

**APPLICATION OF STONECO FOR SPECIAL USE APPROVAL**  
**PLANNING COMMISSION MOTION**  
**AND RECOMMENDATION ON ISSUE OF VERY SERIOUS CONSEQUENCES**

Stoneco of Michigan has filed an application seeking special land use approval for a proposed sand and gravel operation at 19024 Pleasant Lake Road (on both the north and south side of Pleasant Lake Road) under Section 5.12 of the Township's Zoning Ordinance. The Planning Commission conducted a public hearing on the lengthy Part II application which seeks a determination that the proposed mining operation would result in no very serious consequences. In response to the application, extensive evidence was presented by members of the public and the Sharon Preservation Society. Township consultants were also called upon and provided their respective opinions. The Planning Commission has deliberated at length with the goal of providing a careful, evidence-based recommendation to the Township Board on whether the applicant has satisfied its burden of proof to show that the mining operation it proposes will result in "no very serious consequences," as required under state law and township ordinance.

A detailed analysis has been proposed this evening, evaluating the evidence and making a number of findings. I am making this motion to incorporate and adopt that analysis in its entirety. This motion relies on the cumulative impact of the proposed operation in relation to all matters addressed in the detailed analysis. A consideration of the cumulative impact from the proposed mining operation leads to the clear conclusion and recommendation to the Township Board that the applicant has not satisfied the burden of proof to show that no very serious consequences will result from the proposed operation.

This conclusion and recommendation would be sound even if the applicant had demonstrated a high degree of need for the natural resources to be mined at the proposed site. However, the conclusion and recommendation to the Township Board in this motion is especially strong considering that it was the conclusion of the Township Board earlier in this process that there would only be a low-to-moderate need for the resources proposed to be mined on the Sharon Township property by the person or in the market served by the person.

ACCORDINGLY, BASED ON THE DETAILED ANALYSIS ADOPTED IN THIS MOTION, AND THE EVALUATION STATED AS PART OF THIS MOTION, I MOVE with respect to the proposed sand and gravel operation at 19024 Pleasant Lake Road (on both the north and south side of Pleasant Lake Road), including the trucking activities associated with the haul route for that operation, that the recommendation of the Planning Commission to the Township Board is that THE APPLICANT HAS FAILED TO DEMONSTRATE that the proposed operation would result in “no very serious consequences,” and that considered on a cumulative basis, very serious adverse consequences to the Township will result from the proposed operation.

Motion offered by: Commissioner Cooper

Motion supported by: Commissioner Hobbs

Roll call vote:

**Yeas:** Smith, Hobbs, Kelly, Cooper, Bradshaw

**Nays:** None

**Absent:** None

**Abstain:** None

Chair Kelly declared the motion approved.

# **Sharon Township Planning Commission**

## **DETAILED ANALYSIS OF THE PLANNING COMMISSION VERY SERIOUS CONSEQUENCES REVIEW OF THE STONECO APPLICATION**

### **BACKGROUND**

The Planning Commission has conducted a public hearing as part of Phase II of the process for considering an application for mining under Section 5.12 of the Township's Zoning Ordinance. The applicant, Stoneco of Michigan, has presented many pages of information, and the Planning Commission has also received extensive input from residents and stakeholders in the Township, as well as input from its consultants. It is the task of the Planning Commission to make a recommendation to the Township Board on the question of whether the applicant has satisfied its burden of proof that the proposed sand and gravel operation at 19024 Pleasant Lake Road, on both the north and south side of Pleasant Lake Road, the "Property") would result in "no very serious consequences" as directed by state law. In practical terms, it can be said that this burden of proof means that it is up to the applicant to prove that its position is more likely than not to be correct on issues. The ultimate decision of the Township must look at all of the issues, and based on the cumulative effect of the findings on such issues, the Township must determine whether the applicant has met its burden of proof to show that the proposed operation would not result in very serious consequences.

