



**ROBINSON TOWNSHIP**  
 12010 - 120<sup>th</sup> Avenue, Grand Haven, Michigan 49417  
 616-846-2210

**REQUEST FOR EARTH CHANGE - CLASS A**

REQUEST FEE: \$1000.00 + ESCROW FEE MINIMUM OF \$1,700.00  
 (Escrow fees cover additional Township expenses. Unused portion of an escrow account is returned to the applicant)

**PLEASE NOTE ESCROW FEES ON APPLICATIONS**

The Board adopts an application fee to cover normal Township expenses such as clerical and Zoning Administrator costs and a specified number of meetings of the appropriate board. In addition to the nonrefundable application fee, the Board requires an applicant to reimburse the Township for all out-of-pocket expenses incurred by the Township in processing any application (including but not limited to publication expenses; mailing expenses; engineering expenses; attorney expenses; additional Board, ZBA or Planning Commission meeting expenses; any other professional expenses; etc.). This shall be done by the collection of an escrow fee at the time an application is submitted. Any unused portion of the escrow fee shall be refunded to the applicant. In the event that the escrow amount needs to be increased, the applicant shall be notified and must replenish the escrow account in the amount determined by the township supervisor before any additional action will be taken.

For an application to be considered complete, all requested information must be provided. If an item is not applicable to your application, please state "not applicable" and provide an explanation why it is not applicable.

- Initial Review Body:** Planning Commission by resolution of the Board
- Final Approval:** Board of Trustees
- Meeting Frequency:** Fourth Tuesday of every month
- Application Deadline / Township Office Review:** See Planning / Zoning Application and Review Process

**DO NOT DISCARD THIS PAGE**  
**YOU MUST SUBMIT THIS PAGE WITH YOUR APPLICATION**

For Office Use Only

Date Received \_\_\_\_\_

Payment Received \$ \_\_\_\_\_ Escrow Fee \$ \_\_\_\_\_

Check No. \_\_\_\_\_ or Cash



## Planning / Zoning Application and Review Process

1. A person seeking a Class A Permit shall make written application for the same, in triplicate (i.e., an original and two [2] photocopies), to the Township Clerk or his/her designee. At least the original of such application shall be sworn to (i.e., notarized) before a person lawfully authorized to administer oaths...
2. Robinson Township staff will take 5 - 7 working days to review application and required documents for accuracy and completeness.
3. A summary of the review will be provided to the applicant in writing.
4. If the summary determines that the application is complete and accurate, applicant will move to step 5. If deficiencies exist, applicant fixes the deficiencies in the application and returns to step 1 with no additional application fee required.
5. Applicant submits appropriate number of completed and approved sets of documents for the Board / Commission along with required Escrow. Complete, approved documents must be received a minimum of forty-two (42) calendar days prior to a meeting to be considered.

The application shall contain or be accompanied by the following information:

- (a) Full identification of the owner(s) of the parcel(s) upon which the Earth Change is proposed; and, if other than or in addition to the owner(s), full identification of the applicant and of all other persons to be involved in the operation or management of the Earth Change if a permit is granted.
- (b) The residence and business addresses of the applicant(s), and of the owner(s) if different, and of the operator(s).
- (c) The legal description (including street address where applicable) of the property upon which the Earth Change is proposed to be done. Said legal description shall be by a registered civil engineer or land surveyor.
- (d) The specific nature and extent of the proposed Earth Change project and activity; the type of ground involved in the proposed Earth Change; and a fair and reasonable estimate of the number of cubic yards of ground involved in the proposed Earth Change. This estimate shall, if deemed necessary by the Township Board, be made by a registered civil engineer or land surveyor.

