

- (3) Not create excessive additional requirements at public cost for public facilities and services. **Appears to be met.**
- (4) Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors. **Appears to be met.**

2. The following is a review of the Specific Standards for commercial soil removal listed in Sec. 20.4(H):

- (1) No soil, sand, gravel or other earth material shall be removed from any land within the township without special land use approval, with the following exceptions:
 - a. When the earth removal is incidental to an operation for which a building permit has been issued by the township; **N/A**
 - b. When the earth removal involves any normal landscaping, driveway installation and repairs, or other minor projects; **N/A**
 - c. The earth removal involves less than 100 cubic yards; **The estimated amount of material to be removed is 150,000 cubic yards.**
 - d. The earth removal is for the purpose of constructing a swimming pool; **N/A**
 - e. The earth removal will not be in violation of any other section of this ordinance, other Township ordinance, Soil Erosion and Sedimentation Control Act of 1972, or any other applicable state or federal law; **This language contains a double negative and will have to be revised or removed.**
 - f. A mineral mining license has been approved by the Mineral Mining Board and the operation complies with the terms and provisions of the mining license. (revised 4-27-06) **No mineral mining license. It was determined that obtaining Special Land Use approval is the appropriate route and a mineral mining license is not needed based on the limited scope and duration of this project and the fact that the excavation and grading are incidental to the development of the land for the plat. This excavation is so limited that it does not meet the same threshold as the excavation needed for developments where lakes are created through extensive mining operations that may continue for years.**
- (2) All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this sub-section are less than those in applicable State statutes, the State requirements shall prevail. **The plans state that the site shall comply with requirements of EGLE and the requirements of Ottawa County Soil Erosion Control.**
- (3) No machinery shall be erected or maintained within fifty (50) feet of any property or street line. No cut or excavation shall be made closer than fifty (50) feet to any street right-of-way line or property line in order to ensure sublater support to surrounding property. The Planning Commission may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation where the site is located in or within two hundred (200) feet of any residential or commercial district. **Should be added as a condition of approval. The parcel is adjacent to residential to the north and to the south, but the proposed lake itself is over 300' from any of the adjacent residential properties. Planning Commission will decide on the distance.**

- (4) Where it is determined by the Planning Commission to be a public hazard, all uses shall be enclosed by a fence six (6) feet or more in height for the entire periphery of the property or portion thereof. Fences shall be adequate to prevent trespass, and shall be placed no closer than fifty (50) feet to the top or bottom of any slope. **No fencing is proposed during the sand removal operations. Planning Commission will determine if the applicant is required to erect a fence.**
- (5) No slope shall exceed an angle with the horizontal of forty-five (45) degrees. **Met. Slopes on the plan indicate slopes of 1 on 3 and 1 on 6.**
- (6) No building shall be erected on the premises except as may otherwise be permitted in the zoning ordinance or except as temporary shelter for machinery or for a field office, subject to approval by the Planning Commission. **No buildings are proposed on the plans.**
- (7) The Planning commission shall stipulate routes for truck movement to and from the site in order to minimize the wear on public streets and to prevent hazards and damage to properties in the community. Access roads within the area of operation shall be provided with a dustless surface and the entry road shall be hard surfaced for a distance established by the Planning Commission to minimize dust, mud, and debris being carried onto the public street. **The plan states that the truck route for sand removal will be 48th Ave, north or south. The plan also states that the haul road within the interior of the site shall be maintained in a manner which controls dust. (i.e. use of water or brine as necessary, on access roads as necessary)**
- (8) All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to property, individuals, or to the community in general. **Should be added as a condition of approval.**
- (9) Proper measures, as determined by the Zoning Administrator shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated material upon the site.
- (10) When excavation and removal operations or either of them are completed, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of 3:1 (horizontal-vertical) unless the requirement has been waived by the Township Mineral Mining Board. (revised 6-26-2001) A layer of arable topsoil, of a quality approved by the Zoning Administrator shall be spread over the excavated area, except exposed rock surfaces or areas lying below natural water level, to a minimum depth of four (4) inches in accordance with the approved contour plan. The area shall be seeded with a perennial rye grass and maintained until the area is stabilized and approved by the Planning Commission. **Slopes on the plan indicate slopes of 3:1 and 6:1. 4" of topsoil will be spread over all disturbed areas outside of the proposed water surfaces.**
- (11) Where excavation operation results in a body of water, the owner or operator shall place appropriate "Keep Out Danger" signs around said premises not more than one hundred fifty (150) feet apart. **Not noted on the plans. Shall be added as a condition of approval.**

