



**Carlisle | Wortman**  
ASSOCIATES, INC.

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Date: January 3, 2023

**Special Land Use for  
Extraction of Natural Resources Based on  
Determination of No Very Serious Consequences  
For  
Sharon Township, Michigan**

**GENERAL INFORMATION**

**Applicant:** Stoneco of Michigan

**Project Name:** 19024 Pleasant Lake Road

**Plan Date:** December 13, 2022

**Location:** 19139, 19024, 17020 Pleasant Lake Road  
Parcel ID Numbers: 15-27-100-001, 15-26-200-002, 15-26-200-001, 15-23-300-002, 15-23-200-002, 15-22-400-005

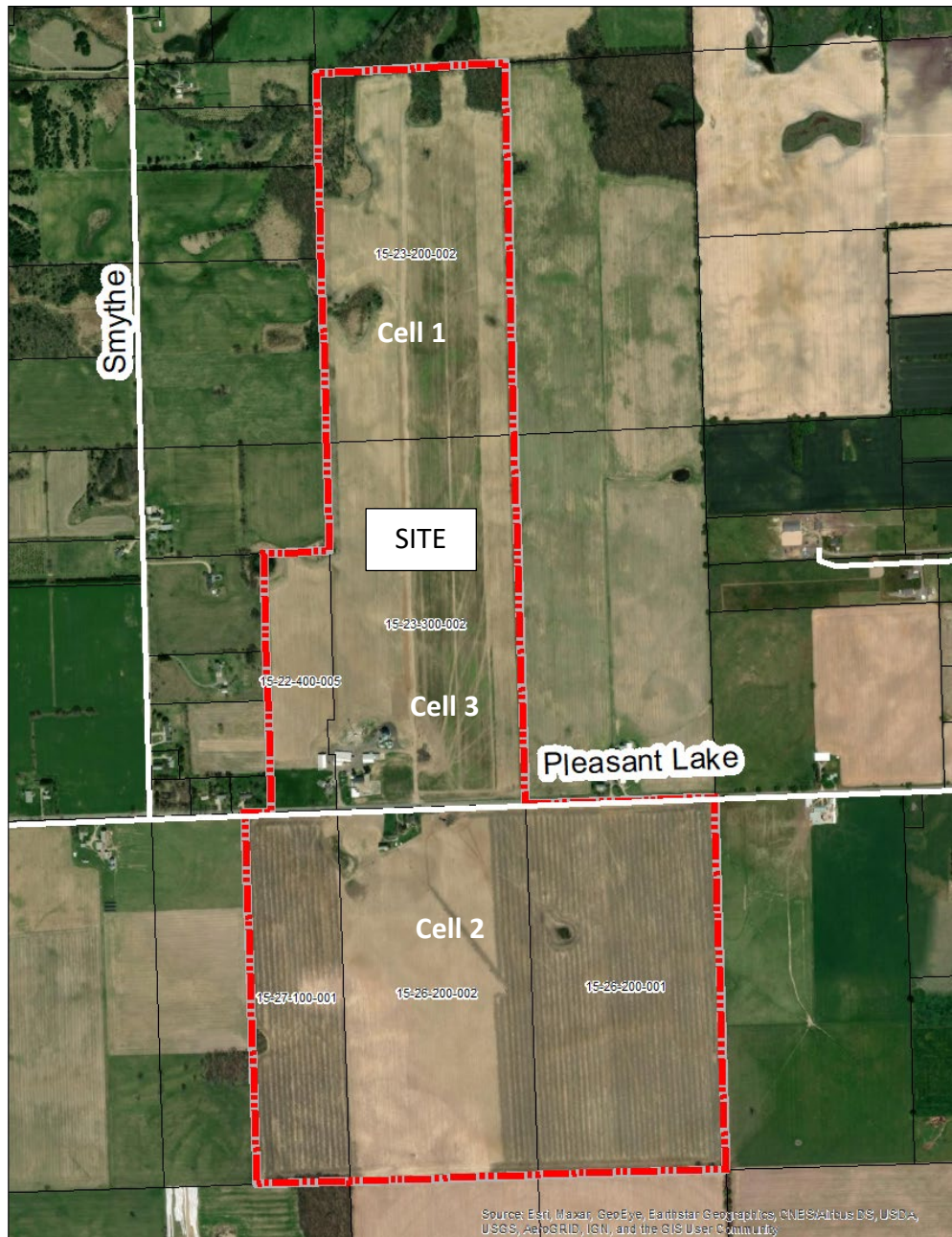
**Zoning:** A-1, General Agriculture District

