

BOARD MEMBERS

Dave Best, *Supervisor*
Sue Clark, *Clerk*
Carolyn Woodley, *Treasurer*
Dean Bedford, *Trustee*
Ann Derderian, *Trustee*

Metamora Township Board Meeting Minutes

August 13th, 2018

Sue Clark, Clerk

Supervisor Dave Best called the meeting to order at 7:00 p.m.

Pledge of Allegiance

Present: Supervisor-Dave Best, Clerk- Sue Clark, Treasurer-Carolyn Woodley, Trustee Ann Derderian, and Trustee Dean Bedford

Also, Present: Commissioner Rick Warren, Police Chief Dave Mallett, Fire Chief Dave Eady, Jarod Sawyer – Levy, Don Blair; resident, Gerald Fisher-Township Legal Counsel, and Mike Nolan-Township Lawyer.

0074-18

Motion by Bedford, supported by Derderian to approve the agenda as presented.

Motion carried, all voting aye.

Approve Consent Agenda:

0075-18

Motion by Derderian, supported by Woodley, to approve the consent agenda as presented. Approval of July 2018 bills which cover checks #26575 thru #26626 for a total amount of \$166,997.60, which includes Township payroll and bills. July 2018 Bills for the Building Department, in the amount of \$2386.98, which includes Building Department payroll and bills. The total amount of Township and Building payroll and bills for July 2018 is \$169,384.58.

Motion carried, all voting aye.

Public Time:

Nothing at this time.

Fire Department Business:

Fire Chief Eady went over the Fire report with the Board.

Police Department Business:

Police Chief Mallett went over the police report with the Board.

Township Business:

0076-18

Motion by Woodley, supported by Derderian, to approve the application form for phase 2 of the review process for natural resource extraction PUD under Article 12A of the Township Zoning Ordinance.

Motion carried, all voting aye.

****Application form is attached to the minutes****

0077-18

Motion by Woodley, supported by Bedford to approve the Resolution establishing fee and escrow requirements for application seeking review of proposed natural resource extraction PUD uses under Article

12A of the zoning ordinance.

****Resolution attached to the minutes****

Roll Call Vote: Trustee Derderian, aye; Trustee Bedford, aye; Treasurer Woodley, aye; Supervisor Best, aye; Clerk Clark, aye. 5 ayes, 0 nays, motion carried.

Township Legal Counsel Gerald Fisher replied to comments from the Audience.

0078-18

Motion by Woodley, supported by Bedford to the approve recommendation from the Planning Commission to approve proposed text amendments to the Metamora Township Zoning Ordinance No. 23 – Section 1102, Section 1202 and Section 1503 as follows:

**TOWNSHIP OF METAMORA
ORDINANCE NO. 23
AMENDMENT TO TOWNSHIP ZONING ORDINANCE**

THE TOWNSHIP OF METAMORA, COUNTY OF LAPEER, STATE OF MICHIGAN ORDAINS:

ARTICLE I. Article 3 of the Metamora Township Zoning Ordinance is hereby amended by adding the following:

Cement Plant - A plant for the manufacture or mixing of concrete, cement, and concrete and cement products, including any apparatus and uses incident to such manufacturing and mixing.

ARTICLE II. Section 1102 of the Metamora Township Zoning Ordinance is hereby amended by adding the following:

N. Cement plants

ARTICLE III. Section 1202 of the Metamora Township Zoning Ordinance is hereby amended by adding the following:

M. Cement plants

ARTICLE IV. Section 1503 of the Metamora Township Zoning Ordinance is hereby amended by adding the following to the table in subsection I:

Use	Spaces	Per Unit of Measurement (rounded off to the nearest unit)
Cement plant	1	Each employee in largest shift, plus 3 spaces

ARTICLE V. This ordinance and its various articles, paragraphs and clauses thereof are hereby declared to be severable. If any article, paragraph or clause is adjudged unconstitutional or invalid, the remainder of this amendatory ordinance shall not be affected thereby.

