scope and extent of proposed or expanded extraction activities:

10.1 Hydrogeologic Study. If information generated under Section 9 of this Ordinance shows that groundwater in sufficient concentrations and characteristics to be considered an aquifer is demonstrated to be present and will be affected by the proposed extraction operation by extending into the aquifer, a hydrogeologic study shall be prepared and sealed by an appropriately credentialed geologist or engineer who has substantial experience in hydrogeology. The Planning Commission, at the expense of the Applicant/Owner/Operator, may submit the study to a Township consultant for review and comment. The hydrogeologic study is intended to document the hydrogeological conditions on the site and assess likely mining plan impacts on water resources of the Township, both on-site and at reasonably foreseeable off-site locations. This Section provides a guide for gathering the needed data and assessing potential impacts. Different levels of investigation are required depending on site features, such as location in a watershed, proximity of existing surface water bodies, site hydrology, local geology, groundwater and surface water quality, and local land use. Some of these features are readily discernible; others, such as geology, are not. Unless otherwise specifically stated, this Section does not require evaluation of conditions located more than 500 feet from the Extraction Area. Further, the Applicant/Owner/Operator shall not be required to generate hydrologic or hydrogeologic information from locations where the Applicant/Owner/Operator cannot obtain legal access. This study shall include the following hydrogeological data and evaluation elements as determined necessary or appropriate by the Township:

A. Site and Extraction Operation Description.

- (1) Prepare a map showing the regional setting. The map should cover an area within a one-half mile radius measured in all directions from the center of the property. If the size of the project is large, it may be appropriate to increase the geographic area covered by this map. The site location map must show the following features:
 - (a) Proposed limits of excavation.
 - (b) Scale and north arrow.
 - (c) Section lines and numbers.
 - (d) Township and range numbers.
 - (e) Township name.
 - (f) Based on available public information, the location(s) of all existing lakes, streams, county drains, surface impoundments larger than five (5) acres, and regulated wetlands in the geographic area.
 - (g) Water surface elevations based on available public information.
 - (h) Boundaries for the property where the proposed extraction operation will occur.
 - (i) Location(s) of all known agricultural tile drainage infrastructure that crosses the subject site.
- (2) Prepare a detailed site map that covers an area that extends at least 500 feet beyond the property boundaries subject to the Permit application. This map should show:
 - (a) Scale and north arrow.

- (b) Applicant/Owner/Operator's property boundaries.
 - (c) If publicly known or available, boundaries and owner names for all adjoining land parcels.
 - (d) Based on available public information, provide the location of all existing lakes, streams, county drains, and regulated wetlands on-site and within 500 feet of the property boundaries.
 - (e) Based on available public information, provide water surface elevation for all existing lakes, streams, county drains, and regulated wetlands located on-site and within 500 feet of the property boundaries.
 - (f) Based on publicly available data, delineated wetlands expected to be impacted by the extraction operation.
 - (g) Location of proposed extraction operation.
 - (h) Land surface elevations for the property shown by appropriately selected contour intervals.
- (3) Describe the existing land use, site conditions, and the basic scope of the operation.

B. Field Investigations.

- (1) For extraction operations that extend into an aquifer, monitor wells shall be installed near the perimeter of the site and outside of any proposed excavation or construction, subject to the following:
- (a) If more than one aquifer is encountered in the test borings and will be impacted by the extraction operation, separate monitor wells must be screened in each aquifer to determine the vertical head gradient between aquifers, groundwater flow direction, and water quality in each aquifer. Water quality shall be evaluated consistent with the primary drinking water quality standards as promulgated by the United States Environmental Protection Agency. Include monitor well construction logs in the report appendix.
 - (b) A minimum of five (5) monitor wells shall be installed: three to determine the direction of groundwater flow and the fourth and fifth set as a cluster down gradient of the operations area to determine vertical gradient within the aquifer. The requirement for the fifth well may be waived if the aquifer thickness is determined to be less than ten (10) feet.
 - (c) Monitor wells shall be constructed to requirements of the State of Michigan and Central Michigan District Health Department, shall be capable of detecting any significant change in groundwater elevation and quality, and shall be retained for future monitoring.
 - (d) The Township may require additional monitor well locations determined necessary to verify compliance with this Ordinance.
- (2) Based on available public information, existing municipal and residential wells within 1,000 feet of the site shall be inventoried and located on the map. If the number of water supply wells is exceptionally large, then a sufficient number of well logs may be selected to represent each general group of well logs, considering well depths, stratigraphy, and locations.

- (3) For extractions that extend into an aquifer, the Applicant/Owner/ Operator shall determine the hydraulic conductivity, flow direction, and water quality of each aquifer affected within the extraction zone or that is determined by a hydrogeologic study to potentially be affected by the extraction operation.

C. **Base Line Water Quality.**

- (1) **Groundwater - Monitor Wells.** For extractions that extend into an aquifer, all required monitor wells shall be sampled annually and analyzed per established State of Michigan sampling and analysis requirements for primary drinking water quality.

- (a) Testing shall include the following indicator parameters:

- i. static water level elevation.
- ii. groundwater temperature.
- iii. specific conductance.
- iv. ph. I
- v. dissolved oxygen.
- vi. redox potential.
- vii. total dissolved solids (TDS).

- (b) In addition, for each well, determine the concentration of the following groundwater parameters:

- i. chloride.
- ii. sodium.
- iii. calcium.
- iv. sulfate.
- v. bicarbonate.
- vi. magnesium.
- vii. manganese.
- viii. iron.
- ix. potassium.
- x. phosphorus.
- xi. nitrate nitrogen.
- xii. arsenic.
- xiii. mercury.
- xiv. Other chemical elements, compounds or contaminants as determined necessary by the Planning Commission.

- (c) Laboratory testing shall be conducted in conformance with current applicable United States Environmental Protection Agency testing methods, and data shall be compared to the State of Michigan's current criteria for generic residential cleanup and screening.

- (2) **Groundwater - Water Supply Wells.** For extractions that extend into an aquifer, the Applicant/Owner/Operator is encouraged but not required to seek permission from adjacent well owners to monitor groundwater quality from adjacent down gradient municipal and residential wells. Failure to adopt this recommendation shall not be a basis for permit denial.

D. **Data Analysis.**

- (1) Based upon data acquired under the requirements of this Ordinance, prepare a contour map of the water table elevations. Show the site boundaries.
- (2) Analyze the impact of the extraction operation on surface water resources within 500 feet of the extraction operation site. Discuss the difference between the existing and post-construction conditions. Anticipated water-level changes at various distances from the center of the extraction operation should be illustrated and evaluated for potential off-site impacts.
- (3) Prepare maps and cross-sections showing the nature and extent of any hydrogeologic impact(s) (e.g. water-level decline or increase).

E. **Hydrogeologic Analysis, Summary, and Conclusions.** This subsection shall document existing site conditions, identify potential short-term and long-term impacts on the Township water resources during and after the proposed extraction operation, and contain the following elements:

- (1) Description of present land use and the relationship of the site to surrounding properties. Use either the site location or a topographic map, whichever is more appropriate.
- (2) Discussion of the proposed extraction operation and schedule, along with the intended future use of the site. Use a topographic map showing the proposed extent of the extraction operation and different phases, if applicable.
- (3) Presentation of measured water levels as a contour map of the water table that also shows the groundwater flow directions.
- (4) Discussion of groundwater and surface water movement through the area. Use either the site location or a topographic map, whichever is more appropriate.
- (5) Presentation and discussion of data from test borings and any required monitoring wells on cross-sections through the proposed extraction operation area showing land surface elevation, surface water features (if applicable), the proposed extent of any excavation, and other subsurface conditions relevant to the findings and conclusions of the hydrological study.
- (6) Water quality impacts on existing surface-water and groundwater quality.
- (7) Provide a conclusion discussing the expected impact to the water quality and elevations of groundwater (e.g. project water level decline/rise in each aquifer) and surface water bodies on and proximate to the site, considering both short-term and long-term potential impacts.

F. **Additional Hydrogeological Data.** The Township may require additional data related to the site, including, but not limited to, the following:

- (1) **Surface Water Diversions.** Additional investigations may be needed to demonstrate that any proposed diversion of surface water flow will not adversely impact existing surface water bodies or wetlands located on- or off-site through reduced or excessive flows.
- (2) **Groundwater Diversions.** For extraction operations that extend into an aquifer where multiple aquifers are encountered by the test borings, monitor wells must be screened in each aquifer that is expected to be penetrated by an excavation. Measure hydraulic head (water level elevation) in each well to determine vertical

differences in head between aquifers, the direction groundwater will move between aquifers, and to calculate the impacts from lowering the head in one aquifer and raising the head in the other aquifer.