**Action Requested:** Special Land Use for Extraction of Natural Resources based on Determination of No Very Serious Consequences

**PROJECT AND SITE DESCRIPTION**

The applicant is proposing a sand and gravel mining operation on five (5) parcels on both sides of Pleasant Lake Road. The subject site is zoned A-1, General Agriculture. The site has an area of 398.11 acres. The Comstock Drain notches into the northwest corner of the site. A pipeline surrounded by an easement for Panhandle Eastern Pipeline Company and Standard Oil Company runs along the southern property line.

### Aerial Photograph



The site currently contains single-family residences and farm operations on both sides of Pleasant Lake Road, with a lease area for a cellular tower on one of the parcels just north of Pleasant Lake Road. The applicant is requesting that the residential uses and the cellular tower use continue for the duration of the mining operation and that agricultural uses continue on land that is not being actively mined or used for the processing plant. Agriculture and single-family dwelling are permitted by right in the A-1 Zoning District. The cellular tower use is operating under a previously granted Special Land Use permit. Sand and gravel mining operations are a

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special land use in the A-1 Zoning District, subject to the provisions of Section 5.12 of the Sharon Township Zoning Ordinance.

The applicant is requesting a special land use permit based on the determination of no very serious consequences, per Section 5.12.C of the Sharon Township Zoning Ordinance. This is our second review of their special land use application.

We stated in our previous review that “Once the special land use is granted, the extraction operation will be the principal use of the property and the single-family home on site cannot be used as a residence.” In its narrative, the applicant disagreed with this statement and purports that this would prevent agricultural use of the property not being mined. Upon further review of the Sharon Township Zoning Ordinance, there is not an explicit provision that would prevent multiple principal land uses on the site. In order to provide clarity for Township officials on what uses are proposed, the applicant, before the public hearing, should provide a plan or table showing what parcels and buildings will be used for which uses when each cell is being actively mined.

We are comfortable with allowing multiple principal permitted uses on the site specifically agriculture and the cell tower however we are doubtful under the proposed configuration that residential uses could co-exist on the parcels with ongoing mining or processing, in a manner where health, safety and welfare of the residents could be protected in the same fashion as those adjacent residential properties. We recommend the applicant consider the following revisions and/or conditions:

1. To comply with Section 2.8.g of the Sharon Township Mineral Extraction Ordinance, the buildings proposed to continue as a residential use must be located at least five hundred (500) feet from any extraction, processing, loading, weighing, stockpiling or other operations or equipment storage or repair. The location of construction sand and gravel extraction areas on Cell 2 and Cell 3, and the mobile equipment parking would need to be moved, at a minimum. This required setback will be evaluated with the annual mineral license approval and does not need to be revised for consideration of the Special Land Use.
2. Additional fencing and gates should be proposed to prevent residents of and visitors to the residences from encountering dangerous situations posed by the extraction activity and associate physical attributes on site. The applicant could revise the Mining Plan sheets or the fencing and gates could be a condition of approval.
3. The occupancy of the residences could be limited by the applicant to the current residents.
4. If the occupancy is not limited to the current residents, conditions of approval for the Special Land Use could include maintenance of the residences to be evaluated with the annual mineral license approval.

5. No matter who occupies the residences, testing of the water pressure and quality of the wells associated with those housed should be part of the annual mineral license approval.
6. If the residences are proposed to remain past the extraction operation, the houses could be incorporated in a thoughtful way as part of the reclamation plan. The reclamation plan could include residential lots of 10 acres for each remaining house, which could be sold as home sites. The residences could also be incorporated as a museum or learning center associated with an end use of a conservation area. A detailed reclamation plan is required for the initial mineral license permit and the use proposed in the reclamation plan must be found to be acceptable.