ARTICLE VI. All ordinances and provisions of ordinances of the Township of Metamora in conflict herewith are hereby repealed.

ARTICLE VII. This amendatory ordinance shall be published as required by law and shall take effect 7 days after publication.

CERTIFICATION OF TOWNSHIP CLERK

I, Sue Clark, Metamora Township Clerk, hereby certify that the foregoing is a true copy of an Ordinance adopted by the Township Board at a regular meeting held on Aug 13th, 2018 by the following vote:

Motion by: **Treasurer Woodley**

Supported by: **Trustee Bedford**

Ayes: 5

Nays: 0

Absent: 0

Supervisor Time:

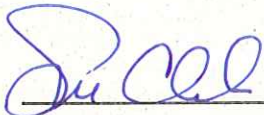
Nothing at this time.

Adjourn:

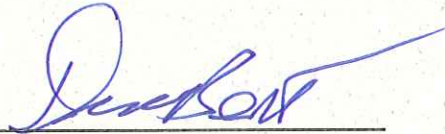
0079-18

Motion by Derderian, supported by Woodley to adjourn Metamora Township Board Meeting at 7:25 p.m.

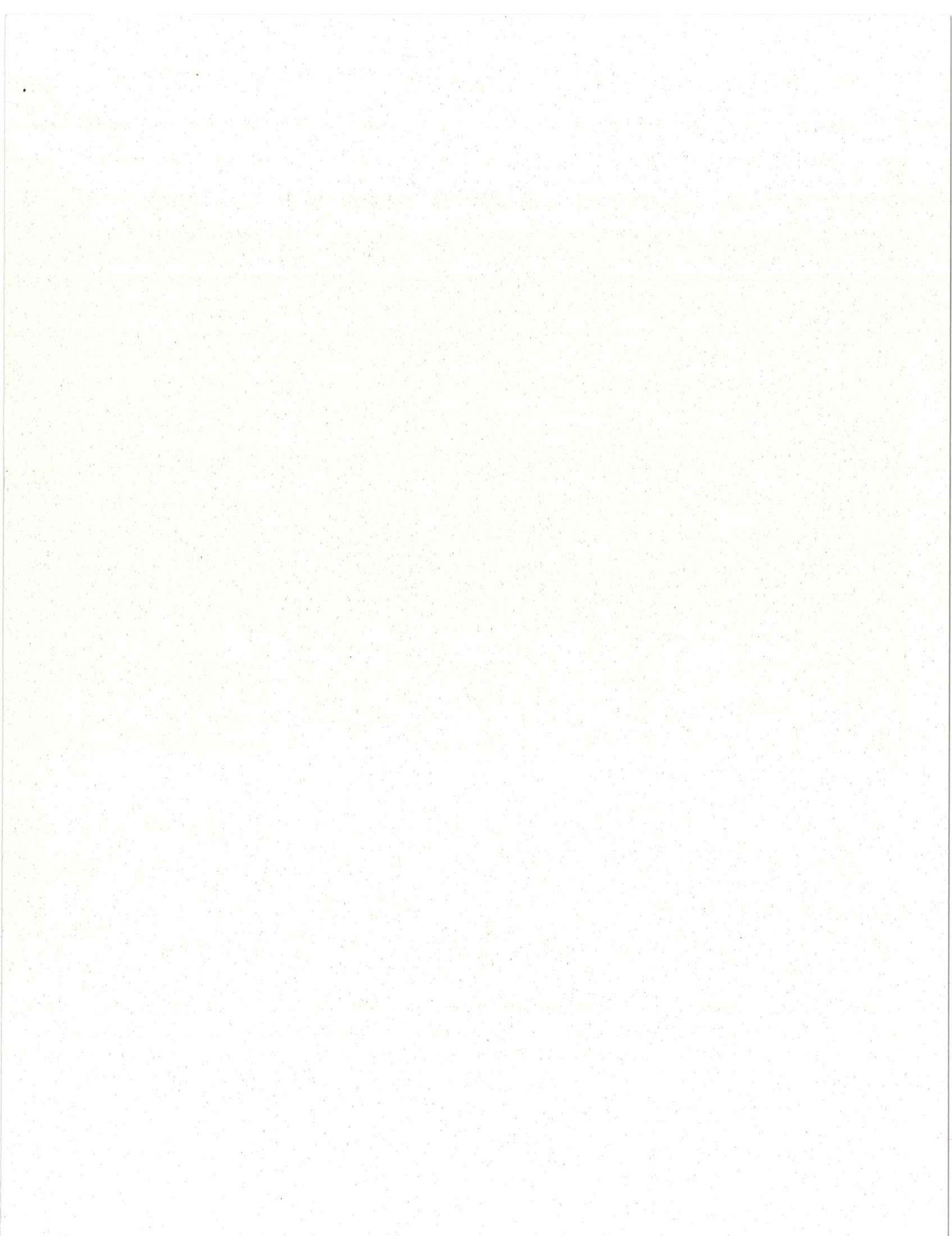
Motion carried, all voting aye.



