

MINERAL BRINE EXTRACTION WELL ORDINANCE
21
IOSCO TOWNSHIP, MICHIGAN

2100 PURPOSE/INTENT

The Township of Iosco recognizes the need to provide for the utilization of a natural resource, mineral brine, within the township. This ordinance section provides for the control of the operation and extraction of mineral brine and further provides for the protection of the environment including but not limited to the surface water, underground water and water wells in the area of the operation. Transportation of the natural resource from the site is to be limited in such a way so the rights and privileges of the citizens in the community are protected.

The extraction of mineral brine shall be considered a special use and shall be permitted only in the AR District in compliance with the Iosco Township Zoning Ordinance and the Mineral Well Act being Public Act 1969, No. 315, as amended.

2101 SPECIAL USE PERMIT AREA

The area of land containing the special use must be two (2) or more acres in size and have a minimum width of two hundred (200) feet. The minimum set back to the wellhead shall be six hundred (600) feet from any property line. The Planning Commission and/or Township Board shall have the right to make setback adjustments for site specific applications.

2102 NONEXCLUSIVE USE

That area set aside for the special use of a mineral brine extraction well shall be exclusively used for that purpose. That portion of the tract of land outside of the area designated for the special use can contain other uses allowable under the AR District.

2103 HOURS OF OPERATION

Extraction of brine may be maintained at all times. That part of the operation which requires the transfer of brine from holding tanks on site to tankers or trucks, and truck traffic to and from the site shall be limited to the hours of 6 a.m. to 9 p.m. Days of operation are not to exceed Monday through Saturday excluding holidays. The following are recognized Township holidays: New Year's, President's, Memorial, Independence, Labor, Columbus, Thanksgiving, and Christmas Days. In the event of emergency service, the Township Zoning Administrator shall be notified as soon as practical and said service shall be preformed promptly and in accordance with industry standards. The Iosco Township Planning Commission and/or Township Board has the right to modify these hours of operation based on specific applications for the good of Iosco Township and its residents.

2104 FENCING

That portion of the site used for the well, tank buildings, storage tanks, and any buildings shall be protected by six (6) foot high chain link fence with access being controlled by a gate that is locked when no personnel are on site.

2105 LIGHTING

The fenced in area should be lighted for the purposes of maintaining security, provided however, all sources of lighting shall be directed away and shall be shielded from adjacent neighboring uses and shall also be so arranged as not to affect drivers' visibility adversely on adjacent roads.

2106 DRIVEWAY

The driveway servicing the special use must be in compliance with the Livingston County Road Commission standards for commercial driveways as adopted by the Board of County Commissioners on May 23, 1991 and as the same may be amended from time to time.

2107 GREENBELTING

The special use allowing a mineral brine well extraction process shall be considered a commercial use requiring a protective screening of residential areas adjacent to such use. The Iosco Township Planning Commission and/or Township Board shall use as a basis for review, the following:

1. A strip of land with a minimum width of two hundred (200) feet shall be located between the abutting right-of-way of a public street, freeway, or major thoroughfare, and shall be landscaped with a minimum of one (1) tree not less the twelve (12) feet in height or a minimum caliper of two and one-half (2-1/2) inches (whichever is greater at the time of planting) for each thirty (30) linear feet, or major portion thereof, of frontage abutting said right-of-way. The remainder of the green belt shall be landscaped in grass, ground cover, shrubs, and/or other natural living, landscape material.
2. Access ways from public right-of-way through greenbelt buffers shall be permitted.
3. A greenbelt shall be established between the mineral brine well extraction site and any adjacent residential uses. This greenbelt shall contain, at a minimum, a variety of landscaping including, but not limited to, trees, shrubs and other natural living landscape material. Existing vegetation may qualify for this requirement. Adequate screening will be required when the adjacent land use is a residential dwelling. Consideration should be given to the use of coniferous and deciduous trees based on location of site.
4. The Iosco Township Planning Commission and/or Township Board shall take into consideration the distance between the operation of the special use allowed and any

adjacent residentially zoned or residentially used parcels of land. In the cases where the distance exceeds three hundred (300) feet, the Planning Commission and/or Township Board may consider waiving all or any part of the protective screening/greenbelting that is required.

5. The screening shall be limited to that area that is fenced and faces the residentially zoned or residentially used area that is adjacent to the site.

2108 TRUCKING ROUTES

Trailers or trucks transporting brine from the site shall travel only on major thoroughfares and I-96 Expressway.

2109 RESTRICTIONS AGAINST REPAIR

There shall be no on site repair of motor vehicles, trailers, or trucks.

2110 LIMITATIONS ON EQUIPMENT

Equipment allowed on the site and considered a part of the principal use shall be pumping units, engine/motors, steel and fiberglass storage tanks, pumps and motors to circulate load brine, one small structure containing not more than four hundred (400) square feet for the purposes of storing material, bathroom facilities, maintaining records, and to house a unit office. The office building must be contained within the fenced in area.

2111 PARKING OF VEHICLES

There shall be no parking or storing of trucks, trailers, or other vehicles on the site except during the allowable operation hours except for trucks, vehicles, and equipment needed for maintenance and repair of the well and associated equipment during that period of time requiring such maintenance or repair operation. Also excluded from this restriction are light duty vehicles such as passenger cars and pickup trucks that are used for the purpose of bringing personnel to the site to perform their duties.

2112 CONTAINMENT AREA

The operator of the special use shall provide for adequate secondary containment for the brine production well facility following standards set by the Department of Environmental Quality which regulations are promulgated pursuant to 1939 Public Act 61 pursuant to Instruction 1-89 issued by the Supervisor of Wells.

2113 SIZE OF SECONDARY CONTAINMENT FOR BRINE PRODUCTION WELL AND FACILITIES

The containment system must be designed and constructed to contain a minimum of one and one-half (1 ½) times the volume of the storage vessel; further such storage vessels shall meet the monitoring requirements of the Supervisor of Wells.

2114 FILING OF REPORTS

The operator of the special use shall file annual reports with Iosco Township which are a duplicate of the reports filed with the State of Michigan concerning the chemical composition of the mineral brine and copies of other reports filed with the State of Michigan and any of its departments concerning the operation, leakage, or contamination on the site. The filed reports would include any reports filed with the State Fire Marshall's Department indicating any type of environmental hazard on the property.

2115 PROHIBITION AGAINST UNDERGROUND STORAGE

There shall be no underground storage of any items, materials, liquid, including fuels, on the site.

2116 PROHIBITION AGAINST STORAGE OF HAZARDOUS MATERIAL

There shall be no storage, dumping, pouring, or spilling any hazardous substance which substance is defined by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA 42 USC 9601 et seq, as amended) and the Michigan Natural Resources and Environmental Protection Act, MCLA 324.11101 et seq, as amended.

2117 RIGHT TO WAIVE OR MODIFY REQUIREMENTS

The Iosco Township Planning Commission and/or the Iosco Township Board shall have the right to waive or modify any specific requirement listed above.