**Items to be Addressed:** Clarification on principal use of each parcel and the use of each remaining building during the extraction operation of each proposed cell.

### NEIGHBORING ZONING AND LAND USE

The zoning, land use and Master Plan designations of the subject site and surrounding properties is provided in table below:

	Subject Property	North	South	East	West
<b>Zoning</b>	General Agriculture (A-1)	General Agriculture (A-1)	General Agriculture (A-1)	General Agriculture (A-1)	General Agriculture (A-1)
<b>Land Use</b>	Single-Family Agriculture Cellular Tower	Agriculture	Agriculture	Single-Family Agriculture	Single-Family Agriculture
<b>Master Plan</b>	Agriculture	Agriculture	Agriculture	Agriculture	Agriculture

**Items to be Addressed:** None

### EXTRACTION, SOIL REMOVAL AND MINING OPERATIONS APPROVAL PROCESS

The approval process for extraction, soil removal and mining operations is as follows per Section 5.12 of the Sharon Township Zoning Ordinance and the Sharon Township Mineral Extraction Ordinance:

1. **Preliminary determination of the need and public interest in natural resources proposed to be extracted to inform decision on “no very serious consequences”:** The process for this phase of approval is: after any deficiencies in the application have been addressed, the Planning Commission holds a public hearing, and adopts findings and recommendations on the extent of need demonstrated by the applicant; and the Township Board makes its own findings and conclusions on the extent of the need demonstrated.

Per the recommendation of the Planning Commission, the Township Board, at their June 22, 2022 Regular Meeting, passed a unanimous motion finding that the applicant has satisfied its

demonstration of need only to the extent of a showing that there is a low-to-moderate need for the resources proposed to be mined on Sharon Township property.

2. **Special Land Use approval:** If the applicant is found to have demonstrated need by the Township Board, the applicant may then file a special land use application. The Planning Commission would hold a public hearing and make a recommendation to the Township Board. The Township Board can approve, approve with conditions or deny the special land use.

The applicant submitted a special land use application to the Sharon Township Clerk on September 29, 2022 and a revised submittal on December 16, 2022. This review concentrates on the completeness of the application and provides an overview of the standards for approval in Section 5.12.

3. **License from Mineral License Board:** Chapter IV, Article 2 – Mineral Extraction in the Sharon Township Code of Ordinances requires a license from the Township Mineral Extraction License Board to commence or continue a business involving mineral extraction. A condition of filing a mineral license application is Special Land Use approval, per Section 5.12 of the Sharon Township Zoning Ordinance. The applicant may seek approval from the Township Board to apply for a mineral license during the special land use approval process, with the understanding that the applicant assumes the risk of expending the time and resources pursuing the mineral license approval prior to zoning approval. At this time, the applicant has not applied for a mineral license.

Prior to the initiation of any construction activities associated with the special land use, a preliminary and final site plan must be approved by the Township Board, upon recommendation by the Planning Commission, per Section 4.02 of the Sharon Township Zoning Ordinance. Preliminary and final site plan approval may be pursued under a single application. Site plans may be submitted for each cell in conjunction with the annual mineral license application.

**Items to be Addressed:** None

## APPLICATION COMPLETENESS

Section 5.12, in reference to Act 113 in MCL 125.3205(4), specifies that the applicant has the initial burden of showing that no very serious consequences would result from the extraction, by mining, of the natural resources. The application for preliminary determination of the need and public interest must meet the standards laid out in Section 5.12.D.4. We had asked for the previous application was asked to be revised and resubmitted.

The table on the following page documents the items noted as missing in our previous review, the applicant's revision, whether the item is provided, and our recommendations. The recommendations mostly ask for notes to be added to the site plan, as that will become the binding document, not the narrative, if the special land use is approved.