- (e) A detailed description by maps, diagrams or otherwise, of the contour and condition of the lands before commencement of the proposed Earth Change and as the person proposes to leave such lands upon completion of the Earth Change project or operations. Such description shall include:
- (1) A topographic map drawn with contour intervals of five (5) feet for the project area and ten (10) feet for the area having a radius extending three hundred (300) feet beyond the perimeter or exterior boundaries of the proposed Earth Change site, depicting the contours of the land in its existing condition (i.e., before commencement of the proposed Earth Change).
  - (2) A topographic map drawn with contour intervals of two (2) feet for the project area and ten (10) feet for the area having a radius extending three hundred (300) feet beyond the perimeter or exterior boundaries of the proposed Earth Change site, projecting the contours of the land upon completion of the Earth Change project or operations.
  - (3) A statement of any landscaping to be done or other ground stabilization controls to be employed to insure that the lands are left in a stable, safe and usable condition, and to prevent ground erosion, ground blowing, dust or unsightly conditions.
  - (4) A drainage plan to indicate the anticipated drainage system which would be utilized if the project is implemented.
  - (5) Detailed information concerning the ground water table in the proposed project area, as well as detailed information concerning the project's proposed use of the ground water and its possible effect thereon, if the project is implemented.
- (f) A statement of the manner in which the Earth Change project is to be performed, operated and carried on, including a statement of the slope of the sides and the level of the floor, the finished grade and condition of the property following the completion of the project, and the kind and amount of equipment proposed to be employed.
- (g) The proposed route which the person intends to use or cause to be used in transporting the ground over the public roads and over any private property.
- (h) The person's previous experience in matters to which the permit appertains, and the name, address and previous experience in such matters of any other person(s) to perform or be in charge of the proposed Earth Change operations.
- (i) Whether or not the person has ever had an Earth Change application or permit and was it denied, revoked or suspended, and, if so, the circumstances of such denial, revocation or suspension.
- (j) The time within which the Earth Change project or operation will be commenced after a permit is granted, and the time within which the Earth Change project or operation will be completed.

- (k) A description of the measures to be taken by the person to control noise, vibration, ground blowing, dust and traffic.
- (l) Any measures which the person proposes to take to insure public safety, the exclusion of children from the premises, and the lateral support of adjoining and surrounding lands and structures.
- (m) Any and all such further or additional information as the Township Board may reasonably require to determine whether or not a permit should be issued.

Processing of Applications for Class A Permits.

- (a) Upon receipt by the Township Clerk of the original and two (2) photocopies of an application for a Class A Permit and of the person's Class A Permit application fee, the Township Board shall review the same to determine if each of the application requirements found above have been addressed. If the Township Board deems that the application does not address all requirements, it shall so advise the person, in writing, specifying the deficiencies; provided, however, that the Township Board's preliminary determination of completeness, or its failure to specify deficiencies, shall not preclude the Township Board from later identifying or asserting any such deficiencies or from requesting such further or additional information as the Township Board may reasonably require to determine whether or not a permit should be issued.
- (b) When the Township Board preliminarily determines that an application and fee for a Class A Permit are complete with the requirements of Article IV, the Township Board shall accept the application for its consideration, review and decision. The Township Board may, in its discretion, schedule one or more public hearings on the question of issuing a Class A Permit to the person. In the event any such public hearing is scheduled, notice thereof shall be mailed to the person and shall be published in a newspaper of general circulation in the Township, both at least ten (10) days prior to the public hearing. In addition, or in the alternative, the Township Board may in its discretion refer the application to the Planning Commission for its recommendation. In the event of such referral, the Planning Commission shall consider, review and make its recommendation to the Township Board on the application. The Planning Commission may, in its discretion, or shall, at the request of the Township Board, schedule one or more public hearings on the question of issuing a Class A Permit to the person. Any such hearing before the Planning Commission shall be subject to the same notice requirements as herein above provided (in this subsection) with respect to such hearings before the Township Board.
- (c) Following the Township Board's consideration of the application, and following receipt of the Planning Commission's recommendation if the application was referred to the Planning Commission, the Township Board shall determine whether or not a Class A Permit should be issued to the person; provided, however, that if it reasonably appears to the Township Board that the amount of ground to be subject to an Earth Change exceeds 5000 cubic yards, or that the person is otherwise ineligible for a Class A Permit,

then and in such event the Township Board shall deny issuance of a Class A Permit and shall, if the case so requires, direct the person to seek a Class B Permit.

