

RILEY TOWNSHIP - ST. CLAIR COUNTY

ARTICLE XI  
PLANNING COMMISSION – SPECIAL APPROVAL USES

SECTION 1124. MINING OF SAND/GRAVEL/TOPSOIL:

A. General

The mining, excavating, extraction or quarrying of sand, gravel, and/or topsoil may be permitted as a special land use in AR districts only after proper notice has been given as provided in Article XI and after review and approval of the use and location by the Planning Commission, subject to the requirements and standards of this section and the submission of a site plan conforming to the requirements of Section 913. Sand, gravel, and topsoil removal operations shall also be required to obtain an annual operating permit from the Township Board, subject to this Section.

In reviewing the application for special land use approval, the Planning Commission shall be certain that the following characteristics of the use are present and complied with:

1. Processing and stockpiling of materials will be accomplished in a manner that minimized effect on adjacent properties.
2. Uses permitted herein shall be screened from view and set back from the property lines at least one hundred (100') feet on all sides, provided the Planning Commission may increase this requirement where additional protection is required for adjacent properties and/or uses.
3. Uses permitted shall comply with all applicable pollution control requirements of the governing government agency. (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011)
4. Mining of deposits in such AR districts shall not constitute a hazard to public health, safety, and welfare, and shall be conducive to and result in the reclamation of the land for another use or uses permitted in the district.

B. Uses Permitted

The following uses shall be permitted, each of which shall meet applicable performance standards and be subject to all limitations described herein.

1. Mining, excavating, extracting, or quarrying of sand, gravel, stone and/or similar material (hereinafter referred to as mining or mined).
2. Construction and maintenance of plants, be they temporary or permanent, for the processing of such mined material, and to include necessary accessory uses, building, and equipment.

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3. Storage and stockpiling of said mining material.

C. Application Procedures for Mining Permit

The following application procedure shall be compiled with prior to the commencement of any new mining and/or the horizontal expansion of any mined area which exists as of the effective date of this Ordinance. The application form shall be obtained from the Township Clerk.

1. Application Contents:

- a. Name of the owner, or owners, of land from which removal is to be made.
- b. Name and address of applicant making a request for such permit.
- c. Name and address of the person, firm, or corporation that will be conducting the actual removal operation.
- d. Location, size, and description of the area from which the removal is to be made.
- e. Location of the processing plant.
- f. Type of materials or resources to be removed.
- g. Proposed method of removal, general haul route, and whether blasting or other use of explosives will be required.
- h. General description of equipment to be used.
- i. The estimated number of years to complete operations.
- j. A statement that a bond satisfactory to the Township Board, or other type of security, in a minimum amount of \$20,000 for the first 20 acres and minimum of \$1,000 for each additional acre over 20 acres, being mined will be furnished. Upon submission of a topographical survey of the reclaimed areas by a registered civil engineer, the bond or security shall be released, in accordance with the amount of security required per acre.

1. The application shall be accompanied by a processing fee, to be paid by the applicant in an amount to be established by the Township Board.
2. The initial and/or subsequent application for a mining permit shall be referred by the Township Clerk to the Planning Commission. The Planning Commission shall review the site plan for the proposed use and the rehabilitation plan for the mined areas and approve or deny the special land use according to the requirements and standards of Article 11.
3. After hearing, the Planning Commission may approve the request for a mining permit once it determines all standards and requirements are complied with.

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4. As part of the application, the applicant shall submit a topographic survey of the existing parcel drawn to scale and prepared by a Registered Engineer or Registered Land Surveyor with ten-foot contour intervals based upon U.S.G.S. datum. The drawing shall also clearly show the area to be mined, areas for stockpiling, processing plant locations, maintenance areas, and similar use areas. The applicant shall also prepare a plan of reclamation which depicts the final elevations referenced to U.S.G.S. datum and prepared by a Registered Engineer and/or Registered Land Surveyor. The applicant will propose a certain plan of operation and will be expected to comply with such plan during the year a mining permit is issued for. (Removed word "Civil" P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011)
5. The mining permit shall be annual in nature and the applicant shall reapply sixty (60) days prior to the anniversary date of issuance of permit to renew the mining permit for the parcel being mined. (P.H. 2/20/06; Adopted 4/3/06; Published 4/12/06; Effective 4/12/06) Prior to granting continued approval, the Planning Commission shall review the mining operation as to compliance with the original site and rehabilitation plans. Upon finding the applicant has complied with the plan, another mining permit may be issued.
6. In order to defray the expenses incurred by the Township for surveillance of the mining operation and engineering inspections to insure compliance with the approved mining plan and rehabilitation plan, there shall be an annual surveillance and inspection fee for each mining operation. The amount of the fee shall be based on the surface area, in acres, of the proposed operation times the depth, in yards, of the pit. The amount of the surveillance/inspection fee per acre shall be set by resolution of the Township Board. In setting the amount of the fee, the Board may consult with a Registered Engineer or Registered Landscape Architect with expertise in reclamation of mining sites and the cost thereof. (Removed word "Civil" P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011)