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<b>Missing Item Noted in Previous Review</b>	<b>Applicant Revision</b>	<b>Provided (Yes/No)</b>	<b>Recommendation</b>
Parking areas for equipment was not shown.	Parking areas for employees and mobile equipment shown on Mining Plan sheets	Yes	None
Date of the aerial photograph was not provided on Sheet 7.	Date of aerial photograph provided.	Yes	None
Method by which material will cross Pleasant Lake Road.	Written response notes that conveyors will be used, subject to Washtenaw County Road Commission approval, and trucks will not be used to convey material.	Yes	The language in the narrative is added as a note to the Mining Plan Sheets before or as a condition of special land use approval.
Whether gravel roads or driveways are proposed on the south side of Pleasant Lake Road when Cell 2 is being excavated.	Gravel driveway shown for Cell 2 on Sheets 3 and 3B.	Yes	At site plan review, vehicle turnaround area and parking area, if applicable, be shown.
Location and capacity of truck staging area	Truck staging and waiting areas shown on Mining Plans with space for 129 trucks.	Yes	None
Cross-sections of berms	Cross-section provided on Sheet 3 with a note that berms will be undulating.	Yes	None
Note that equipment used for screening and crushing shall be not less than 400 feet from the nearest property line.	Notes to this extent on Mining Plan sheets.	Yes	None
Clarification as to whether the existing buildings on-site will be removed or will remain.	Buildings for to remain or be removed is noted on the Mining Sheets.	Yes	Clarification on what continued use of buildings before the public hearing as discussed in the "Project and Site Description" section.
Clarification as to whether mining in each cell will overlap.	In the narrative, the applicant stated that it is likely that mining in each cell will overlap.	Yes	None
Estimate of when easements for gas pipeline will be finalized.	In the narrative, the applicant stated that the easements will be finalized in three months.	Yes	None

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Missing Item Noted in Previous Review	Applicant Revision	Provided (Yes/No)	Recommendation
Subsequent location of the processing plant be specified.	In the narrative and on the Mining Plan sheets, it is stated that a small mobile plant will be used at the end of the mining of Cell 3.	Yes	The information provided in the narrative that the location of the mobile plant will be provided during the annual Mineral Extraction License review be added to the Mining Plans in the notes before or as a condition of special land use approval.
Notation of existing trees to be removed and trees that are to be preserved.	Applicant has stated that this item is not required at this time.	No	This item can be taken care of at site plan review and the review for the initial mineral extraction license for each cell.
Note on the mining plans that stockpiles associated with the mining operations will be no more than 25-feet above the surrounding area grade.	Note 26 to this extent has been added on the Mining Plan sheets.	Yes	None
The height of the structures associated with the processing plant and the grade at which they will be placed.	In the narrative, the applicant stated that structures associated with the processing plant will not be more than 45 feet. The applicant also provided a cross-section on Sheet 5D that shows how the processing plant will be screened from view on public roads.	Yes	A note restricting the height of structures associated with the processing plant to not more than 45 feet should be added to the Mining Plan sheet before or as a condition of special land use approval.
Detail and description of the materials for the proposed six foot fence on all property lines.	In the narrative, the applicant stated that a typical welded wire farm fence will be installed.	Yes	A detail of the fence should be provided at the time of site plan approval and/or the granting of the initial mineral extraction license for the site.
The use of the property south of Pleasant Lake Road during the first phase of the project	In the narrative, the applicant stated that it is their intention to maintain agricultural use of any unstripped land in the cells during the extraction process.	Yes	A note specifying that unstripped land not occupied by woodlands or wetlands will be maintained as agricultural use should be added to the Mining Plan sheet before or as a condition of special land use approval.