Sue Clark, Clerk
Recording Secretary



Dave Best, Supervisor



Metamora Township Board Meeting

Sign up sheet

August 13, 2018

Please Print

NAME

COMPANY

ADDRESS

Dave Eddy

Nick Warner

Don Blair

David Mallett

Jared Sawyer

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1. The first part of the document is a list of the names of the persons who were present at the meeting. The names are listed in alphabetical order.

STATE OF MICHIGAN, COUNTY OF LAPEER

TOWNSHIP OF METAMORA

**RESOLUTION ESTABLISHING FEE AND ESCROW
REQUIREMENTS FOR APPLICATION REVIEW UNDER
ARTICLE 12A OF THE ZONING ORDINANCE**

[Transitory Extraction Use Planned Unit Development]

RECITATIONS:

Metamora Township ("Township") has a Zoning Ordinance enacted in accordance with the Michigan Zoning Enabling Act, MCL 125.3101, and following sections, and has adopted and amended an Article 12A of the Zoning Ordinance intended to provide the procedure and standards for review and determination of applications seeking permission to conduct the land use of extracting natural resources in Metamora Township ("Applications") consistent with the Zoning Ordinance, including MCL 125.3205 and other applicable law.

Under Article 12A of the Zoning Ordinance, extracting natural resources in Metamora Township requires a two-phase review of Applications: an initial administrative review and a subsequent legislative determination, all intended to lead to an approval, approval with conditions, or denial of a Transitory Extraction Use Planned Unit Development.

Based on the nature and intensity of extraction uses, and the complexity of the issues presented as part of the review process under Article 12A, including the ultimate complex statutory determination on whether an applicant's proposal will result in very serious consequences, the review of applications by consultants acting on behalf of the Township will invariably be required.

Considering that extraction operations have the potential of creating substantial impact on the Township and numerous persons and properties in the Township, thus requiring the Township to conduct thorough reviews of Applications, the Township Board has determined that it would be appropriate to require the cost and expense of the review process to be advanced by applicants.

This resolution is adopted to provide the standards and process for securing the advancement of funds by applicants for reviews conducted under Article 12A of the Zoning Ordinance.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. An applicant seeking administrative review and rezoning of property to Transitory Extraction Use classification under Article 12A of the Zoning Ordinance, as amended, shall advance fees to cover the Township's costs and expenses to be incurred in complying with notice requirements provided by law, the review and evaluation of the Application, and for the preparation of documents in connection with the reviews.

2. The fee requirement shall be satisfied by the applicant depositing funds with the Township to establish an escrow account prior to the commencement of review, and deposit additional reasonable amounts to be contributed as required in order to complete the process of review and decision, with any unexpended amounts from such escrow to be returned to the applicant.