Phase I of the consideration on the applicant's application under Section 5.12 addressed the issue of the extent of "need" for the materials proposed to be mined and delivered from the Property. At the conclusion of that Phase I consideration, after public hearing and recommendation by the Planning Commission, the Township Board determined that the applicant clearly did not satisfy the initial burden that there is a high degree of need, either by the person, or in the market served by the person. Rather, it was the conclusion of the Township Board that applicant satisfied its burden only to the extent of a showing that there is a low-to-moderate need for the resources proposed to be mined on Property for the person or in the market served by the person. Therefore, the question on whether the applicant has met its burden of proof on the issue of "no very serious consequences" must be made in light of the point that there is merely a low-to-

moderate need for the resources proposed to mine on the Property. As part of the Planning Commission's report and recommendation to the Township Board, it is relevant that the Board determined low to moderate need for the proposed operation without considering that the applicant itself owns -other properties in the Township, totalling 220 acres that were not disclosed during the Part I review, and that there is an additional undisclosed 430 acre property in neighboring Freedom Township. For one of those undisclosed properties the applicant actually has an active mining permit.

Following the public hearing on March 15, 2023, the Planning Commission has met to discuss and evaluate the evidence on April 11, 2023, May 9, 2023, May 23, 2023 and June 13, 2023. On the basis of the discussions at those meetings, which could be modified based on further discussion this evening, there have been meetings with Township consultants to obtain assistance with the articulation of findings and recommendations. The following has been produced:

## **OVERVIEW**

The proposed operation is large, and very intense, expected to produce a continuous flow of massive trucks located not only on State Highway M-52, but also in the heart of prime farmland country of the Township. The property to be mined is roughly 400 acres in area. Mining is proposed to be conducted six days per week, from 7 AM to 6 PM, nine months per year. The applicant has proposed to produce an average of 1.5 million tons of materials each year, and involve between 150-175 two-way truck trips per day on average, and up to 300-330 two-way truck trips per day on peak days (which is a truck trip every 2-3 minutes on Pleasant Lake Road). The trips in question will involve large, tandem gravel trucks and trailers with a gross weight of some 164,000 pounds each. (A fully loaded tractor trailer typically weighs about 1/2 that much). It has been proposed that 75% of the trucks leaving the site would come from and travel on M-52 and then Pleasant Lake Road from and to the North, and 25% from and to the South on M-52 and then Pleasant Lake Road. There are no sidewalks or safety paths on either Pleasant Lake Road or State Highway M-52, and no funding has been identified to establish pedestrian and bicycle paths in the foreseeable future – even though the Washtenaw Area

Transportation Study's long-range plan concludes that such infrastructure is needed even before the proposed new heavy flow of tandem truck-trailer gravel vehicles.

Based on these facts and circumstances, Pleasant Lake Road, and the fundamental agricultural way of life and economy in the center of the Township, which is at the essence of decades of planning and zoning for the Township's future, there is a reasonable prospect that this single use will seriously and adversely impact. Four hundred acres of prime and important farm land will be destroyed, and Pleasant Lake Road, along with the fundamental agricultural way of life and economy in important parts of the Township, as planned, will become a heavy industrial corridor. The hearing before the Planning Commission has included testimony and evidence that this undermining will likely be expanded in the Township, as evidenced by the facts now disclosed that other property has already been acquired, including by the applicant, which can be expected to extend the heavy industrial activity in the Township as compared to an agriculturally-based community. The operation itself, with excavations, crushing and other processing, stockpiling, and truck-loading, will become an ongoing activity that will occur six days per week, 7AM to 6 PM, for nine months each year for the foreseeable future on and adjacent to the 400 acres of the property. The corresponding heavy, loud, and continuously active industrial truck traffic generated by this operation will similarly dominate the roadways of Pleasant Lake Road and M-52, south to Manchester and especially north toward I-94, during the same periods of time.

