



## Planning Commission

Larry Fox, Chairperson	Summer L. McMullen, Trustee
Michael Mitchell, Vice-Chairperson	Keith Voight, Secretary
Michelle LaRose, Commissioner	Sue Grissim, Commissioner
	Tom Murphy, Commissioner

**Planning Commission Meeting Agenda**  
**Hartland Township Hall**  
**Thursday, November 18, 2021**  
**7:00 PM**

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of the Agenda
5. Approval of Meeting Minutes
  - a. Planning Commission Meeting Minutes of July 22, 2021
6. Call to Public
7. Old and New Business
  - a. Use Determination for LaFontaine's Business Maintenance Division at 9990 Highland Road
8. Public Hearing
  - a. Site Plan with Special Land Use Application #21-013 (renew Special Land Use Permit for existing mining operation at 1380 Pleasant Valley Road)
9. Call to Public
10. Planner's Report
11. Committee Reports
12. Adjournment

HARTLAND TOWNSHIP PLANNING COMMISSION **DRAFT** REGULAR MEETING MINUTES

July 22, 2021 – 7:00 p.m.

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1. **Call to Order:** Chair Fox called the meeting to order at approximately 7:00 p.m.
2. **Pledge of Allegiance:**
3. **Roll Call and Recognition of Visitors:**  
Present – Commissioners Fox, Grissim, LaRose, McMullen, Mitchell  
Absent – Commissioners Murphy, Voight
4. **Approval of the Agenda:**  
A Motion to approve the July 22, 2021 Planning Commission Regular Meeting Agenda was made by Commissioner Grissim and seconded by Commissioner LaRose. Motion carried unanimously.
5. **Approval of Meeting Minutes:**
  - a. **Planning Commission Minutes of June 10, 2021**  
A Motion to approve the June 10, 2021 Planning Commission Regular Meeting Minutes was made by Commissioner Mitchell and seconded by Commissioner Grissim. Motion carried unanimously.
6. **Call to Public:**  
None
7. **Old and New Business:**
  - a. **Site Plan/PD Application #21-005 Redwood Living Planned Development (PD) – Preliminary Site Plan** a request for thirty (30) single-story, multi-unit apartment buildings, with a total of 148 apartment units on approximately 27 acres.

Director Langer summarized the location and scope of the request stating the following:

- Planned Development process involves a Conceptual review, Preliminary review and Final review. This project is currently at the Preliminary stage.
- Public Hearing occurred at the June 24, 2021 Planning Commission meeting where a decision was not made but more information was requested.

The Applicants, Patricia Rakoci and Emily Engelhart, representing Redwood Living, had nothing to add.

**Residential Density**

Director Langer stated the following:

- Planned Development density is determined by the Future Land Use Map designation density.
- Special Planning Area at this location with a density of four (4) units per acre.
- The intention at this site is to keep the higher density to the north near M-59 with lower density to the south; five (5) units per acre to the north, three (3) units per acre to the south and west near the existing homes.



- Bonus Density is permitted if the Planning Commission and Township Board feel it is warranted. The Applicant is seeking the bonus for 12 additional units.
- Planning Commission felt the plan needed some modifications for driveway width, street tree size and landscape buffering.
- The Applicant has modified the plan according to the Planning Commission's comments.

**Residential Density and meeting minimum PD design standards**

- Deciduous/canopy tree diameter was upgraded from 2.5 inches to 3 inches (tree size at the time of planting).
- Meeting minimum yard requirements for building setbacks.
  - West: Added landscape screening by buildings near the northwest portion of the site (Buildings labeled as Building F and G).
  - North: Added a 15-foot wide landscape easement on the adjacent residential properties north of the PD property. Provided a landscape buffer within the landscape easement with an increase in the overall number of trees and shrubs from the previous PD landscape plan. The intent is to provide sufficient screening and buffering, where abutting single-family zoned properties (Screening Between Land Uses, Section 5.11.2.G.i.).
  - South: This area shows the same landscape buffer at the south property line as was previously depicted; however, the adjacent property to the south will most likely be developed as a PD for the same project and thus a buffer will not be necessary at this location.

Commissioner LaRose asked about the landscape easement on the north and suggested the easement be dedicated for Redwood and not overlap should the properties to the north make improvements in the future. Director Langer explained the location and scope of the easement and mentioned the owner of the properties is here and if desired, that can be made part of the final PD when it comes forth.

Commissioner Grissim asked about the type of screening required between the existing residential properties. Chair Fox stated the PD process does not require following the exact specifications listed in the Landscape Ordinance. Commissioner Grissim went on the state what is proposed will do well for screening, it is a variety of plantings, but it is not the eight foot tall row of trees typically required. Chair Fox confirmed variations are acceptable. Director Langer stated yes, it is; however, this is the first time the Planning Commission has seen the proposed landscaping.

The Planning Commission briefly discussed the proposed landscaping to the north. The Planning Commission had no additional comments.

- Street trees - Additional street trees are provided and tree spacing modified to place the trees closer together than shown on the previous landscape plan.

Commissioner Grissim stated the spacing and number of the street trees is not adequate. If they are looking for Bonus Density, it should exceed the standard not just meet it. Goal is to soften and enclose the street. She would like to see more trees and see them moved five feet away from the edge of the road. Also, more softening where the wider driveways form a large concrete surface; balance them with more trees across the street.

The Planning Commission discussed street trees.

Commissioner LaRose again stated she is not in favor of granting the Bonus Density with the current discussions; the Bonus Density gets in the way of what is being discussed.

Chair Fox suggested Commissioner Grissim examine the Landscape Plan, indicate the areas where additional trees could be located, staff can forward the plan to the Applicant, and a condition could be added to the approval about accepting the trees. The Applicant agreed.

**Building materials and long-term maintenance of residential buildings**

The Applicant stated they revised the siding material for a composite product with greater durability. The color palate is similar to the proposed vinyl product. The Planning Commission agreed.

**Driveway width**

Chair Fox confirmed the Planning Commission accepts the wider driveways. The Planning Commission agreed.

Commissioner LaRose asked for the sanitary sewer pump station located on the golf course property have a dedicated easement shown on the plans. The Applicant agreed.

Chair Fox stated he is willing to give the Bonus Density for what he perceives is one of the nicer Redwood developments; the alignment, the trees, the building materials are all things the Township has asked along the way. He also stated the density belongs up front. Redwood has been come before the Township before and he is glad they finally found a place. He supports the project as proposed.

Commissioner LaRose stated she does not agree and cannot support the Bonus Density but does appreciate all of the work the Applicant has put into improving the project.

Commissioner Mitchell stated he does not have a problem granting the additional density; he thinks it is very nice and out of the ordinary for a Redwood project.

Commissioner Grissim stated she too supports the project with all of the extra efforts made and does not believe the extra density will be noticeable.

Commissioner McMullen stated she supports the project.

**Commissioner Grissim offered the following Motion:**

**Move to recommend approval of Site Plan Application #21-005, the Preliminary Planned Development Site Plan for the Redwood Living Planned Development, subject to the following conditions:**

- 1. The Preliminary Planned Development Site Plan for Redwood Living, SP PD #21-005, is subject to the approval of the Township Board.**
- 2. The applicant shall adequately address the outstanding items noted in the Planning Department's memorandums, dated June 17, 2021, and July 15, 2021, on the Construction Plan set, subject to an administrative review by Planning staff prior to the issuance of a land use permit.**
- 3. As part of the Final Plan Review, the applicant, and/or any future owners shall agree to not interfere or object to any future roadway and/or pedestrian connections to the**

east. Any future ingress-egress easement agreement shall comply with the requirements of the Township Attorney.

4. As part of the Final Plan Review, the applicant shall provide a Planned Development (PD) Agreement that includes any easements and access agreements. A landscape easement and maintenance agreement are required for properties to the north, and an access and maintenance agreement will be required for the use of the Hartland Glen Lane.
5. The applicant shall obtain any permits from the Livingston County Road Commission for any and all improvements to Hartland Glen Lane within the road right-of-way of Cundy Road.
6. Municipal water shall be available for this development. In the event that municipal water is not available for this project, the developer shall re-submit plans to be approved by the Planning Commission and Township Board that provide an acceptable water source.
7. Applicant complies with any requirements of the Township Engineering Consultant, Department of Public Works Director, Hartland Deerfield Fire Authority, and all other governmental agencies, as applicable.
8. The applicant shall add additional trees as provided by Commissioner Grissim and the Applicant will work with the Township staff on a revised landscape plan to incorporate more street trees.
9. The applicant shall modify the site plan to show all easements that are off-site, such as, but not limited to, the sanitary pump station.

Seconded by Commissioner Mitchell.

Voting Yea: Chair Fox, Vice-Chair Mitchell, Commissioner Grissim, Trustee McMullen

Voting Nay: Commissioner LaRose

Absent: Commissioner Murphy, Commissioner Voight

Motion carried.

8. **Call to Public:**

None

9. **Planner's Report:**

Director Langer reported he will be out of the office for the next week.

10. **Committee Reports:**

None

11. **Adjournment:**

A Motion to adjourn was made by Commissioner Mitchell and seconded by Commissioner LaRose. Motion carried unanimously. The meeting was adjourned at approximately 7:36 p.m.

# Hartland Township Planning Commission Meeting Agenda Memorandum

**Submitted By:** Troy Langer, Planning Director

**Subject:** Use Determination for LaFontaine's Business Maintenance Division at 9990 Highland Road

**Date:** November 11, 2021

## **Recommended Action**

The Planning Department recommends the following motion:

**Move to Determine the Proposed Use shall be classified as a Business Service Establishment and permitted in the GC-General Commercial district as a Principal Permitted Use.**

## **Discussion**

**Applicant:** Gary Laundroche, LaFontaine Automotive Group

### **Site Description and Site History**

The subject site, addressed as 9990 Highland Road, is located west of Old US-23 and south of Highland Road/M-59 in Section 29 of Hartland Township (Parcel ID #4708-29-200-017). The approximate 4.5 acre site is zoned GC-General Commercial. The existing building is approximately 3,800 square feet, with an office area of 1,800 square feet and service area of 2,000 square feet. Per the 1997 approved site plan (SP #221) the site contains approximately 105 off-street parking spaces.

In 1997, the Planning Commission approved Site Plan Application #221 for Michigan Auto Group, a new and used car dealership with a moderate service area with four (4) bays. In 2010, LaFontaine Used Cars of Hartland established a used car dealership on the property, using the existing building and site layout. During 2018, LaFontaine relocated, and the site was unoccupied for a period of time. In 2018, a request was presented to the Township to establish a Kubota/Bobcat dealership at the subject site. The Planning Commission reviewed the proposed use, to determine if the proposed use was compatible with other uses permitted in the GC zoning district. At their meeting on October 25, 2018, the Planning Commission determined the Kubota/Bobcat dealership was similar in nature and compatible with Automobile Sales, which is a permitted land use in the GC zoning district. The Kubota/Bobcat dealership ultimately chose to locate at 948 Old US-23. In 2019, Carite, which is a division of LAG, established a used car dealership at 9990 Highland Road and occupied the site until recently.

### **Overview of the Proposed Use**

The applicant proposes to use the subject site as the headquarters for the building maintenance division of LaFontaine Automotive Group (LAG), in an administrative capacity. In total LAG owns 40 properties and has 70 buildings. The maintenance projects include changing ceiling tiles, wall repairs, moving furniture, and replacing light bulbs. All materials will be stored inside the building, such as ceiling tiles, light fixtures, and carpet squares. Mechanical services, roofing, HVAC, and painting are contracted out to independent firms. Product sales, service, or customer interface are not proposed.

Five (5) administrative employees will operate out of this location. Three (3) employees are dedicated to building maintenance assignments. The business will operate from 9:00 a.m. to 5:00 p.m., Monday through Friday.

Maintenance employees from LAG will come to this location to get materials, park their personal vehicle on-site, pick up a maintenance vehicle, and proceed to various LAG locations. Approximately five (5) maintenance vehicles will be available at this site. The maintenance vehicle will be returned to the subject site at the end of the day, and the employee will drive their personal vehicle home.

The types of maintenance vehicles include regular pick-up trucks and vans for daily operations. A delivery truck with a lift gate, for moving furniture, will be parked on-site as well as trailers used to haul scissor lifts to different locations. Per the applicant, any equipment like scissor lifts will remain stored inside the existing building. The service vehicles will be parked behind the building and along the west and east sides of the parking lot, as shown on the site plan provided by the applicant. Interior remodeling of the existing building has not been proposed. The applicant intends to replace the roof and apply for replacement sign panels for the existing wall sign and monument sign, under a site permit application.

### **Procedure for a Use Determination**

Section 3.1.14 of the Hartland Township Zoning Ordinance lists the Principal Permitted Uses and Special Land Uses permitted in the GC-General Commercial zoning district. None of the uses listed for that zoning district, or any other zoning district in the Township, specifically encompass the proposed use for a building maintenance division of an automobile sales company.

