

RESOLUTION 20-029
CHARTER TOWNSHIP OF BRIGHTON
LOCAL CONTROL OVER SAND AND GRAVEL MINING OPERATIONS

At a regular meeting of the Township Board of the Charter Township of Brighton, Livingston County, State of Michigan, held on August 17, 2020, beginning at 6:30 p.m., there were:

PRESENT: P. Michel, Supervisor; J. Riker, Clerk; R. Drouillard, Treasurer; M. Slaton, Trustee; L. Weaire, Trustee; S. Combs, Trustee

ABSENT: S. Theis, Trustee

Moved by: J. Riker, and supported by: R. Drouillard to adopt the following resolution:

RESOLUTION

WHEREAS, the State of Michigan Legislature is considering enacting Senate Bill 431 (and House Bill 5979) which would drastically reduce and potentially eliminate zoning and oversight authority from local governments for sand and gravel mining operations; and,

WHEREAS, Senate Bill 431 removes Brighton Township's authority to approve, deny and request changes to an application or special land use permit regardless of zoned location (residential, industrial, agricultural, commercial) – creating a one size fits all process; and,

WHEREAS, Senate Bill 431 eliminates Brighton Township's local oversight over mining operations such as: removing the ability to regulate truck loading hours, blasting hours, noise levels and dust based on proximity of mining operation to residences/businesses; and,

WHEREAS, Senate Bill 431 eliminates any local approval of truck/haul routes, prohibits reasonable requirements for setbacks and stockpiling, eliminates the ability for a township to conduct an annual review to address any problems, reduces financial assurance reclamation to a level that is insufficient to cover costs to close mining operations and restore property—maximum of \$3,000—regardless of the size of mining operation, and,

WHEREAS, A substitute for SB 431 has been proposed, but it does not provide any substantive change for local governments, it does not remove or alleviate previously stated concerns —nor did the discussions on the substitute involve any organization representing local government, and,

WHEREAS, various organizations such as the Michigan Township Association, Michigan Association of Counties, SEMCOG, Michigan Municipal League, and the Michigan Association of Planning have provided Legislative Committees with lists of concerns and suggested alternatives that have not been incorporated.

NOW THEREFORE, BE IT RESOLVED by the Township Board of Brighton Township, Livingston, County, Michigan, that Brighton Township supports the position espoused by the Michigan Township Association and opposes the proposed legislation to preempt local control over sand and gravel operations found in Senate Bill 431 and House Bill 5979.

A roll call vote on the foregoing resolution was taken and was as follows:


AYES: J. Riker, R. Drouillard, M. Slaton, L. Weaire, S. Combs, P. Michel

NAYS: None

ABSENT: S. Theis

RESOLUTION DECLARED ADOPTED.


Joseph R. Riker, Clerk


Patrick V. Michel, Supervisor

CERTIFICATION

I, Joseph R. Riker, Clerk of the Charter Township of Brighton, County of Livingston, Michigan, do hereby certify that the foregoing is a true and complete copy of the Resolution adopted by the Charter Township of Brighton Board of Trustees on the 17th day of August, 2020.

In witness hereof, I have hereunto affixed my official seal this 17th day of August 2020.



Joseph R. Riker, Township Clerk