

**ANN ARBOR CHARTER TOWNSHIP
BOARD OF TRUSTEES
AMENDMENT TO ZONING CODE SECTION 74-592 MINERAL MINING
ORDINANCE NO. 2-2024**

January 22, 2024

The Ann Arbor Charter Township Board of Trustees ordains and adopts the following amendment to Chapter 74, Section 74-592- Mineral Mining [**new language underlined, deleted language ~~stricken~~**]

CHAPTER 74, Section 74-592 (a) “Mineral Mining” is amended to read as follows:

(a) Conditional use permit standards. Mineral mining shall require a conditional use permit, as described in section 74-131. The Township Board shall grant a conditional use permit if it finds that the applicant has demonstrated 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 operation of the mineral mining activity. If it is demonstrated the Township finds any of the following: (i) that there are no valuable natural resources located on the property; (ii) that there is not a need for the natural resources by the applicant or in the market served by the applicant; or (iii) that a very serious consequence to the Township would occur from the proposed mining activity, the Township Board shall not grant a conditional use permit. In accordance with MCL 125.3205, Section (5), the following factors shall be considered in making that determination that a very serious consequence would occur:

- (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.
- (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.
- (7) The impact on other important natural resources, such as wetlands, lakes, watercourses, aquifers, natural habitats and similar environmental resources, the preservation of which is necessary for the public health, safety and welfare of the Township.

CHAPTER 74, Section 74-592 (c) "Mineral Mining" is amended to read as follows:

(c) Conditions for mineral mining. Mineral mining operations shall be subject to the following conditions:

- (1) There shall be not more than one entranceway from a public road to such lot for each 660 feet of front lot line. Such entrance shall be located not less than 500 feet from an intersection of two or more public roads.
- (2) Such operations shall be permitted only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 7:00 a.m. and 12:00 noon on Saturday. Operations shall not be permitted on Sunday or legal holidays, except by special permit from the Planning Commission.
- (3) On such site no digging, stockpiling, excavating or equipment storage and repair shall take place closer than 100 feet from any lot line, and 300 feet from an existing residential zoning district. Stockpiles of stripped topsoil shall be seeded with grass or other plant materials and shall be prevented from eroding onto other properties.
- (4) On such lot all roads, driveways, parking lots, and loading and unloading areas within 100 feet of any lot line shall be paved or treated in an environmentally-sensitive manner so as to limit the nuisance caused by windborne dust on adjoining lots and public roads.
- (5) Each operator shall be held responsible for all public roads upon which trucks haul materials from the mineral mines to keep those roads in a driveable condition at least equal to that which existed prior to the beginning of mineral mining operations; and to keep the roads dust free and to clean any and all spillage of material and dirt, rock, mud, and any other debris carried onto the roads by these trucks or other equipment.
- (6) Any noise, odors, smoke, fumes, or dust generated on such lot by any digging, excavating, loading, or processing operation and borne or able to be borne by the wind shall be confined within the lines of such lot as much as possible so as not to cause a nuisance or hazard on any adjoining lot or public road.
- (7) Such removal shall not be conducted so as to:
 - a. Cause the pollution by any material of any surface or subsurface watercourse or body outside of the lines of the lot on which such use shall be located, or of any existing body of water located within the premises.
 - b. Cause or threaten to cause the erosion by water of any land outside of such lot or of any land on such lot so that earth materials are carried outside of the lines of such lot.

c. Alter the drainage pattern of surface or subsurface waters on adjacent property. In the event that such removal shall cease to be conducted, it shall be the continuing responsibility of the owner and the operator thereof to assure that no erosion or alteration of drainage patterns shall take place after the date of the cessation of operation as specified in this paragraph.

(8) All fixed equipment and machinery shall be located at least 100 feet from any lot line and 500 feet from any existing residential zoning district. In the event the zoning classification of any land within 500 feet of such equipment or machinery shall be changed to a residential classification subsequent to the operation of such equipment or machinery, the operation of such equipment or machinery may continue henceforth but in no case less than 100 feet from any lot line adjacent to such residential district. A fence of not less than six feet in height shall be erected around the periphery of the area being excavated. Fences shall be adequate to prevent trespass.

(9) All areas within a mineral mine shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear natural.