The proposed use thereby defaults to the category of a “Use Not Otherwise Included in a District”, and the review and approval procedures for such a use are summarized in Section 3.6 of the Zoning Ordinance. Section 3.6 specifically states the following:

#### ***3.6 USES NOT OTHERWISE INCLUDED WITHIN A DISTRICT***

- 1. General Requirements - A land use which is not cited by name as a permitted use in a zoning district may be permitted upon determination by the Planning Commission that such use is clearly similar in nature and compatible with the listed or existing uses in that district. In making such a determination, the Planning Commission shall consider the following:*
  - A. Determination of Compatibility - In making the determination of compatibility, the Planning Commission shall consider specific characteristics of the use in question and compare such characteristics with those of the uses which are expressly permitted in the district. Such characteristics shall include, but are not limited to, traffic generation, types of services offered, types of goods produced, methods of operation, and building characteristics.*
  - B. Conditions by Which Use May be Permitted - If the Planning Commission determines that the proposed use is compatible with permitted and existing uses in the district, the Commission shall then decide whether the proposed use shall be permitted by right, as a special use, or as a permitted accessory use. The proposed use shall be subject to the review and approval requirements for the district in which it is located. The Planning Commission shall have the authority to establish additional standards and conditions under which a use may be permitted in a district.*
- 2. No use shall be permitted in a district under the terms of this section if the use is specifically listed as a use permitted by right or as a special or conditional use in any other district.*

Based on the procedure outlined above, the charge of the Planning Commission is to determine whether the proposed use is compatible with the other uses permitted in the GC zoning district based on a number of factors. If compatibility is established, the Planning Commission must determine whether the use shall be permitted as a principal permitted use or a special land use, either one of which could be approved with conditions. If the Planning Commission determines that the proposed use can be approved as a Special Land Use, then that use can only be approved after a public hearing is held consistent with the Michigan Zoning Enabling Act.

The Planning Commission may also find that the proposed use cannot be permitted in the GC-General Commercial district, but in so doing, shall make a finding of which of the Township's zoning district(s) the use can be permitted in based on a finding of compatibility with the other uses permitted in that district consistent with the criteria outlined in Section 3.6.

### **Considerations**

The Zoning Ordinance does not specifically list or define the proposed use, as a principal permitted use or special land use in the GC-General Commercial zoning district (Section 3.1.14).

The proposed use is to utilize the existing building and site (parking) as the building maintenance headquarters for LAG, at a commercial site that is zoned GC-General Commercial. The first step in a use determination is to review the permitted and special land uses listed in GC-General Commercial zoning district to see if the proposed used is similar in nature to one of the permitted uses.

If the Planning Commission determines the proposed use is compatible with a listed use, the next step is to decide whether the proposed use shall be permitted by right, as a special use, or as a permitted accessory use.

After a review of the permitted and special land uses in GC-General Commercial, the Planning Department suggests one (1) option could be considered for the building maintenance operation/use: Business Service Establishments, as a principal permitted use (Section 3.1.14.B.vii.). Following is a discussion of that use.

### **Business Service Establishments**

A Business Service Establishment is listed as a principal permitted use in GC, although this use is not specifically defined in the Zoning Ordinance. Section 2.0.36 of the Ordinance (Definitions) provides a definition for Business or Commercial that could be applicable, as follows:

*Business or Commercial: Engaging in the purchase, sale or exchange of goods, or services, or the operation for profit of offices, recreational or amusement enterprises.*

The proposed use includes maintenance services to be provided specifically for properties owned by LaFontaine Automotive Group, and not for the general public. Product sales, service, or costumer interface are not proposed. Per the applicant, maintenance activities could include replacement of ceiling tiles, carpet squares, changing light bulbs, and moving furniture for properties owned by LAG. The proposed use generally aligns with the definition of *Business or Commercial* since the focus of the proposed use is to provide building maintenance services for buildings and properties owned by LAG.

Commercial vehicles will be stored on the site for the use of the employees for daily operations, and could include trailers, vans, and pick-up trucks. The submitted site plan shows the parking arrangement for employee parking and service vehicles. Outdoor storage and/or display of materials are not proposed per the applicant, nor shown on the site plan. The applicant has been informed that commercial outdoor storage or display are considered a special land use in GC and additional regulations are provided in Section 4.38 (Open Air Business, Commercial Outdoor Display, Sales or Storage).

### **Attachments:**

1. Applicant's Summary, email dated 10.28.2021 – PDF version only
2. Applicant's email dated 11.09.2021 – PDF version only
3. Delivery truck photograph – PDF version only

Use Determination at 9990 Highland Road

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4. Pick-up truck photograph – PDF version only
5. Trailer photograph – PDF version only
6. Section 3.1.14 GC General Commercial – PDF version only
7. Site Plans 9990 Highland– PDF version only

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## Martha Wyatt

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**To:** Martha Wyatt  
**Subject:** FW: 9990 East Highland Road

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**From:** Gary Laundroche  
**Sent:** Thursday, October 28, 2021 11:25 AM  
**To:** Martha Wyatt <MWyatt@hartlandtwp.com>  
**Subject:** 9990 East Highland Road

Martha,

LAG Development is LaFontaine's building maintenance division. We will be operating out of this location on an administrative capacity only. No product sales, service or customer interface. There will be 5 administrative employees stationed here full time. My maintenance staff will come to this location to get materials and a maintenance vehicle then head out to one of our various locations. They return here at the end of the day to drop off the vehicle then head home from here. Our maintenance vehicles include regular pick up trucks and vans for daily operations. We also have a delivery truck with a lift gate for moving furniture etc, a bucket truck and a couple trailers used to haul scissor lifts to different locations. Any equipment we have like scissor lifts will remain stored inside the garage. The vehicles will be parked in the rear portion of the lot per the attached sketch drawing.

Thank You  
Gary Laundroche



## Martha Wyatt

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**To:** Martha Wyatt  
**Subject:** Proposed use for 9990 Highland

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**From:** Gary Laundroche  
**Sent:** Tuesday, November 9, 2021 9:52 AM  
**To:** Martha Wyatt <MWyatt@hartlandtwp.com>  
**Subject:** 9990 Highland Pics

See below in "red"

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**From:** Martha Wyatt <MWyatt@hartlandtwp.com>  
**Sent:** Tuesday, November 9, 2021 9:07 AM  
**To:** Gary Laundroche  
**Subject:** RE: 9900 Highland Pics

Thanks Gary. In order to better describe your proposed use, could you please provide the information listed below:

- ☐ List of typical types of repairs for maintenance projects at LAG properties.

We only do minor maintenance like changing stained ceiling tiles, wall repairs, moving furniture changing light bulbs. All mechanical services, roofing, HVAC, painting etc are contracted out to independent firms.

- ☐ Are all the projects related to LAG properties/dealerships? How many properties?

Yes, 40 properties, 70 buildings

- ☐ Number of employees dedicated to maintenance assignments. 3
- ☐ Approximate number of maintenance vehicles on a daily basis. 5
- ☐ What type of materials will be stored at 9990 Highland site? Just for your information, outdoor storage of materials is only permitted as a special land use and appropriate screening of materials is required (Section 4.38 of the Zoning Ordinance). Thus I would need to know what your intent is for outdoor storage of materials, if applicable, as part of the use determination.

No materials stored outside. We have light fixtures, ceiling tiles, carpet squares etc stored indoors only.

- ☐ Do you intend to do any interior/exterior remodeling of the exiting building?

Nothing planned other than the roof which needs to be replaced and changing the Carite signs.















## A. INTENT

The “GC” General Commercial District is established to accommodate those retail businesses and services which are intended to serve the requirements of the Hartland community. The large size and variety of permitted commercial uses typically generates significant volumes of vehicular traffic. Uses in the “GC” District typically require a relatively large area devoted to off-street parking and loading, and tend to create problems of congestion. It is intended to direct all intensive commercial development to those areas designated as such on the Hartland Township Comprehensive Plan.



**User Note:** For uses listed in **bold blue**, refer to Article 4, or click on use, for use-specific standards

## B. PRINCIPAL PERMITTED USES

- i. Retail stores, wholesale clubs, or retail centers up to sixty thousand (60,000) square feet in gross floor area
- ii. Professional and medical offices or clinics
- iii. **Financial institutions with drive-through service** §4.57
- iv. Personal service establishments
- v. Food and beverage service establishments, excluding drive-in or drive-through service, live entertainment or dancing
- vi. **Outdoor seating and dining areas** §4.47
- vii. Business service establishments
- viii. **Adult day care facilities,<sup>■</sup> and child care centers,<sup>■</sup> preschool and day care centers** §4.12
- ix. Public buildings, post offices, libraries, libraries, community centers but not including warehouses, garages, or storage areas
- x. Public or private parks and open space
- xi. Business and private schools operated for a profit completely within an enclosed building
- xii. **Churches and religious institutions<sup>■</sup>** §4.20
- xiii. Essential public services, provided there is no building or outdoor storage yard
- xiv. Banquet halls, assembly halls, private clubs<sup>■</sup>, lodge halls or similar places of assembly.
- xv. **Funeral homes and mortuary establishments** §4.29
- xvi. Theaters and concert halls
- xvii. Newspaper offices and accessory printing/distribution.
- xviii. Personal fitness centers<sup>■</sup>
- xix. **Veterinary offices, small animal<sup>■</sup>** §4.45

## C. ACCESSORY USES

- i. **Accessory buildings, uses and activities customarily incidental to any of the above-named principal permitted uses** §5.14

## D. SPECIAL LAND USES

- i. **Automobile service stations** §4.16
- ii. **Automobile sales** §4.15
- iii. **Automobile wash, when within a completely enclosed building** §4.17
- iv. Billiard halls
- v. **Open air business uses** §4.38
- vi. **Drive-in establishments for the retail delivery of products to customers in automobiles where the type of drive-in establishment is not otherwise specifically included in this Ordinance** §4.24
- vii. **Essential service facilities and related accessory storage yards, including telephone exchange buildings and public utility offices** §4.26
- viii. Garden centers, nurseries and greenhouses.
- ix. Leasing of recreational, landscaping, or moving equipment
- x. **Large institutional uses<sup>■</sup>** §4.53
- xi. **Motels<sup>■</sup> and hotels** §4.36
- xii. **Outdoor and indoor commercial recreation** §4.40
- xiii. **Radio and television towers<sup>■</sup>** §4.39
- xiv. Restaurant<sup>■</sup>, bar, or brew-pubs, including with live entertainment or dancing. **With drive-in or drive-through service** §4.28
- xv. **Shopping centers and other stores of over sixty thousand (60,000) square feet in gross floor area** §4.46
- xvi. Restaurant<sup>■</sup>, bar, or brew-pubs including with live entertainment or dancing. With drive-in or drive-through service.
- xvii. Uses of the same nature or class as uses listed in this district as either a Permitted Principal Use or Special Use in this district, but not listed elsewhere in this Zoning Ordinance, as determined by the Planning Commission.
- xviii. **Automobile fueling and convenience station<sup>■</sup>** §4.58
- xix. **Automobile repair - minor<sup>■</sup>** §4.60



## E. DEVELOPMENT STANDARDS

**Lot Size**Minimum lot area<sup>☐</sup>:

Without sewer 40,000 sq ft

With sewer 20,000 sq ft

Minimum lot width<sup>☐</sup>:

120 ft

**Maximum Lot Coverage<sup>☐</sup>**

Principal Structure 75%

**Setbacks<sup>☐</sup>**

Minimum front yard setback: 50 ft

Minimum rear yard setback:

Without sewer 0 ft

With sewer 40 ft

Minimum side yard setback:

15 ft

**Building Height<sup>☐</sup>**

Maximum building height:

Dwelling unit 35 ft or 2.5 stories

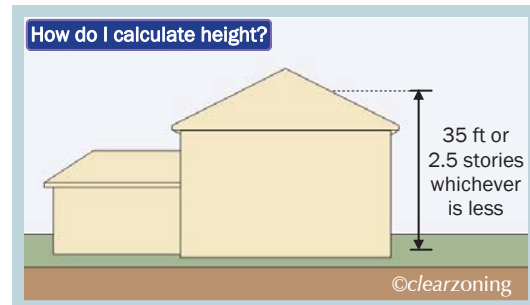
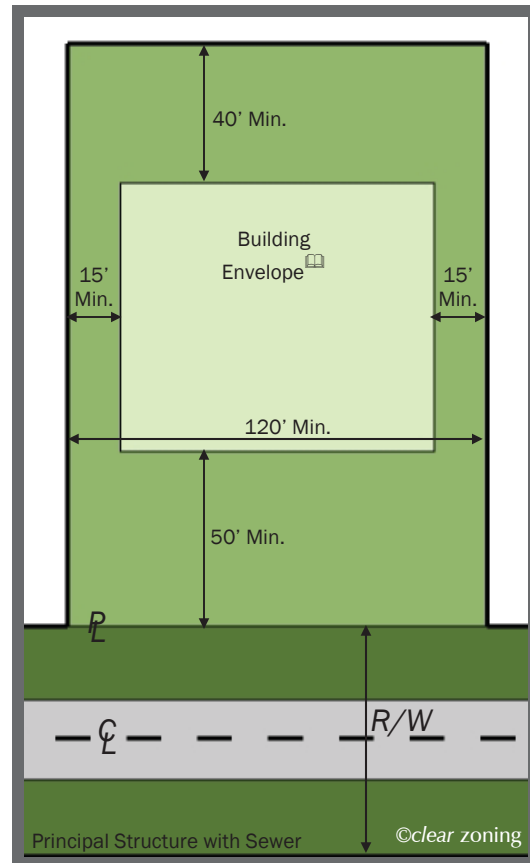
whichever is less

Accessory structure

15 ft or 1 story

**NOTES**

- For additions to the above requirements, refer to Section 3.24: 2, 5, 8, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 27, 28.
- See *Suggested References* below for applicability



The above drawings are not to scale.