- (d) All Class A Permits issued by the Township Board shall be subject to and shall be in accordance with the terms, provisions and requirements of this Ordinance pertaining to Class A Permits, as hereinafter set forth.

#### **GENERAL TERMS, CONDITIONS AND LIMITATIONS APPLYING TO EARTH CHANGE PERMITS**

Section 1. General Conditions Applying to All Permits. The following general conditions and provisions shall apply to both Class A and Class B permits:

- (a) Trees and other vegetation or ground cover shall not be stripped off any ground landform so as to unnecessarily expose areas of ground that are prone to wind or water erosion that will cause ground or dust to be carried by wind or water onto adjoining or surrounding properties, or onto public or private roads, or to create a nuisance thereby.
- (b) All vehicles used for the transporting of ground from or to any Earth Change project shall follow established truck routes within the Township or shall travel only directly over such route as may be determined by the Township Board to be least dangerous to the public health, safety and general welfare, to cause the least interference with general traffic, and to cause the least damage to the public roads.
- (c) Any ground that may be spilled or deposited on any public road or other public place within 1500 feet of any point of ingress or egress to the project site from any vehicle transporting such ground from or to any project site shall be immediately removed in a manner satisfactory to the Township Board at the expense of the person to whom the Earth Change permit is issued.
- (d) The permit holder shall take such appropriate action to insure the satisfactory compliance of subparagraphs (b) and (c) above by any person engaged in any activity described in said subparagraphs (b) and (c). The permit holder's failure to do the same may constitute grounds for the suspension and/or revocation of said permit.
- (e) The floor of any Earth Change project shall not be made lower than the level specified in the permit; provided, however, that if no floor level is specified in the permit, the floor shall not be made lower than the level specified in the application for the permit.
- (f) No Earth Change permit, nor any provisions thereof, shall authorize or permit any violation of the Township Zoning Ordinance or any other applicable ordinance, law, or regulation, either federal, state, county or local, in force and effect within the Township; and all Earth Change permits shall be subject to any such applicable, ordinances, laws or regulations.
- (g) All topsoil shall remain on the project site. Sufficient subsoil and/or overburden shall be stockpiled on the project site for reclamation purposes. The applicant shall state in the reclamation plan the methods and specifications by which the topsoil and subsoil and/or

overburden shall be redistributed over the site. The reclamation plan shall specify the combination of topsoil and/or overburden which shall be conducive to the establishment of a suitable ground cover and/or the growth of vegetation. In the event, however, that Earth Change operations within an earth change unit continue for a period longer than thirty (30) days, the person shall, to the extent possible and practical, reclaim the completed Earth Change areas as the operation progresses.

- (h) During any period in which an Earth Change project is being carried on or operated, no person shall cause or allow stagnant bodies of water to form, and persons owning or operating an Earth Change project or site shall spray, as necessary, any bodies of water which may exist in conjunction with such operations to keep the same from becoming breeding places for mosquitoes or otherwise creating any unhealthy condition.
- (i) Where project operations result in a body of water, the person shall place appropriate "Keep Out - Danger" signs around the body of water, not more than two hundred (200) feet apart. Such signs shall be maintained at least until all Earthy Change activity is completed and the slopes of any banks comply with the provisions of subsection (k) below.
- (j) The project site shall be landscaped or stabilized as the replacement of topsoil occurs at least to the extent necessary to eliminate any ground erosion by wind or water.
- (k) The final slopes of the banks of any Earth Change project involving any excavation shall in no event exceed a minimum of three (3) feet to one (1) foot (3 feet horizontal to 1 foot vertical); and where ponded water results from the project or operations, this slope shall be maintained and extended into the water to a depth of five (5) feet.
- (l) No Earth Change shall occur closer than fifty (50) feet from the nearest street or highway right-of-way nor closer than fifty (50) feet from the nearest property line; provided, however, that the Township Board may prescribe more strict requirements in order to give sublateral support to surrounding property where soil or geographic conditions warrant it; and provided further that the Township Board may, in its discretion, prescribe less strict requirements upon written consent of the adjoining property owner. (Under no circumstances, however, shall the Township Board permit a minimum less than that contained in such written consent.)
- (m) If, in the opinion of the Township Board, any such project will present a dangerous condition if left open, such project shall be enclosed by a chain link or wire mesh fence completely surrounding the portion of the site where the project extends, said fence to be not less than five (5) feet in height complete with gates, which gates shall be kept locked when operations are not being carried on. Barbed wire shall not be used.
- (n) No permit shall be issued unless the Township Board finds: (i) that the restored elevation, upon completion of the project, will be compatible with the surrounding areas and suitable for subsequent development for uses compatible with the district; and (ii) that the reclamation plan submitted under Section 1(g) has been approved by the Township Board; and (iii) that adequate safeguards are provided to insure compliance with subsections (a) through (m) above and to protect adjacent property from blowing or