3. Because the fee requirement will be variable with each Application, the initial escrow shall be established by the applicant in two parts:

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- a. Deposit to Open Escrow Account. The amount of \$1,500, plus \$100 for each acre in excess of twenty-five shall be deposited with the Township, and placed into an escrow account in relation to the particular Application; plus,
 - b. Additional Escrow Requirements: For reviews conducted by outside consultants, prior to the commencement of their respective review(s), additional escrow funds shall be deposited based on a determination of the number and type of reviews needed, with estimates provided by identified consultants after the Application is filed and evaluated. The Township Attorney and Planning Consultant shall examine the Application with the Township Supervisor and make an initial determination of the types of experts that appear to be required to undertake a thorough review on behalf of the Township. The escrows are intended to cover the obligations expected to be incurred by the Township in connection with the review of an Application. Fees shall be deposited for the initial administrative phase under Part II of Article 12A, and later adjusted for the legislative phase under Part III of Article 12A. For the review in each phase, the consultants shall attempt to establish a commercially reasonable estimate for Application review, report, and appearance at meetings. Copies of estimates shall be provided to the applicant, who shall be given an opportunity to discuss or contest them with the Township Attorney. The Township shall notify the applicant if the escrow needs to be replenished, with additional amounts to be based on estimates from consultants using the procedure stated above. If additional consultants or resources become necessary, the procedure stated above shall apply in the establishment of additional escrow funds.
 - c. Distributions from escrow at actual cost to the Township shall be made based on the periodic billings from consultants, and other costs and expenses incurred by the Township. The applicant shall, upon request, be entitled to receive copies of the billings paid by the Township.
 - d. The unused portion of an escrow shall be returned to the applicant once all final payments and obligations relating to the respective Application have been satisfied.

Ayes:

Nays:

Absent and Excused:

APPLICATION FOR
FOR TRANSITORY EXTRACTION USE
PLANNED UNIT DEVELOPMENT

730 WEST DRYDEN ROAD
METAMORA, MI 48455
(810) 678-2237

8-13-18

NAME OF PROPOSED DEVELOPMENT _____
GENERAL LOCATION OF PROPERTY _____
PRESENT ZONING CLASSIFICATION _____
LEGAL DESCRIPTION — *Please attach a complete metes and bounds description and a boundary map.* _____

APPLICANT'S NAME _____
NAME AND PHONE OF CONTACT PERSON OTHER THAN APPLICANT (IF APPLICABLE)
NAME: _____
PHONE AND CELL _____
ADDRESS _____
CITY _____ STATE _____ ZIP CODE _____
PHONE _____ CELL PHONE _____ E-MAIL _____

SOLE LEGAL OWNER OF POSSESSORY INTEREST IN THE PROPERTY? ☐ YES ☐ NO -- If 'no' provide the same information required for the applicant.

Please be aware of the following:

The information and materials submitted in this application should address the initial burden by the Applicant of demonstrating that the proposed transitory extraction use, and all associated activities and haul route, would have "no very serious consequences" as specified in MCL 125.3205(3)-(7).

The information requested in paragraph C, below, is intended to assist in organizing the information and materials to be submitted in this application and otherwise presented and reviewed by the Township in reviewing an application. The information requested is based on the framework in MCL 125.3205(5)(a)-(f) for determining whether "no very serious consequences" would result from the applicant's proposed transitory extraction use and associated activities and haul route; however, they are not necessarily comprehensive. To the extent that the information is not adequate to satisfy applicant's initial burden specified in MCL 125.3205, applicant must provide additional materials and information. For example, if there is a known issue relating to a factor specified in Paragraph C, below, such as an environmental issue, please consider providing expert analysis to address it. This would avoid delay if the Planning Commission or Township Board would otherwise request such analysis following submission of the application.

