

STATE OF MICHIGAN, COUNTY OF LAPEER

TOWNSHIP OF METAMORA

RESOLUTION EXTENDING MORATORIUM
ON GRAVEL MINING APPLICATIONS IN ORDER TO COMPLETE
ZONING AND PLANNING AMENDMENTS

RECITATIONS:

Metamora Township (“Township”) has a zoning ordinance enacted in accordance with the Michigan Zoning Enabling Act, MCL 125.3101, and following sections.

For the reasons stated in the Township Board’s Resolution of the 14th day of December, 2015, entitled Resolution Establishing Moratorium on Gravel Mining Applications in Order to Consider New Statutory Standards (“Resolution”), the Township has studied the Gravel Mining Standards in MCL 125.3205, and has begun the process of amending its Zoning Ordinance to conform to such new standards and procedures. The Resolution is scheduled to expire on or about April 14, 2016. It is clear that the subject matter of the amendment will have substantial impact on numerous properties and property owners, and should not be passed without careful study and review. Thus, the Township Board finds that the process of amendment requires additional time for sufficient analysis and preparation, and for compliance with state law for zoning ordinance amendment.

Considering the complexity of this subject matter, the magnitude of the departure of the Gravel Mining Standards from customary planning and zoning, and the requirements to prepare and review ordinance provisions, and considering the implications on numerous interested parties and nearby communities, it has been determined that conducting public hearings and providing members of the public with an adequate opportunity to examine this issue and provide input to the Township is critical, and the Township Board has estimated that three (3) months of

additional time will be required to complete the amendment process, and that an extension of the Resolution for that period is necessary and appropriate.

The Planning Commission and Township consultants have diligently pursued the process of amending the Zoning Ordinance to comply with applicable law. However, the Township cannot feasibly process and review applications for gravel mining until such amendments have been completed, considered, and enacted.

NOW, THEREFORE, IT IS RESOLVED that the Township Board of Metamora Township hereby extends for three (3) months the moratorium adopted in the Resolution, applicable to all requests seeking approval of gravel mining in Metamora Township, and during this three (3) month period, neither the Planning Commission nor the Township Board, nor any administrative official or consultant of the Township, shall process or consider requests seeking approval of gravel mining in Metamora Township.

IT IS FURTHER RESOLVED that the Township Board directs the consultants and Planning Commission to continue their expedited pursuit of the review and recommendation to the Township Board of ordinance and other amendments found to be necessary and appropriate under the law to comply with, and best make provision for, Michigan law.

IT IS FURTHER RESOLVED that, in the event any private property owner in the Township alleges to be aggrieved by this moratorium based on the Due Process Clause, Takings Clause, or other provision of state or federal constitution or law (“Aggrieved Party”), the administrative remedy for such party shall be as follows:

- 1) The Aggrieved Party shall present a petition seeking relief to the Township Board, which shall include all of the following: a detailed statement of all grounds on which the party alleges to be aggrieved; the facts giving rise to the Aggrieved Party’s claim;

the opinion of one or more relevant experts, made under oath, supporting each and every conclusion supporting the Aggrieved Party's claim.

- 2) Upon receipt of such a petition, the Township Board shall seek such analysis of the claims by its consultants and experts as may be required to respond to the petition, and shall thereafter notice and conduct a public hearing on the allegations made in the petition.
- 3) After the public hearing, the Township Board shall review the materials submitted, consider the evidence presented at hearing, and have such evidence reviewed by its experts if found to be necessary by the Township Board, with the view of determining whether the claims of the Aggrieved Party are valid.
- 4) At the conclusion of its review, the Township Board shall either fashion a remedy which will obviate any violation of constitution or law found to exist, or deny the petition.

Ayes:

Nays:

Absent and Excused:

RESOLUTION DECLARED ADOPTED THIS 11th DAY OF APRIL, 2016.

By: _____
JENNIE DAGHER,
Clerk for the Township of Metamora

CERTIFICATE

I, JENNIE DAGHER, Clerk of the Township of Metamora, do hereby certify that the above is a true and correct copy of a Resolution duly adopted by the Township Board of the Township of Metamora on the 11th day of April, 2016.

JENNIE DAGHER, Clerk