10.2 Environmental Impact Analysis.

The Applicant/Owner/Operator shall prepare an environmental impact analysis addressing the impact the operation will have on the site's natural features, flora, fauna, and adjacent lands; and any mitigation measures necessary to eliminate or minimize these impacts.

- A. This section is intended to provide a detailed and thorough analysis using the assembled data required by this Ordinance, not a restatement of assembled data. The analysis should address how the various data interrelate and how the proposed operation will affect the environment.
- B. Environmental impacts identified in the hydrogeological study, if required for the Extraction Permit application, should be incorporated into this analysis and related to the discussions of other impacts. The hydrogeological support data does not have to be restated, but should be referenced in this analysis.
- C. At a minimum, the analysis shall address the following potential short-term and long-term impacts, including impacts associated with the intended future use of the reclaimed site, and shall include the Applicant/Owner/Operator's planned mitigation measures to minimize the anticipated impacts:
 - (1) Noise, dust, mud, drainage, erosion, and sedimentation.
 - (2) Truck traffic and access to and from the site.
 - (3) Impacts on public road infrastructure.
 - (4) Impacts to residents near the operation and along the haul route.
 - (5) Views of the extraction operation site from adjacent roads and properties.
 - (6) Impacts on watercourses, other bodies of surface water, flood hazard areas, and wetlands.
 - (7) Impacts on special habitats, and endangered flora or fauna.
 - (8) Impacts on known archeological and historical features.
 - (9) Impacts on groundwater supply, level, quality, and flow on site and within 500 feet of the proposed extraction activity.
 - (10) Impacts on air quality within 1,000 feet of the proposed extraction; and
 - (11) Any additional environmental impacts that the Applicant/Owner/Operator or Planning Commission determine to be significant or necessary to verify compliance with this Ordinance.
- D. In addition to the above items, the analysis shall address the following details:
 - (1) Inventory the physical environmental elements of the proposed site, with descriptions of the environment as it exists prior to commencement of extraction operations, and as projected after completion of reclamation.
 - (2) Identify whether the proposed activity is located within 1,000 feet of a residence, 2,000 feet of a school or 500 feet of a commercial development, and address compatibility of the extraction operation with these and other adjacent land uses.

Section 11. Mining Plan

The following minimum requirements shall apply to the mining plan required by this Ordinance:

- 11.1 **Plan Preparation, Content, and Detail.** The mining plan shall be prepared by a certified professional geologist, or registered professional engineer and shall illustrate the pattern, direction and phasing of earth moving, extraction, land shaping, and reclamation activities. The plan shall be of sufficient detail so it can be used to assess the performance of the mine operation during any site inspection. The mining plan shall be reviewed annually by the Township and the permit holder and updated, if necessary.
- 11.2 **Topographical Map.** Applicant/Owner/Operator shall prepare a topographical map at a standard engineer's scale not to exceed one-inch equals two hundred feet (1" = 200'), which depicts the following information:
- A. Site boundary lines, and setback lines as required under this Ordinance.
 - B. Location, elevation, and area of any proposed processing plant.
 - C. Location, size, and elevation of all structures and facilities.
 - D. Location of outdoor storage areas including materials extracted from the site.
 - E. Location and size of sediment ponds, drainage diversions, and discharge points.
 - F. Location of fences and gates.
 - G. Parking location and number of spaces for employees, invitees, and equipment stored on site.
 - H. Location of equipment, chemical, oil, and fuel storage areas.
 - I. Planned public roadway modifications needed to accommodate the extraction operation and haul route, including but not limited to paving, drainage, lane widening, and intersection improvements.
 - J. Location and description of any potable water supply for human consumption and any sewage disposal system for human waste.
- 11.3 **Screening Plan.** The Applicant/Owner/Operator shall prepare one (1) or more maps with a scale not to exceed one-inch equals two hundred feet (1" = 200') that depict the following information:
- A. A plan for sound and visual screening of the site, with heights and locations of required berms with topographic contours at a two (2) foot contour interval; grass seed mix and application rate; fertilizer mix and application rate; species, size, location, and quantity of any required tree plantings; any existing topography, woodlands or other existing vegetation proposed to serve as part of the required screening; and installation and maintenance details.
 - B. Example detail drawings of the berm, and any tree planting arrangements as required per Section 15, shall be provided at a scale not to exceed one-inch equals fifty feet (1" = 50').
- 11.4 **Nature of Operations.** Describe the nature and type(s) of the following site activities:
- A. Methods of excavating, including excavation equipment.
 - B. Methods of transporting material from mine site to processing plant, including earth handling equipment to be used on-site.
 - C. Types of processing activities, such as screening, washing, crushing, etc.
 - D. Estimated quantity, use, and disposal of fines.
 - E. Estimated number and size of settling ponds.
 - F. Estimated annual production.
 - G. Estimated type, size, and number of aggregate hauling trucks leaving the site daily, during peak season, and annually.
 - H. Other incidental activities proposed on the site accessory to the operation.

- I. Road track out control plan to alleviate mud, soils, dust, and other materials from the undercarriage and wheels of vehicles resulting from the mining operation, which may include sweeping; paving; spraying the under carriage, wheels, and wheel wells; or other best management practices. The plan shall include proposed management practices on both access roads and public roads, beyond normal maintenance conducted by the road authority with jurisdiction.
- J. Dust control plan to alleviate dust resulting from mining operations, which may include sweeping, paving, spraying water, windbreaks, strategic placement of stockpiles, or other best management practices. The plan shall include proposed management practices on both access roads and public roads, beyond normal maintenance conducted by the road authority with jurisdiction.
- K. Haul route map delineating the haul route to be used for the proposed operation.
- L. Noise control plan prepared by a qualified professional estimating the noise levels at the property boundaries containing the extraction operation and at successive stages of the operation, and proposed mitigation measures to be implemented.
- M. Erosion control plan which provides a complete description of all the soil erosion measures, including but not limited to silt fences, vegetation screens, sediment basins, and settling ponds; location of control measures on bare surfaces and steep slopes; and a schedule for installation and maintenance.
- N. Pollution prevention plan containing a complete description of proposed pollution prevention methods based on applicable national, state, and county standards.
- O. Complaint processing plan, which describes the procedures by which complaints about the operation or off-site transportation will be received and resolved.
- P. Wetland removal plan, identifying the total amount of regulated wetlands to be impacted by the operation and all required wetland mitigation measures.
- Q. If the proposed extraction activity includes beneficiation or treatment of extracted material, the application documents shall include specific plans depicting the methods, techniques, and manufacturer's material safety data sheets on all chemicals or other additives utilized in the process. The operator shall also obtain all applicable state and federal permits for the beneficiation process.
- R. Submit a lighting plan showing the location and details of exterior lighting on the site, which shall also conform to applicable Township Zoning Ordinance standards.

11.5 **Ten Year Extraction Plan.** The Applicant/Owner/Operator shall submit a 10-year extraction plan that describes and graphically illustrates both the overall extraction operation and the anticipated timing for each progressive cell-unit of the operation, which shall include the following minimum required information:

- A. Method and direction of extraction.
- B. Surface overburden stripping and stockpiling plans.
- C. Depth of excavation and anticipated final grade level over the entire site from which the material will be removed.
- D. Conceptual locations of buildings, equipment, stockpiles, roads, or other features necessary to the extraction activity.
- E. Provisions for buffer areas and screening.
- F. Minimum setback distances as required by this Ordinance.

- G. For each cell or group of cells, provide the verifiable conditions which must exist before excavation of a successive cell or group of cells may commence.
- H. Location and acreage of areas presently being mined, and the amount of material being extracted, if applicable.
- I. Location and acreage of areas not presently being mined but planned for that purpose and the amount of material planned to be mined.
- J. An estimated schedule indicating when the extraction activity will begin in each area and the probable termination date of extraction activities in each area.

11.6 **Wetlands; Avoidance of Loss and Mitigation Documentation.** In all cases where wetlands regulated by the State of Michigan would be impacted by the proposed extraction operation, the Applicant/Owner/Operator shall pursue all prudent efforts to avoid or mitigate wetland loss. Documentation of compliance with state requirements for wetland protection and mitigation shall be provided to the Township as part of any Extraction Permit application.