- A. Background factual data. An applicant may seek a waiver of any informational requirement that would be irrelevant to deciding the particular application. After review with its consultants, the Township Board may waive an informational requirement, or may waive a requirement subject to further review of the application and reports of Township experts:
1. A detailed topographic map and aerial photos showing the property and adjacent areas within 5,280 feet of the boundaries of the site.

2. Detailed site engineering plan drawn at a scale of at least one (1) inch equals one hundred (100) feet which:

- a. identifies the general location of each type of natural resource material to be removed and/or transported from the site;
- b. indicates the specific places on the property where the fill (redistributed material) is to be placed;
- c. indicates the maintenance areas, location of processing plant(s), storm drainage design including off-site ditch and drain elevations;
- d. includes the final grading plan, method of operation (such as wet or dry method), and if wet, the maximum depth to which extraction operations may reach;

B. ATTACH A TRANSITORY EXTRACTION USE PLAN AND ASSOCIATED MATERIALS, prepared by a licensed professional civil engineer, or comparable professional, including

1. A detailed plan for the property which is the subject of the application. In completing the Transitory Extraction Use Plan, please be aware that changes may be required if relevant to decision-making by the Planning Commission or Township Board based on facts that come to light during preliminary review and subsequent consideration
2. The location, area, height, and all intended functions, for and of buildings, structures, improvements, general operational plan, wash plant and water supply for such plant, and other features on the subject property.
3. Each type and location of machinery and equipment to be used, and the estimated period of time that such operations will occur each day, week, and month, and the projected noise to be generated by each type of machinery and equipment, assuming a measurement would be taken at the property line, taking into consideration any mitigation measures that will be utilized.
4. Location, timing, and other relevant details with respect to the phasing of work on the site.
5. Calculations by a Registered Civil Engineer or Land Surveyor specifying the approximate cubic yards of each type of natural resource material to be removed, and a detailed statement explaining how the removal is to be accomplished.
6. An inventory of the following features within 1000 feet of the site and along the haul route:
 - a. A description of the natural features of the area, including topography, drainage, soil type(s), streams, lakes, rivers, floodplains, and regulated wetlands.
 - b. Description and location of any of the following:
 - i. Areas in which there are Residences
 - ii. Schools

- iii. Nonresidential developments
 - iv. Public and private roads
 - v. Power lines (underground and overhead) that could be impacted by the operation
 - vi. Pipelines that could be impacted by the operation
 - vii. Areas owned and maintained for public recreation, and
 - viii. Easements and rights-of-way believed to exist that are associated with the improvements listed above
- c. The adjacent existing land uses and approved land use plans.
-
- d. An environmental impact statement, including the following (an environment impact statement required by another agency that covers the listed items may be used):
- i. Existing flora, fauna, or wildlife habitats likely to be impacted by the proposed operation.
 - ii. Existing threatened or endangered plant or animal species likely to be impacted by the proposed operation.
 - iii. Existing historical or archaeological resources in the area.
 - iv. Groundwater level, quality, and flow on site. If dewatering or excavation below the water table is proposed, water flow within 1,000 feet of the site boundaries proposed for mining activity.
- e. A map showing proposed and alternate truck routes. This map shall also show improvements and structures likely to be subject to impairment by proposed truck traffic.
- f. The estimated average number of total trucks per day on each part of the proposed haul route(s) and the maximum number of trucks per day that are estimated to haul extracted materials from the site during each year of the operation on each route. The estimate must indicate truck weight empty, the type and cargo, and also include a breakdown of truck weight with cargo loaded and number of trips on each haul route with and without cargo. To the extent necessary, truck weight and size information may be estimated based on the best information available to the applicant based on past practice and the like.
- g. A hydrogeological analysis, prepared by a registered professional engineer or qualified professional geologist or hydrologist with experience in hydrogeological studies, shall be provided addressing the question whether and how the proposed operation will have impact on existing private water supply wells of residences and businesses within the proximity of the site operations likely to be impacted. The hydrogeological report shall include the following:
- i. Test pumping data (including packer tests) at and around the site, and analytical computations used to assess potential hydrological impacts.
 - ii. A water quality test well and computer model shall be used to determine the probable hydrological impacts, including aquifer piercing, probable drawdown that may impact local wells, impact on surface water, and the like (such impacts to be reference below as "Hydrological Impacts")
- (A) The hydrogeological report shall determine, at minimum, the direction and rate of flow of groundwater, the up-gradient and down-gradient water quality, aquifer characteristics (when soil dewatering or excavations into the water table are planned), extent of