## **FINDINGS**

### **1. Identifiable Health, Safety, and Welfare Interests & Overall Public Interest in the Proposed Extraction**

The impacts of the proposed extraction operation on the planning, functioning, and spirit of the community will be serious and adverse, and likely permanent. The Township Master Plan addresses the public interest in natural resource extraction. Major criteria in this regard relate to the direct availability of vehicular access to M-52, and also an avoidance to adverse impact on the

preservation of important natural resources. Based on the long development and use of property on east-west Pleasant Lake Road, off of the state highway route, and the prime and important farmland that naturally occurs in that location of the Township, the Master Plan envisions the extractive use to be approved elsewhere in the Township.

For decades, the planning, functioning, and spirit of the community has established this area along Pleasant Lake Road as a center of agricultural use and business. In addition, it has been an area of residential use and occupational uses, both relying on the peaceful and bucolic life relating to farms. The establishment and operation of the proposed heavy industrial mining use, with a constant and intense flow of extremely heavy industrial trucks, is entirely inconsistent with the planning, functioning, and spirit of the community as it has been formally planned and envisioned for the past several decades. As discussed by the Planning Commission based on witness presentations, the homes and businesses that exist in the immediate area of the proposed mining use have been established specifically for the peace and quiet of the area, and rely on this character of the Township to continue.

The two businesses that exist near the subject site that depend on an atmosphere which is inconsistent with the proposed extraction operation due to noise and other conditions, as testified to at public hearings. An adjacent property owner has a disabled child; his mother testified that the extraction operation would have health impacts as shared to the Planning Commission. The family has made a substantial investment in improvements to their property to accommodate the child's needs. It is true that state law provides special considerations for the use of extracting natural resources, however, the impacts of the proposed operation would be serious and devastating to these three pre-existing businesses and families.

Likewise, the continuous flow of intense truck traffic along Pleasant Lake Road and M-52 will endanger all pedestrians and non-motorized users, including

school children, considering the absence of sidewalks or safety paths, and the lack of funds to construct such infrastructure. Stated another way, there will be an very serious and heavy impact of the proposed use and haul routes on the character, features, and safety conditions that have long defined the community. The Village of Manchester will suffer certain problems, as explained in the testimony of the Village of Manchester officials relating to the inability of the infrastructure and scale of that community to safely and conveniently accommodate gravel truck traffic on the haul route planned to traverse that area.

There is a virtual certainty that the proposed use would have a significant detrimental impact on existing and planned land uses and future development, and such impact will be adverse to the manner specified in the Master Plan, including continued agricultural use and new large-lot residential development along Pleasant Lake Road. An extraction operation of this scale and intensity of truck traffic on Pleasant Lake Road will have an adverse impact on the surrounding agricultural uses and the agricultural economy in this and the surrounding area. The intense truck traffic, 150-330 trucks a day, will negatively impact the continuation of farms on Pleasant Lake Road for the long term, as well as the attractiveness to future generations of farmers given the ongoing intensity and, consequently, adverse impact on the agricultural economy of Sharon Township. The proposal would cut into the Master Plan and change the fundamentals which have been expressed in that planning document for many years. The impact on the laborious Township planning done for these decades would be a serious consequence based on the significant adverse impact on the course of Township development, noted by the Township Planner to have been well established for decades.

The intense truck traffic, 150-330 trucks a day, will negatively impact the continuation of farming on Pleasant Lake Road and the attractiveness to future generations of farmers given the ongoing challenges to move large farm implements on the road and, consequently, impair the agricultural economy of Sharon Township.

The evidence presented by the applicant does not negate the concern expressed by the public that noise, dust, fumes, and/or vibration will be very serious and adverse. The study provided by the applicant, without additional follow-up, did not have a model that represented equivalency to the proposed site which will operate at a much greater intensity than the site tested.

The Master Plan recognizes and plans for extractive use. Consistent with that fact, the Township has permitted extraction use. However, the Master Plan and Township also strongly protect agricultural uses. In good part due to the special soils which, like sand and gravel, must be farmed where they naturally occur, the role of the agricultural economy must be taken into consideration. In the end, this operation is likely to have a very serious and adverse impact, and lead to the ultimate destruction of the agricultural economy within one of the most significant and successful agricultural areas of the Township and surrounding area.