**SELECTED REFERENCES****3. Zoning Districts**

- **Planned Development** §3.1.18

**5. Site Standards**

- **Paved Access** §5.22.3
- **Off-Street Parking and Loading Requirements** §5.8
- **Access Management and Driveways** §5.10
- **Sidewalks & Pathways** §5.12
- **Landscaping** §5.11
- **Lighting** 5.13

- **Walls and Fences** §5.20
- **Performance Standards** §5.19
- **Architectural Standards** §5.24

**6. Development Procedures**

- **Site Plan Review** §6.1
- **Traffic Impact** §6.5
- **Special Use Review** §6.6

1 Purpose and Introduction

2 Definitions

3 Zoning Districts

4 Use Standards

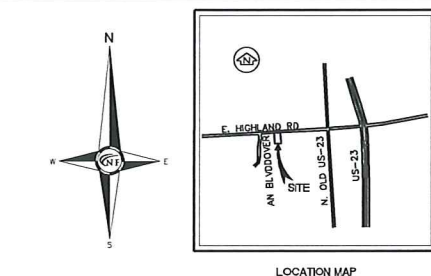
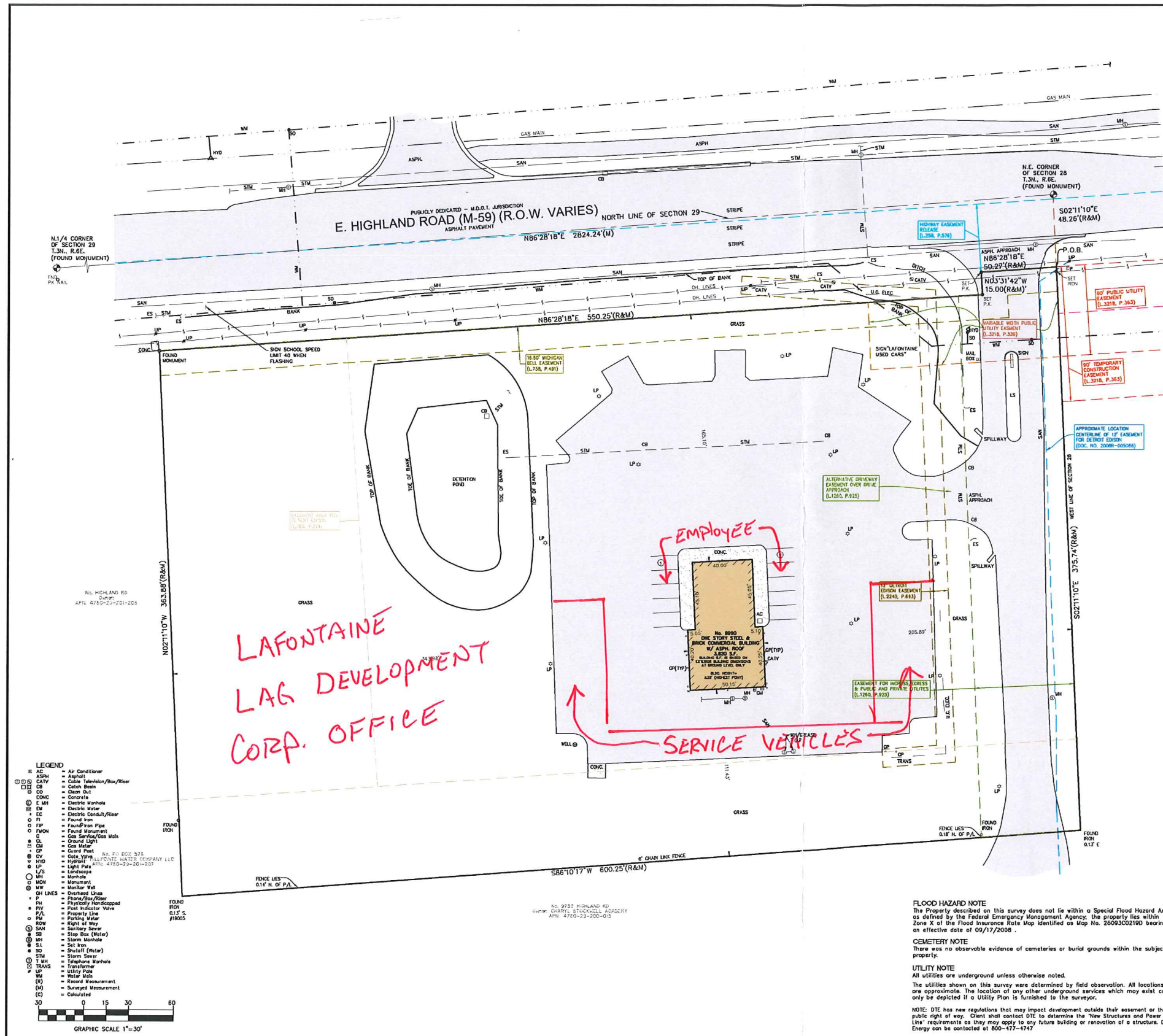
5 Site Standards

6 Development Procedures

7 Admin and Enforcement







**NF ENGINEERS**  
CIVIL ENGINEERS  
LAND SURVEYORS  
LAND PLANNERS

**NOWAK & FRAUS ENGINEERS**  
46777 WOODWARD AVENUE  
PONTIAC, MI 48342  
TEL. (248) 332-7931  
FAX. (248) 332-8257  
EMAIL: rfrans@nowakfrans.com

**BASIS OF BEARING NOTE**  
The basis of bearing for this survey was established by the record legal description.

**LEGAL DESCRIPTION**  
Land Situated in the Township of Hartland, County of Livingston, Michigan, more particularly described as:

Part of the East 1/2 of the Northeast 1/4 of Section 29, Town 3 North, Range 6 East, described as commencing at the Northeast corner of said Section 29; thence South 02 degrees 11 minutes 10 seconds East along the East line of said Section 29, 48.28 feet to the point of beginning; thence continuing South 02 degrees 11 minutes 10 seconds East along said East line, 375.74 feet; thence South 88 degrees 10 minutes 17 seconds West, 600.25 feet; thence North 02 degrees 11 minutes 10 seconds West 363.88 feet to the Southern right-of-way line of M-59 Highway; thence North 88 degrees 28 minutes 18 seconds East along said right-of-way line, 550.29 feet; thence North 03 degrees 31 minutes 42 seconds West along said right-of-way line, 15.00 feet; thence North 88 degrees 28 minutes 18 seconds East along said right-of-way line, 50.27 feet to the point of beginning.

Commonly Known As: 9990 E Highland Rd. and vacant E Highland Rd.  
Tax Parcel ID: 4708-29-200-017 and 4708-29-200-018

**TITLE NOTES**  
Subject To:

8. Rights of the public and any governmental unit in any part of the land taken, deeded or used for road, street or highway purposes.

11. Rights of others over that portion of the land used as ingress and egress to other lands.

13. Pole Line Permit granted to Detroit Edison Company, disclosed by instrument recorded in Liber 169 Page 274. [SAID EASEMENT IS PLOTTED HEREON]

14. Highway Easement Release granted to the State of Michigan recorded in Liber 259 Page 578. [SAID EASEMENT IS PLOTTED HEREON]

15. Right of Way in favor of Michigan Bell Telephone Company recorded in Liber 758 Page 491. [SAID EASEMENT IS PLOTTED HEREON]

16. Terms, covenants and conditions as set forth in Easement Agreement recorded in Liber 1280 Page 925. [SAID EASEMENT IS PLOTTED HEREON]

17. Detroit Edison Underground Easement (Right of Way) recorded in Liber 2240 Page 693. [SAID EASEMENT IS PLOTTED HEREON]

18. Terms, covenants and conditions as set forth in Road Acknowledgment recorded in Liber 2656 Page 966. [SAID DOCUMENT DOES NOT DESCRIBE ANY PLOTTABLE EASEMENTS OR PLOTTABLE RESTRICTIONS]

19. Grant of Permanent Easement for public utilities granted to The Township of Hartland recorded in Liber 3218, Page 336. [SAID EASEMENT IS PLOTTED HEREON]

20. Detroit Edison Underground Easement (Right of Way) recorded in Instrument Number: 2006R-005088. [SAID EASEMENT IS PLOTTED HEREON]

All exceptions shown or noted on this survey were obtained from Title Commitment No. 1800350191, with an effective date of 09-14-2018, issued by Stewart Title Guaranty Company.

Liber 3218, Page 363 not part of title commitment No. 1800350191, issued by Stewart Title Guaranty Company.

**SITE DATA**  
Gross Land Area: 218,136 Square Feet or 5.00 Acres.  
Zone: C2 (General Commercial)  
Building Setbacks:  
Front= 50'  
Side= 15'  
Rear= 0' Without sewer/ 40' with sewer  
Max. Building Height permitted: 2.5 stories/35'  
Total Parking: 10 visible spaces including 0 barrier free spaces.  
The above setback & height requirements were obtained from the Hartland Township Zoning Ordinance.

A surveyor cannot make a certification on the basis of an interpretation or opinion of another party. The setbacks are not plotted hereon. A zoning endorsement letter should be obtained from the Hartland Township to insure conformity as well as make a final determination of the required building setback requirements.

**TABLE A NOTES**  
6(a) No zoning report or letter has been provided to the surveyor. The setback information as shown hereon within the "Site Data" table is based on the Township of Hartland Zoning Ordinance. The Surveyor is not able to interpret the Zoning Ordinance to graphically plot the building setback requirements on the face of the survey.

16. There was no observable evidence of current earth moving work, building construction or building additions observed in the process of conducting the fieldwork.

17. There are no known proposed changes in street right-of-way lines available from the controlling jurisdiction.

17. There was no observable evidence of recent street or sidewalk construction or repairs observed in the process of conducting the fieldwork.

**SURVEYOR'S CERTIFICATION**  
To:

ASMS Holdings LLC, a Michigan Limited Liability company  
Lafontaine Hartland, LLC, a Michigan Limited Liability company  
Stewart Title Guaranty Company

This is to certify that this map or plot and the survey on which it is based were made in accordance with the 2018 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a), 6(b), 7(a), 7(b), 7(c), 8, 9, 13, 14, 16, 20 and 21 of Table A thereto.

The field work was completed on 08-28-2018.

Jeffrey J. Huhta, P.S.  
No. 52458  
Date: 10-09-2018  
Revised:

STATE OF MICHIGAN  
JEFFREY J. HUHTA  
PROFESSIONAL SURVEYOR  
No. 52458  
EXPIRATION DATE 10-09-2021

RECEIVED  
OCT 28 2021  
HARTLAND TOWNSHIP

**PROJECT**  
Lafontaine Automotive Group

**PROJECT LOCATION**  
No. 9990  
Highland Road  
Part of the NW 1/4 of  
Section 29, T.3N., R.6E.,  
Hartland Township,  
Livingston County, MI

**SHEET**  
ALTA / NSPS  
Land Title Survey

**REVISIONS**

NO.	DESCRIPTION

**DRAWN BY:**  
D. McConkey

**APPROVED BY:**  
J. Huhta

**EMAIL:**  
jhuhta@nfe-engr.com

**DATE ISSUED:**  
10-09-2018

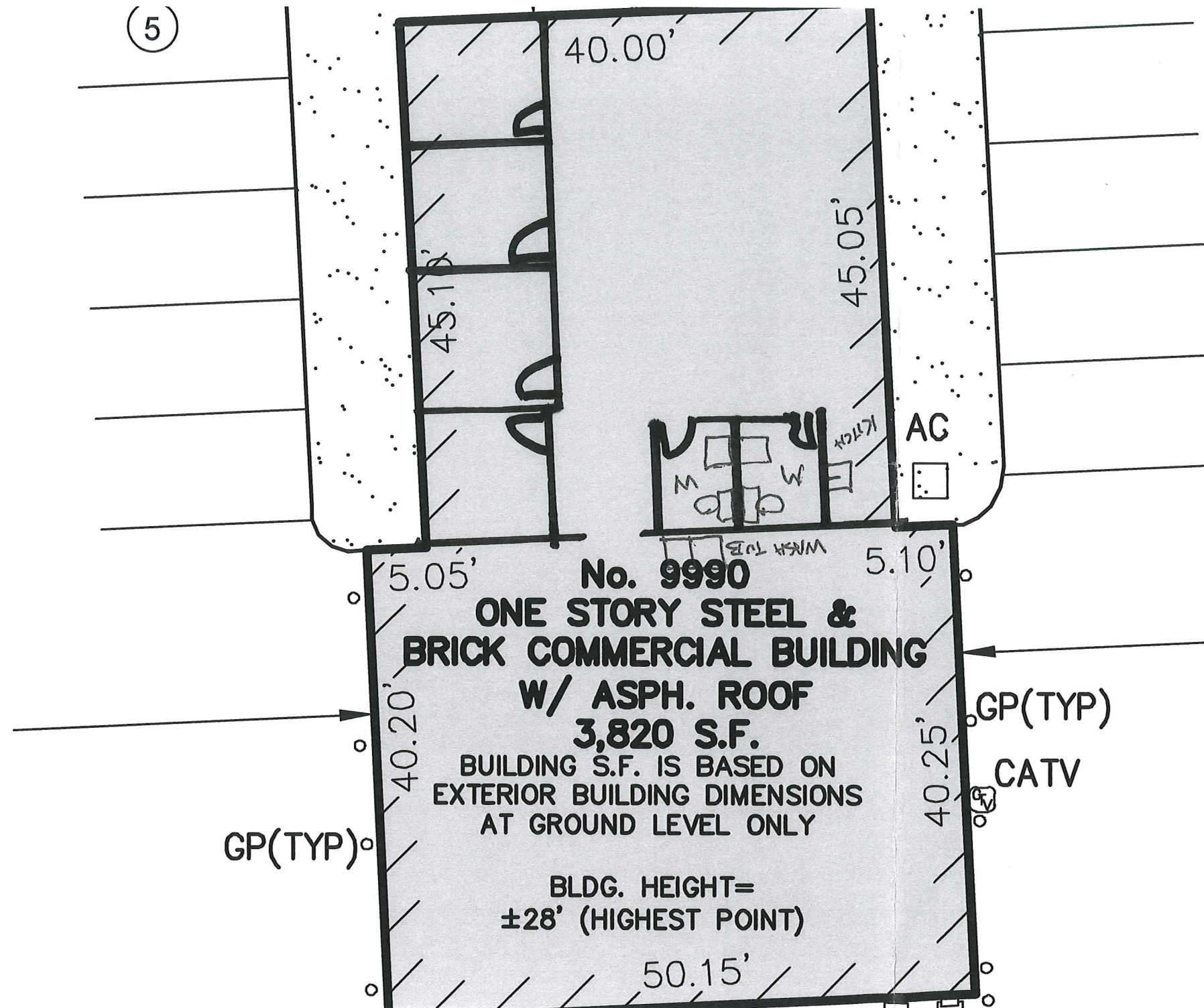
**SCALE:**  
1"=30'