dewatering influence, and impact on surface waters, wetlands and surrounding water supply wells. All data used as input for computer modeling must be calibrated to field data.

(B) Not less than ten (10) monitoring wells shall be installed according to the requirements of the Michigan Department of Natural Resources and Environment and must operate over time and frequency sufficient to make reliable predictions with a ninety percent (90%) rate of certainty, unless it can be determined with certainty to the satisfaction of the Township that fewer monitoring wells are sufficient to provide the necessary information.

(C) Applicants must perform and include the results and underlying data for a standard hydrologic uncertainty analysis and integrated hydrologic modeling (coupled ground/surface water flow modeling).

(D) Locations of wells shall be approved by the Township engineer or other engineering professional designated by the Township.

iii. Available well logs of existing wells, not located on the site, within 10,500 feet of the site boundaries.

iv. A written statement of the Hydrological Impact that the proposed operation will have on private wells, as well as a plan for mitigation measures in the event that existing off-site wells are impacted by the dewatering operations.

vi. A description of the discharge rates and discharge location(s) associated with any Hydrological Impacts, including an assessment of the potential for flooding in the area and downstream from the point of any planned dewatering discharge.

vii. In the event that Hydrological Impacts are likely, the applicant shall provide sufficient data to establish the direction and levels of groundwater movement in the area before, during, and after mining. This shall be accomplished by the utilization of a variety of methods that adequately describe the current groundwater flow direction and rates in the vicinity of the site and data which predicts the impact of the mineral extraction operation on groundwater flow and quality.

viii. The hydrogeologic and related analyses for determining Hydrological Impacts required by this subparagraph shall have been conducted within the scientifically recent past, and, in combination with other site-specific data submitted, shall contain sufficient information for the Township to evaluate all potential impacts to water quantity and water quality that may result from the proposed natural resource extraction operations.

C. The following standards shall be addressed by applicant in sufficient detail to allow meaningful review of the proposed transitory extraction use. The applicant should attach written documentation and evidence with a detailed description of how each identified criterion is satisfied regarding the overarching question of whether "no very serious consequences" to the community will result from the proposed activities on the property and haul route. (Refer as necessary to Part III of Article 12A of the township's zoning ordinance, as amended.)

1. EXISTING LAND USES (Please provide narrative and backup information on attachments:

a. The relationship with, and impact of applicant's proposed Transitory Extraction Use and associated activities with regard to existing land uses anticipated to be impacted;

- b. The impact upon the public health, safety and welfare from the proposed Transitory Extraction Use, including haul route, considering, among other things, the proposed design, location, layout and operation in relation to existing land uses;

2. PROPERTY VALUES

- a. The impact of, and injury caused by, applicant's proposed Transitory Extraction Use and associated activities with regard to property values in the vicinity of the property potentially impacted and along the proposed hauling route serving the property. this analysis must include (but is not limited to) impact due to proposed vehicles (including number and type); machines and equipment used in the operation; location and height of buildings or structures; location, nature and height of walls and fences; and all other aspects of the proposed use.;
- b. To the extent not covered in response to standard 2.a, above, the effect on the value of properties in the Township, including the Village of Metamora, which is part of the Township, anticipated to be caused by the proposed Transitory Extraction Use, including use of the haul route.