The applicant's response to planning concerns was that the Master Plan and Future Land Use is irrelevant to the Township's decision on its application. However, the Master Plan is critical because it is one of the major tools used by this and most other townships in the County for the important purpose of planning for the future and coordinating where the community wants to be for future development purposes. To not consider the Master Plan to be important here would be to suggest that the use of a single property should be permitted to dictate and change the course of development and planning for the Township at large.

The thought that this extractive use would be a temporary and isolated activity in this part of the Township is very unlikely. The reasonable prospect is that this will become an area characterized more closely with uses that are more compatible with ongoing gravel processing noise, dust, vibration and voluminous amounts of heavy truck traffic.



Even when this operation has concluded, the reclamation proposed is recreational in character. While in some manner of thinking, this type of use is positive, in this specific location, it,

- Is not supportive of the agricultural economy
- Is likely to be off the tax rolls
- Sets up pressure for the beginning of development that would not be consistent with current zoning, as compared to the ordinance which specifies post-reclamation use which is consistent with the zoning ordinance

It is the finding of the Planning Commission that, considering the identifiable health, safety, and welfare interests and overall public interest in the proposed extraction, all of these impacts addressed in this Finding# 1, relating to the planning, functioning, and spirit of the community, amount to an adverse and very serious consequence.

**2. Public interest in the proposed extraction, as measured against the the adverse consequences likely to occur in the destruction of natural resources, and specifically the adverse impact on the priority of preserving the extensive prime and important farm land on the property of the applicant, as well as the likely adverse impact on such preservation along the haul route.**

The very high quality farmland on and surrounding the property proposed to be mined, and the agricultural economy which has, consistent with the Township's master planning, prospered in this area, presents a very special issue not present in very many instances in which the mining of sand and gravel is newly proposed. The long existence of farming, the extremely high quality soils, and the broader agricultural economy, are all part of the formal planning efforts made by the Township, including an accommodation for other uses incidental to farming that could generate revenue in order to keep farming viable, are all unfortunately pitted against the proposal for mining.

The existence of this conflict was brought to the attention of the Township by a resident and witness from the Washtenaw Conservation District, who clarified that this property has been recognized as being very special in terms of its agricultural soils. The background of this property can be described as follows: Prior to the applicant's interest in the land for sand and gravel mining, the owner was engaged in the process of having the land evaluated for a government purchase of a conservation easement to preserve the land for farmland purposes, consistent with the zoning applicable in the Township. Washtenaw County's evaluation of the property for these purposes resulted in the evaluation of the property as having:

- 102 acres are prime farmland
- 161 acres are farmland of local importance

Two additional acres would represent prime farmland if it were drained. The area around the homestead on the property is not included in the calculation.

In an August 13, 2019 statement by the Washtenaw County Parks and Recreation Commission, the property at issue was accepted for USDA-NRCS Grant Award to fund a conservation easement to preserve the property for farmland purposes based on the findings relating to the property, including the significant prime and important farmland.

In the Master Plan and in Township Zoning, we protect and allow for extraction uses, but also strongly protect agricultural uses. Based on the creation of proposed lakes, the post-mining land could not return to farming.

This situation demands attention in terms of the conflict between preserving prime and important farmland and allowing sand and gravel mining that would destroy the farmland. The Township Planner discussed the difference between

agricultural preservation, natural features preservation and extraction in the Master Plan and mechanisms to protect those. Do we recommend approval of a use that has preferential treatment under zoning to the exclusion of another use that has preferential treatment under zoning? The magnitude of this conflict is actually recognized in the Michigan Constitution. The Township's attorney followed up on the legal aspects of this situation and informed the Planning Commission and Board of the tension that exists between these two favored land uses and businesses. The following legal analysis on this issue has been provided:

The legal analysis begins with the Michigan Constitution, Article 4, § 52, which reads that:

The **conservation** and **development** of the natural resources of the state are hereby declared to be of paramount public concern in the interest of the health, safety and general welfare of the people. The legislature shall provide for the protection of the air, water and other natural resources of the state from pollution, impairment and destruction. (Emphasis supplied).