D. Standards for Mining Operations

1. All equipment shall be located no closer than one hundred fifty (150') feet to the nearest abutting property line.
2. No excavation or mining shall take place within one hundred fifty (150') feet of the nearest abutting property line.
3. All excavated and mined areas shall be fenced with a minimum five (5') foot high woven wire or a chain link fence along the perimeter of the development protected by locked gates when the operator is not present. (Amended 2/18/08; P.H. 2/18/08; Adopted 5/6/08; Eff. 5/22/08)

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4. There shall be no removal of topsoil or overburden from the mining site. Said earthen materials may be used to construct a berm, as required in subsection (5) below, as a means for storage on-site.
5. All active excavations shall be screened from view by one of the following:
  - a. Construction of a raised earth berm, along the boundaries of the property, at least six (6') feet in height at its center above the actual elevation of the property along the property lines. The berm shall have slopes not in excess of one foot vertical to four feet horizontal and shall be planted with grass, trees, and similar vegetation.
  - b. Plantings of coniferous trees having a minimum diameter of 3 inches along the boundaries of the property with sufficient rows, staggered and of a depth, that will guarantee effective screening.
6. General hours of operation of the mining machinery and the processing plant shall be 7 a.m. to 7 p.m. No hours of operation shall be permitted Sundays and legal holidays. The specific hours of operation shall be approved by the Planning Commission.
7. All sand and gravel sites operable under the provisions of this Ordinance shall have direct access to a major thoroughfare as designated on the Township's adopted Master Plan having a minimum right-of-way width of 120' and shall be improved to the specifications of the governing government agency. (P.H. 6/13/2011; Adopted 10/4/2011; Published 10/13/2011).
8. All equipment and facilities used in the production, processing or transportation of sand, gravel, or stone shall be constructed, maintained, and operated, in such a manner as to eliminate, insofar as practicable, noises, vibrations, or dust which are injurious or unduly annoying.
9. All trucks leaving the site shall have their loads, covered to prevent blowing of material onto Township roads and/or private property.
10. Any paved public road providing access to the mining site shall be swept at least once daily but more frequently if needed to prevent any accumulation of soil, sand and/or gravel on the public roads. All gravel public or private roads providing access to the mining site shall be kept dust-free at all times during mining operations.
11. The applicant shall acquire approval as to haul routes, bonding requirements, weight limits, speed limits, and other matters within the jurisdiction of the agencies responsible for the public roads.

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12. The haul route shall be chosen so as to cause the least amount of disturbance to uses outside the Agricultural districts.
13. No cut shall be made in the original excavation that exceeds a slope of three feet horizontal to one-foot vertical (3:1), and such cut shall not begin closer than one hundred fifty (150') feet from any property line.
14. A cash performance guarantee shall be deposited with the Township Board in the amount of one thousand dollars (\$1,000.00) per acre to be disturbed. The excavation shall proceed in cells of then (10) acres maximum, and each such working cell shall be fully restored and rehabilitated prior to proceeding into the next cell, unless the operator chooses to submit the required cash performance guarantee for the additional cell or cells.
15. Other limitations may be established by the Planning Commission to ensure protection of the adjoining neighborhood, such as, truck trips per day, total amount of material removed from an individual site on a daily basis, special measures to reduce noise levels, rumble strips on-side, and similar limitations determined to be necessary to protect the health, safety and general welfare of nearby residents and land uses, and the community as a whole.
16. Upon termination of any excavation and/or mining operation either by the operator, owner, the Township through the Ordinance, and/or through judicial means, the land shall be backfilled and graded to the developer's site plan which was approved by the Planning Commission.

E. Standards for Rehabilitation of Mined Areas

1. All excavations shall be made either to a water-producing depth of at least eight (8') feet below the low-water mark for at least eighty (80%) percent of the water area, or shall be graded or backfilled with earthen materials, to insure:
  - a. That the excavated area shall not collect and permit to remain therein, stagnant water; or,
  - b. That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof, and so as to produce a gently rolling surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.

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2. The banks of all sand and gravel excavations shall be sloped to the water line in a water-producing excavation, and to the pit floor in a dry operation, at a slope which shall not be less than three (3') feet horizontal to one (1') foot vertical (3:1), and said banks shall be restored with vegetation in a manner set forth hereunder.
3. Vegetation shall be restored by the use of sufficient soil and overburden and by appropriate seeding of grasses or planting of shrubs or trees in all parts of the mining area where such area is not submerged under water, as provided above.
4. Upon cessation of mining operations by abandonment or otherwise, the operator, within a reasonable period of time not exceeding twelve (12) months thereafter, shall remove all plant structures, buildings, stockpiles, and equipment unless such building or structures can be lawfully used in the district in which same are located.