**NFE JOB NO.**  
J644-01

**SHEET NO.**  
1 of 1



(5)



RECEIVED  
OCT 28 2021  
HARTLAND TOWNSHIP

LP

EASEN  
& DILL



# Hartland Township Planning Commission Meeting Agenda Memorandum

**Submitted By:** Troy Langer, Planning Director

**Subject:** Site Plan with Special Land Use Application #21-013 (renew Special Land Use Permit for existing mining operation at 1380 Pleasant Valley Road)

**Date:** November 11, 2020

## Recommended Action

**Move to recommend approval of Site Plan with Special Land Use Application #21-013**, a request to renew the Special Land Use for the existing mining operation at 1380 Pleasant Valley Road for an additional 15-year term, with one (1) year reclamation and clean-up. The recommendation for approval is based on the following findings:

1. The special land use, sand and gravel mining operation, meets the intent and purposes of the Ordinance as well as the specific Special Use standards outlined in Section 6.6 (Special Uses) and Section 4.5 (Sand, Gravel, or Mineral Extraction), as a mining operation is permitted as a special land use in the CA (Conservation Agricultural) zoning district.
2. The use is compatible with the existing and future land uses in the vicinity and is consistent with the plans previously approved by the Township for the mining operation on the subject site.
3. The use is compatible with the Hartland Township Comprehensive Plan, as the southerly portion is designated Estate Residential, which is intended to serve very low-density residential development and agricultural land uses, where appropriate. The reclamation of the site will result in a lake and gently sloping grades which may allow for future use as residential or farm production.
4. The use will not require additional public services other than those already available and being provided to the facility.
5. The use will be a continuation of the current mining operation activities and will not be detrimental, hazardous, or disturbing to the existing or future neighboring uses, persons, or the public welfare. Safety precautions and site development standards are outlined in the Terms and Conditions document, which in combination with the ordinance provisions, should mitigate negative impacts.
6. The proposed use will not create additional requirements at public cost for public facilities and services. The Hartland Deerfield Fire Authority has reviewed the plans and has no concerns.

## Approval is subject to the following conditions:

1. The proposed Special Land Use, sand, gravel or mineral extraction, is subject to approval by the Township Board.
2. Site Plan with Special Land Use Application #21-013 shall take effect on the date of approval by the Township Board and shall be valid for a period not to exceed fifteen (15) years with one (1) year for reclamation and clean-up, or through the completion of the mining and reclamation, whichever comes first. All other requirements of the Terms and Conditions under Duration of Permit shall remain in effect.

3. The applicant shall adequately address the outstanding items noted in the Planning Department's memorandum, dated November 11, 2021. Revised plans, if necessary, shall be subject to an administrative review by the Planning staff prior to the issuance of a land use permit, as applicable.
4. Applicant complies with any requirements of the Department of Public Works Director, Township Engineering Consultant (HRC), Hartland Deerfield Fire Authority, and all other government agencies, as applicable.
5. The Special Land Use is subject to the terms of the permit issued by the State of Michigan Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (Part 301, Inland Lakes and Streams). The State of Michigan permit shall remain valid.
6. (Any other conditions the Planning Commission deems necessary)

## **Discussion**

Applicant: Burroughs Materials Company

### **Site Description**

The existing mining operation, for the excavation of gravel and sand, is located at 1380 Pleasant Valley Road, in Section 25 of the Township. The subject site, zoned CA (Conservation Agricultural), is located south of M-59 (Highland Road) and east of Pleasant Valley Road in Section 25 of the Township. The site is comprised of six (6) parcels for a total of 285 acres of land (Tax Parcel ID #4708-25-100-004; 4708-25-100-013; 4708-25-300-002; 4708-25-300-003; 4708-25-400-017; and 4708-25-400-018). The site is generally bounded by Highland Road/M-59 on the north, Pleasant Valley on the west, Lone Tree Road on the south, and Dorothy's Way and Windmill Lane on the east.

The adjoining property to the north is zoned MR-2 (Mobile Home Park) and is occupied by Hartland Meadows, a 600-unit manufactured home community. Other surrounding land uses are zoned CA (Conservation Agricultural) and include single-family residential and farming.

The 2020-2021 Amendment to the Future Land Use Map (FLUM) designates the southerly area as Estate Residential. The northerly portion of the property is designated as Multiple Family Residential to Low Suburban Density Residential (southeast corner of M-59 and Pleasant Valley Road)

### **Overview and Background Information**

Following is a summary of the history of the property.

#### **Special Use Permit Application #156 with Site Plan Application #119**

These applications were submitted to the Township in 1990 for a proposed gravel mining operation on same six (6) parcels as the current operation. No action was taken on these applications due to litigation issues.

#### **Zoning Board of Appeals Application #303 (1992)**

On April 15, 1992, under ZBA Application #303, the Zoning Board of Appeals reviewed eight (8) variances, as requested by the applicant, from the zoning regulations for Sand and Gravel Mining Regulations (Zoning Ordinance No. 22).

On April 29, 1992, the Zoning Board of Appeals granted a waiver of the requirement to plant evergreen trees for the visual screening and berm requirements and granted a waiver to allow equipment maintenance to occur between the hours of 7:00 a.m. and 9:00 p.m.

December 30, 1993

The Circuit Court of Livingston County ordered the variance to permit the mining to be located 200 feet from the property line or right-of-way line.

Special Use Permit Application #161 with Site Plan Application #142

On January 16, 1996, the Township Board approved Special Use Permit Application #161 for a sand and gravel mining operation (Burroughs Materials Company) with changes to the Terms and Agreements document. The Special Use Permit was valid for a maximum of fifteen (15) years or through the completion of mining and reclamation, whichever occurs first. The commencement of the fifteen (15) year timeframe was based on the date of the issuance of a land use permit (see below).

Land Use Permit #4305

On May 15, 1998, Land Use Permit #4305 was issued by the Township for the sand and gravel operation, thus commencing the fifteen (15) year timeframe for SUP #161.

August 19, 2003

On August 29, 2003, the Township Board approved the renewal of the Special Use Permit for Burroughs Materials Company with conditions to address stockpiling and processing of materials on the site.

Special Use Application with associated Site Plan #504

On March 8, 2012, the Planning Commission recommended approval of Special Use/Site Plan Application #504, to extend the mining operation at the sand and gravel facility at 1380 Pleasant Valley Road, for an additional eight (8) years, or until May 15, 2021. On April 3, 2012, the Township Board approved Special Use/Site Plan Application #504. An Amendment to the Terms and Conditions was also approved by the Township Board on April 3, 2012, as summarized in Resolution No. 12-R007.

Other

Annual Reports have been submitted to the Township including aerial photographs and site plans showing the progression of the mining activities and reclamation.

**Existing Operation**

The sand and gravel operation includes an aggregate processing plant, conveyors, finish product, stockpiles, and sedimentation ponds. The equipment typically found on the site includes draglines, bucket loaders, and transport trucks. An office building, truck scales, and wheel wash are located within the site, just south of the main entrance on Pleasant Valley Road. Truck traffic enters and exits through the main entrance. Internally, access drives provide vehicular circulation throughout the active mining areas in the site.

Mining of the site consists of stripping topsoil, sand-clay, and overburden (clay) product and stockpiling it for use in the reclamation process. The stockpiles are distributed around the site, generally in the westerly portion of the site. The sand and gravel are then excavated using front-end loaders for the work above the water table. Once the aggregate has been extracted to the water table, the draglines are used to extract the remaining product. The product is processed on site.

Phase I and II of the mining operation have been completed per the plans dated August 27, 2021. Phase III and Phase IV are yet to be completed, and renewal of the Special Land Use Permit is required.

### **Request**

The applicant is requesting to renew the Special Land Use Permit for the existing mining operation at 1380 Pleasant Valley Road for an additional fifteen (15) years with a one (1) year reclamation and clean-up. The previous Special Use with associated Site Plan Application #504 expired on May 15, 2021. In April 2021, the Township Planning Director contacted Burroughs Materials Company to discuss the process for renewing the Special Land Use Permit. A representative from Burroughs responded back to the Township and noted they intended to renew the Special Land Use Permit under a new application once they were able to assemble all applicable documents.

Per the applicant's summary several contributing factors has slowed the completion of the overall mining plan and a renewal of the Special Land Use is requested. Phase I and II have been completed as shown on Sheet 2 of 4 (site plan submittals). If the Special Land Use is renewed, Phase III will concentrate on the remainder of the lake excavation and completing the overall grading, occurring approximately from 2021 to 2036. In Phase IV reclamation and mining clean-up will occur, in the last 12 months, following the last year of mining, or approximately from 2036-2037.

Partial reclamation has been completed in the northeast and east areas of the site. The final reclamation plan includes an approximate 34-acre lake (see Sheet 3 of 4). The lake is approximately 50% complete at this point in time and is permitted under the State of Michigan, Part 301, Inland Lakes and Streams. A permit for the lake was issued by the State of Michigan Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division, on November 19, 2019 and is valid until November 19, 2034. Based on the information provided, the existing mining operations, processing methods, and equipment will remain as they are today. Additional site improvements are not proposed.

The staff memorandum dated March 1, 2012, for Special Use Application and Associated Site Plan #504 is provided for background information on the mining operation.

Within that document a review is provided for the applicable site standards for the special land use of sand, gravel, or mineral extraction. Those standards were provided in Section 3.12.H. of the previous Zoning Ordinance, which are now outlined in Section 4.5.8 of the current Zoning Ordinance (Operation and Development Requirements, Standards and Required Improvements). For the current request, the applicant was asked to provide updated information for the applicable site standards, which are discussed in this memorandum under "Special Land Use Review."

### **Approval Procedure**

Sand, gravel, or mineral extraction is allowed in the CA (Conservation Agricultural) zoning district as a Special Land Use, per Section 3.1.1.D. Additional standards for sand, gravel, or mineral extraction are provided in Section 4.5 of the Zoning Ordinance.

Per the Hartland Township Zoning Ordinance and the State Enabling Act, a public hearing is required for the special land use application. Given the requirements for publishing a notice for the special land use, the public hearing has been scheduled for the November 18, 2021 Planning Commission meeting. The Planning Commission will review the special land use and make a recommendation to the Township Board. The Township Board will make the final determination.

The current request also requires site plan approval thus there are two application elements: special land use and site plan approval for the mining operation. Although there are technically two elements, all are incorporated into one combined site plan which will be reviewed and approved concurrently. The Planning Commission will make a final decision on the site plan.

If this were a new project, the plans would be reviewed using the development standards of the CA (Conservation Agricultural) zoning district (Section 3.1.1), standards associated with sand, gravel, or mineral extraction (Section 4.5), and all applicable zoning standards in the Zoning Ordinance. Given that plans for the mining operation were previously approved in 1996, and no additional site improvements are proposed, a detailed site plan review is not warranted. Site plans, dated August 27, 2021, have been submitted by the applicant as part of the SUP/SP Application #21-013. The plans provide updated information on the mining operation, including the current pond configuration, mining operation areas, and future mining and reclamation activities for the next two phases, Phase III and Phase IV.

### **SPECIAL LAND USE REVIEW – General Standards**

In accordance with Section 6.6, Special Uses, of the Hartland Township Zoning Ordinance, the following standards shall serve the Planning Commission and Township Board as the basis for decisions involving such uses. The standards are provided below and are reviewed in the March 1, 2012 staff memorandum for Special Use/SP Application #504. The current application SUP/SP #21-013 is request is for a renewal of an existing mining operation that was approved under SUP/SP #504. Changes to the mining operations are not proposed thus staff would offer that the answers from the 2012 staff memorandum remain valid.

- A. Be harmonious and in accordance with the objectives, intent, and purposes of this Ordinance.
- B. Be compatible with the natural environment and existing and future land uses in the vicinity.
- C. Be compatible with the Hartland Township Comprehensive Plan.
- D. Be served adequately by essential facilities and public services, such as highways, streets, police and fire protection, drainage ways and structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to adequately provide any such service.
- E. Not be detrimental, hazardous, or disturbing to the existing or future neighboring uses, person, property, or the public welfare.
- F. Not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

The Planning Department believes the mining operation use can and will meet the criteria listed above for the special land use request. The applicant will be responsible for all applicable approvals and permits from other agencies and departments for the mining use.

### **SPECIAL LAND USE REVIEW – Applicable Site Standards**

In addition to a finding by the Planning Commission and Township Board that the criteria above have been satisfied, the Use Standards of Section 4.5, Sand, Gravel, or Mineral Extraction, apply. In particular, the standards from Section 4.5.8. (Operation and Development Requirement, Standards and Required Improvements – for sand and gravel mining facilities) are discussed below, with updated responses from the applicant in an email dated October 3, 2021, in italics.

#### **Operation and Development Requirement, Standards and Required Improvements (Section 4.5.8.)**

1. Fencing. All mining excavation areas shall be fenced prior to the commencement of extractive operations and prior to the placement of machinery or buildings. The fence shall completely surround the borders of the mining site. Gates will be locked when the plant is not operating.

*The mining operation is completely enclosed with a fence, a gate, and berms that meet the requirements of the Ordinance.*

2. Posting of mine site. The perimeter of any mining extraction site shall be conspicuously and adequately posted with signs sufficient to indicate the danger of trespassing in the area.