Section 12. Reclamation Plan

Reclamation plans shall include the following minimum required information:

- 12.1 **General Plan Requirements.** Describe and graphically illustrate the progressive cell-unit reclamation plan, for both the total extraction operation and each cell-unit, including all of the following points:
- A. Provisions for grading, re-vegetation, and stabilization that will minimize soil erosion, sedimentation, and public safety problems.
 - B. Location of buildings, equipment, stockpiles, roads, or other features necessary to the extraction activity and provisions for their redeployment or removal and restoration of the area at extraction operation termination.
 - C. The interim use or uses of reclaimed cell-units before the cessation of the entire extraction operation.
 - D. Interim reclamation if site is to become temporarily inactive (e.g., for the next season or more) at the end of a regular season.
 - E. For each cell or group of cells, provide the verifiable conditions that require reclamation of a cell or group of cells to commence and to be completed.
- 12.2 **Upland Slope; Final Requirements.** All upland reclamation grades for extraction operations shall have a slope not steeper than one (1) foot vertical rise in a four (4) foot horizontal plane, except that the Planning Commission may approve plans that allow steeper reclaimed slopes in order to provide a smoother transition to undisturbed topographic features or the protection of existing environmental features.
- 12.3 **Submerged Slope; Final Requirements.** All final submerged slopes established by the excavation of material below the water table and the creation of a water body shall not exceed a maximum of one (1) foot vertical rise in a ten (10) foot horizontal plane down to a depth of ten (10) feet as measured from the low water elevation.
- 12.4 **Surface Water; Final Requirements.** Diverted or channeled runoff resulting from reclamation shall not materially adversely affect neighboring properties. Site reclamation shall be conducted and completed in a manner that assures compliance with State of Michigan water quality standards for surface waters.

- 12.5 **Groundwater; Final Requirements.** The site shall be reclaimed in a manner that does not cause a permanent lowering of the water table, adverse impacts on surface waters, degradation of groundwater quality or a reduction in the quantity of groundwater reasonably available for future users.
- 12.6 **Future Land Use and Conceptual Development Plan.** The Applicant/Owner/Operator shall be required to provide, as a part of the reclamation plan, a future land use and conceptual development plan subject to the following minimum requirements:
- A. The plan shall demonstrate that the reclaimed site can be effectively and efficiently used in a manner consistent with the adopted Township Master Plan and Zoning Ordinance in effect at the time of the application.
 - B. Where the planned future land use is for agricultural purposes or a conservation area, nature preserve or similar use, the plan may consist of a written narrative addressing how the reclaimed site is anticipated to be used for these purposes.
 - C. For all other planned future residential and non-residential land uses, the Applicant/Owner/Operator shall prepare a conceptual plan drawn to a standard engineer's scale that describes a potential future land use and adequately illustrates consistency with the Township's site development standards in effect at the time of the application.

Section 13. Specific Operating Conditions and Regulations

All extraction operations shall comply with the following operating conditions and regulations:

- 13.1 **Setback.** No excavation, washing, stockpiling of extracted material or other extraction activity of any sort shall be conducted closer than 200 feet from the closest boundary of any road right-of-way to the site, 500 feet from any existing residence, and 200 feet from any other lot boundary.
- A. The setback area shall not be used for extraction purposes, stockpiling or any other use related to the extraction operation except access roads and public notice signs identifying the use as an extraction operation.
 - B. Incidental re-grading shall be allowed within the required setback areas during reclamation activities to blend the existing and reclaimed topography and provide for future use of the land consistent with approved Permit plans.
 - C. Screening shall be provided in the setback area per Section 15 of this Ordinance, and as otherwise required by the Planning Commission as a condition of Permit approval or renewal.
 - D. Before commencement of extraction operations on the site, four-inch square (4" x 4") white painted posts, a minimum of five (5) feet in height above grade, shall be placed no more than 300 feet apart along the designated setback lines around the site. The posts shall be placed at intervals so that from the location of any post two (2) additional posts are clearly visible.
- 13.2 **Fencing.** Before the commencement of any extraction operations, a hinge-joint, woven-wire, 10/47/6 standard farm fence shall be erected around the perimeter of the extraction area and maintained in good condition until excavation and extraction operations have been completed. A lockable gate shall be provided at all access points from the public road to the extraction

operation, which shall be closed and locked at all times except during the permitted hours of operation.

13.3 Hours of Operation.

- A. **Extraction Operations.** Extraction and processing operations shall be permitted only between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday, and between 7:00 a.m. and 12:00 p.m. on Saturday. In no event shall any noise related to the extraction operation emanate off the site prior to 7:00 a.m., including the warming of engines, except in case of emergency.
- B. **Transporting.** No transporting of aggregates or any materials from the site shall be permitted prior to 7:00 a.m. and after 5:00 p.m. Monday through Friday, and prior to 7:00 a.m. and after 12:00 p.m. on Saturday.
- C. **Repair of Equipment.** Repair of equipment on-site shall be permitted as allowed under the terms of this Ordinance. In no event shall any noise related to repair of equipment emanate off the site prior to 7:00 a.m., except in case of emergency.
- D. **Sunday Operations.** There shall be no extraction operations or transporting of aggregates permitted on Saturdays after 12:00 p.m., on Sundays, and on the official holidays of New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas.
- E. **Emergency Hours.** The Township Planner shall be authorized to grant limited permission for emergency hours of operation for up to a maximum of 30 calendar days upon written request from the Applicant/Owner/Operator with good cause shown. Any extension of time or request for longer than 30 calendar days shall be subject to Planning Commission authorization.

13.4 **Noise.** The noise generated by the operation shall conform to the requirements of the Township's Anti-Noise and Anti-Nuisance Ordinance No. 1991-10 or any successor thereto, and extraction operation vehicles, equipment, and transport trucks shall be equipped with back-up alarm technology that uses radar, white noise, strobe light or other means consistent with applicable safety laws to reduce the adverse noise impacts from back-up alarms on neighboring residents.

13.5 **Odors, Smoke, Fumes, Dust, and other Air Pollution.** Any odors, smoke, fumes, or dust generated on said site by any digging, excavating, loading or processing operation and borne or apt to be borne by the wind shall be confined so as not to cause a nuisance or hazard on any adjoining property or public road.

13.6 **Stormwater Discharge.** No stormwater discharge shall be allowed off-site without permit and approval from the State of Michigan. A copy of all permits and approvals for offsite discharges shall be submitted to the Township Planner at the time permits and approvals are received from the State of Michigan. Additionally, a copy of the permit application shall be submitted to the Township Planner at the time of the application.

13.7 **Pollution of Waters.** The removing of materials shall not cause pollution of any surface water body or groundwater.

13.8 **Natural Drainage and Groundwater Recharge.** Extraction operations and related activities shall not materially adversely affect the natural drainage of the other properties in the area nor materially adversely affect any pre-existing groundwater recharge area or filtering mechanisms of wetlands in the area or on the extraction site.

- 13.9 **Permanent De-watering Prohibited In Extraction Operations.** Mining methods shall not require permanent de-watering of the site. If temporary de-watering of an extraction site is proposed as part of a new or amended Extraction Permit application, the Applicant/Owner/Operator shall be responsible for submitting a detailed drawdown analysis or other sufficient documentation as part of the application to document potential impacts from the temporary de-watering activity.
- 13.10 **Elevation of Plant Site.** Any processing plant shall be located within the excavation area, at a point lower than the general level of the surrounding terrain, to reduce the visual and noise impact of such plant.
- 13.11 **Stockpiles.** Stockpiles of stripped topsoil and/or overburden shall be seeded with grass or other ground cover materials to prevent erosion. Other stockpiles shall be arranged on the site, limited in height, and treat as necessary to prevent off-site impacts from dust, sand, and other wind-blown materials.
- 13.12 **Signs.** The Planning Commission may require the posting of “Keep Out - Danger” or similar signs at designated locations or intervals along the perimeter fence.
- 13.13 **Extraction Into Aquifer.** Extraction into an aquifer is prohibited unless specifically provided for in the Permit and then only to the maximum depth authorized.
- 13.14 **Blasting.** No blasting shall be allowed at any time under any Extraction Permit.
- 13.15 **Importation of Fill Materials.** The Applicant/Owner/Operator may import clean fill into an extraction operation area to be used for reclamation of the site in accordance with the Extraction Permit, including establishment of safe topographic and drainage conditions appropriate to the intended future use of the land. Importation of fill material shall be subject to the following additional requirements:
- A. All such clean fill shall be free of contaminants which exceed the residential criteria as established under Part 201 of NREPA and shall not contain regulated concentrations of hazardous materials or substances; and shall not contain rubbish, trash, construction debris, scrap wood, brush or mulched vegetation, broken or milled asphalt, broken or crushed concrete, or similar materials provided that de minimis amounts of broken or milled asphalt, broken or crushed concrete, scrap wood, brush or mulched vegetation shall be allowed. Whether such amounts are de minimis in nature shall be evaluated on the basis of a casual visual inspection by the naked eye and in comparison to the amount of fill imported over the course of the calendar year.
 - B. The Applicant/Owner/Operator of an extraction operation shall not import fill to the Extraction Operation from locations of known or suspected contamination without first demonstrating that the import fill does not contain hazardous substances which exceed the residential criteria under Part 201 of NREPA.
 - C. The Applicant/Owner/Operator of an extraction operation shall test for contamination when they have a reasonable basis to believe contamination exists utilizing the standards for the relocation of contaminated soils under MCL 324.20120c. The testing shall include testing for volatile organic compounds and shall utilize EPA standard 8260.