Missing Item Noted in Previous Review	Applicant Revision	Provided (Yes/No)	Recommendation
A change in either the uses listed or design of the reclamation plan to coincide with current zoning parameters and agricultural practices.	The Reclamation Plan sheets have been revised by removing “low-density” residential form the list of conceptual end uses.	Yes	Without examples or documentation, it is difficult to discern how the proposed reclamation design could be used for agricultural production. We recommend the applicant provide examples before the public hearing.
Vibration Discussion did not address concerns from the Sharon United Methodist Church.	In the narrative, the applicant stated their “proposed use and related truck traffic will not cause any exceedance in the use of these roads (Pleasant Lake Road and M-52) beyond their current design standards.”	Yes	None

The applicant has stated in the narrative that site plan requirements for tree location and preservation, a conceptual landscape plan, and landscaped buffers are not applicable at this stage since Section 5.12.A.1 of the Sharon Township Zoning Ordinance states “Therefore, the special standards in this Section shall apply rather than the usual standards in this Zoning Ordinance for the review of special land use applications.” We have interpreted “standards” to mean those pertaining to the standards of approval per Act 113 listed in Sections 5.12.C and 5.12.D.

However, we agree with the applicant that those items are not required at this stage of approval. We had mentioned them in our previous review as a courtesy. We recommend the applicant add a note to Sheets 3, 3A, and 3B stating that the site will comply with the landscaping requirements of the Zoning Ordinance at the time of site plan review and the screening requirements in the Sharon Township Mineral Extraction License at the time of review for the initial Mineral License for each proposed cell.

As stated in “Project and Site Description” section, the applicant, before the public hearing, should provide a plan or table showing what parcels and buildings will be used for which uses when each cell is being actively mined. That information is needed in order to evaluate the proposal based on the standards in Section 5.12.

**Items to be Addressed:** Clarification on principal use of each parcel and the use of each remaining building during the extraction operation of each proposed cell.



## PLANNING COMMISSION QUESTIONS

Planning Commissioners have individually provided questions for the applicant via CWA. They are listed below in italicized font with responses. This information is provided as a courtesy and is not required by the Zoning Ordinance for a complete application:

*How many other mining operations does Stoneco operate that have an oil or natural gas pipeline on site?*  
The applicant may reply as they see fit.

*How much fuel is planned to be stored on site?*  
The applicant may reply as they see fit. The local Fire Department will need to review and approve containment of all hazardous materials.

*Where will water come from to fill the two-acre fresh water pond that is proposed in the southwest corner of Cell 1?*  
We defer the Township Engineer as to whether this information has been provided.

*When wet mining in cell one, will the mining not exceed fifty (50) feet below the water surface or fifty (50) feet below the groundwater level?*  
We defer the Township Engineer as to whether this information has been provided.

*In the site plan provided, where are the vehicles and equipment going to be parked?*  
The revised Mining Plan sheets shown parking areas for vehicles and equipment.

*Where is the water supply pipeline on Cell 2 or 3?*  
We defer the Township Engineer as to whether this information has been provided.

*How does mined material get from Cell 2 to Cell 3? Will there be equipment crossing Pleasant Lake Road?*  
The applicant has clarified in the narrative of this submittal that mined materials will be transported across Pleasant Lake Road via conveyors, subject to the approval of the Washtenaw County Road Commission.

*Are there any roads or driveways in Cell 2? Will truck or other vehicles be parking in Cell 2?*  
On the revised Mining Plan sheets, a gravel driveway is shown to access Cell 2. No parking areas are shown. We recommend that at site plan review for Cell 2, a vehicle turnaround area and parking area, if applicable, be shown.

*Where would the maximum number of trucks waiting to be loaded be located?*  
The revised Mining Plan sheets show that the 50-foot-wide internal gravel driveway could accommodate up to one hundred and fourteen (114) trucks waiting to be loaded and a truck staging area that could accommodate fifteen (15) trucks.

*Will the current structures on site be removed? Will they be used for any kind of storage for Stoneco?*  
The revised Mining Plan and Reclamation plan sheets show two (2) single-family residences and five (5) agricultural storage buildings proposed to remain. All other buildings are proposed for removal. The applicant has not specified whether the agricultural storage buildings will be used by Stoneco.

*How many trees are being removed from the site? Is there an approximate number of trees proposed for removal?*

The applicant stated in the narrative for this submittal that all trees on site are subject to removal and trees adjacent to neighboring parcels are intended to remain as they aid in natural screening.

*What is the maximum height of the equipment used for processing aggregate?*

In the narrative, the applicant stated that structures associated with the processing plant will not be more than 45 feet. The applicant also provided a cross-section on Sheet 5D that shows how the processing plant will be screened from view on public roads.