The **development** of natural resources has been protected by the Michigan legislature in MCL 125.3205, which specifies that the Township is permitted to deny a proposal for the extraction of natural resources only if the operation would result in "very serious consequences."

On the other side of the tension is the **conservation** of natural resources in the form of prime and important farmland. The United States Department of Agriculture explains that "'prime farmland' is of major importance in meeting the Nation's short- and long-range needs for food and fiber."

The protection for development of natural resources is mirrored in terms of **Conservation** by the Michigan legislature's pronouncements in the

Michigan Zoning Enabling Act. At the very beginning of that Act, it is specified that a local unit of government may provide by zoning ordinance for the regulation of land development and the establishment of 1 or more districts within its zoning jurisdiction which regulate the use of land and structures to **meet the needs of the state's citizens for food, fiber, energy, and other natural resources**, . . . and to promote public health, safety, and welfare. (MCL 125.3201, Emphasis supplied).

The Michigan legislature also specifies in the Zoning Enabling Act that a zoning ordinance shall be based upon a plan designed to promote the public health, safety, and general welfare, to encourage the use of lands in accordance with their character and adaptability, to limit the improper use of land, to **conserve natural resources** and energy, **to meet the needs of the state's residents for food, fiber, and other natural resources**, . . . (MCL 125.3203, Emphasis supplied)

It must also be recognized that in the present matter, township review of proposed mining is being conducted under the authority given in the act to establish and approve “**special land uses**.” The language of the Zoning Enabling Act making provision for special land uses expressly permits conditions which **protect the natural environment and conserve natural resources** . . . (MCL 125.3504, Emphasis supplied)

The duty of the Planning Commission is to recognize that the Michigan Constitution and the Michigan Zoning Enabling Act have highlighted the need to provide favorable treatment to both natural resource mining applications as well as the conservation of prime and important farmland resources that will meet the needs of the state's citizens for food and fiber.

The applicant's property was slated to receive a large grant of nearly \$800,000 in exchange for the creation of a farmland preservation easement which would have preserved this property for the long-term as farmland. This was undercut when

the applicant made a sufficient offer to purchase the property to be attractive to the former owner. It is extremely likely that the purchase price of the property will raise the assessed value on this as well as other properties in the area, making it more economically difficult to preserve surrounding property as farmland due to the tax burden.

There would be additional burdens on farmers as a result of an approval of the applicant's proposal. There are farm properties abutting the subject site on either side of Pleasant Lake Road who will need to get equipment across and down the road. With gravel trucks running every few minutes, the effective and efficient use of farm vehicles will certainly be impacted by the truck traffic. Also, the proposed extraction operation, including the haul route, is centrally located in an area with high agricultural use. The consequence of the proposed mining would remove 400 acres of land from agriculture to mining in the center of the successful farm industry. The intensity of the proposed operation and the removal of a large piece of active agriculture will have a marked adverse impact on the agricultural economy over the long term – precisely in contradiction to the Master Planning of the Township.

This property is master planned for agriculture. It is not a stretch to say that the adverse pressures on farmland and agriculture will undermine the preservation of prime and important farmland as well as the agricultural economy.

As stated in Carlisle Wortman's March 6, 2023 and May 22, 2023 letters, the intent of the A-1 Zoning District is to encourage and provide opportunities for agriculture and retention of land in Sharon Township which is well suited for production of food and fiber.

- The proposed intensity of truck traffic would make movement of farm equipment difficult and affect safety.
- The site is approximately 400 acres, including prime farmland, and those prime soils would be removed.
- The use after reclamation would not match with the Future Land Use Plan, which would need to be changed.