- D. The Applicant/Owner/Operator of an extraction operation shall maintain a record of sources and tests for all imported fill, which shall be presented to the Township for inspection upon request.
- E. In the event that fill used on the extraction operation site is determined to violate this Ordinance, the Applicant/Owner/Operator of an extraction operation shall promptly remove the material from the extraction operation site and dispose of it properly and in accordance with all Federal, State and Local laws and if applicable, dispose of it at a licensed landfill. If contaminated soils or other material are removed from the property, a report shall be prepared to document the corrective actions taken, the character and extent of removed materials, the site conditions following completion of the corrective actions, and any testing results for the materials and site. The Applicant/Owner/Operator of an extraction operation shall submit the report to the Township Planner within 90 calendar days following removal of the material.

Section 14. Ingress-Egress Requirements

All extraction operations shall conform to the following minimum ingress-egress requirements:

- 14.1 **Road Access Limitations.** All access for the extraction operation, including the approved haul route, shall be limited to public roads or access drives with lawful access to a public road, subject to the state or county road authority with jurisdiction. If a road use or maintenance agreement is required by the road authority to provide for increased public road maintenance and dust control services necessary to mitigate extraction operation impacts, the Applicant/Owner/Operator shall provide a copy of the executed agreement to the Township Planner for the Township’s records.
- 14.2 **Primary and Secondary Internal Access Drives.** Each extraction operation shall be limited to one (1) primary access point and access drive from the public road for haul operations, subject to the following:
 - A. Confirmation of approval from the state or county road authority with jurisdiction, if required.
 - B. The Applicant/Owner/Operator shall be responsible for maintaining and treating the access road from the edge of the roadway a minimum of 300 feet into the site for dust control necessary to mitigate extraction operation impacts.
 - C. A secondary access point and access drive shall be allowed with approvals from the Planning Commission and, if required, the state or county road authority with jurisdiction, and provided that it shall not be utilized for haul operations except in case of a temporary blockage or emergency involving the primary access point and access drive.
- 14.3 **Spillage.** The Applicant/Owner/Operator shall clean all spillage and trackage of material, dirt, rock, mud or any other debris onto any public roads in the Township by trucks coming to or from the site or by any other equipment. Cleaning shall occur promptly after the spillage or trackage of the material has occurred.
- 14.4 **Haul Route.** The specific haul route(s) for all vehicles carrying materials to or from the site shall be approved by the Planning Commission, subject to acceptance by the state or county road authorities with jurisdiction. The Applicant/Owner/Operator shall be responsible for posting

appropriate signage on the extraction operation site and at the exit point for the site specifying the approved haul route(s) to be used by all vehicles carrying materials to or from the site.

Section 15. Screening Requirements

All extraction operations shall conform to the following minimum screening requirements:

- 15.1 **Berm Required.** Prior to the commencement of any extraction operations under any Extraction Permit the Applicant/Owner/Operator shall have completed construction of a berm in accordance with the requirements of this Section, the approved Permit plans, and any conditions of Permit approval.
- A. The berm shall extend around those areas of the site where adjacent lots and road rights-of-way are exposed to the views and noise of the extraction operation, and as otherwise required by the Planning Commission as a condition of Permit approval or renewal to protect the health, welfare, and safety of surrounding property owners and the residents of the Township.
 - B. The berm shall not exceed a maximum side slope of four (4) feet horizontal to one (1) foot vertical. The berms shall not be uniform in shape and, to the extent reasonably practicable, shall be blended into the natural landscape.
 - C. Each berm shall be constructed so as to prevent surface water running off the berm onto any property adjacent to the site, and shall not alter or materially adversely impact pre-existing natural surface water runoff patterns in the area.
 - D. The berm shall be seeded with hardy groundcover plantings suitable to prevent erosion and maintained in a manner consistent with approved Permit plans.
 - E. The Planning Commission may allow existing vegetation or existing topography within the setback areas required by this Ordinance to be used to satisfy all or part of the screening requirements of this Ordinance in place of a berm upon determination that the existing vegetation is of sufficient depth, density, and health to provide year-round screening benefits and to protect the health, welfare, and safety of surrounding property owners and the residents of the Township.
- 15.2 **Unexcavated Areas.** Unexcavated areas shall be left in such a condition so as to ensure growth of vegetation, soil stabilization and erosion control.
- 15.3 **Additional Screening.** Upon determination that additional visual screening is necessary for specific areas of the site to adequately protect the health, welfare, and safety of surrounding property owners and the residents of the Township, the Planning Commission shall require the outside slope of the berm or other areas within the setbacks required by this Ordinance to be densely planted with a mix of large deciduous and evergreen trees to create an effective visual screen, and maintained in a manner consistent with approved Permit plans and the following:
- A. The size and species of any required tree plantings shall be consistent with the landscape tree standards of the Township Zoning Ordinance.
 - B. Required tree plantings shall be of sufficient size and quantity to assure effective screening as soon as disturbed areas of the site are visible from the surrounding lots or road rights-of-way, as determined by the Planning Commission after recommendation from the Township Planner.

- 15.4 **Permit Plan Details.** The location of the berm shall be noted on the Permit plans, along with representative elevation cross-section(s), topographic plan view(s) at two (2) foot contour intervals, and grading/drainage plans for the berm construction. Individual trees, groundcovers, and other plant materials shall be specified on the Permit plans by location, quantity, species, and size at planting. Plant material installation details and a maintenance plan shall also be provided on the Permit plans.
- 15.5 **Timing of Required Screening Improvements.** Prior to the commencement of any extraction operations under any Extraction Permit, the Applicant/Owner/Operator shall have completed construction of a berm and seeded to prevent erosion around those areas of the site where adjacent properties are exposed to the views and noise of the extraction operation in accordance with approved Permit plans.
- A. All other screening and landscaping improvements shall be completed within 90 calendar days of Permit approval, unless the Planning Commission accepts an alternative date as part of a Permit approval or renewal.
 - B. The Planning Commission may require submittal of a financial guarantee to cover the cost of completing required landscaping improvements and plantings by the specified date. Release of any required financial guarantee shall be subject to prior inspection and confirmation by the Township Planner, Ordinance Enforcement Official or designated Township consultant that the berm and associated plantings conform to Permit plans and Ordinance requirements.
- 15.6 **Maintenance and Replacement.** Failure to maintain required screening improvements, including the removal and replacement of dead or diseased plant materials, shall be a violation of this Ordinance.

Section 16. Variances

The Township Board shall have the power to vary or modify the application of the provisions of this Ordinance in accordance with the following:

- 16.1 Any Applicant/Owner/Operator may apply for a variance from any provision of this Ordinance by filing an application for variance with the Township, together with any fee established by resolution of the Township Board of Trustees.
- 16.2 Before taking action on any application for a variance, the Township Board shall hold a public hearing upon such application, at which time the Applicant/Owner/Operator shall be provided an opportunity to address the Board, produce witnesses, and submit exhibits or other relevant materials. The Township Planner and any designated Township consultants shall be provided a like opportunity. This initial hearing shall take place as soon as reasonably practical but in all cases shall occur within 95 days of the Township's receipt of a variance application. The notices shall include the time, date, place, and purpose of the hearing.
- A. At least 15 calendar days prior to the hearing, notices shall be sent by mail or personal delivery to the appellant, posted at the Township Hall, published once in the Township's newspaper of record, and placed on the Township website.
 - B. A copy of the notice shall also be sent by mail or personal delivery to the owners of all property within 1,000 feet of the subject property. Any party may appear and comment at the hearing in person or by agent or attorney.
 - C. The notices shall include the time, date, place, and purpose of the hearing.