*What kind of fence will be used to surround the mine? Will you be able to see through the fence?*

In the narrative, the applicant stated that a typical welded wire farm fence will be installed. This type of fence can be seen through. Barb wire should be prohibited due to its institutional and non-agricultural appearance.

*Has Stoneco provided answers to the questions asked by the Sharon Preservation Society, especially the questions they provided on Reclamation, Noise, Dust and Fumes Evaluation, and Property values?*

Stoneco provided responses to the reviews from the Township's consultants and attorneys. The Township can share the questions from the Sharon Preservation Society with the applicant. The applicant may reply as they see fit.

**Items to be Addressed:** None at this time.

## **EXTRACTION, SOIL REMOVAL AND MINING OPERATIONS REVIEW STANDARDS**

Section 5.12.D.3 provides the standards listed below based on Act 113, MCL 125.3205(5) (a)- (f) for the purpose of determining whether the applicant has proven that "no very serious consequences" would result from the applicant's proposed extractive operation and haul route. We will submit an analysis of the special land use application based on these standards to the Planning Commission prior to the public hearing.

### **a. Existing Land Uses**

- (1) The relationship and impact of applicant's proposed use and associated activities with and upon existing land uses anticipated to be impacted, particularly those properties in the vicinity of the property and along the haul route(s).**
- (2) The impact upon the public health, safety and welfare from the proposed use, including haul route(s), considering, among other things, the proposed design, location, layout and operation in relation to existing land uses.**

### **b. Property Values**

- (1) The impact of applicant's proposed use and associated activities on property values in the vicinity of the property and along the proposed haul route(s) serving the property.**

- (2) The effect on the general demand for and value of properties in the Township anticipated to be caused by the proposed use, including use of the haul route(s).**
- (3) The impacts considered in this subsection b may taking into consideration: the number and type of vehicles proposed; machines and equipment to be used in the operation; location and height of buildings, equipment, stockpile or structures; location, nature and height of walls, berms, fences and landscaping; and all other aspects of the proposed use.**

**c. Pedestrian and Traffic Safety**

- (1) The impact of the proposed use and associated activities on pedestrian and traffic safety in the vicinity of the property and along the proposed haul route(s) serving the property.**
- (2) Consistency with and authorization of the proposed use and haul route(s) under state, county, and/or local regulations that have been established for roadways, including regulations applicable to the use of roads for proposed haul route(s).**
- (3) The impact of the proposed use, including haul route(s), on vehicular and pedestrian traffic, particularly in relation to hazards reasonably expected in the district(s) impacted, taking into consideration the number, size, weight, noise, and fumes of vehicles, vehicular control, braking, and vehicular movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and driveways and other means of access, off-street parking and provisions for pedestrian traffic. Consideration shall be given to the interaction of heavy vehicles used for the use with children, the elderly and the handicapped.**
- (4) Whether the proposed use and associated activities would result in a hazard to children attending schools or other activities within the Township.**
- (5) Overall, the impact of the proposed use, including haul route(s), on children, older persons, and handicapped persons, with consideration to be given to the extent to which such persons shall be required to forego or alter their activities.**

**d. Identifiable Health, Safety, and Welfare Interests**

- (1) If the property has been designated in the Master Plan as an appropriate site for heavy industrial use, this shall weigh in favor of the applicant under this provision, subject to consideration of the specific scope and impact of the operation and associated activities. Similarly, if the property has been designated in the Master Plan for non-industrial use, this shall weigh in favor of determining that the proposed Use would result in a very serious adverse consequence.**
- (2) The impact of applicant's proposed use and associated activities on identifiable health, safety, and welfare interests in the Township.**

