HOUSE BILL NO. 6388

September 24, 2026, Introduced by Reps. Miller, Foreman and MacDonell and referred to Committee on Government Operations.

A bill to amend 2006 PA 110, entitled

"Michigan zoning enabling act,"

by amending section 205 (MCL 125.3205), as amended by 2023 PA 234.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

(b) The regional transit authority act, 2012 PA 387, MCL 124.541 to 124.558.

(c) The small wireless communications facilities deployment act, 2018 PA 365, MCL 460.1301 to 460.1339.

(d) Part 8 of the clean and renewable energy and energy waste reduction act, 2008 PA 295, MCL 460.1221 to 460.1232.

(e) The data center siting and community protection act.

(2) A county or township shall not regulate or control the drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes and does not have jurisdiction with reference to the issuance of permits for the location, drilling, completion, operation, or abandonment of such wells.

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

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

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

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

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

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

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

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

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

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

(7) A renewable energy project that received special land use approval under section 502 on or after January 1, 2021 is considered to be a prior nonconforming use and the special land use approval ~~shall~~ **must** not be revoked or modified if substantial construction has occurred or if an expenditure equal to 10% of the project construction costs or $10,000.00, whichever is less, has been made.

(8) This act does not limit state regulatory authority under

other statutes or rules.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

Enacting section 2. This amendatory act does not take effect unless House Bill No. 6391 (request no. H07691'26) of the 103rd Legislature is enacted into law.