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Date: November 18, 2022

**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:	September 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

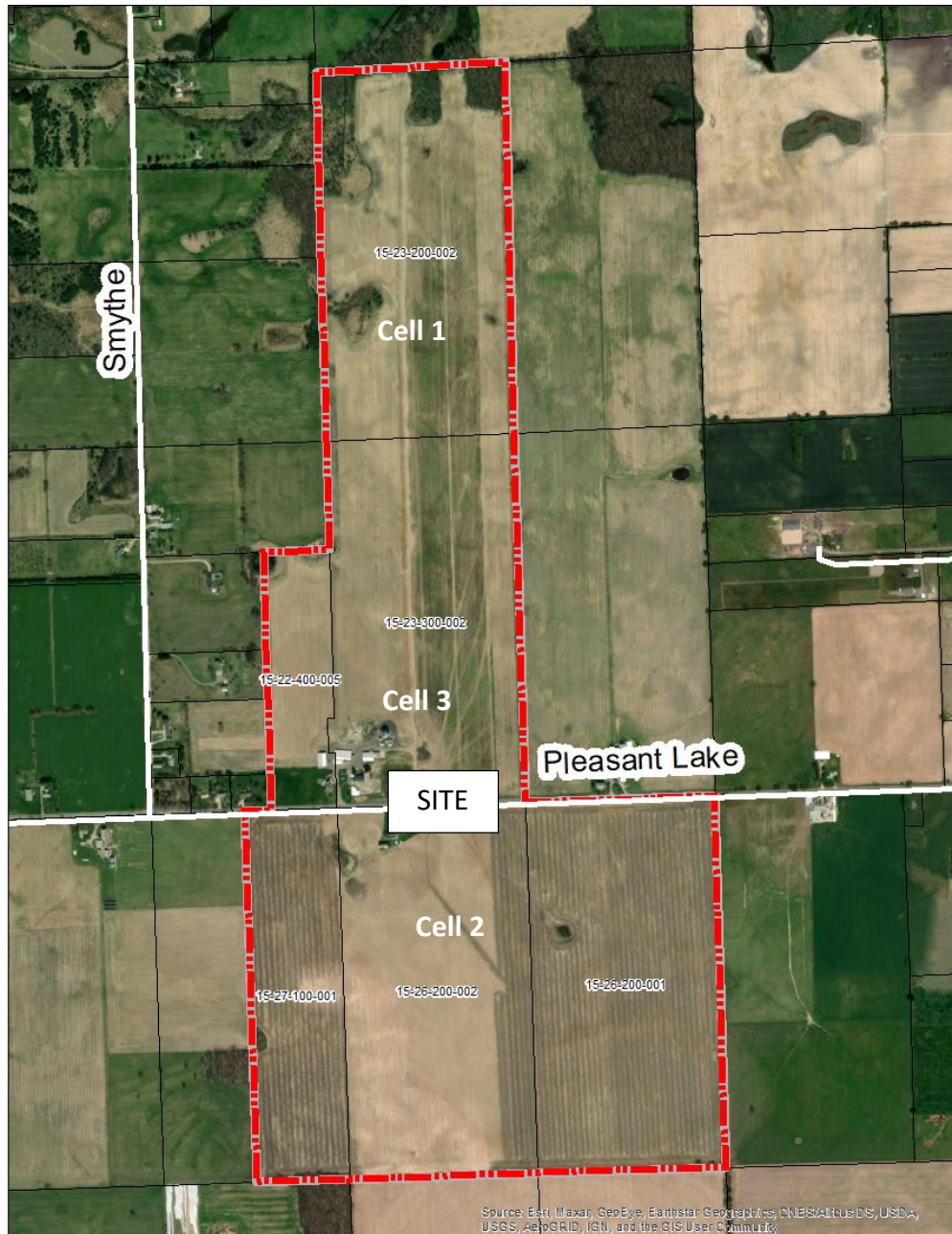
The applicant is proposing a sand and gravel mining operation on five (5) parcels at 19024 Pleasant Lake Road. The subject site is zoned A-1, General Agriculture. The site has an area of 398.11 acres and is located on the north and south sides of Pleasant Lake Road. The site is currently a single-family residence and farm operation with a lease area for a cellular tower. The Comstock Drain notches into the northwest corner of the site. A pipeline surrounded by an easement for Panhandle Eastern Pipe Line Company and Standard Oil Company runs along the southern property line.

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Sand and gravel mining operations are a 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.

Aerial Photograph



Items to be Addressed: None.

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
Zoning	General Agriculture (A-1)	General Agriculture (A-1)	General Agriculture (A-1)	General Agriculture (A-1)	General Agriculture (A-1)
Land Use	Single-Family Agriculture Cellular Tower	Agriculture	Agriculture	Single-Family Agriculture	Single-Family Agriculture
Master Plan	Agriculture	Agriculture	Agriculture	Agriculture	Agriculture

Items to be Addressed: None

EXTRACTION, SOIL REMOVAL AND MINING OPERATIONS

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. This review assesses that application for completeness.