- (3) The impact of the proposed use, including haul route(s), upon surrounding property in terms of noise, dust, fumes, smoke, air, water, odor, light, and/or vibration. In determining whether a proposed use amounts to a very serious consequence, the standards for the stated impacts contained within the Township's regulatory ordinance, as the same may be amended, will be considered, along with any one or a combination of components proposed for the use that have unique qualities relating to these impacts (such as crusher noise and vibration).**
- (4) The extent of impact of the proposed use, including haul route(s), on economic development and on the character and features that defines the community, or on development in other units of government that will be impacted by the use, including haul route(s).**
- (5) The impacts of the proposed use on the planning, functioning and spirit of the community, factoring into such consideration whether the proposed use would be likely to render the applicable regulations in the zoning ordinance on other properties in the area unreasonable. This review shall analyze whether the heavy industrial nature of the proposed use would undermine reciprocity of advantage by creating impacts and character that would raise a reasonable question whether residential zoning restrictions on area property would represent arbitrary limitations on the use and enjoyment of such area property.**
- (6) The operation of the proposed use, including the haul route(s), shall be evaluated in light of the proposed location and height of buildings or structures and location, nature and height of stockpiles, walls, berms, fences and landscaping, and all other proposed aspects of the overall use, including whether such improvements would interfere with or discourage the appropriate development and use of adjacent land and buildings.**
- (7) The extent to which the proposed use, including haul route(s), would be likely to cause limitations on the use and enjoyment of other property in the vicinity (zoning district or districts, as impacted) in which it is to be located and along the haul route(s), and the extent to which the proposed use would likely be detrimental to existing and/or other permitted land uses and future redevelopment in the manner specified in the Master Plan.**
- (8) The extent to which the proposed use, including haul route(s), would likely be detrimental to the development of new land uses in the zoning districts impacted.**
- (9) The burden from the proposed use, including haul route(s), on the capacity of public services, infrastructure or facilities.**
- (10) The burden of the proposed use, including haul route(s), on retail uses, arts and culture, equestrian activities, non-motorized vehicle travel or recreation, school use, parks, playgrounds, residential uses, and the likely creation of physical vulnerability or degradation of any uses and resources, including the creation of**

the need for added public or private expenditures for maintenance of buildings, structures, and infrastructure.

- (11) The extent to which the proposed use, including haul route(s), would cause diesel fumes, dust, truck noise or physical/mental health issues, including along the haul route(s).
- (12) The nature and extent of impact from the proposed use, including haul route(s), in relation to environmental resources in the Township, including air, ground water, surface water, soils, and wetlands. In determining impacts, the cumulative effect upon all environmental resources shall be evaluated.

**e. Overall Public Interest in the Proposed Extraction**

- (1) The overall public interest in the extraction of the specific natural resources on the property both in absolute terms and in relative terms in relation to the need for resources and the adverse consequences likely to occur.
- (2) Public interest in the proposed use, as measured against any inconsistencies with the interests of the public as are proposed to be protected in Master Plan for the area to be impacted by the use and haul route(s).
- (3) Public interest in the proposed extraction, as measured against any inconsistencies with regard to physical, historic, and economic interests in relation to the use and haul route(s).
- (4) Public interest in the proposed extraction, as measured against any likely creation of valid environmental concerns, including without limitation impairment, pollution and/or destruction of the air, water, natural resources and/or public trust therein.
- (5) Public interest in the proposed extraction, as measured against public costs likely to be caused by the proposed use, including haul route(s), considering alternative supplies of natural resources.

*Items to be Addressed: None at this time.*

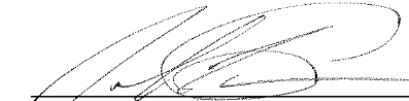
## **RECOMMENDATIONS**

Based upon our review, we recommend that the applicant provide clarification on principal use of each parcel and the use of each remaining building during the extraction operation of each proposed cell.

Once that information is submitted, we recommend that the Planning Commission find the special land use application complete and set a public hearing.

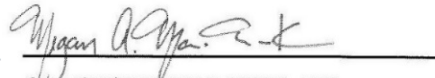
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Respectfully submitted,



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**CARLISLE WORTMAN ASSOCIATES, INC.**  
John L. Enos, AICP  
Vice President



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**CARLISLE/WORTMAN ASSOC., INC.**  
Megan Masson-Minock, AICP  
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