- The removal of the agricultural soils and the change of use would necessitate changes to the Agricultural Preservation Overlay in the Master Plan
- Agriculture is a use with special treatment in the Michigan Constitution and the Michigan Zoning Enabling Act.

When the applicant submitted its application for ‘no very serious consequences’ review, the Township responded by pointing out deficiencies in the application. One of the deficiencies related to the applicant was that, during the Township Part I hearings on “need,” there was testimony, argument, and discussion on the point that a substantial portion of the property proposed to be mined is excellent farm land. This excellent farm land is a natural resource which the applicant seeks to excavate to extinction. It was also discussed at length during the hearings that, under the law, Michigan has placed very significant emphasis on the preservation of resources, again, just as emphasis is placed on the development of natural resources. The Township’s Master Plan has long-recognized the high priority of excellent farm land, and its preservation in Sharon Township. Part E of the Township’s Application for Special Land Use Approval for Excavation of Natural Resources calls for the submission as part of the application “any additional statements and information that would be relevant to the Township’s analysis of whether the proposed use is likely to result in ‘no very serious consequences.’” It is clear that the applicant seeks to mine the entire site below the water table and create three lakes, meaning that the excellent farm land on the property would be lost. A full discussion and explanation of how the Township should analyze the importance of the preservation of farm land on the property sought to be mined, as balanced against the importance of producing sand and gravel resources for sale and ultimate use. This balance directly relates to the question of the extent the destruction of all or substantially all of the important farm land on this property would contribute to a conclusion that the mining would cause very serious consequences. Therefore, the Township sought additional statements and information from the applicant on this subject as being relevant and significant.

The applicant essentially refused to address this issue altogether, meaning that there is no evidence, or even argument, that rebuts the well-documented, and constitutionally promoted interest of the Township to conserve the prime and important farmland on the property in question, and preserve the agricultural economy surrounding this property that creates an important synergy that will allow the Township's long-term planning for this area to continue.

If the applicant had proven the existence of an exceptionally high need for the sand and gravel resources on the property, either a need for the person or a need for the market served by the person, the scale between these two favored uses might have been more difficult to measure. But that is not the case in this application.

Based on these overall considerations relating to the public interest in the proposed extraction, as measured against the destruction of natural resources, and specifically the adverse impact on the preservation of extensive prime and important farm land on the property of the applicant, as well as the likely adverse impact on such preservation along the haul route, it is found and concluded that, the proposed mining operation would result in an extremely significant adverse and serious consequence to the Township.

### **3. Impact on Existing Land Uses**

There was competing evidence presented on the impact of the proposed operation on property values in the area. There was some credibility in the submissions on both sides of the issue. It is the applicant's burden of proof to make this demonstraton, particularly when credible evidence is provided on both sides. In light of the credible evidence presented which concludes that property values will decline as a result of the operation, the Planning Commission finds that the applicant has not proven that it is more likely than not that property values will not be detrimentally impacted. Accordingly, the Planning Commission concludes that the applicant has not met its burden of proof on this issue. While this is not a critical aspect of the Planning

Commission's analysis of the impact on existing land uses, the general sense amongst the members is that the impact will be negative. Therefore, this finding must be considered to be part of the statement of the cumulative effect of the proposed operation when the Planning Commission makes its overall evaluation.

Several historic structures are located on Pleasant Lake Road, including the Sharon United Methodist Church. The church is located on the northwest corner of M-52 and Pleasant Lake Road and demarcated by an historical marker from the State of Michigan. The historic church building is located only thirty feet from the back of the curb of the intersection. During construction on M-52 when heavy trucks routinely passed through this intersection, parishioners and church staff have stated that the building shook when large trucks went through the intersection. The applicant did provide a vibration study on the effect of the proposed expansion of Stoneco's Burmeister Sand and Gravel on a nearby historic church, Bethel United Church of Christ. After reviewing this study, the Township Engineer asked for additional information showing that vibration from the truck traffic will not negatively affect the specific church, or other properties along the haul route in light of the more intense truck traffic relating to the proposed operation. The applicant declined a new study, and indicated that it would rely on information previously submitted, even though not comparable. In the Planning Commission's opinion, the applicant has not provided any credible evidence that the increased truck traffic will not damage the structural integrity of the Sharon United Methodist Church, as a subject reasonably placed into issue during the proceedings.