*Signs are posted on the site in compliance with the Ordinance.*

3. Visual Screening. All buildings, structures, fuel storage, active excavation areas, mining operations, and storage of equipment shall be visually screened from view from all adjacent public highways and adjacent parcels. Construction of a raised earth berm along the boundary lines of the site shall be required. At least a twenty (20) foot wide landscape buffer strip is required between the property line and the base of the berm.

*The maturity of the site vegetation has created a densely screened barrier of tree, shrubs, and other vegetation on all sides of the site. The earthen berm fluctuates from five (5) feet to fifteen (15) feet (in height) and continues to buffer the view of the gravel plant and shipping operations.*

4. Hours of Operation. The Ordinance requires that the hours of operation be limited to between 7:00 a.m. and 6:00 p.m., Monday through Friday and 7:00 a.m. to 1:00 p.m. on Saturday. No work is permitted, without prior authorization on Sundays and holidays.

*The site continues to operate within the same hours of operation as in the past. They are 7:00 a.m. to 6:00 p.m. Monday through Friday and Saturday 7:00 a.m. through 1:00 p.m. Equipment maintenance and repair will be conducted only between the hours of 7:00 a.m. and 9:00 p.m. on the same days as operation, unless otherwise authorized by the Township.*

5. Access to Major Thoroughfares. All sites being mined under the provisions of this Zoning Ordinance shall have direct access to a designated all weather (Class A) road, which roadway shall be improved to the specifications of the County Road Commission.

*The primary route of access continues to be along Pleasant Valley Road to M-59. There have been no complaints filed or violations issued for the route of access, and it continues to be monitored by the Livingston County Road Commission.*

6. Transportation Routes. The transportation route or routes within the Township shall be as direct and minimal in detrimental impact as reasonably possible.

*The applicant did not provide a response however staff assumes the transportation routes are the same as originally approved, with the haul route designated as Pleasant Valley Road, north of the site driveway, to M-59. The haul route is limited to the paved portion of Pleasant Valley Road. All truck traffic is to use M-59 for access to and from the site. Signs are posted at the exit informing the driver of the haul route.*

7. Prevention and Removal of Material from Roadways. Truck undercarriage and wheels shall be sprayed to prevent sand, gravel or mud from being deposited on roadway. In the event the operation of a mined area shall cause any mined material to be deposited upon the public highway in Hartland Township, it shall be the responsibility of the operator to remove such materials within 12 hours if a complaint is filed.

*Pleasant Valley Road is monitored by the Livingston County Road Commission for road debris and dirt. The site also continues to operate a wheel washing station to the south of the office/maintenance building.*

8. Dust Control Along Roadways. All roads within the sand and gravel mining site shall be maintained by the operator at all times in a dust-controlled condition by use of hard surface paving material or the application of other dust suppressants.

*Pleasant Valley Road is paved from the site north to M-59. Trucks that exit the site pass through a high-pressure wheel wash to aid control of the dust on the roadway. There have not been any violations or comments received.*

9. Sound Vibration and Dust. All equipment and facilities used in the excavation, processing, loading, or transporting of sand and gravel shall be constructed, maintained, and operated in such a manner as to eliminate sounds, vibrations, or dust which interfere with the reasonable use and enjoyment of surrounding property.

*The site continues to comply with the Terms and Conditions. Including but not limited to extra quiet mufflers installed on all yard equipment, requiring trucks be adequately and legally muffled, etc. Trucks are also required to be tarped according to MDOT regulations.*

10. Lighting. All sources of lighting used to illuminate the property and operation shall be directed away from surrounding property.

*There are no changes to the lighting on the site or the screening of illumination off-site.*

11. Protection of Public Health and Safety; Drainage. Addresses protective measures to assure public health or safety for ground water, surface water, and/or watershed.

*Burroughs Materials Company has taken measures to preserve and protect the natural areas of the site. The berms have become fully vegetated which minimizes any soil erosion of the berms. The vegetated berms also provide a natural backdrop to the neighbors to the north and to the east. The foliage and limited drainage area of the faces of the berm allows for minimal runoff to the contiguous properties. The interior of the site is graded such that the remainder of the mining area drains primarily to the excavated lake and the vacant portion of the site.*

*Burroughs Materials Company also continues to sample three site monitoring wells for water quality and quarterly levels.*

12. Distance Requirements from Roadways and Property Lines. Excavation shall not create slopes and/or depressions closer than 300 feet from the right-of-way line of the nearest road or highway and 500 feet from any residentially zoned or used property.

*There are no changes to the distance requirements from the roadway and property lines.*

13. Machinery, Equipment, and Methods of Operation. Machinery shall be limited to those approved as part of the Special Use Permit application.

*There are no changes to the machinery, equipment, and method of operation from the previously approved plan.*

#### **SITE PLAN REVIEW – Applicable Site Standards**

The applicable site standards include those standards related to the proposed use, which are outlined in Section 4.5 of the Ordinance.

In this case the applicant is only requesting a renewal of the previously approved plans for the mining operation therefore a review of applicable site standards is not required at this time.

**Other Requirements-Zoning Ordinance Standards**

Nothing additional at this time.

**Hartland Township DPW Review**

No comments at this time.

**Hartland Township Engineer's Review (HRC)**

The Township Engineer has reviewed the project and conducted a site visit on October 7, 2021. A review letter, dated November 2, 2021, is provided.

**Hartland Deerfield Fire Authority Review**

The plans were reviewed by the Hartland Deerfield Fire Authority who has no concerns at this time.

**Attachments:**

1. Township Engineer (HRC) Review Letter dated November 2, 2021 – PDF version only
2. Applicant's Letter dated August 31, 2021 – PDF version only
3. Applicant's response to SUP Criteria, email dated October 3, 2021 – PDF version only
4. 1996 Burroughs Materials Mining Terms and Conditions – PDF version only
5. 2003 Addendum to Terms and Conditions – PDF version only
6. Special Use Application #504 staff memorandum dated March 1, 2012 – PDF version only
7. Special Use Application #504 Resolution Amendment to Terms and Conditions – PDF version only
8. EGLE 301 Permit – PDF version only
9. Site Plan Sheet 1, Site Overview, dated August 27, 2021 – PDF version only
10. Site Plan Sheet 2, Operations Plan Phase III & IV, dated August 25, 2021 – PDF version only
11. Site Plan Sheet 3, Reclamation Plan/Final Site Design, dated August 27, 2021 – PDF version only
12. Site Plan Sheet 4, Cross-section Views, dated August 25, 2021 – PDF version only

T:\PLANNING DEPARTMENT\PLANNING COMMISSION\2021 Planning Commission Activity\Site Plan Applications\SUP #21-013 Burroughs Material\Staff reports\SUP 21-013 Mining operation PC staff report 11.11.2021.docx



November 2, 2021

Hartland Township  
2655 Clark Road  
Hartland, MI 48353

Attn: Mr. Troy Langer, Planning Director

Re: Special Land Use Permit Renewal  
Burroughs Materials Company  
Pleasant Valley Road

HRC Job No. 20210857.02

Dear Mr. Langer:

As requested, this office has reviewed the proposed excavation plans prepared by the Levy Mining & Land Planning Group (dated August 25, 2021), the Michigan Department of Environment, Great Lakes, and Energy (EGLE) Part 301, Inland Lakes and Streams Permit (Issued November 19, 2019) and conducted a site visit on October 7, 2021. The excavated water body area to date matches what is shown on the plans and permit. Excavation equipment was in operation at the time of the site visit and did not appear to be overly disruptive for a gravel mining process.

The current EGLE Part 301 permit expires on November 19, 2024. A site visit should be made at that time to verify that the work completed matches what was proposed. If you have any questions or require any additional information, please contact the undersigned.

Very truly yours,

HUBBELL, ROTH & CLARK, INC.



Michael P. Darga, P.E.

MPD/mpd

pc: Hartland Twp; B. West M. Wyatt  
HRC; R. Alix, T. Pietila



August 31, 2021

Mr. Troy Langer  
Planning Director  
Hartland Township  
2655 Clark Road  
Hartland, Michigan 48353

RE: Special Land Use Permit Renewal  
Burroughs Materials Company  
1389 Pleasant Lake Road  
Hartland, Michigan

Dear Mr. Langer and Members of the Hartland Planning Commission,

Burroughs Materials Company (BMC) is applying for the renewal of our Special Land Use Permit for our mining operation at 1380 Pleasant Lake Road, Hartland, Michigan. The BMC has been mining sand and gravel under the current Special Land Use Permit since 2012. Due to an economic downturn, the COVID-19 pandemic, and a marginal regional demand for the materials in this property we have seen slow progress in developing the site to the proposed mining plan. As a result, we have seen the need to seek renewal of the Special use Permit for an additional 15-year term with a one (1) year reclamation and clean-up.

The final reclamation plan includes a 36-acre lake. The lake is permitted under the State of Michigan, Part 301, Inland Lakes and Streams Act permit, and is approximately 50% complete. Partial reclamation has been completed in the northeast and east area of the site thereby offering a larger buffer area from the adjacent neighbors. During the past permitting period, the site has had a clean record of operation.

In addition, the site is isolated by berms ranging in height from 5-feet to 25-feet. The berms are densely vegetated and, as a result, show no signs of erosion and offer a thick screen from adjacent properties. The berms meet ordinance requirements and do not contribute additional runoff to contiguous properties. The site has been surrounded by a fence and gated since the beginning of mining.

BMC continues to post all required financial guarantees including a \$431,250 surety bond and a \$143,750 Letter of Credit, a total of \$575,000. The township also has a \$50,000.00 Compliance Reserve Fund that is fully funded.



As indicated in Sheet 2 of 4 of the plan submittals, Phase I and Phase II have been completed. During the renewed term of the Special Use Permit, the mining will focus on Phase III, as shown on Sheet 2, which largely concentrates on the remainder of the lake excavation and completing the overall grading. Phase IV will involve completing the reclamation and mining cleanup. This will occur in the 12 months following the last year of the mining.

Burroughs Materials Company has diligently been working to process and ship material from the site. The processed resources mined from this location are important and needed for infrastructure projects in the region. The completion of the project is also important to the owners of the property, Mr. and Mrs. Daniel Giegler, and their family and will provide them with an added recreational opportunity.

Burroughs Materials Company has been in the Hartland community for many years with little disruption or impact to the community. We ask that you approve our renewal of the Special Land Use Permit for the next 15 years. We look forward to answering any questions regarding our submittal, please feel free to call us at 248-866-1033.

Respectfully,  
**Burroughs Materials Company**

Richard Zanotti, P.E.

Senior Property Development Engineer  
Cell: (248) 866-1033  
Email: [rianotti@edwclevy.net](mailto:rianotti@edwclevy.net)

Attachments:

Application for Renewal of Special Use Permit  
Application Fee  
Hartland Special Use Permit renewal Sheets 1 through 4  
Part 301 State of Michigan, Inland Lakes and Streams Act Permit

## Martha Wyatt

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**From:** Martha Wyatt  
**Sent:** Thursday, October 14, 2021 11:38 AM  
**To:** Martha Wyatt  
**Subject:** FW: Response to Request for update information - Special Land Use Permit

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**From:** Zanotti, Richard  
**Sent:** Sunday, October 3, 2021 9:16 PM  
**To:** Martha Wyatt <MWyatt@hartlandtwp.com>  
**Cc: Subject:** Response to Request for update information - Special Land Use Permit

Dear Ms. Wyatt,

We have reviewed the March 1, 2012, Memorandum from the Planning Department to the Planning Commission. Our update comments are as follows:

**1. Page 1 - Applicant**

The Applicant in Section 3 should be **Burroughs Materials Company, 51445 W Twelve Mile Road, Wixom, Michigan 48393**. The property owners are **Daniel and Judith Giegler, 13320 Hibner Road, Hartland, Michigan 48353**.

**2. Page 3 – Fencing**

The mining operation is completely enclosed with a fence, a gate and berms that meets the requirements of the Ordinance.

**3. Page 3 – Posting of Mining Site**

Signs continue to be posted on the site in compliance with the Ordinance.

**4. Page 3 - Visual Screening**

The maturity of the site vegetation has created a densely screened barrier of trees, bushes, and other vegetation on all sides of the site. The earthen berm fluctuates from 5 feet to 15 feet and continues to buffer the view of the gravel plant and shipping operations.

**5. Page 4 - Hours of Operation**

The site continues to operate within the same Hours of Operation as in the past. They are 7:00 AM to 6:00 PM Monday through Friday and Saturday 7:00 AM through 1:00 PM. Equipment maintenance and repair will be conducted only between the hours of 7:00 AM and 9:00 PM on the same days as operation, unless otherwise authorized by the Township.

**6. Page 4 – Access to Major Thoroughfares**

The primary route of access continues to be along Pleasant Valley Road to M-59. There have been no complaints filed or violations issued for the route of access and it continues to be monitored by the Livingston County Road Commission.

**7. Page 4 – Prevention and Removal of Materials from Roadways**

Pleasant Valley Road is monitored by the Livingston County Road Commission for road debris and dirt. The site also continues to operate a wheel washing station to the south of the office/maintenance building.

**8. Page 4- Dust Control Along Roadways**

Pleasant Valley Road is paved from the site north to M-59. Trucks that exit the pit pass through a high-pressure wheel wash to aid the control of dust on the roadway. There have not been any violations or comments received.

**9. Page 5- Sound Vibration and Dust**

The site continues to comply with the Terms and Conditions, including but not limited to extra quiet mufflers installed on all yard equipment, requiring trucks be adequately and legally muffled, etc. Trucks are also required to be tarped according to MDOT regulations.

**10. Page 5- Lighting**

There are no changes to the lighting on the site or the screening of illumination offsite.