- 16.3 A variance shall not be granted unless the Township Board first determines that the intent and purpose of this Ordinance shall be observed, public health and safety secured, and substantial justice can be done for the Applicant/Owner/Operator and for affected off-site residents and property owners.
- 16.4 The Township Board may attach reasonable conditions in granting a variance from any provision of this Ordinance. Failure to comply with an approved variance or conditions of approval shall be considered a violation of this Ordinance.

Section 17. Appeals

Any person aggrieved by a Planning Commission decision under provisions of this Ordinance may appeal that decision to the Township Board of Trustees in accordance with the following:

- 17.1 The appeal shall be in writing, dated and signed by the appellant. The appeal shall include a copy of the written decision, if any, copy of the meeting minutes in which the decision appears, the “date of decision,” and the grounds upon which the appeal is brought.
- 17.2 The appeal, together with any fee established by Township Board resolution, shall be filed with the Township within 30 calendar days of the “date of decision,” which is the Planning Commission meeting date at which the minutes of the prior meeting where the decision was made are approved by the Planning Commission.
- 17.3 Before taking action on any appeal, the Township Board shall hold a public hearing on the request, at which time the Applicant/Owner/Operator shall be provided an opportunity to address the Board, produce witnesses, and submit exhibits or other relevant materials. This initial hearing shall take place as soon as reasonably practical but in all cases shall occur within 95 days of the Township’s receipt of an appeal. The Planning Commission or its representative shall be provided a like opportunity.
- A. At least 15 calendar days prior to the hearing, notices shall be sent by mail or personal delivery to the appellant, posted at the Township Hall, published once in the Township’s newspaper of record, and placed on the Township website.
- B. A copy of the notice shall also be sent by mail or personal delivery to the owners of all property within 1,000 feet of the subject property. Any party may appear and comment at the hearing in person or by agent or attorney.
- C. The notices shall include the time, date, place, and purpose of the hearing.
- 17.4 The decision of the Township Board shall be in writing and state the facts, analysis, and law upon which the decision is based.
- 17.5 The decision of the Township Board may be appealed to the Isabella County Circuit Court within 30 calendar days of the “date of decision,” which is the Township Board meeting date at which the minutes of the prior meeting where the decision was made are approved by the Township Board.

Section 18. Inspections

The Township, at the expense of the Applicant/Owner/Operator paid from the escrow account, may conduct such inspections and cause or perform such tests as are reasonable to ensure that activities conducted on the site comply with this Ordinance and other Township ordinances.

- 18.1 **Annual Inspection.** The Planning Commission may set an annual inspection date for the site. The Planning Commission shall provide the Applicant/Owner/Operator notice of an annual inspection at least 14 calendar days before the annual inspection.
- A. Representatives from the Township may include but shall not be limited to the Township Planner, Ordinance Enforcement Official, other Township consultants, and members of the Planning Commission. A representative of the Applicant/Owner/Operator shall accompany the Township representatives.
 - B. The Township may take photographs of the site to establish a historic record of activities and changes on the site. The photographs shall be submitted to the Planning Commission along with a copy to the Applicant/Owner/Operator. A record shall be kept of the date of the photography and the name of the person taking the photographs.
- 18.2 **Access to Site; Other Inspections.** The Township Planner, Ordinance Enforcement Official, other Township consultants, and the Planning Commission shall have the reasonable right to enter the subject property, upon notification to the Applicant/Owner/Operator, to conduct necessary inspections while reviewing an Extraction Permit application. The Township Planner and Ordinance Enforcement Official shall also have the right to conduct the necessary periodic inspections to investigate possible violations of this Ordinance. Refusal to permit entry shall be a violation of this Ordinance.
- 18.3 **Inspection Deficiencies; Corrective Action.** Upon written notification from the Township Planner or Ordinance Enforcement Official of extraction operation or site deficiencies identified during an inspection and determined by the Township to be minor in character, the Applicant/Owner/Operator shall take action within 15 calendar days to resolve the deficiency. Major deficiencies, as determined by the Township Planner, shall be resolved by the Applicant/Owner/Operator within 30 calendar days. Failure to resolve such deficiencies within the required time period shall be a violation of this Ordinance.

Section 19. Annual Report

Each year, at least 30 calendar days before the March meeting of the Planning Commission, the Applicant/Owner/Operator of an extraction operation subject to the requirements of this Ordinance shall prepare and submit an Annual Report to the Township for Planning Commission review. The Report shall be subject to the following requirements:

- 19.1 **Information.** The Report shall include the following minimum required information:
- A. Description of reclamation activities undertaken during the year.
 - B. Description of landscaping activities undertaken during the year.
 - C. Total acres of disturbed land (not restored) from one annual inspection date to the next, including processing plant area, un-seeded berms and slopes, un-reclaimed areas, un-reclaimed shorelines, areas stripped of topsoil, and water areas where active extraction is occurring.
 - (1) Total acres of wetlands removed during the year.

- (2) Total acres of wetlands removed since operations commenced at the site.
- D. Total acres of land reclaimed during the year, include amount and types of reclaimed land (e.g., acres of open water, acres of uplands, etc.) and total acres reclaimed since operations began at site.
 - (1) Total acres of wetlands reclaimed during the year.
 - (2) Total acres of wetlands reclaimed since operations commenced at the site.
- E. Where the operation includes extraction into an aquifer, the Applicant/Owner/Operator shall provide results of the following water quality test:
 - (1) The Applicant/Owner/Operator shall, in the presence of the Township's engineering consultant or other designated expert, collect and split with the Township's consultant surface and groundwater samples.
 - (2) The Applicant/Owner/Operator shall have an analysis of the samples performed at a state-certified water quality laboratory. Tests shall be performed on water supply and monitor wells in accordance with standards and parameters established or applicable under state law or if no applicable state law standard is appropriate, jointly established by the Township's engineering consultant or other designated expert and the Applicant/Owner/Operator's expert, taking into consideration the type and level of extractive activities which have and/or which will occur on the site. In the event the experts disagree, then the Township's engineering consultant or other designated expert shall make the determination.
 - (3) At a minimum, monitor wells shall be sampled and analyzed annually for the indicator parameters and biannually for the full list of chemical parameters identified in Subsection 10.1.C.(1), and compared to the State of Michigan's generic residential cleanup criteria, as well as baseline water quality data for the site, if available.
 - (4) At the option of the Township, annual residential and public water supply well sampling shall commence at a time based on consideration of groundwater flow rate, direction, and distance from the site boundaries. Water supply wells shall be sampled and analyzed for the parameters identified established or applicable under state law or if no applicable state law standard is appropriate, for baseline water quality data.
 - (5) The Township, at the expense of the Applicant/Owner/Operator, may require additional testing frequency and/or analyses for additional parameters to better assess any potential water quality or quantity risks or concerns. The Township, at the expense of the Applicant/Owner/Operator, may also cause random tests to be performed on the split samples.
- F. Statement of planned extraction and reclamation activities for the next year.
- G. Statement regarding conformance to the approved extraction operations and reclamation plans and compliance with applicable federal and state regulations, including but not limited to the volume of material excavated and removed from the site, the volume of restoration material stockpiled on site, and the sufficiency of the stockpiled material to restore the then excavated site pursuant to the approved reclamation plan.
- H. Description of any complaints received during the prior calendar year and procedures used to resolve the complaints.

- I. A list of all equipment that is located on and used at the site, whether temporary or permanent.
 - J. For sites with documented extraction activity during the reporting period, updated aerial photograph(s) of the entire site shall be provided at a scale not to exceed one (1) inch equals 200 feet, taken after extraction operations for the year have ceased and prior to the date of the Annual Report required under this Ordinance. Upon request by the Township Planner or designed Township engineering consultant to verify compliance with Permit plans or requirements of this Ordinance, the Planning Commission may require the submission of an updated topographic map overlay on an orthorectified photograph.
 - K. Written evidence that the financial guaranties and liability insurance required pursuant to the Ordinance are in full force for a period of not less than 365 calendar days from the date of the Annual Report.
 - L. Copies of all applicable permits and reports required by other governmental agencies with jurisdiction.
- 19.2 **Professional Evaluation.** The Township Planner shall review the Annual Report and may, at the expense of the Applicant/Owner/Operator to be paid from the escrow account, request that designated Township consultants evaluate the Report, water quality data, financial guarantees, and/or site operations for compliance with this Ordinance, the approved Permit, and conditions of approval.
- 19.3 **Meeting(s) and Supplemental Information.** Following receipt of the Annual Report, the Planning Commission may require supplemental reports, presentations, or meetings with the Applicant/Owner/Operator to review the Annual Report and to discuss any existing or anticipated issues associated with the extraction operation.