otherwise eroding ground; and (iv) that the property in question will be restored as provided in subsections (a), (j) and (k) above and that it will be stabilized and maintained by appropriate plantings indigenous to the area in its natural and undisturbed state.

## **SPECIAL TERMS, CONDITIONS AND LIMITATIONS APPLYING TO GROUND REMOVAL PERMITS**

Section 1. Special Conditions Applying to Permits. In addition to the general conditions and provisions applying to both Class A and Class B Permits pursuant to Article VII, Section 1, of this Ordinance, and in addition to the general conditions and provisions applying to Class B Permits pursuant to Article VII, Section 2, of this Ordinance, the Township Board may in its discretion impose such additional or special terms, conditions and limitations on the issuance of any Class A or Class B Permit as the Township Board deems reasonably necessary or advisable under the facts and circumstances of a particular application and permit. In determining such additional or special terms, conditions and limitations, the Township Board shall consider the following standards: (1) the size, nature and character of the proposed Earth Change activity; (2) the scope and duration of the proposed Earth Change activity; (3) the proximity of the proposed Earth Change activity to adjoining properties; (4) any traffic congestion or hazard which will be occasioned by the proposed Earth Change activity; (5) the relative need or necessity of the proposed Earth Change activity in relation to other possible uses of the property; (6) the effect of the proposed Earth Change activity on adjoining properties and the surrounding neighborhood; (7) the compatibility of the proposed Earth Change with the Robinson Township Land Use Plan; (8) the nature, character and extent of reclamation required to restore the property to a useful and suitable condition following the Earth Change activity; (9) the impact of the proposed Earth Change activity on the environment, including the potential impact of the proposed Earth Change activity on the ground water table, the potential creation of hazards, erosion problems, ground blows, stagnant bodies of water, or any type or kind of injurious areas or conditions and (10) the effect of the proposed Earth Change activity on the health, safety and general welfare of the Township's inhabitants.

### Section 2. Special Conditions as Part of Permit.

- (a) If the Township Board imposes any additional or special terms, conditions or limitations with respect to the issuance of any Class A or Class B Permit, pursuant to Section 1 of this Article, such additional or special terms, conditions or limitations shall either be expressly set forth in the permit itself or otherwise incorporated therein and made a part thereof by reference.
- (b) To the extent any such additional or special terms, conditions or limitations are expressly set forth in a permit or are by reference therein incorporated in and made a part of a permit, such additional or special terms, conditions or limitations shall be deemed as much a part of the permit as if such additional or special terms, conditions or limitations were fully set forth in this Ordinance; and any violation of or non-compliance with such additional or special terms, conditions or limitations shall be deemed a violation of this Ordinance to the same extent as if such additional or special terms, conditions or limitations were fully set forth herein.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant or Applicant's Authorized  
Representative

Phone \_\_\_\_\_

STATE OF MICHIGAN )  
                                  )ss.  
COUNTY OF OTTAWA )

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Notary Public  
Ottawa County, Michigan  
My commission expires: \_\_\_\_\_