**11. Page 5- Protection of Public Health and Safety: Drainage**

The Burroughs Materials has taken measures to preserve and protect the natural areas of the site. The berms have become fully vegetated which minimizes any soil erosion of the berms. The vegetated berms also provide a natural backdrop to the neighbors to the north and the east. The foliage and the limited drainage area of the faces of the berm there is minimal runoff to the contiguous properties. The interior of the site is graded such that the remainder of the mining area drains primarily to the excavated lake and the vacant portion of the site.

Burroughs Materials Company also continues to sample three site monitoring wells for water quality and quarterly levels.

**12. Page 5 – Machinery, equipment, and methods of operation**

There are no changes to the machinery, equipment, and method of operation from the previously approved plan.

**13. Page 5 – Site Review**

Burroughs Material Company proposes to continue activity through 2036 (15 years). Phase I and Phase II are completed, and the remainder of the lake is projected to be completed by 2036. The lake is currently permitted by EGLE and will be 35 acres in size. The reclamation slopes are equal to or have been flatter than the Ordinance requirements.

**14. Page 6 – Special Use Review**

Special Use Review is subject to the required standards and findings of the Planning Commission.

We hope that we have addressed all the areas that you requested. We believe that we have complied and will continue to comply with the requirements of the standards for the Special Land Use permit as we have in the past. Please let us know if you have any other concerns or questions in preparation for the Planning Commission Review.

Respectfully,

Richard Zanotti

**Richard Zanotti, P.E.**  
**Property Development Engineer**

EDW. C. LEVY  
Natural Aggregates Division  
51445 W. 12 Mile Road  
Wixom, Michigan 48393

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\*✓ RETURN TO: DONALD A. RHODES, SUPERVISOR  
HARTLAND TOWNSHIP  
3191 HARTLAND ROAD  
HARTLAND, MI, 48353

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NANCY HAVILAND  
REGISTER OF DEEDS  
LIVINGSTON COUNTY, MI

**BURROUGHS MATERIALS COMPANY  
SAND AND GRAVEL MINING SPECIAL USE PERMIT  
TERMS AND CONDITIONS**

**THE OBJECTIVE OF THIS PERMIT:**

It is the objective of this Permit to set forth procedures and standards to ensure that mining, restoration of grades and reclamation shall occur in places and ways which will be consistent with public health, safety and welfare and to ensure that lands subject to mining operations shall continuously be reclaimed and rendered fully suitable for development in accordance with the Comprehensive Plan of Hartland Township, Michigan.

**PERMIT TERMS AND CONDITIONS:**

1. **Basis:** This Sand and Gravel Mining Special Use Permit has been based upon the information submitted by the applicant as part of the original application and as subsequently submitted to enhance, clarify or modify the initial information as has been offered by the applicant or requested by the Township. Such documents include the following:
  - a. Site Plan dated June 3, 1991, as revised (Sheets 1, 3, 5, 6 dated April 4, 1995 and 2 and 4 dated September 8, 1995, 6 sheets)
  - b. Environmental Assessment prepared by JJR, December, 1991, (62 pages and appendices).
  - c. Burroughs Materials Mining Permit - Additional Information (stamped Rec. 2/10/92).
  - d. Burroughs Materials Mining Permit - Additional Requested Materials, March 17, 1992.
  - e. Traffic Impact Study prepared by Reid, Cool & Michalski, dated October 11, 1994.
  - f. Hartland Township Aggregate Market Study, prepared by Dunn Corporation, dated November, 1994.
  - g. Hartland Sand and Gravel Co., Spill Prevention Control and Countermeasure Plan, January 9, 1995.

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- h. All other materials that constitute the official record of Hartland Township regarding this Special Use application.
2. **Application:** Notwithstanding more specific provisions contained herein, all other requirements, conditions and regulations of the Hartland Township Zoning Ordinance, as amended, shall continue to apply.

3. **Property Owners:**

Daniel and Judith Giegler, *HUSBAND & WIFE*  
1385 Pleasant Valley Road  
Hartland, MI 48353

Lisa<sup>A</sup> Giegler - Glasco  
2144 Fenton Road  
Hartland, MI 48353

Kimberly S. Giegler  
1574 Maxfield Lake  
Hartland, MI 48353

4. **Receiver of the Special Use Permit (Permit Holder):**

Burroughs Materials Company  
P.O. Box H  
New Hudson, MI 48165

5. **Designated Agents :** For purpose of receiving notices, correspondence and communications the designated agents of the Permit Holder and the Township shall be:

Permit Holder  
R. Scott Carson, Vice President  
Natural Aggregate Division  
Edward C. Levy Company  
P.O. Box H.  
New Hudson, Michigan 48165

Hartland Township  
Hartland Township  
3191 Hartland Road  
Hartland, Michigan 48353

Phone: 810-632-7498  
Fax: 810-632-6950

Phone: 810-348-8511  
FAX: 810-349-9007

The sand and gravel mining (extraction, processing and selling of aggregate) shall be performed pursuant to a lease agreement with the owner of the site and further subject to the terms of this permit.



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Either the permit holder or land owner shall notify the Township by first class mail, postage prepaid, at Township Hall of any plans to give, confer, option or sell any additional right of access, development, operation, or other activity, or prior to any such action in the future. All terms and requirements of this Special Use Permit shall apply to any successors in interest or assigns of the permit holder or land owners. As a condition of this Permit, the applicant shall provide the Township Board with a recordable affidavit, to be recorded with the Livingston County Register of Deeds, binding the applicant, and all heirs, successors, assigns and transferees of the applicant to the terms and conditions of this Special Use Permit. (See Attached Exhibit D)

**6. Legal Description of Property to Which the Special Use Permit Applies:**

Section 25, Township 3 North, Range 6 East, commencing at the West 1/4 Post, thence North 56 rods and 2.75 feet; thence East 80 rods; thence South 56 rods and 2.75 feet; thence West 80 rods to the point of beginning.  
Sidwell No. 08-25-100-004.

Section 25, Township 3 North, Range 6 East, the East 50 acres of the West 140 acres.  
Sidwell No. 08-25-300-002.

Section 25, Township 3 North, Range 6 East, the Southwest 1/4 except the East 70 acres, also except commencing at the Southwest Corner of Section; thence East 1010.66 feet to the point of beginning; thence North 422.1 feet; thence East 412 feet; thence South 422.1 feet; thence West 412 feet to the point of beginning. 86 acres more or less split from 08-25-300-001.

Sidwell No. 08-25-300-003

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Section 25, Township 3 North, Range 6 East, the East 58 rods of the West ½ of the Southeast 1/4, 58 acres more or less, split from 08-25-400-001.  
Sidwell No. 08-25-400-017.

Section 25, Township 3 North, Range 6 East, the East 20 acres of the Southwest 1/4 and the West ½ of the Southeast 1/4, except the East 58 rods, 42 acres more or less, split from 08-25-400-001.  
Sidwell No. 08-25-400-018.

These properties are also identified in Exhibit B of this permit.

7. As a condition of this Permit, the functional area of the property has been limited in size in order to regulate the operation of the mining activity, minimize the negative impacts on the site and ensure the expeditious development of the property according to the Reclamation Plan. The Sand and Gravel Mining Special Use Permit contains several graphics as follows:
  - a. An aerial photo of the site with topography at a scale of 1" = 100', labeled Sheet 1.
  - b. An operations plan for mining labeled Sheet 2.
  - c. A reclamation plan showing final contours and the lakes labeled Sheet 3.
  - d. A site plan for the office and truck wash area, labeled Sheet 4.
  - e. Site cross sections labeled Sheet 5.
  - f. A proposed plant layout diagramming the activity in the processing area labeled Sheet 6.
  - g. Overlays pertaining to phasing of mining.

These graphics will be used to define the limits of the activities that can occur on the site within specific time frames. No mining activity shall take place outside of the limits of mining described in this Permit nor shall any activity occur until the agreed upon dates described herein.

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Development activities (septic system, well, road, building and utility construction activities) shall be permitted subject to the time lines in this Permit and final site plan approval.

8. **Duration of Permit:** This special use permit will not take effect until the Permit Holder's site plan has received final approval from the Township and this permit has been approved by the Township and properly executed by all parties hereto. Forthwith upon this permit thereby taking effect, the Permit Holder shall apply for and the Township Zoning Administrator shall issue the appropriate land use permit. This sand and gravel mining special use permit will be valid for a maximum period of fifteen (15) years or through the completion of mining and reclamation, whichever occurs first. Said period shall commence on the date of the issuance of the land use permit by the Township Zoning Administrator and shall terminate no later than the fifteenth (15th) anniversary of the issuance of said land use permit.

In order to remain valid and permit uninterrupted operation, this permit must be renewed on an annual basis, in accordance with the application process, requirements, and subject to approval standards specified in the Hartland Township Zoning Ordinance, Section 22.33.D. and E. The annual renewal date shall be April 1 of each year commencing after the first full year from the effective date of this permit. The annual permit renewal materials submitted by the Permit Holder each year may be dated the previous fall if such renewal materials are certified to be an accurate representation of the site conditions not more than thirty (30) days prior to the date of the application and if changes since the aerials were flown are noted on the photo and inspected by the Township Engineer.

If the sand and gravel mining operation does not begin during the initial one (1) year period, the Permit Holder's right to operate under the Special Use Permit shall be terminated. Should a one (1) year renewal of the Special Use Permit not be used by the Permit Holder for continuing the sand and gravel operation, the Permit Holder's right to operate under the Special Use Permit shall be terminated. Upon termination of the Permit Holder's right to operate under the Special Use Permit and the non-reapplication for such right to operate within ninety (90) days, site reclamation shall be underway. Reclamation of the mining site shall be completed within six (6) months after the date of termination in accordance with all provisions of the approved reclamation plan.

This permit may be suspended or revoked after a hearing by the Township Board, with notice by regular mail of said hearing to the applicant, based upon a failure to comply with one or more of the requirements of the Township Zoning Ordinance, the approved Special Use Permit, the approved site plan or other applicable law, ordinance or regulation, and/or the terms and conditions of this Special Use Permit, or upon grounds that a use or activity constitutes a nuisance or danger to the public health, safety and/or welfare. The Permit Holder shall be given reasonable notice of any site violations, related hearings and subsequent Township action.

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No suspension or revocation of this permit shall be made effective by the Township Board earlier than seven days following the date of the notice of the alleged failure to comply; this being for the purpose of allowing the Permit Holder at least seven days, following such notice, within which to remedy any such alleged failure to comply.

9. **Compliance Inspection Reserve Fund:** To ensure compliance with the provisions of this Permit and the requirements of Section 22.33 of the Zoning Ordinance, the Township shall establish a Compliance Inspection Reserve Fund which shall be controlled by the Township. This Fund shall be used to reimburse the Township for the costs of inspections, monitoring, administration and enforcement including attorney fees and court costs related to this Special Use Permit, and costs of Township staff attributable to the special land use.

The Permit Holder shall make monthly payments to the Township in an amount equal to twelve (12) cents per ton of minerals removed from the subject property, commencing one (1) month after the date of issuance of the Land Use Permit. In no event shall such fee be less than one thousand six hundred dollars (\$1,600) per month. Failure to make the necessary deposits or maintain the Fund balance shall be a violation of this Permit and a cause for its suspension.

At the end of each calendar year, and as of the date of termination in the final year of operations, an entity performing audits in the regular course of its business shall certify the amount of materials sold by the Permit Holder during the previous year, or during such portion of the year until the date of termination, as applicable. The cost and conduct of the audit shall be the responsibility of the Permit Holder. Such certification reports shall be submitted to the Township within 30 days of their receipt by the Permit Holder.

Revenues over and above Township costs referenced above shall be used for maintenance or improvement of impacted roads as necessary. The determination of road maintenance and improvement needs shall be made by the Township Board at the time of annual permit renewal. In making its determination the Township Board shall consider the comments of the Township Engineer, Livingston County Road Commission and others.

All such fees shall be deposited into an interest bearing account and upon completion of the special use operation, including reclamation and satisfaction of all applicable requirements of this Ordinance, all such fees which are unexpended, together with accumulated interest shall be refunded to the Permit Holder. Such fees shall be adjusted annually by the Township Board based on its review of fees and costs incurred.

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10. **Insurance:** As a condition of this Permit, the Permit Holder is required to hold general liability insurance to be in effect at the commencement of operations. Such insurance shall be maintained in full force and effect as a precondition to the right to continue operations. Hartland Township, its officials, employees, agents and representatives shall be named as additional insureds. Hartland Township shall receive a copy of the insurance certificate upon its renewal for each year of this Permit. The applicant shall provide binders for personal injury and property damage insurance for the project to be carried by an insurance company licensed to do business in the State of Michigan during all times during which any mining operation is underway and reclamation is left to be done, and during all times any machinery and/or equipment remains on the site, or any structures, equipment or improvements to be removed remain on the site. The insurance shall be carried in amounts no less than one million dollars (\$1,000,000) for personal injury, and not less than one million dollars (\$1,000,000) for injury or damage to more than one person's property arising out of a single occurrence. This insurance shall cover injury or damage occurring upon the site of the operation, as well as upon injuries or damage occurring upon surrounding property as the result of conditions or activities conducted upon the property.
11. **Financial Guarantees for Compliance and Reclamation:** Mining operations shall not commence until a financial guarantee to assure compliance with the Zoning Ordinance, the approved operations plan and reclamation plan, and this Special Use Permit, shall have been filed with the Township Clerk as approved and required by the Township Board. The financial guarantee shall be in the initial amount of \$400,000, based upon 40 acres to be mined and including those additional areas required for access processing, storage, loading and stockpiling. The form and the amount of the financial guarantee shall be as follows:
- a. No less than 25% of the total financial guarantee shall be in the form of cash or an irrevocable and unconditional letter of credit issued by a financial institution licensed to do business in the State of Michigan, making the Township the beneficiary thereof.
  - b. No more than 75% of the total financial guarantee shall be in the form of a corporate surety bond issued by a company licensed for such purpose in the State of Michigan.