(10) The applicant shall submit a plan for the use of the property during mining operations at the time of application for the permit. The plan shall provide the following information:

a. Boundary lines of the property; dimensions and bearings of the property lines, correlated with the legal description;

b. Aerial photo, showing property and adjacent areas, location and outline of wooded areas, streams, marshes, and other natural features;

c. Existing site improvements such as buildings, drives, wells, and drain fields;

d. Existing topography at contour intervals of two feet;

e. Extent of future mining areas and depth thereof.

f. Location and nature of structures and stationary equipment to be located on the site during mining operations;

g. Location and description of soil types;

h. An estimate of the kind and amount of material to be withdrawn from the site and the expected termination date of mining operations;

i. Description of all operations to be conducted on the premises, such as, but not limited to, digging, sorting, and washing operations, and the type, size, and nature of equipment to be used with each operation;

j. Location and width of drives, sight distances; land widenings on public roads at intersections of same with drives;

k. Tree areas and other natural features to be retained;

l. Description of pollution and erosion control measures;

m. A comprehensive hydrogeological study, and certified statement by a qualified engineer, with supporting data and analyses, that demonstrates no adverse impacts to domestic water supply wells or natural resources; and

n. Map showing truck routes to and from the site.

(11) The applicant shall file a plan for restoring the site to a safe, attractive, and usable condition. The plan shall be filed with the application for the conditional use permit and shall provide the following information:

a. Boundary lines of the property, dimensions and bearings of the property lines, correlated with the legal description;

b. Location and extent of all natural features to be retained during mining operations;

c. Contour lines at intervals of two feet of the proposed restored surface, clearly showing connection to existing undisturbed contour lines;

d. Schedule and areas of progressive rehabilitation;

e. Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored area;

f. Sketch plan of the proposed use of the site when restored; and

g. Description of methods and materials to be used in restoring the site.

(12) The applicant shall provide the following:

a. Security deposits, in the form and amounts recommended by the Planning Commission and approved by the Township Board, to guarantee restoration of the site and to cover the costs of the Township Engineer in certifying conformance.

b. A security deposit when required by the Planning Commission, to maintain and replace public roads traversed by trucks associated with the mining operation. The security shall be deposited with the County Road Commission in the form and amount required by the Road Commission.

c. A date for completing the mineral mining operation, such date to be based upon the estimated volume of material to be extracted and an average annual extraction rate. The conditional use permit shall not be issued for a period to exceed five years. Any extension of operations beyond that date shall require a new conditional use permit, which shall be applied for and processed as provided in this chapter upon proof by the applicant that restoration of the site has begun.

- (13) Travel routes for trucks entering and leaving the site shall be shown on a map of the Township at the time of application for the conditional use permit. Such routes, except arterial streets or their equivalents, shall not pass through residential areas.
- (14) Only equipment owned or leased by the operator of the mineral mining operation and used in the operation of the mineral mine shall be stored overnight or for longer periods anywhere on the premises. Storage of any other equipment on the premises shall be prohibited.
- (15) Potable water supply and sanitary sewage disposal systems shall be approved by the Washtenaw County Health Department before a conditional use permit shall be issued.
- (16) Concrete, cement, or asphalt production shall not be allowed as part of a mineral mining operation unless located in a district which allows such use.
- (17) The applicant shall demonstrate compliance with all of the provisions of section 74-594 Performance Standards of the Township Zoning Code.
- (18) Mining operations shall not include dewatering operations for extraction or any other processing. Exceptions to allow dewatering may be considered by the Township in the event that the following conditions are met to the satisfaction of the Township:
 - a. A comprehensive hydrogeologic study demonstrates with a high degree of confidence and to the satisfaction of the Township that no adverse impacts will occur due to the proposed dewatering operations or related discharges on or offsite, including but not limited to, adverse impacts to domestic water supply wells or natural resources;
 - b. An aquifer monitoring plan, including monitoring wells installed and monitored at the operator's expense, is provided for Township review and, if satisfactory to the Township, approval; and

- c. The Conditional Use Permit specifically states that if monitoring shows any indication of adverse impact to water resources, as determined by the Township, dewatering operations shall immediately cease.

Motion By: Trustee Smith

Second By: Trustee Allison

YEAS: 7

NAYS: None

Abstain: None

Absent: None

ORDINANCE DECLARED ADOPTED

CERTIFICATION

It is hereby certified that the foregoing Ordinance was adopted by the Township Board of Ann Arbor Charter Township, Washtenaw County, Michigan at a meeting of the Board duly called and held on January 22, 2024.

ANN ARBOR CHARTER TOWNSHIP

By: 
Diane O'Connell, Supervisor

By: 
Rena Basch, Clerk

Public Hearing: January 11, 2024

Planning Commission Recommendation: January 11, 2024

Approved by Board: January 22, 2024

Effective: February 2, 2024 (7 days after publication)