Section 20. Financial Guarantees

To ensure compliance with this Ordinance, the approved Permit, and any conditions of Permit approval or renewal, and to ensure that the quality of water and operation of existing wells are not adversely affected by the activities conducted on the site, the Applicant/Owner/Operator shall furnish financial guarantees to the Township prior to the commencement or continuation of the extraction operation in accordance with the following requirements:

- 20.1 **Performance Guarantee.** The Applicant/Owner/Operator shall submit to the Township Planner a detailed cost estimate and scope of work for a licensed contractor, who is independent of and not affiliated with Applicant/Owner/Operator, to complete all required reclamation work to fully reclaim and restore the extraction site consistent with the approved Permit plans and this Ordinance. The Township Planner and/or any designated Township engineering consultant shall review the estimate and make recommendations to the Planning Commission, which may include a revised or separate estimate. The Planning Commission shall set the performance guarantee in such amount as is sufficient to complete all required reclamation work to fully reclaim and restore the extraction site consistent with the approved Permit plans and this Ordinance. When setting the performance guarantee, the Planning Commission shall take into account whether Applicant/Owner/Operator proposes a phased mining plan and the following:
- A. The maximum performance guarantee for an active extraction operation shall not exceed 110% of the estimated reclamation cost per acre, based on the total acres of disturbed land (not restored) on the extraction site.

- B. The maximum performance guarantee for a new extraction operation shall not exceed 110% of the estimated reclamation costs per acre, based on the mining plan and the total acres of land on the extraction site that are anticipated to be disturbed during the first two (2) full calendar years of operation following approval of an initial Extraction Permit.
- C. Where one (1) Applicant/Owner/Operator controls two (2) or more separate extraction operations, the Planning Commission may accept one (1) unified financial guarantee that meets the cumulative requirements of this Section.
- D. The guarantee amount associated with each approved Permit may be revised from time to time, but no more frequently than once during any twelve (12) month period, to reflect the amount necessary to cover the contingencies. Notwithstanding the foregoing, the performance guarantee amount may be revised again during this period in the event that Applicant/Owner/Operator fails to comply with the terms of its phased mining plan.

20.2 **Guarantee of Wells.** When the operation includes extraction into an aquifer, the Applicant/Owner/Operator shall submit to the Township Planner a detailed cost estimate and scope of work for a licensed contractor to replace all wells identified in the Permit plans or by the Township as likely to be affected by the operation. The Township Planner and/or any designated Township engineering consultant shall review the estimate and make recommendations to the Planning Commission, which may include a revised or separate estimate. The performance guarantee amount shall be set by the Planning Commission.

20.3 **Form.** Guarantees shall be in the form of a letter of credit, surety bond payable to the Charter Township of Union executed by the Applicant/Owner/Operator and a reputable surety company, or another financial assurance guaranty acceptable to the Township. The letter of credit or surety bond must be issued by a corporate surety licensed to do business in the State of Michigan and rated AAA, as provided by the current AM Best’s Key Rating Guide.

- A. The Charter Township of Union shall be named as obligee and the guarantees must be sufficient in amount and scope to allow the Township to call in and use the guarantee to complete the obligatory work covered by the guarantee in the event the Applicant/Owner/Operator fails to do so as required by this Ordinance and any approved Permit.
- B. The letter of credit or surety bond must be renewed at least 60 calendar days prior to its expiration. In the event the guarantee is not renewed within 60 calendar days of its expiration, the Township may make a demand on all or some of the guarantee.
- C. If a guarantee lapses, all excavation activities on the site shall immediately cease and full reclamation shall be commenced.

Section 21. Indemnity Insurance

The Applicant/Owner/Operator shall secure and maintain a specific liability insurance policy issued by an insurer rated AAA, as provided by the current AM Best’s Key Rating Guide, and adequate in amount and scope to cover anticipated property damage and bodily injury claims associated with the extraction operation, which shall be subject to the following additional requirements:

21.1 The amount of the liability insurance shall be not less than one million dollars (\$1,000,000.00) per incident for all liability claims arising out of the site.

- 21.2 The Applicant/Owner/Operator shall provide a copy of this policy to the Township Planner prior to the start of any extraction operations on the site, and shall provide a minimum of 30 calendar days written notice before any policy change or cancellation.
- 21.3 Failure of the Applicant/Owner/Operator or any persons, firm or corporation named in the policy to maintain the insurance shall be considered a violation of this Ordinance.

Section 22. Violations, Penalties, and Permit Revocation

Any person, firm, corporation, or agent, or any employee, contractor, or subcontractor of same, who fails to comply with any of the provisions of this Ordinance, an approved Extraction Permit or any conditions of Permit approval, or who impedes or interferes with the enforcement of this Ordinance shall be deemed in violation of this Ordinance and shall be subject to the following:

- 22.1 **Public Nuisance.** Extraction operations carried on in violation of any provision of this Ordinance are hereby declared to be a nuisance per se and shall be subject to abatement or other action by a court of appropriate jurisdiction.
- 22.2 **Violators.** Each applicant, owner, operator or other person who commits, participates in, assists in, or maintains any violation of the Ordinance may be held responsible for a separate offense and may be subject to the penalties provided in this Section. The cost of prosecution shall also be assessed against each violator. The imposition of any penalty shall not exempt the offense from compliance with the requirement of this Ordinance.
- 22.3 **Municipal Civil Infraction.** Any person who violates or permits the violation of this Ordinance shall be responsible for a municipal civil infraction and shall be subject to a fine not to exceed the limits specified in the Township's Municipal Ordinance Violation Bureau Ordinance. Proceedings for the municipal civil infraction shall proceed as provided in that ordinance.
- A. The imposition of a municipal civil infraction fine for any violation shall not excuse the violation or permit it to continue.
- B. A person who violates or permits the violation of this Ordinance shall also be subject to additional sanctions, remedies, injunctions, judicial orders, penalties, enforcement costs and expenses as provided for under Chapter 87 of the Revised Judicature Code, being MCL §600.8701, et. seq., as amended, except that violations of this Ordinance shall not be a misdemeanor criminal offense. Each day a violation of this Ordinance continues to exist constitutes a separate violation.
- 22.4 **Other Remedies.** The rights and remedies set forth above shall not preclude the use of other remedies provided by law, including any additional rights of the Township to initiate proceedings in an appropriate court of law to restrain or prevent any noncompliance with any provisions of this Ordinance, or to correct, remedy or abate such non-compliance.
- 22.5 **Rights and Remedies Preserved.** Any failure or omission to enforce provisions of this Ordinance or to prosecute a violation of this Ordinance shall not constitute a waiver of any rights and remedies provided by this Ordinance or by law, and shall not constitute a waiver nor prevent any further prosecution of violations of this Ordinance.
- 22.6 **Permit Revocation.** Failure on the part of the Applicant/Owner/Operator to correct a violation within the time period of a written notice shall also be grounds for the Planning Commission to take action to revoke the Permit in accordance with the following:

- A. Before taking action on any proposed Permit revocation, the Planning Commission shall hold a public hearing, at which time the Applicant/Owner/Operator shall be given an opportunity to present evidence in opposition to revocation.
- B. At least 15 calendar days prior to the hearing, notices shall be sent by mail or personal delivery to the Applicant/Owner/Operator, posted at the Township Hall, and published once in the Township's newspaper of record. The notices shall include the time, date, place, and purpose of the hearing.
- C. A Permit may be revoked by the Planning Commission upon determination that:
 - (1) The extraction operation has not been maintained in compliance with this Ordinance, the approved Permit, Permit plans or any conditions of approval; or
 - (2) A material misrepresentation exists in the application or base documents.
- D. A Permit shall be deemed to have expired when the Permit is determined to be no longer relevant or necessary (such as an extraction operation where mining has concluded, and all land restoration work has been completed in accordance with approved plans).
- E. Subsequent to the hearing, the decision of the Planning Commission with regard to the revocation shall be made and written notification provided to Applicant/Owner/Operator. Any notice of Permit revocation shall be accompanied by a demand that all activities immediately cease, and that reclamation and site restoration be done and completed as provided for in this Ordinance.