Any financial institution guaranteeing a corporate surety bond or issuing an irrevocable letter of credit in satisfaction of these requirements shall be subject to approval of the Township Board. The amount of the financial guarantee shall be reviewed annually and may be increased or decreased by the Township Board in accordance with the provisions of the zoning ordinance.

The financial guarantee shall not be released or transferred to allow mining of other areas of land unless and until the Permit Holder has satisfactorily reclaimed the

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property in accordance with the conditions of the Special Use Permit. Otherwise the Township shall have a right to use the cash or proceeds of the irrevocable letter of credit to the extent necessary to reclaim the property and to cover the cost of enforcing and bringing about compliance with the approved application, including reasonable attorney's and consultant's fees, and the corporate surety bond shall serve to guarantee payment for all other reclamation and enforcement and compliance requirements.

The cash or irrevocable letter of credit shall remain with the Township, until the site has been reclaimed, and all improvements are removed as required by the Township Zoning Ordinance or by this Special Use Permit.

12. **Mining Operations and Reclamation Plans:** The Mining Operations Plan and Final Reclamation Grading Plan are attached as Sheets 2 and 3 and made a part of this Special Use Permit. The description of mining operations and reclamation is based upon current mine practices and technology, as well as market demands for sand and gravel products and is generally as presented to the Township in the special use application. As site conditions change, these practices may vary and will be updated in an annual operation plan, submitted to Hartland Township as a condition of the annual permit renewal.

- a. **General Description and Phasing** . Extraction activity will take place in five distinct phases which will be completed in 15 years. Typical aggregate mining equipment, including a dragline, bucket loaders, transport trucks and conveyors will be utilized during the mining operation. An aggregate processing plant will be constructed in the central area of the site.

At the completion of mining operations, site reclamation will result in a lake, approximately 74 acres in area, with a maximum depth of 35 feet. Areas of the site that have been mined, but are not part of the lake, will be sloped and reclaimed to meet Township standards.

The initial efforts of the operation will be to clear an area of approximately 5 acres for the processing plant site. The processing plant will be set at an elevation of 1000 U.S.G.S datum and will extend to a height of 52 feet above its base. The plant will include screens, classifiers, screw conveyors, conveyors and other equipment to process the aggregate. The processing plant will utilize and recycle approximately 4,700 gallons of wash water per minute. A well may be required near the processing plant to supplement the water recycled from the sedimentation pond system. No processing water will be discharged into adjacent drainageways or wetlands.

A site office and maintenance building, truck scale, and permanent bathrooms will be located in the northwest corner of the mining site adjacent to the site access road. The access road will be paved from the truck scale

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movement of product or soil, grading, stockpiling or other removal of sand or gravel from the site, or any other activity involving ingress and egress by large vehicles or equipment, or other mining operations shall occur between the hours of 7:00 A.M. and 6:00 P.M. Monday through Friday and Saturday 7:00 A.M. through 1:00 P.M.

There shall be no activities on the property on Sundays, Thanksgiving Day, Christmas Day, New Years Day, and the days celebrating the fourth of July, Memorial Day, and Labor Day with the exception of emergency repairs required to permit the commencement of operations on the following morning.

Equipment maintenance and repair shall be conducted only between the hours of 7:00 A.M. and 9:00 P.M. To the extent feasible, such repairs shall be conducted inside an enclosed building. Emergency repairs may be made during other hours with the condition that the Zoning Administrator shall be given advance notice of, and shall approve, such activities.

**g. Other Conditions**

1. No cuts or excavations shall be made within 200 feet from the right-of-way line of the nearest road, nor shall any cut or excavation be made within 200 feet from the nearest property line.
2. The steepest grade on reclaimed slopes where excavations have been made shall not exceed one (1) foot vertical to four (4) feet horizontal distance.
3. All customer trucks that exit the Hartland site shall be required to tarp (cover) their loads according to Michigan DOT regulations.
4. A truck wheel wash system shall be installed to assure each truck is washed down to remove any loose debris prior to exiting the site. The truck wheel wash system shall not be operated when the outside temperature is expected to be below 40 degrees Fahrenheit (or 4 degrees Celsius) for that 24-hour day or when the Permit Holder notices ice forming on the trucks, pavement surface, wheel wash system or other objects.
5. Signs shall be posted at the exit reminding the drivers of the legal haul route.
6. Trees, wetlands and all natural vegetation shall be saved wherever possible to offer visible screening and aesthetic value (Sheets 2 & 3

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of the Site Plan dated June 3, 1994, as revised September 8, 1995 and April 4, 1995 respectively).

7. Only material relocated from the mining area shall be used as backfill when reclaiming the site. Topsoil removed during stripping shall be placed over affected areas to establish a good base for vegetative growth. No topsoil shall be sold or otherwise removed from the site.
  8. There shall be no landfilling, or importation of off-site materials onto the site for any purpose other than that customary for construction and operation of site buildings and structures pursuant to the approved site plan.
  9. No activities other than approved extraction, mining and accessory uses defined in the Special Use Permit shall be permitted on the site, except that farming of portions of the site may be permitted, pursuant to the zoning ordinance.
13. **Permit Conditions:** In addition to all conditions noted above the following shall apply.
- a. The Permit Holder shall comply with all requirements of the Hartland Township Zoning Ordinance except to the extent to which this Special Use Permit provides for a different or less strict requirement.
  - b. The haul route shall be designated as: Pleasant Valley Road north of the site driveway to M-59. There shall be, on an average, about 55 trucks (110 trips) per day but not more than 110 trucks (220 trips) per day removing material from the site. The Permit Holder shall maintain a log with truck name, destination (if known), load size, and truck number. A copy of this log shall be provided to the Township on a monthly basis, along with the monthly report of tonnage shipped each month.

It is the intention of this Permit and of all parties hereto, that Pleasant Valley Road shall be paved from M-59 south 0.75 miles prior to commencing aggregate shipping operations on the subject site. This is in accordance with the Hartland Township Zoning Ordinance Section 22.33.H.5, and is necessary to reduce dust and noise, hazards between truck traffic and other vehicles, and to enable better control of trucks and enforcement of the haul route.

Paving and related improvements of Pleasant Valley Road are subject to the sole approval of the Livingston County Road Commission (LCRC). Construction plans must be approved by LCRC, all work inspected and accepted by LCRC, and record drawings of the project submitted to LCRC prior to project acceptance. Improvements to Pleasant Valley Road shall



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include grade changes to improve sight distance at the driveway, installation of driveway curbing structures to inhibit improper turns to or from the south, and an apron of final lift pavement for transition at the intersection of M-59 and Pleasant Valley Road.

Based upon its current knowledge of Pleasant Valley Road conditions, LCRC has agreed to staged construction of the bituminous pavement to accommodate both Township requirements and LCRC's desire to monitor the performance of the road before placing the wearing course of pavement. Subject to the Permit Holder submitting, and LCRC approving full construction plans, profiles and specifications, the Permit Holder shall grade, prepare and install the road base and install the initial lift of asphalt on the roadway together with the necessary related work. Construction plans and specifications shall also be reviewed by the Township engineers. Commercial shipping of aggregate will then be permitted along the designated haul route, subject to all conditions of this permit.

The installation of the final asphalt surfacing shall be completed no later than 1.5 years from the date of commencement of commercial aggregate shipping. Any repairs to the roadway required by LCRC shall be made by the Permit Holder prior to the required paving. The Permit Holder shall post a performance bond or irrevocable letter of credit. The bond will be posted with the Livingston County Road Commission to assure the timely completion of repairs and final paving. Prior to installation of a paved surface on Pleasant Valley Road, the Permit Holder shall be permitted to excavate, process and haul aggregate only for use in construction of Pleasant Valley Road improvements or for construction on the site in conformance with the approved site plan.

From the time of start of construction or earth moving activities on the Permit Holder's site, until such time as final paving of the three-quarter mile section of Pleasant Valley Road is completed and approved by LCRC, the Permit Holder shall be responsible for regular road maintenance, excluding snow removal. Such maintenance measures shall include any necessary application of dust palliatives, grading, patching or other measures, subject to approval of the LCRC and/or as specified in the haul route permit.

The Permit Holder shall make improvements and take operational measures to prevent gravel truck traffic to or from the south, as follows:

- (1) Construction of a median, abutments and reduced radius on the site driveway at Pleasant Valley Road which limit undesired left turns from the site onto Pleasant Valley Road or right turns into it from the south.
- (2) Erection of signs prohibiting left turns out of the driveway.

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- (3) The Permit Holder shall adopt a policy whereby it shall refuse to load a truck operated by a driver or owned by a person or company which has been a repeat violator of the designated haul route. The Permit Holder shall specify such policy and enforcement procedures to the Township as a condition of this permit. A copy of the Permit Holder's haul route enforcement policy is attached as Exhibit C of this Permit. Such policy may be amended at the time of annual permit renewal with the Township or by mutual agreement at other times. A statement of this policy shall be posted in a conspicuous place on site, so as to notify all truck operators of the policy and penalties.
- (4) If a repeated pattern of haul route violations is documented and reported to the Township, the Township Board may require installation of closed circuit T.V. (or video camera) for observation of turns out of the site driveway.

The Permit Holder shall cooperate with the Township, Livingston County Road Commission, and Michigan Department of Transportation to obtain signage and operational mitigations at M-59 (as recommended in applicant's traffic study), and weight and axle limitations on Lone Tree Road.

As a condition of this Permit, the Township and its Planning Commission reserve the right to study improvements to Pleasant Valley Road and M-59 in the future.

- c. Explosives shall not be used in the operation of the facility. All explosives shall be prohibited on the site.
- d. The Permit Holder proposes to protect the majority of the wetlands on the existing site. This will be done by minimizing intrusion into the wetlands, berming them from any of the development or mining operation and to divert processing water away from these areas so that they are not contaminated. As a condition of this Permit, the wetlands shall be protected and, if any degradation or contamination occurs, the Permit Holder shall take measures to correct the problem as required by the Michigan Department of Environmental Quality (MDEQ).

Should it become apparent that the regulated wetlands will be impacted due to changes in the groundwater table, runoff or water quality, the MDEQ shall be notified and the appropriate permit applications filed by the Permit Holder. The Permit Holder shall notify Hartland Township concurrent with the notification of the MDEQ.

The Permit Holder shall monitor the condition of the wetlands on a quarterly basis. If the mining operations result in an impact or loss of the wetlands, the

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MDEQ may require as a condition of a permit that the Permit Holder undertake mitigative measures. Such measures may include actions to restore the hydrologic condition of the wetlands or to create replacement wetlands within the lake being created by the mining. Mitigative measures would require the approval of the MDEQ and may require Township approval as a modification of the site plan.

- e. The Permit Holder shall make improvements and take operational measures to minimize the noise produced by the operation, as follows:
  - 1) The Permit Holder shall use state-of-the-art back-up alarms on all equipment for which alarms are required. This type of alarm continually monitors the background sound levels of the immediate environment in which it is operating and adjusts the sound level of the beeper accordingly so that it is only five decibels louder than the background sound levels.
  - 2) Extra quiet mufflers shall be installed on all yard equipment.
  - 3) The Permit Holder shall take steps to assure that all trucks are adequately and legally muffled. Any truck which is not muffled in accordance with the law shall not be loaded at the site.
- f. As a condition of this Permit, a site screening berm and landscaping plan shall be submitted for site plan approval. The Planning Commission shall review the plans and may, at their discretion, require adjustments in the berm configuration. Berm height shall be sufficient to screen the processing plant and all mining operations from view off-site, in accordance with Zoning Ordinance requirements.
- g. The proper maintenance of equipment and facilities to prevent spills and a Spill Prevention Control and Countermeasure Plan (SPCCP) shall be a part of the mining operations. These procedures shall be in accordance with the January 9, 1995 SPCCP submitted to the Township. Periodic inspections shall be conducted by appropriate public officials to assure continued compliance.
- h. Sheet 2 of the Permit Holder's site plan indicates that there will be a site haul road between the gate and the planned stock pile area of the site. The westerly 700 feet of this access road will be paved, and the remainder is unpaved. The pavement shall be kept clean on a regular basis and the remaining internal gravel road shall be properly maintained on at least a monthly basis (including grading and application of dust suppressants).

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The speed limit on all internal roads, shall be limited to 15 mph or less to minimize noise and dust.

Further, the Permit Holder shall cause the removal of any mined material, overburden or similar materials which may be deposited on Pleasant Valley Road north of the site driveway to M-59 as a result of the operation of the mined area. Such removal shall be completed within 12 hours of receipt of notice from the Zoning Administrator.

- i. The operations at this site shall meet all of the Performance Standards of Section 22.36 of the Zoning Ordinance as well as the standards of Section 22.33.H.9 of this Ordinance.
- j. The Township shall be permitted to monitor the operation, especially the crushing and earth-moving activity, so that adjustments in schedules, time of day, day of the week, time of the year or methodology can be made if the operation is not within the guidelines of this Permit. The Township shall have access to the site during operation hours for purpose of enforcement and policing of all special use permit terms and conditions.
- k. The Permit Holder shall install a minimum of three wells on the site for monitoring groundwater elevations and quality. Quarterly reports of groundwater elevations in each well shall be made to the Township. If degradation of the water table is determined to be occurring, mining shall be suspended until an approved grade restoration plan and counter measures can be approved by Hartland Township and implemented by the Permit Holder.

The three wells shall be located as follows: One monitoring well shall be installed along the south edge of the property, just west of the property with parcel number 08-25-300-005; a second monitoring well at the southeast corner of the property; and a third monitoring well in the setback north of Phase III (Sheet 2). Each monitoring well shall be installed to a point 10 feet below the average groundwater level or the current groundwater level, whichever is lower. The existing groundwater elevation when installing the monitoring wells shall be recorded for each monitoring well.