- (12) The Planning Commission may require a performance bond or other guarantee as deemed necessary to ensure that the requirements of this Ordinance are fulfilled, and may revoke the Special Land Use approval at any time if specified conditions are not met. **Planning Commission will determine if this is necessary.**
- (13) The Planning Commission may require an environmental impact statement, engineering data, or other such justification supporting the need for and consequences of such extraction if it is believed that the extraction may have an impact on natural topography, drainage, water bodies, floodplains, or other natural features. **Planning Commission will determine if this is necessary.**

OPTIONS FOR MOTIONS

If the Planning Commission determines that the standards of the ordinance have been met and the site plan as submitted is acceptable, the following motion is offered.

Special Land Use Permit and Site Plan

Motion: To adopt the staff report as finding of fact and to approve Special Use Permit (SUP2103) BAT Development Group, LLC., 6601 Wilshire Drive, Jenison, to have commercial soil removal, under Sec. 8.3(L), on a parcel of land described as P.P. # 70-14-18-100-001, located at 7900 48th Ave., in a Low Density Residential (LDR) district, Georgetown Township, Ottawa County, MI; based on the findings that all applicable standards of the ordinance have been met including the general Special Land Use standards in Sec. 20.3 and the specific standards in Sec. 20.4(H); and to _____ (accept or not accept) the site plan as provided;

and with the following conditions of approval:

1. All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of Chapter 20 are less than those in applicable State statutes, the State requirements shall prevail.
2. No machinery shall be erected or maintained within fifty (50) feet of any property or street line. No cut or excavation shall be made closer than fifty (50) feet to any street right-of-way line or property line in order to ensure sublater support to surrounding property. The Planning Commission may require greater distances for the location of machinery, storage or parking of equipment, or limits of excavation where the site is located in or within two hundred (200) feet of any residential or commercial district.
3. All uses determined to be a public hazard shall be enclosed by a fence six (6) feet or more in height for the entire periphery of the property or portion thereof. Fences shall be adequate to prevent trespass, and shall be placed no closer than fifty (50) feet to the top or bottom of any slope.
4. No slope shall exceed an angle with the horizontal of forty-five (45) degrees.
5. No building shall be erected on the premises except as may otherwise be permitted in the zoning ordinance or except as temporary shelter for machinery or for a field office, subject to approval by the Planning Commission.
6. Routes for truck movement to and from the site shall be used as stipulated by the Planning Commission in order to minimize the wear on public streets and to

prevent hazards and damage to properties in the community. Access roads within the area of operation shall be provided with a dustless surface and the entry road shall be hard surfaced for a distance as established by the Planning Commission to minimize dust, mud, and debris being carried onto the public street.

7. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to property, individuals, or to the community in general.
8. Proper measures, as determined by the Zoning Administrator shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include, when considered necessary, limitations upon the practice of stockpiling excavated material upon the site.
9. When excavation and removal operations or either of them are completed, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of 3:1 (horizontal-vertical) unless the requirement has been waived by the Township Mineral Mining Board. (revised 6-26-2001) A layer of arable topsoil, of a quality approved by the Zoning Administrator shall be spread over the excavated area, except exposed rock surfaces or areas lying below natural water level, to a minimum depth of four (4) inches in accordance with the approved contour plan. The area shall be seeded with a perennial rye grass and maintained until the area is stabilized and approved by the Planning Commission.
10. Where excavation operation results in a body of water, the owner or operator shall place appropriate "Keep Out Danger" signs around said premises not more than one hundred fifty (150) feet apart.
11. The Planning Commission may require a performance bond or other guarantee as deemed necessary to ensure that the requirements of this Ordinance are fulfilled, and may revoke the Special Land Use approval at any time if specified conditions are not met.
12. The Planning Commission may require an environmental impact statement, engineering data, or other such justification supporting the need for and consequences of such extraction if it is believed that the extraction may have an impact on natural topography, drainage, water bodies, floodplains, or other natural features.