
Sec. 40-597. Mineral mining.

- (a) *Intent and purpose.* It is the intent and purpose of this section to promote the underlying spirit and intent of this article, but at the same time allow for the extraction of minerals in locations where they have been naturally deposited. These regulations are also intended to ensure that mineral mining activity shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use, and to ensure that mineral mining activities are consistent with the public health, safety, and welfare of the township.
- (b) *Application of regulations.* The mining of sand, gravel, stone, and/or other mineral resources in the township shall be allowed under the following circumstances: a) as authorized by the grant of special land use and site plan approval by the township board, after recommendation of the planning commission, in accordance with this section or b) pursuant to section 40-554 as to mining operations in effect as of December 31, 2015. Mineral mining shall also be subject to the requirements of chapter 12, article IV, mining control. Mineral mining shall be considered a special land use in the R-1A, C-1, C-2, PL, M-1 and M-2 Districts and shall be prohibited in all other districts.
- (c) *Exemption.* Uses and activities which do not require a permit under section 12-80(c) shall be exempted from the provisions of this section.
- (d) *Application requirements.* The following information shall be submitted:
 - (1) A completed application for special land use approval as set forth in section 40-145.
 - (2) A completed application and all required information for site plan approval as set forth in section 40-136.
 - (3) A completed application and all required information as set forth in section 12-81.
 - (4) Market information. The applicant shall submit a report prepared by a geologist and/or other experts with appropriate credentials to demonstrate compliance with MCL 125.3205, as amended, that the natural resources to be extracted shall be considered valuable, and the applicant can receive revenue and reasonably expect to profit from the proposed mineral mining operation. The applicant shall also provide documentation to demonstrate that there is a need for the natural resources to be mined by either the applicant or in the market served by the applicant.
- (e) *Standards.* The applicant shall have the burden of demonstrating that there are valuable natural resources located on the relevant property, that there is a need for the natural resources by the applicant, or in the market served by the applicant, and that no very serious consequences would result from the extraction, by mining, of the natural resources.
 - (1) The decision on a special land use request under this section shall be based upon the following:
 - a. A determination by the township board that the applicant has met the burden of demonstrating that there are valuable natural resources on the relevant property and that there is a need for the natural resources by the applicant or in the market served by the applicant;
 - b. A determination by the township board that the applicant has demonstrated compliance with the standards for special land use approval contained in this chapter.
 - c. A determination by the township board that very serious consequences would not occur as a result of the mining operations. The following factors shall be considered in making that determination:
 - 1. The relationship of extraction and associated activities with existing land uses.
 - 2. The impact on existing land uses in the vicinity of the property.

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3. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property.
 4. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
 5. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
 6. The overall public interest in the extraction of the specific natural resources on the property.
- d. The proposed mining operation shall have immediate and direct access to a road having the necessary and appropriate load bearing and traffic volume capacity in relation to the proposed intensity of the use.
- (f) *Approval.* For operations requiring special land use approval it is the intent that the application procedure in this section and the application procedure for a mining permit of section 12-81 be reviewed concurrently.
 - (g) *Conditions.* In addition to any other conditions that may be imposed by the Township Board, a condition of special land use approval is that:
 - (1) During the term of the special land use permit, the total area (or areas) being mined and which has (or have) not been reclaimed shall at no time exceed the lesser of 150 acres or 40 percent of the entire parcel approved as a special use; and
 - (2) The applicant shall be required to secure any renewals of the mining permit required by section 12.81.
- (Ord. No. 2016(7), § 1.1, 9-8-2016)