Section 23. Definitions

Applicant/Owner/Operator. An owner and/or lessee of mineral rights or any other responsible party engaged in or preparing to engage in extraction activities with respect to mineral rights within an existing or proposed extraction area. The terms "applicant", "owner", and "operator" shall include the tenants, lessees, agents, employees or assigns thereof.

Aquifer. One or more strata of rock or sediment that is saturated and sufficiently permeable to yield economically significant quantities of water to wells or springs.

Base Document(s). A document or set of documents required to be submitted under the applicable requirements of this Ordinance.

Beneficiation. To process (but does not include the drying process) the extracted materials for any of the following purposes: (i) Regulating the grain size of the desired product; (ii) Removing unwanted constituents; and (iii) Improving the quality and purity of the desired product.

Cell-Unit. A subunit of the total extraction project that will be reclaimed during extraction operations in another area.

Commencement Date. The date a permit is signed by the authorized representative(s) of the Planning Commission, or Township Board of Trustees, where applicable.

De-watering. The lowering of groundwater or surface water elevation by discharging water to an off-site location or to another portion of the site.

Engineering Consultant. The person, persons or firm designated by the Township to advise the Township on drainage, grading, paving, storm water management and control utilities, and other related site engineering and civil engineering issues.

Escrow fee. A sum paid to the Township to defray reasonable actual costs and expenses incurred by the Township to review an application and/or administer a permit and includes (but not limited to)

costs for engineering, geologic, hydrologic, land use planning, legal, and other expert assistance and analysis; testing; inspections; publications, mailings; recording fees; and special meetings.

Extraction. The digging, dredging, quarrying, excavation, or other removal of native sand, gravel, soil, or another non-metallic mineral from an extraction operation.

Extraction Area. The area, as depicted on a topographical map, from which earth materials are intended to be removed at an extraction operation.

Extraction Operation. Extraction from the earth of native mineral aggregates or non-metallic minerals for sale or use by the Applicant/Owner/Operator using mining equipment or techniques to remove materials from the in-place non-metallic mineral deposit, as well as associated activities on the non-metallic mining site such as excavation, grading, dredging, processing and stockpiling of the native mineral aggregates or non-metallic minerals obtained from the non-metallic mining site, blending the mineral aggregates or non-metallic minerals, and grading, crushing, screening, and scalping of the mineral aggregates or non-metallic minerals obtained from the non-metallic mining site.

Fixed Costs. Costs incurred by the Township generally shared by all applications as determined time to time by the Township Board of Trustees.

Groundwater. Water below the land surface in a zone of saturation.

Groundwater Elevation. The level to which groundwater will rise naturally in a well and measured in relation to sea level.

Groundwater Recharge. The process involved in the addition of water to the zone of saturation or the amount of water added.

Groundwater Recharge Area. Any area on the ground that facilitates the addition of water to the zone of saturation; generally, it is that portion of the drainage basin where the direction of groundwater flow near the surface is downward (e.g., away from the water table).

Hydrogeologic Study. A document presenting and interpreting a sufficient collection of field data and published data to identify, define, and describe groundwater and surface water (including wetlands) resources, conditions (e.g., location, extent, depth, flow direction, and quality), interactions (e.g., groundwater discharges to surface waters or supports a wetland), and potential impacts on those resources from proposed activities.

Lake. Shall have the same definition as that of an “inland lake or stream” under MCL 324.30101.

Master Plan. The adopted comprehensive future land use and growth management plan for The Township, as adopted in accordance with the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended (MCL 125.3801 et seq.).

Non-Metallic Minerals. A product, commodity or material consisting principally of naturally occurring, organic or inorganic, non-metallic, non-renewable material. Non-metallic minerals include, but are not limited to, stone, sand, gravel, clay, peat, and topsoil.

Operator. See “Applicant/Owner/Operator.”

Ordinance Enforcement Official. The Director of the Township’s Community and Economic Development Department and any person, persons or firm as delegated by the Director to have responsibility for investigation of violations and enforcement of this Ordinance.

Overburden. Earth materials situated below the layer of topsoil and above the mineral deposit to be extracted from the site that must be removed prior to mining.

Owner. See “Applicant/Owner/Operator.”

Permit or Extraction Permit. A document issued pursuant to this Ordinance, which authorizes the extraction of materials at an extraction operation on a specified parcel of land.

Person. Any individual or combination of individuals, corporations, limited liability companies, partnerships, or other legally recognized entities.

Planning Commission. The Planning Commission for the Charter Township of Union, Isabella County, Michigan, as authorized by the Michigan Planning Enabling Act and Michigan Zoning Enabling Act.

Processing. The washing, sorting, crushing, aggregating, grinding, blending, mixing, or cutting of extracted material from the extraction site.

Reclamation. To recondition, rehabilitate or restore the extraction area and associated property, or portions thereof, to a self-sustaining, long term useful purpose which is compatible with contiguous land uses, which protects the natural resources, including the control of erosion and the prevention of land or rock slides and air and water pollution, and which process shall include the re-establishment of vegetation, soil stability, and establishment of safe conditions appropriate to the intended use of the land in accordance with the Master Plan and Zoning Ordinance.

Runoff. Water from rain, snowmelt, irrigation or other source that flows over a land surface.

Sediment Basins, Settling Ponds or Settling Basins. Typically, a series of ponds that are designed to clarify (i.e., remove fine particles from) water used for processing materials extracted from the site.

Site. A parcel of land upon which activities are conducted subject to this Ordinance.

Stream. Shall have the same definition as that of an “inland lake or stream” under MCL 324.30101.

Surface Water. Water that is on the earth’s surface, such as in a stream, river, lake or reservoir.

Topsoil. The fertile, dark-colored surface soil; the upper layer of soil, usually richer than the subsoil; generally, the “A” horizon.

Township. Charter Township of Union situated in the County of Isabella, State of Michigan.

Township Board of Trustees. The elected board of trustees for The Charter Township of Union, Isabella County, Michigan. Also referred to as the “**Township Board.**”

Township Planner. The Director of the Township’s Community and Economic Development Department and any person, persons or firm as delegated by the Director to have responsibility for administration of this Ordinance.

Water Table. The surface of unconfined groundwater at which the pressure is atmospheric. The water table is found at the level at which water stands in wells that penetrate the unconfined groundwater zone. Also referred to as “**groundwater table.**”

Wetland. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the land surface or the land is saturated with or covered by water. Some wetland areas are more commonly referred to as bogs, swamps or marshlands. Wetlands shall also have one (1) or more of the following attributes: a. At least periodically, the land supports predominantly hydrophytes. b. The substrate is predominantly un-drained hydric soil. c. The substrate is saturated with water or covered by shallow water at some time during the growing season of each year.

Wetland, Regulated. Certain wetlands as regulated by the State of Michigan, the Township’s Wetland Ordinance or other governmental agency.

Wildlife Habitat. A geographical area containing natural, climatic, physical, or biological features that are unique to a specific area generally occupied by a particular wildlife species.

Zoning Ordinance. The ordinance regulating development and use of land as adopted by the Township Board of Trustees in accordance with the Michigan Zoning Enabling Act, being Public Act 110 of 2006, as amended (MCL 125.3101 et seq.).

Section 24. Severability

This Ordinance and its various parts, sections, subsections, phrases and clauses are severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance, its parts, sections, subsections, phrases, sentences and clauses are intended to be valid, irrespective of the fact that any one or more parts, sections, subsection, phrases, sentences or clauses be declared invalid.

Section 25. Repeal

This Ordinance repeals and replaces Ordinance No. 20-01 in its entirety. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance, except as herein provided, are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 26. Publication

The Clerk for the Township shall cause this Ordinance to be published in the manner required by law.

Section 27. Effective Date

This Ordinance was approved and adopted by the Township Board of Trustees, Isabella County, Michigan, on _____, after a first reading by the Township Board of Trustees on _____, and publication after such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall become effective immediately upon publication of a summary of the ordinance and notice of adoption in a newspaper of general circulation in the Township, following adoption by the Township Board of Trustees.

Charter Township of Union



To: Township Board of Trustees
From: Mark Stuhldreher, Township Manager
Subject: Policy Governance Review
Date: January 20, 2022

Policy Review: 2.1 Treatment of Consumers
Type of Review: Internal
Review Interval: Annual
Review Month: January 2022

Policy Wording

With respect to interactions with consumers or those applying to be consumers, the Township Management Team shall not cause or allow conditions, procedures, or decisions that are unsafe, undignified, unclear, unprofessional, indirect, untimely, inaccurate, or unnecessarily intrusive.