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.

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. The application submitted is incomplete and does not contain the following items required and/or needed in order to meet required standards:

a. A Site Plan. (item 5.12.D.4.b)

Sheets 3, 3a and 3b as submitted by the applicant lacks the following required information:

- Parking areas for equipment is not shown. The location, number and typical dimensions of spaces, aisle widths, angle of spaces, and surface type must be provided.

Sheet 7 as submitted by the applicant lacks the following required information:

- The date of the aerial photograph is not provided.

The following information needs to be clarified or added:

- The method by which material from Cell 2, south of Pleasant Lake Road, will be delivered to stockpiles and processing plant in Cell 3, north of Pleasant Lake. Conveyors are shown for transport of material from Cell 1 to the stockpiles and processing plant in Cell 3, but the mining plan does not show the same for Cell 2. Since Pleasant Lake Road must be crossed, the method of material transport is particularly important. If vehicles will be used, this traffic must be accounted for in the traffic study as well as any impacts to the integrity of the road itself.
- Whether gravel roads or driveways are proposed on the south side of Pleasant Lake Road when Cell 2 is being excavated.
- Whether the truck staging area is the truck stacking area and, if not, the delineation of the truck stacking area. The truck staging area is two hundred feet

in length and fifty feet in width. Assuming 60 feet in length and 12 feet in width for each stacking space, we estimate that 15 trucks could be accommodated in the staging area. With an estimated 15-20 trucks per hour based on the figures supplied by the applicant and the peak waves of 45 trucks on the site mentioned in the traffic study, we would like clarification on where the maximum number of trucks waiting to be loaded would be on site.

- Cross-sections of berms should be provided. We recommend that the berms undulate and are formed to mimic natural land forms.
- A note should be added to the mining plans that equipment used for screening and crushing shall be not less than 400 feet from the nearest property line.
- Clarification as to whether the existing buildings on-site will be removed or will remain. If the buildings will be removed, the phase in which each building will be removed should be noted. If the buildings remain during any phase of the project, the use of each building must be noted. 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.
- Clarification as to whether mining in each cell will overlap or not. The approximate duration of mining for each cell is provided but it is unclear if those timelines will overlap.
- Page 4 of the application notes that the setback location from the existing natural gas pipelines is subject to change until the easements are finalized. An estimate of when those easements will be finalized should be provided.
- Page 5 of the application states, "The material processing plant will initially be located in Cell 3 on the subject property." We recommend the subsequent location of the processing plant be specified and a note added to the site plan that details of its location will be included in the site plan submittal for that phase of the project.
- The mining plans have a symbol for "tree location." The plans should be revised to note existing trees to be removed and trees that are to be preserved. For trees proposed for preservation, details of fencing or protection during construction should be included during the site plan stage of approval.
- A note should be added to the mining plans that reflects the commitment made on page 4 of the application that "stockpiles associated with the mining operations will be no more than 25-feet above the surrounding area grade."

- The height of the structures associated with the processing plant and the grade at which they will be placed must be provided. The visibility of those structures cannot be evaluated without that information. Section 5.12.D.4.b, item (4) requires screening or buffering of processing equipment from the view and impact of a person standing at ground level on any parcel of land improved for residential purposes located adjacent to or which fronts on any of the roads forming the boundaries of the mining site. Parcels with single-family homes on both Pleasant Lake Road and Smythe Road are adjacent to the site. In a site visit to the Burmeister plant on Zeeb Road, we observed that some buildings and equipment were visible from Zeeb Road, despite the fence and berms.
- A detail and description of the materials for the proposed six foot fence on all property lines. A fence similar to the one at the Burmeister operation on Zeeb Road could be used.
- The use of the property south of Pleasant Lake Road during the first phase of the project should be provided. We recommend the applicant consider keeping that property in agricultural use.
- A change in either the uses listed or design of the reclamation plan to coincide with current zoning parameters and agricultural practices. The reclamation plans state that conceptual end uses may include agricultural, wetlands/waterfowl habitat conservation area and/or low-density residential. While all of these uses are allowed by right in the A-1 zoning district, the design of the reclamation plan could likely not be developed for low-density residential. The A-1 zoning district requires a minimum of 10-acre lots with a minimum lot width of 300 feet that have a 1:4 width to depth ratio. Under that zoning, Cell 1 would not be redeveloped due to lack of road frontage and likely four to six lots could be developed on Cells 2 and 3. If a residential community of one acre lots were allowed, the space between the edge of the lake and the side lots lines is not deep enough to accommodate a road with houses on both sides of the road, which typically needs a depth of 650 feet. Also, without examples or documentation, it is difficult to discern how the proposed reclamation design could be used for agricultural production.
- The applicant has provided a “Vibration Discussion” that evaluated the vibration from the Stoneco Burmeister Pit in September 2021, that concluded that vibration readings at 150 and 240 feet from the active mining area were negligible. However, this study did not address the concern expressed by representatives of the Sharon United Methodist Church, that the increased truck traffic could negatively impact this building, a historic site recognized by the State of Michigan. Church staff and congregation members have mentioned the degradation of the curb in front of the church during recent road construction and vibration in the building due to truck traffic.

