

PETITION TO PLACE A WARRANT ARTICLE BEFORE THE VOTERS
OF THE TOWN OF UNION
FOR THEIR CONSIDERATION AT THE NEXT SECRET BALLOT REFERENDUM
TO ENACT AN ORDINANCE OR AMENDMENT ENTITLED:

“Amendments to the Town of Union Land Use Ordinance
to Regulate and Control Industrial Metallic Mineral Mining”

SUMMARY OF THE PROPOSED ORDINANCE AMENDMENTS

If adopted by the voters of the Town of Union, the proposed industrial metallic mineral mining ordinance amendments:

1. Will prohibit industrial metallic mineral mining in the Village District, Commercial District, Rural District, and in all Shoreland Zoning Districts of the Town of Union.

“Industrial metallic mineral mining” is defined as follows:

The exploration for or extraction of metallic minerals, by a person or persons acting in concert, which occupies or disturbs an aggregate land area of one acre or more, regardless of the number of exploration or extraction sources or sites used. Industrial metallic mineral mining includes any structures, facilities, or processes associated with the exploration for or extraction of metallic minerals, including but not limited to: bulk sampling; preparation, washing, cleaning, processing, beneficiation, or other treatment of metallic minerals; the storage or stockpiling of bulk sampling materials or mine waste, whether or not the exploration or extraction occurs within the geographic boundaries of the Town; and reclamation activities.

2. Will apply retroactively to industrial metallic mineral mining operations that were or are pending before the Town of Union at any time on or after March 21, 2023.
3. Will not apply to non-commercial mineral exploration by means of test boring, test drilling, hand sampling, or digging of test pits which disturbs a land area of less than one acre; or
4. Will not apply to the excavation, processing, or quarrying of sand, fill, gravel, clay, topsoil, peat, silt, or rock not associated with metallic mineral mining.

THE FULL TEXT OF THE PROPOSED AMENDMENTS TO THE TOWN OF UNION LAND USE ORDINANCE IS ATTACHED TO THIS PETITION.

**AMENDMENTS TO THE TOWN OF UNION LAND USE ORDINANCE
TO REGULATE AND CONTROL INDUSTRIAL METALLIC MINERAL MINING**

The Town of Union Land Use Ordinance is proposed to be amended by adding the words shown in underline and removing the words shown in strikethrough, as follows:

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1.6. EFFECTIVE DATE

This Land Use Ordinance shall be enacted and be of full force and effect on the day following the date of approval of this Ordinance by the voters of the Town of Union, and any Land Use Ordinance of the Town of Union in effect prior to the date of enactment of this Land Use Ordinance shall be repealed as of that date. Notwithstanding 1 M.R.S. § 302 or any other law to the contrary, and regardless of the Effective Date, the amendments adopted on June 13, 2023 shall govern and apply to all industrial metallic mineral mining operations that were or are pending before the Town at any time on or after March 21, 2023 (the "Date of Applicability") and, to the extent allowed by 30-A M.R.S. § 3007(6), shall apply to and nullify the issuance of any final approval, license, or permit for any new or expanded industrial metallic mineral mining operations.

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1.10.1. Allowable Land Uses

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Table 1.10-1. Allowable Land Uses by District, and Application Dispositioning Authority

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No.	Industrial and Heavy Commercial Uses	Village District	Commercial District	Industrial District	Rural District
322	<u>Industrial Metallic Mineral Mining</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>

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ARTICLE 4: SHORELAND ZONING PROVISIONS

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TABLE 4-14. LAND USES IN THE SHORELAND ZONE

LAND USES	DISTRICT			
	SP	RP	LR	LC
15. Principal structures and uses				
D. Industrial, <u>including industrial metallic mineral mining</u>	NO	NO	NO	NO

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ARTICLE 11: DEFINITIONS

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INDUSTRIAL METALLIC MINERAL MINING: The exploration for or extraction of metallic minerals, by a person or persons acting in concert, which occupies or disturbs an aggregate land area of one acre or more, regardless of the number of exploration or extraction sources or sites used. Industrial metallic mineral mining includes any structures, facilities, or processes associated with the exploration for or extraction of metallic minerals, including but not limited to: bulk sampling; preparation, washing, cleaning, processing, beneficiation, or other treatment of metallic minerals; the storage or stockpiling of bulk sampling materials or mine waste, whether or not the exploration or extraction occurs within the geographic boundaries of the Town; and reclamation activities. Industrial metallic mineral mining does not include (i) non-commercial mineral exploration by means of test boring, test drilling, hand sampling, or digging of test pits which disturbs a land area of less than one acre; or (ii) the excavation, processing, or quarrying of sand, fill, gravel, clay, topsoil, peat, silt, or rock not associated with metallic mineral mining. For purposes of this definition, "bulk sampling" means the removal of samples of earth materials to test the feasibility, method, or manner of extraction or processing of metallic minerals by drilling and boring, digging of shafts and tunnels, or digging of pits and trenches; and "mine waste" means all overburden, rock, ore, tailings, and other mining-related materials that are exposed or removed from the earth as part of any metallic mineral mining exploration or extraction operation.

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MINERAL EXPLORATION: Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources, other than methods associated with industrial metallic mineral mining, which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

MINERAL EXPLORATION (in shoreland zone): Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources, other than methods associated with industrial metallic mineral mining, which create minimal disturbance to the land, and which include reasonable measures to restore the land to its original condition.

MINERAL EXTRACTION: Any operation, other than industrial metallic mineral mining, within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location, including processing, washing and storage, and to transport the product removed, away from the extraction site.

MINERAL EXTRACTION (in shoreland zone): Any operation, other than industrial metallic mineral mining, within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

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~~MINING or MINING ACTIVITY:~~ ~~The breaking of the surface soil in order to facilitate or accomplish the extraction or removal of more than one thousand 1,000 cubic yards of product or overburden from the earth within twelve (12) successive calendar months, any activity or process that is for the extraction or removal of the product or overburden, processes used in the separation or extraction of the mineral or minerals from other material from the mine or other natural deposit, including, but not limited to, crushing, grinding, beneficiation by concentration (gravity, flotation, amalgamation, electrostatic, or magnetic); cyanidation; leaching; crystallization, or precipitation or processes substantially equivalent, necessary, or incidental to any of the foregoing. Mining or mining activity does not include exploration, processes including electrolytic deposition, roasting, thermal or electric smelting or refining, or excavation or grading preliminary to a construction project.~~