Further, without limiting the scope of the foregoing by this enumeration, the Management shall not:

1. Use application forms that elicit information for which there is no clear necessity.
2. Use methods of collecting, reviewing, transmitting, or storing client information that fail to protect against improper access to the material elicited.
3. Fail to establish with consumers a clear understanding of what may be expected and what may not be expected from the service offered.
4. Fail to inform consumers of this policy, or to provide a way for persons to be heard who believe they have not been accorded a reasonable interpretation of their protections under this policy.
5. Fail to post and keep a regular schedule of office hours so that citizens have reasonable opportunity to take care of township business.

Manager Interpretation

The Township Manager interprets this policy such that the Board of Trustees seeks to ensure application forms only elicit information that is necessary, and that the information obtained will be appropriately protected from unauthorized access. Further, that consumers have a clear understanding of the service(s) to be provided and if unclear, a mechanism exists to gain a complete understanding; and, that regular office hours will be maintained to sufficiently serve the public.

Justification for reasonability

The interpretations are reasonable in that a balance needs to exist when interacting with the public that ensures adequate information is obtained to service the public and at the same time, as allowed by law,

privacy is protected. Further, access to Township officials is required for the public to take care of their Township business.

Data

- Applications for services are reviewed to ensure they remain relevant and accurate. In 2021 various land use related applications were updated to reflect the new zoning ordinance, to add a summary of what can be expected at each stage of the development approval process, and to improve readability.
- Service options, applications and ordinances are posted on the Township web site.
 - The Township website is periodically reviewed to keep posted information current. In 2021, the Rental Inspection, Planning and Zoning, and Community Information sections received significant updates.
 - Current information on quarterly billing charges, water and sewer connection fees, water leak detection, service change forms, and bill pay options are available on the Public Service Department website page
 - Township water and sewer Design Specifications are available on the Public Service Department website page.
- Water and sewer staff are on-call and respond to customer calls promptly twenty-four hours per day, seven days per week. Information on the Township's after hour emergency call number is available on our website and is included in the township's phone messaging system.
- Sensitive information such as social security numbers are handled per federal and state guidelines.
 - Another way we protect customer information is through our IT efforts to protect the Township's servers, computers, and email from hacking and phishing attacks
- Citizen complaints are taken seriously by the Township Manager and when they occur, the Manager seeks to obtain information from all parties before promptly responding to the complainant.
- Due to the pandemic, office hours were required to be adjusted during a portion of 2021 to ensure the safety of both citizens and staff and as required by various state/local directives
- Direct contact was and is made with utility customers regarding the cross-connection/lead pipe survey program as the program continued during 2021
- Boil water advisories were issued as appropriate and, in some instances, hand delivered to the customers

Compliance

The Township Management Team is in compliance with the policy as stated

Policy Governance Executive Limitations Evaluation Form

A tool to be used by individual Board members as they evaluate the internal monitoring reports

Policy being monitored: 2.1 Treatment of Consumers

- 1. Was this report submitted when due? Yes No
 - 2. Did the report lay out the Manager's interpretation or an operational definition of the policy? Yes No
 - 3. Is the interpretation justified or is proof provided to explain why the interpretation is reasonable? Yes No
 - 4. Was I convinced that the interpretation is justified and reasonable? Yes No
 - 5. Did the interpretation address all aspects of the policy? Yes No
 - 6. Does the data show compliance with the Manager's interpretation of our policy? Yes No
-

Comments regarding further policy development:

- 1. Is there any area regarding this policy that you worry about that is not clearly addressed in existing policy?

- 2. What policy language would you like to see incorporated to address your concern?

Signature and date of Board member _____



REQUEST FOR TOWNSHIP BOARD ACTION

To: Board of Trustees	DATE: January 20, 2022
FROM: Mark Stuhldreher, Township Manager	DATE FOR BOARD CONSIDERATION: 1/26/2022
ACTION REQUESTED: Board of Trustees annual review of Board Governance Policy No. 3.1 – Governing Style	

Current Action Emergency

Funds Budgeted: If Yes Account # _____ No N/A

Finance Approval _____ *MDS* _____

BACKGROUND INFORMATION

The Board Governance Policy was originally adopted in 2010 with subsequent amendments in 2013, 2014, 2018, 2019, 2020 and 2021. The purpose of the Policy is to assist the Board of Trustees in the execution of their duties as a policy making body. Through the articulation of various policies within the totality of the document, the Board of Trustees is encouraged to focus on long term organizational outputs and the discharge of its fiduciary responsibilities.

Certain policies, such as Policy 3.1 (Governing Style), are to be reviewed and monitored for compliance on an annual basis. Policy 3.1 is to be reviewed annually in January.

Board Policy 3.1– Governing Style

At the highest level, the Policy states:

The Board will govern with an emphasis on (a) outward vision rather than an internal preoccupation, (b) encouragement of diversity in viewpoints, (c) strategic leadership more than administrative detail, (d) clear distinction of board and chief executive roles, (e) collective rather than individual decisions, (f) future rather than past or present, and (g) proactively rather than reactivity.

Attached is a complete copy of Policy 3.1 and an evaluation form that can be used for the review/discussion of Policy No. 3.1

SCOPE OF SERVICES

Not applicable

JUSTIFICATION

An annual review of Board Policies allows for the Board of Trustees to monitor itself regarding adherence to existing policies that apply to the Board of Trustees and to review if the policy itself needs any updating.

PROJECT IMPROVEMENTS

The following Board of Trustees goals are addressed in this review (From Policy 1.0: Global End)

- Community well-being and common good

- Prosperity through economic diversity, cultural diversity, and social diversity
- Safety
- Health
- Natural environment
- Commerce

COSTS

Not applicable

PROJECT TIME TABLE

Not applicable

RESOLUTION

Not applicable

Use this evaluation form for discussion at the Board of Trustees Meeting on January 26, 2022.

Review all sections of the policy listed and evaluate board compliance with policy.

1. Indicate item by item if you believe the Board is in strict compliance with the policy as stated.

2. If you indicated that the Board is not in strict compliance with the policy as stated, please indicate what you notice that gives evidence that the Board not in compliance.

3. How do you think the Board could improve the process to be in full compliance?

4. What does the Board need to learn or discuss in order to live by the policies more completely?

3.1 POLICY TITLE: *GOVERNING STYLE*

The board will govern with an emphasis on (a) outward vision rather than an internal preoccupation, (b) encouragement of diversity in viewpoints, (c) strategic leadership more than administrative detail, (d) clear distinction of board and chief executive roles, (e) collective rather than individual decisions, (f) future rather than past or present, and (g) proactively rather than reactivity.

On any issue, the Board must insure that all divergent views are considered in making decisions yet must resolve into a single organizational position.

Accordingly:

- 3.1.1 The board will cultivate a sense of group responsibility. The board, not the staff, will be responsible for excellence in *governing*. The board will be the initiator of policy, not merely a reactor to staff initiatives. The board may use the expertise of individual members to enhance the ability of the board as a body, rather than to substitute the individual judgments for the board's values.
- 3.1.2 The board will direct, control and inspire the organization through the careful establishment of broad written policies reflecting the board's values and perspectives. The board's major policy focus will be on the intended long-term impacts outside the organization, not on the administrative or programmatic means of attaining those effects.
- 3.1.3 The board will enforce upon itself whatever discipline is needed to govern with excellence. Discipline will apply to matters such as attendance, preparation for meetings, policymaking principles, respect of roles, and ensuring the continuance of governance capability. Although the board can change its governance process policies at any time, it will observe them scrupulously while in force.
 - 3.1.3.1 In accordance with this discipline, the board will only allow itself to address a topic after it has answered these questions:
 - A. Whose issue is this? Is it the Board's or the Township Manager's?
 - B. Has the board dealt with this subject in a policy? If so, what has the board already said on this subject and how is this issue related? If the board has already addressed the matter, does the board wish to change what it has already said?
 - C. If the matter is several levels below board level, what is the broadest way to address this issue so that it is still under existing board policy? Does that policy suffice to deal with our concern?
 - 3.1.3.2 It is out of order for board members to talk about content until these questions of appropriateness are settled.
- 3.1.4 Continual board development will include orientation of new board members in the board's governance process and periodic board discussion of process improvement.
- 3.1.5 The board will allow no officer, individual or committee of the board to hinder or be an excuse for not fulfilling its commitments.

- 3.1.6 The board will monitor and discuss the board's process and performance at each meeting. Self-monitoring will include comparison of board activity and discipline to policies in the Governance Process and Board-Township Management Linkage categories.