



Norwood officials drafting new mine ordinance

Jul 31 2012

By: Benjamin J. Gohs, News Editor

bgohs@boynegazette.com

(231) 222-2119

Two of the largest employers in Charlevoix County are concerned with a proposed mining ordinance in Norwood Township.

The largest company that could be affected by the proposed ordinance, if it were passed, is St Marys Cement which employs 130 full-time workers and is responsible for putting over \$20 million into the local economy.

“As it stands right now it would be very costly to comply with all the studies in the Norwood draft license and draft zoning amendment,” said Charlevoix St Marys Cement Operations Manager Dirk Cox. “But, it’s a draft right now and we hope to change some of the requirements to come up with a document we can support and which makes sense.”

If approved:

- The proposed ordinance would allow mining and mineral extraction in agricultural and rural residential zones with a special use permit. Mining and mineral extraction would be allowed as a permitted use in industrial zones.
- Mining and mineral extraction would not be permitted in a conservation reserve, low density residential, mobile home park or commercial zone.

According to Norwood Township Planning Commission Chair Annie Doyle, the Aug. 23 public hearing to take public input on the newly drafted Licensing Ordinance for Norwood Township on Mining and Mineral Extraction Operations has been canceled.

“After input received from Manthei and St. Mary’s, the draft of our ordinance is in the process of being revised and many portions have the potential of being greatly edited at our next planning commission meeting,” Doyle stated in an e-mail response to questions from the Boyne City Gazette. “To ensure we have a comprehensive understanding of the input we are currently receiving, we have canceled the public hearing so that we are able to make the appropriate changes to our current draft given the information we have most recently been provided.”

She added, “As soon as we have a new draft completed we will reschedule the public hearing. Our goal is to make an ordinance that protects the interests of both individual property owners and businesses in Norwood Township.”

According to the draft ordinance as of July 10

“No person shall establish a commercial excavation operation, mining operation or quarrying operation ... without first obtaining a zoning permit under the provisions of this Ordinance. A person shall be allowed to extract or mine a valuable natural resource from any property owned by them within permitted zoning districts unless the Planning Commission determines that very serious consequences would result from the extraction of the those natural resources.”

However, if passed, the draft ordinance would not require a zoning permit for common household gardening, landscaping, construction grading, farming, farm operations and general ground care.

An application for a Special Land Use for extraction would not be required under the proposed ordinance for excavating, grading or leveling in connection with development of a real estate subdivision, condominium or other qualifying development.

St Marys owns nearly 1,000 acres of land in Charlevoix Township and nearly 400 acres in Norwood Township and operates an individual mining facility in both townships.

Cox said St Marys has had some brief discussions with Norwood officials concerning the proposal.

“We’ve reached out to the planning commission chair and Township supervisor and expressed an interest in having a productive dialogue about the current draft,” he said. “They appear to be

receptive to hearing what we have to say and that is very encouraging, but we will have to wait and see.”

St Marys creates over a million tons of cement which is exported in and around Michigan and its tax bill constitutes nearly 10 percent of Norwood Township’s collected tax revenue.

According to St Marys they are striving to maintain a good relationship with its neighbors by being a good steward to the land.

“We have a really good environmental record ... with zero environmental violations as far as Norwood Township is concerned in the last seven years,” Cox said.

The second largest employer that would be affected by the proposed ordinance is Manthei Development Corporation (MDC).

“We have very serious concerns about most of the provisions,” said MDC Owner Mark Manthei. “We feel this will have a very negative impact on the mining industry and it is very difficult to see how this is not going to affect employment negatively if it were passed.”

With a mining operation and other facilities located in Norwood, MDC employs nearly 90 people.

Manthei said everything from the setbacks to the noise level requirements to environmental studies could end up being costly for his local business.

“We are already in full compliance with the state and federal guidelines but they want to take those requirements and make them extremely difficult for us,” Manthei said. “It doesn’t appear to be based on anything we’re doing—we’ve always been good neighbors.”

Manthei said the issue may have stemmed from a dispute between a private citizen and township officials in recent years.

Like St Marys, Manthei said he is talking with some Norwood officials about the matter.

“We are trying to see if we can appeal to common sense,” he said. “We believe we do have grandfather rights and we will be pursuing all avenues to protect our interests.”

One of the proposed measures which seems to concern some local businesses the most is the licensing requirement.

“Applicant ... shall have the burden of showing that there is a valuable natural resources(s) located on a relevant property; that there is a need for the natural resource(s) by the Applicant or in the market served by the Applicant; the anticipated duration of that need; the sufficiency of the Applicant’s property interest; and that no very serious consequences would result from the extraction, by mining, of the natural resources,” the draft ordinance states.

According to the draft ordinance

- The Norwood Township Planning Commission would not approve any extraction operation, by mining, that would result in “very serious consequences.”

“What they told us is they want to use police powers to impose some sort of licensing on us and St Marys—we never had to have a license to do business before,” Manthei said. “The license would be revokable every two years and you have to meet all sorts of criteria just to do business.”

Other licensing requirements would include

a business proving that it will not cause “very serious consequences” on neighboring land uses, property values in the vicinity of the property in question and along the proposed hauling routes and the impact on pedestrian and traffic safety near the property and along hauling routes.

The impact on “other identifiable health, safety and welfare interests” and the “overall public interest” would have to be identified in addition to any “cumulative impact of the natural environment” in relation to the proposed mining operation.

According to the draft ordinance, the Norwood Planning Commission would also consider impact on existing roadways, sewage systems, water supply, gas, electric and telegraphic utilities; recreational areas, public lands, campgrounds and parks within the township; the effects on the character of the

township; impact on the historic, cultural or archaeological resources or features in the township; impact on view-sheds, unique geological features and productive agricultural lands within the township.

Since 1968 MDC has worked in heavy construction and landscaping, and cement, concrete and gravel are their lifeblood.

“We have grown over the years and continually tried to improve our properties, and we feel like we have been able to develop quite a bit of employment in the area,” Manthei said. “We’ve never had any negative issues with Norwood Township, and they have always been a good partner in the past.”

Manthei said it is in the public interest to promote business and industry and this proposed ordinance would have a substantially negative impact on certain businesses.

“We’re hoping we can work out a positive outcome and not a negative ordinance that will be detrimental to job creation and job retention in the area,” he said.