

KEY LEGAL REQUIREMENTS FOR CONDITIONAL USE PERMIT FOR A GRAVEL MINE

According to the Township Ordinance, to receive a permit the mining applicant must meet the burden of showing, among other things, that there will be no very serious consequences from the mine.

Norvell Township Ordinance, Section 7.2.A (emphasis added):

“A conditional use permit will be denied unless... **the applicant has demonstrated** that the natural resources intended to be extracted by the mining activity are valuable; there is a need for the natural resources by an applicant or in the market served by the applicant; **and no very serious consequences would result....**”

The definition of “very serious consequences” is in state law, the Michigan Zoning Enabling Act, Act 110 of 2006, MCL 125.3205(5):

“In determining under this section whether very serious consequences would result from the extraction, by mining, of natural resources...all of the following factors may be considered, if applicable:

- (a) The relationship of extraction and associated activities with existing land uses.
- (b) The impact on existing land uses in the vicinity of the property.
- (c) The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
- (d) The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
- (e) The impact on other identifiable health, safety, and welfare interests in the local unit of government.
- (f) The overall public interest in the extraction of the specific natural resources on the property.”

In addition to the applicant showing there will be no very serious consequences, the Norvell Township Ordinance, Section 12.7.B.9, requires the application to conform to the Township Master Plan:

“Site plans shall conform to all applicable township planning documents including the Norvell Township Master Plan...”