3. PEDESTRIAN AND TRAFFIC SAFETY

- a. The impact of the proposed Transitory Extraction Use and associated activities on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
- b. Consistency with and authorization of the proposed Transitory Extraction Use and haul route under state, county, and/or local regulations that have been established for roadways, including regulations applicable to the use of roads for proposed haul routes.
- c. The impact of the proposed Transitory Extraction Use, including haul route, on vehicular and pedestrian traffic, particularly in relation to hazards reasonably expected in the district(s) impacted, taking into consideration the number, size, weight, noise, and fumes of vehicles, vehicular control, braking, and vehicular movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and driveways and other means of access, off-street parking and provisions for pedestrian traffic. Consideration shall be given to likely interactions of heavy vehicles used for the Transitory Extraction Use with children, the elderly and the handicapped.
- d. The impact of the proposed Transitory Extraction Use, including haul route, on vehicular and pedestrian traffic, including reasonably predictable hazard to children attending schools or other activities within the Township, including the Village of Metamora, which is part of the Township.
- e. Overall, the impact of the proposed Transitory Extraction Use, including haul route, on children, older persons, and handicapped persons, including those who use the downtown Village of Metamora, which is part of the Township, with consideration to be given to the extent to which such persons shall be required to forego or alter their activities due to proposed truck traffic, calculated as being in addition to existing traffic.

4. IDENTIFIABLE HEALTH, SAFETY, AND WELFARE INTERESTS

- a. The applicant shall evaluate the impact of the designation of the subject and surrounding property on the Master Plan as it relates to whether the proposed Transitory Extraction Use would result in a very serious adverse consequence.

- b. The impact of applicant's proposed Transitory Extraction Use and associated activities on identifiable health, safety, and welfare interests in the Township.
- c. The impact of the proposed Transitory Extraction Use, including haul route, is likely to have on surrounding property in terms of noise, dust, fumes, smoke, air, water, odor, light, and/or vibration. In determining whether a proposed Transitory Extraction Use amounts to a very serious consequence, the standards for the stated impacts contained within the Township's regulatory ordinance, as the same may be amended, will be considered, along with any one or a combination of components proposed for the use that have unique qualities relating to these impacts (e.g., crusher noise and vibration).
- d. The extent of impact of the proposed Transitory Extraction Use, including haul route, on economic development and 'placemaking' in the Township, historic Village of Metamora, which is a part of the Township, or in other units of government that will be impacted by the Use, including haul route.
- e. The impacts, including upon community character, from the proposed Transitory Extraction Use, including haul route, factoring into such consideration whether the proposed use would be likely to render the applicable limitations of Township zoning on other property in the area and haul route unreasonable in terms of the limitations imposed by existing zoning regulations. This review shall analyze whether the heavy industrial nature of the proposed Transitory Extraction Use would undermine reciprocity of advantage by creating impacts and character that would raise a reasonable question whether residential zoning restrictions on area property would represent arbitrary limitations on the use and enjoyment of such area property.
- f. The proposed Transitory Extraction Use operation, including the haul route, shall be evaluated in light of the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping, and all other proposed aspects of the overall use, including whether such improvements would interfere with or discourage the appropriate development and use of adjacent land and buildings that would otherwise be reasonably expected to occur in the foreseeable future based on the application of customary planning considerations.
- g. The extent to which the proposed Transitory Extraction Use, including haul route, would be likely be detrimental to existing and/or other permitted land uses in the manner specified in the Zoning Ordinance and planned in the Master Plan.
- h. The extent to which the proposed Transitory Extraction Use, including haul route, would likely be detrimental to the development of new land uses in the zoning districts impacted.
- i. The burden from the proposed Transitory Extraction Use, including haul route, on the capacity of public services, infrastructure or facilities.
- j. The burden of the proposed Transitory Extraction Use, including haul route, on retail uses, arts and culture, equestrian activities, non-motorized vehicle travel or recreation, school use, parks, playgrounds, residential uses, and the likely creation of physical vulnerability or degradation of historic uses and resources, including the creation of the need for added public or private expenditures for maintenance of buildings, structures, and infrastructure.