The applicant should note that the proposed site plan does not comply with following provisions required for all special land uses, as they are subject to site plan review approval:

- Site plans are required to have a conceptual landscape plan showing plant materials to be preserved and the location of proposed planting and screening, fencing, and lighting.
- Section 17.04 requires landscaped front, side, and rear yard buffers. We recommend the applicant revise the site plan to show how the required landscaping would be installed relative to the proposed berms and fence. The buffers must meet the following requirements:
 - The side and rear yard buffers must be 50 feet in depth (the required setback for the A-1 zoning district) and planted with evergreens - such as spruce, pines, or firs, and deciduous trees - at a rate of at least one (1) evergreen tree per fifty (50) linear feet and one (1) deciduous tree per one hundred fifty (150) linear feet in addition to the proposed berms.
 - The front yard buffer must be 75 feet in depth (the required setback for the A-1 zoning district) and have one (1) tree per each seventy-five (75) feet with the remainder of the front yard buffer area landscaped in grass, shrubs, trees and/or other ground cover. The access ways are not subtracted from the lineal dimension used to determine the number of required trees.
 - At the time of planting, evergreen trees must be a minimum of five (5) feet in height, and deciduous trees must have a caliper of at least two and a half (2 1/2) inches, measured five (5) feet above the ground surface and a minimum height of twelve (12) feet.

The following items are not necessarily required at this time, but the applicant should consider providing as these items could minimize the very serious consequences of the proposal:

- The potential impact of the proposed extraction operation may not be found to be commiserate with the low-to-moderate need finding by the Township Board. We recommend the applicant consider limiting the extraction operation to the portion of the property south of Pleasant Lake Road.
- The traffic impact study states that the site driveway should be designed with a right-turn deceleration lane. The deceleration is not shown on the site plan submitted and should be included in any revisions.

Items to be Addressed: Provision by the applicant of required application items.

SITE PLAN REVIEW

Each phase of the extraction operation will be subject to site plan review, as Section 4.02 requires site plan approval from the Township Board prior to initiation of any construction activities associated with any special land use specified in the Zoning Ordinance. The following items will be needed at site plan review:

- Location of restrooms for employees.
- A landscape plan that meets the requirements of Section 17.04.
- A phased topography plan.
- Details of all proposed road improvements, including the commitment to convert Pleasant Lake Road from a paved county normal route to a designated all season route from the site driveway to M-52.
- Details of deceleration lanes will be needed for each phase, as applicable, should be included on site plans for each phase.
- Washtenaw County Road Commission approvals.
- Washtenaw County Water Resources Commission approvals.

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

RECOMMENDATIONS


Based upon our review, we recommend the applicant revise the application with the following:

1. Parking areas for equipment Sheets 3, 3a and 3b noting the location, number and typical dimensions of spaces, aisle widths, angle of spaces, and surface type.
2. The date of the aerial photograph on Sheet 7.
3. The method by which material from Cell 2, south of Pleasant Lake Road, will be delivered to stockpiles and processing plant in Cell 3, north of Pleasant Lake.
4. Whether gravel roads or driveways are proposed on the south side of Pleasant Lake Road when Cell 2 is being excavated.
5. Whether the truck staging area is the truck stacking area and, if not, the delineation of the truck stacking area.
6. Cross-sections of berms.
7. Clarification as to whether the existing buildings on-site will be removed or will remain. If the buildings will be removed, the phase in which each building will be removed should be noted. If the buildings remain during any phase of the project, the use of each building must be noted.

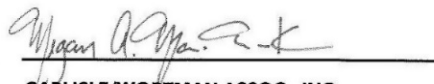
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8. Clarification as to whether mining in each cell will overlap or not.
9. An estimate of when the gas pipeline easements will be finalized.
10. Clarification as to whether and, if so, when the material processing plant will be moved from Cell 3.
11. Revisions to all plans showing different symbols for “trees to be removed” and “trees to be preserved” in place of the “tree location” symbol currently shown.
12. A note on the mining plans that equipment used for screening and crushing shall be not less than 400 feet from the nearest property line.
13. A note on the mining plans that states that stockpiles associated with the mining operations will be no more than 25 feet above the surrounding area grade.
14. The height of the structures associated with the processing plant and the grade at which they will be placed during the duration of the operation.
15. A detail and description of the materials for the proposed six foot fence on all property lines, i.e., chain link.
16. The use of the property south of Pleasant Lake Road during the first phase of the project.
17. Update of the reclamation plan to do one of the following: list realistic land uses under current zoning and agricultural practices, reconfigure the areas reclaimed to allow a realistic design for low-density residential and/or agriculture, or provide documentation on how the proposed reclamation plan would allow for development of the uses listed with examples from other reclaimed gravel operations.
18. Conceptual landscape plan in compliance with Section 17.04 of the Sharon Township Zoning Ordinance.

Respectfully submitted,



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