

# SENATE BILL No. 1076

September 17, 2014, Introduced by Senators BRANDENBURG, GREEN, JONES, ROCCA, PAPPAGEORGE, HANSEN and HILDENBRAND and referred to the Committee on Natural Resources, Environment and Great Lakes.

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," by amending section 205 (MCL 125.3205), as amended by 2012 PA 389.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 205. (1) A zoning ordinance is subject to all of the  
2 following:

3           (a) The electric transmission line certification act, 1995 PA  
4 30, MCL 460.561 to 460.575.

5           (b) The regional transit authority act, **2012 PA 387, MCL**  
6 **124.541 TO 124.558.**

7           (2) A ~~county or township~~ **WITH A POPULATION OF LESS THAN 70,000**  
8 **OR A COUNTY** shall not regulate or control the drilling, completion,  
9 or operation of oil or gas wells or other wells drilled for oil or  
10 gas exploration purposes and shall not have jurisdiction with

1 ~~reference to~~ **OVER** the issuance of permits for the location,  
2 drilling, completion, operation, or abandonment of such wells.

3 (3) An ordinance shall not prevent the extraction, by mining,  
4 of valuable natural resources from any property unless very serious  
5 consequences would result from the extraction of those natural  
6 resources. Natural resources ~~shall be~~ **ARE** considered valuable for  
7 the purposes of this section if a person, by extracting the natural  
8 resources, can receive revenue and reasonably expect to operate at  
9 a profit.

10 (4) A person challenging a zoning decision under subsection  
11 (3) has the initial burden of showing that there are valuable  
12 natural resources located on the relevant property, that there is a  
13 need for the natural resources by the person or in the market  
14 served by the person, and that no very serious consequences would  
15 result from the extraction, by mining, of the natural resources.

16 (5) In determining under this section whether very serious  
17 consequences would result from the extraction, by mining, of  
18 natural resources, the standards set forth in Silva v Ada Township,  
19 416 Mich 153 (1982), shall be applied and all of the following  
20 factors may be considered, if applicable:

21 (a) The relationship of extraction and associated activities  
22 with existing land uses.

23 (b) The impact on existing land uses in the vicinity of the  
24 property.

25 (c) The impact on property values in the vicinity of the  
26 property and along the proposed hauling route serving the property,  
27 based on credible evidence.

1           (d) The impact on pedestrian and traffic safety in the  
2 vicinity of the property and along the proposed hauling route  
3 serving the property.

4           (e) The impact on other identifiable health, safety, and  
5 welfare interests in the local unit of government.

6           (f) The overall public interest in the extraction of the  
7 specific natural resources on the property.

8           (6) Subsections (3) to (5) do not limit a local unit of  
9 government's reasonable regulation of hours of operation, blasting  
10 hours, noise levels, dust control measures, and traffic, not  
11 preempted by part 632 of the natural resources and environmental  
12 protection act, 1994 PA 451, MCL 324.63201 to 324.63223. However,  
13 ~~such~~ **THE** regulation shall be reasonable in accommodating customary  
14 mining operations.

15           (7) This act does not limit state regulatory authority under  
16 other statutes or rules.