Both the Manchester Village President and the Village Manager have stated that the proposed level of truck traffic, 37 trucks on average daily and over 80 trucks per day at peak, would have a adverse impact on the downtown of the Village of Manchester. The geometry of the main intersection of Main Street and M-52 in the Downtown is unequipped to handle either the maneuvers required for the types of trucks proposed, or the increase in truck traffic that will greatly exacerbate an existing problem, especially during peak waves of traffic at the intersection. Based on this testimony, the Planning



Commission finds that the proposed use would have a adverse impact on the land uses in Downtown Manchester, due to increased volume of truck traffic and congestion.

While farms and extraction operations co-exist in the Township and throughout Michigan, an extraction operation of this scale and intensity of truck traffic will have a negative impact on the surrounding agricultural uses and economy. Farmers drive their equipment across or on Pleasant Lake Road to move it from field to field. The intense truck traffic, 150-330 trucks a day, will affect the efficient and effective movement of farm vehicles and equipment, and increase the prospect of a safety issue for the drivers of the slower moving farm vehicles. The Planning Commission is concerned that the proposed use, with the intense truck traffic, will negatively impact existing farms on Pleasant Lake Road and, consequently, the agricultural economy of Sharon Township.

The noise, dust, vibration, and traffic generated by the proposed use will affect the viability of home-based businesses, the enjoyment of residential properties, and the health of vulnerable residents. As stated previously, two home-based businesses which provide services dependent on a quiet environment exist near the subject site. The proposed use would operate nine months of the year, six full days each week. The Planning Commission is concerned that this will result in virtually non-stop interference with the peaceful existence that formed the basis for the establishment of the businesses, and for residents to acquire their properties here. The Planning Commission expects that the avoidance of being in harms way from this operation will be virtually impossible by people in the area of the property in question, and along the haul route.

All of these adverse impacts reviewed are negative. Some are more significant than others, but considered together, these impacts are considered to be very serious consequences on the Township as a result of the proposed operation.

#### **4. Impact on Pedestrian and Non-Motorized Traffic Safety**

The applicant is proposing to significantly and intensely increase the level of truck traffic with the proposed use. Pleasant Lake Road and M-52 do not have sidewalks or safety paths. While the traffic study submitted by the applicant did not observe any

pedestrian or bicycle activity at the intersection of the two roads, the following factors were not taken into account in that study:

- Manchester Schools bus routes operate on M-52 and Pleasant Lake Road.
- The entire Manchester Schools campus is along the haul route on M-52, south of Pleasant Lake Road. Because bussing is not offered to Manchester Village students, many routinely walk to the schools on this campus.
- Residential mailboxes are on one side of the road on both M-52 and Pleasant Lake Road. Residents will need to cross either road to obtain their mail.
- Residents have testified cyclists use Pleasant Lake Road on a weekly training ride. One resident, during public comment, stated that he bicycled on M-52 and described a hazardous situation he experienced on M-52 when a gravel hauler passed.

When the applicant was requested whether it could address the situation of the danger to school children, other pedestrians, and non-motorized users due to the absence of safety paths on Pleasant Lake Road and M-52, the applicant failed to propose a plan of mitigation. In addition, the applicant's response to a request for peak waves of truck traffic to be avoided when school bus routes are operating on the haul route during two very limited times of day, the applicant simply rejected this request as well. Without pedestrian infrastructure on the haul route, the Planning Commission finds that the proposed use, intensity, and volume of associated truck traffic will create a meaningful danger to, and a serious impact on, the safety of school children, pedestrians and cyclists along the haul route.