- k. The extent to which the proposed Transitory Extraction Use, including haul route, would cause diesel fumes, dust, truck noise or physical/mental health issues, including along the haul route, and including within the historic downtown of Metamora Village, which is a part of the Township.
 - l. The nature and extent of impact from the proposed Transitory Extraction Use, including haul route, in relation to environmental resources in the Township, including air, ground water, surface water, soils, and wetlands. In determining impacts, the cumulative effect upon all environmental resources shall be evaluated.
5. OVERALL PUBLIC INTEREST IN THE PROPOSED EXTRACTION AS SUCH INTEREST RELATES TO THE DETERMINATION OF "NO VERY SERIOUS CONSEQUENCES" [see *American Ag v Highland Township*, 151 Mich.App. 37, 40-45 (1986)]
- a. The overall public interest in the extraction of the specific natural resources on the property both in absolute terms and in relative terms in relation to the adverse consequences likely to occur.
 - b. Public interest in the proposed Transitory Extraction Use, as measured against any inconsistencies with the interests of the public as are proposed to be protected in Master Plan for the area to be impacted by the Transitory Extraction Use and haul route.
 - c. Public interest in the proposed extraction, as measured against any inconsistencies with regard to physical, historic, and economic interests in relation to the Transitory Extraction Use and haul route.
 - d. Public interest in the proposed extraction, as measured against any likely creation of valid environmental concerns, including without limitation impairment, pollution and/or destruction of the air, water, natural resources and/or public trust therein.
 - e. Public interest in the proposed extraction, as measured against public costs likely to be caused by the proposed Transitory Extraction Use, including haul route, considering alternative supplies of gravel.
- D. APPLICANT'S PROPOSAL FOR THE DURATION OF THE PLANNED UNIT DEVELOPMENT ZONING CLASSIFICATION FOR TRANSITORY EXTRACTION OF NATURAL RESOURCES

Note: *Silva v Ada Township* and case law interpreting *Silva* have clarified that the extent or degree of public interest/need for the resources applicant proposes to extract is important for the applicant in the presentation of information and materials and for the township in its review of them. The extent and degree of demand for the extraction of the specific natural resources located on the applicant's land, as determined in the administrative phase preliminary to filing this application, is a relevant factor in reviewing the "no very serious consequences" issue, and the duration of needed operation, which results in a sliding scale determination of whether "very serious consequences" exist in the landowner's specific situation.

- 1. A detailed explanation for the demand in the market area, including sources and quantities of each resource that will continue for the proposed duration.
- 2. A detailed explanation why the demand must be supplied from the property in question rather than from other available supplies in the market area.
- 3. Provide any and all assumptions and conditions relevant to the explanation made in response to

paragraphs 1 and 2.

4. Detail any and all assumptions and conditions relevant, please state the anticipated total duration proposed for:
 - a. The extraction of natural resources on the subject property.
 - b. Any additional duration for any winding up operation, detailing the activities included in such winding up.
 - c. Anticipated duration for reclamation of the subject property following active extraction and winding up.

E. TRANSITORY EXTRACTION USE AGREEMENT

1. Please identify the points that applicant has determined will be issues in reaching agreement between the applicant and the Township in a Transitory Extraction Use Agreement.
2. Please identify any points that applicant proposes to include in the Transitory Extraction Use Agreement in addition to those specified in Section 1207A of Article 12A of the Township Zoning Ordinance.

F. *ADDITIONAL INFORMATION*

1. Please include with the application any additional statements and information that would be relevant to the Township's analysis of whether the proposed use is likely to result in "no very serious consequences."