## **IN SUMMARY**

1. *There are Identifiable Health, Safety, and Welfare Interests & a Relative Lack of Overall Public Interest in the Proposed Extraction:*

This single land use, as proposed, is in an area in which extremely rich agricultural soils occur.

- Township has long formally planned the area for the production of food and fiber for the people of the state, and it has become a significant part of the agricultural economy which is relevant to the Township's tax base. Several other uses which have developed in reliance on the peace and tranquility of the area would be placed in jeopardy.
- The future of the Township's farming economy, especially along Pleasant Lake Road, will be jeopardized by the intense use and constant flow of heavy traffic six days per week, nine months per year.
- This single use will destroy 400 acres of prime and important farmland.
- Approval of this one use will materially change the fundamental master planning, economic development and tax base of the community, and undermine the reason why most of the residents of the area have chosen this as their home.
- These results are in the face of the finding that there is merely a low-to-moderate need for the resources to be produced on the property.
- These impacts would represent a very serious consequence to the Township and its future.

AND,

2. *The Public Interest In The Proposed Extraction Is Far Overshadowed By The Adverse Consequences Likely To Occur By Approving The Destruction Of High-Quality Farm-Related Natural Resources Naturally Occurring:*

The great majority of the 400 acre site at issue is prime and important farmland, as documented by the award of a nearly \$800,000 for an USDA-NRCS grant to fund a conservation easement in order to provide long-term conservation of these natural resources for agricultural purposes. The farmland resources would be destroyed.

- The proposed use is contrary to Michigan Constitution, Article 4, Section 52: these natural resources are of paramount public concern in the interest of the health, safety and general welfare of the people.

- The Zoning Enabling Act states: “conserve natural resources and energy, to meet the needs of the state's residents for food, fiber, and other natural resources.” (MCL 125.3203).
- The Planning Commission is left with the *unrebutted conclusion* that the public interest in the proposed extraction is outweighed by the adverse impact of destroying the 400 acres of farmland natural resources.
- Destruction of this farmland would amount to an extremely significant adverse and serious consequence to the Township.

AND,

3. *The Adverse Impacts of the Proposed Mining Operation on Existing Land Uses Would Visit Very Serious Consequences on Pleasant Lake Road Properties and Beyond:*

- The existing land use impacts are important to the Pleasant Lake Road corridor as well as the surrounding area along the haul route. The proposed use would cause:
  - Adverse impact on property values
  - A threat to the historic Sharon United Methodist Church at the intersection of M-52 and Pleasant Lake Road, with no proposal for mitigation
  - A negative impact on Downtown Manchester, on the haul route
  - High intensity and volume of truck traffic that would impair, and possibly destroy, agricultural uses and economy.
  - The proposed use would cause noise, dust, vibration, and traffic that will negatively affect the viability of home-based businesses, the enjoyment of residential properties, and the health of vulnerable residents.
- Applicant has not carried the burden of proof on these issues
- All of these adverse impacts, considered together, are deemed very serious consequences that would be faced by the Township as a result of the proposed operation.

AND,

4. *Adverse Impact on Pedestrian and Non-Motorized Traffic Safety*

Intense level of truck traffic on Pleasant Lake Road and M-52, which do not have sidewalks or safety paths, needed per Washtenaw Area Transportation Study.

- Manchester Schools bus routes operate on M-52 and Pleasant Lake Road.
- The Manchester Schools entire campus is along the haul route on M-52
- Conflicts with trucks for residents crossing road to obtain their mail.
- Cyclists use Pleasant Lake Road on a weekly training ride and report of hazard.
- Applicant failed to propose a plan of mitigation on:
  - Avoiding scheduling conflicts with peak waves of truck traffic at two very limited times of day of school busses and bus stops.
  - Lack of sidewalks and safety paths.
- Overall, proposed use, considering intensity and volume of truck traffic will create a meaningful danger to, and a serious impact on, the safety of school children, pedestrians and cyclists along the haul route.