- i. Ground water conditions shall be monitored by the Permit Holder and reported to the Township in accordance to the following schedule:
  1. An individual grab sample shall be obtained from each of the three monitoring wells on a quarterly basis for the first year after all three monitoring wells are installed. After the first year of sampling, the individual grab samples from each monitoring well shall be obtained on an annual basis.

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2. A composite grab sample shall be obtained from the new lake on an annual basis once the water surface area of the new lake exceeds one acre. The sample locations from the new lake shall be identified by the Permit Holder each year prior to obtaining grab samples and the individual grab samples shall be taken to obtain a representative sample from the new lake water.
3. Each individual grab sample shall be analyzed for the following water quality parameters by a qualified testing company:
  - i. Nitrates, Nitrites, and Ammonia as Nitrogen
  - ii. Total Phosphorus
  - iii. Sodium
  - iv. Chloride

The results of the sample analysis shall be reported to the Township once results are available.

4. The ground water level and lake water level shall be recorded with each grab sample and reported to the Township with the sample analysis results.
  5. If the sampling results indicate a change in groundwater conditions as determined by the Township Engineer, mining operations shall be suspended until the cause of change in groundwater conditions is identified. The Permit Holder will be given the opportunity to determine the change in groundwater conditions. The Township Engineer will review the Permit Holder's determination and provide a recommendation to the Township on the acceptance of such determination report. If it is determined that the mining operations of the Permit Holder are not the cause of the change in groundwater conditions, the groundwater monitoring program shall be appropriately adjusted in response to the change in groundwater conditions and mining operations shall be allowed to continue. If it is determined that the change in groundwater conditions is caused by the mining operations of the Permit Holder, mining operations shall not commence until the cause of the groundwater condition change has been rectified to the satisfaction of the Township.
- m. In the event of a failure of one or more wells presently serving the existing residences on properties hereinafter identified during the period in which Burroughs Materials Company's operation is being conducted so that such well or wells are no longer providing an adequate supply of potable water, Burroughs Materials Company, at its sole expense, will provide these properties with wells which again provide an adequate supply of potable

Revised 1/16/96

water for the residences in question. The wells covered by this guarantee are identified on Exhibit A, attached. Burroughs Materials Company will also guarantee the pond located at 1150 Windmill Lane.

- n. Monitoring of operations is an integral part of special use approval. As a condition of this Permit, the Township will designate the appropriate parties who shall be responsible for periodic inspections/monitoring, logging of and Township response to neighbor complaints regarding the operation, and submitting evaluations and recommendations to the Township Board. The Township shall receive all operational and environmental reports (water quality, etc.) submitted by the Permit Holder and direct such reports to the appropriate party(s). The designated staff and/or consultants shall review the annual Permit application and shall recommend to the Township Board any adjustments deemed necessary to minimize any negative impacts of the operation on the surrounding area.

**14. Agreement:**

- a. The undersigned landowners and sand and gravel mining operator have read this permit and understand and agree that, incorporated by reference as a part of the terms and conditions hereof are all the statements and contents of the application for the special use permit as approved by the Hartland Township Board, the terms and conditions of the Township Zoning Ordinance, as amended, and of any other applicable law, ordinances or regulations, and further, that Hartland Township employees and agents are permitted access upon the premises at any reasonable time for the purpose of inspecting, monitoring and/or administering the excavation, processing, loading, storage and transporting of sand and gravel on the site, lot or parcel where the mining operation is located.
- b. The terms of this special use permit apply equally to the Permit Holder and its successors and assigns.

DRAFTED By:

SARA HODGES, V.P.

McKENNA ASSOCIATES, INC

32605 WEST TWELVE MILE RD. SUITE 165

FARMINGTON HILLS, MI. 48334-3338

Revised 1/16/96

**Witnesses:**

**Hartland Township  
Livingston County, Michigan**

Kay Lynn Page  
KAY LYNN PAGES

By: Donald Rhodes  
Donald Rhodes  
Township Supervisor

Donald A. Rhodes  
DONALD A. RHODES

By: Lynn L. Meissner  
Lynn L. Meissner  
Township Clerk

**Burroughs Materials Company**

Donald A. Rhodes  
DONALD A. RHODES

By: Scott Carson  
Scott Carson  
General Manager

Lynn L. Meissner  
LYNN L. MEISSNER  
Donald A. Rhodes  
DONALD A. RHODES

**Land Owners**

By: Daniel & Judith Giegler  
Daniel & Judith Giegler

Lynn L. Meissner  
LYNN L. MEISSNER

By: Lisa A. Giegler - Glasco  
Lisa Giegler - Glasco

Lynn L. Meissner  
LYNN L. MEISSNER

By: Kimberly S. Giegler  
Kimberly S. Giegler

Revised 1/16/96

## **Exhibit A**

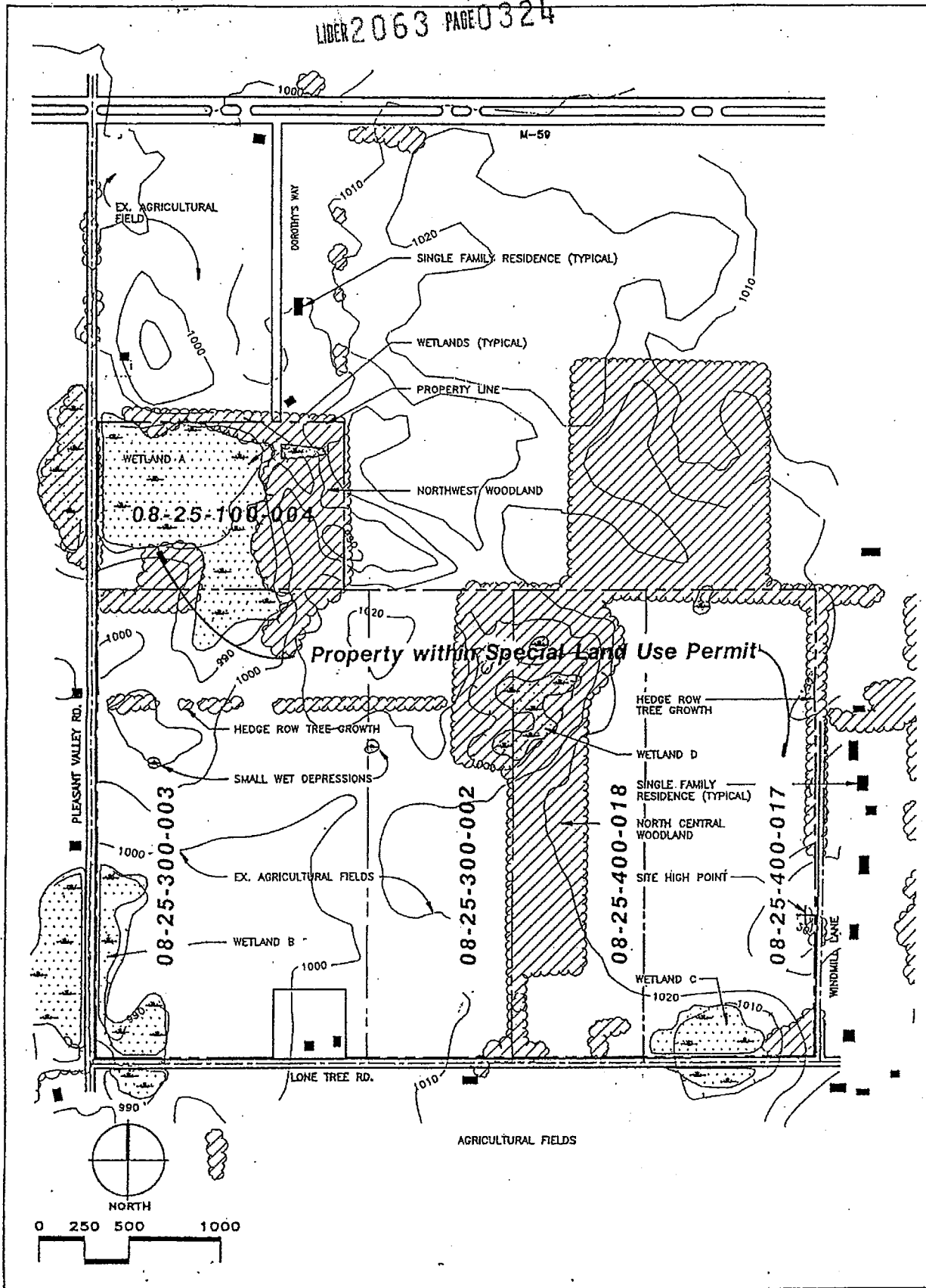
### **Addresses of Wells Guaranteed by the Permit Holder**

13823 Lone Tree Rd.  
13223 Lone Tree Rd.  
13247 Lone Tree Rd.  
13390 Lone Tree Rd.

1150 Windmill Lane  
1380 Windmill Lane  
1340 Windmill Lane  
1300 Windmill Lane  
1260 Windmill Lane  
1202 Windmill Lane

Land identified by tax identification number 08-25-200-017





**EXHIBIT 'B'**

Burroughs Materials Company

Existing Conditions

Oct. 1995

Hartland Sand & Gravel

Hartland Township, Michigan

JJR

Revised 1/16/96

**Exhibit C**

Burroughs Materials shall make all reasonable efforts to prevent truck traffic exiting the site south or left on Pleasant Valley Road except for local deliveries. Further, it is intent of this policy that the permit holder will make every effort to make sure that no truck turns left when leaving the site; except that local deliveries which are physically able to make the left-hand turn, will be permitted to do so. A local delivery in a larger truck which turns right and goes north on Pleasant Valley Road up to M-59, doubles back and then comes back south on Pleasant Valley Road, will not be considered a violation of this agreement. However, a non-local delivery that turns north on Pleasant Valley Road to M-59 and doubles back to the south on Pleasant Valley Road will be considered in violation of this policy. Burroughs Materials shall keep a log of local delivery destinations for the trucks it loads. Local deliveries shall be limited to the area west of the Livingston County line, north of Commerce Road, south of M-59 and east of US-23. Signs shall be posted and maintained by Burroughs Materials at the exit to inform drivers of the designated haul route. In the event that a truck violates this policy, Burrough Materials will do the following:

**FIRST OFFENSE** - Written warning to driver, trucking company and Hartland Township.

**SECOND OFFENSE** - Suspension from the site for one month with written notification to driver, trucking company and Hartland Township.

**THIRD OFFENSE** - Suspension from the site for one year with written notification to driver, trucking company and Hartland Township.

**FOURTH OFFENSE** - Permanent banning from site.

EXHIBIT D

AFFIDAVIT AND NOTICE OF SPECIAL USE PERMIT REQUIREMENTS

STATE OF MICHIGAN     )  
                              ) ss  
COUNTY OF LIVINGSTON)

Affidavit made this 8 day of March, 1996.

Being first duly sworn, the following Affiants make this Affidavit and give this Notice:

Daniel Giegler and Judith Giegler, his wife  
1385 Pleasant Valley Road  
Hartland, Michigan 48353

Lisa Giegler-Glasco  
2144 Fenton Road  
Hartland, Michigan 48353

Kimberly S. Giegler  
1574 Maxfield Lake  
Hartland, Michigan 48353

Scott Carson, General Manager  
Burroughs Materials Company  
51445 W. Twelve Mile  
Wixom, Michigan 48393.

1. This Affidavit is made pursuant to and in compliance with Hartland Township Zoning Ordinance No. 22 and particularly Section 22.33 C12 of said Zoning Ordinance and this Affidavit and Notice shall bind the Affiants hereto and all heirs, successors, assigns and transferees of the real property hereinafter described.

2. These Affiants are the owners of or have an interest in the following described real property:

Land in the Township of Hartland, County of Livingston, State of Michigan, described as follows: Commencing at the West 1/4 Post of Section 25, T3N, R6E thence North 56 rods and 2.75 feet; thence East 80 rods; thence South 56 rods and 2.75 feet; thence West 80 rods to the point of beginning. Tax Code No. 08-25-100-004.

and

Land in the Township of Hartland, County of Livingston, State of Michigan, described as follows: The East 50 acres of the West 140 acres of Section 25, T3N, R6E. Tax Code No. 08-25-300-002.

and

Land in the Township of Hartland, County of Livingston, State of Michigan, described as follows: The Southwest 1/4 of Section 25, T3N, R6E, except the East 70 acres thereof and except the portion thereof commencing at the Southwest corner of said Section; thence East 1010.66 feet to the point of beginning of the parcel to be described; thence North 422.1 feet; thence East 412 feet; thence South 422.1 feet; thence West 412 feet to the point of beginning. Tax Code No. 08-25-300-003.

and

Land in the Township of Hartland, County of Livingston, State of Michigan, described as follows: The East 58 rods of the West 1/2 of the Southeast 1/4 of Section 25, T3N, R6E. Tax Code No. 08-25-400-017.

and

Land in the Township of Hartland, County of Livingston, State of Michigan, described as follows: The East 20 acres of the Southwest 1/4 and the West 1/2 of the Southeast 1/4 of Section 25, T3N, R6E, except the East 58 rods thereof. Tax Code No. 08-25-400-018.

3. These Affiants and the subject property described herein has been granted a special use permit on January 16, 1996, and the subject property, these Affiants and all heirs, successors, assigns and transferees of the real property are bound thereby.

It witness whereof we have hereunto set our hands this 8 day of March, 1996.

DONALD A. BRIGGS  
DONALD A. BRIGGS  
LYNN L. MEISSNER  
LYNN L. MEISSNER

Daniel L. Giegler  
Daniel L. Giegler  
Judith Giegler  
Judith Giegler, his wife

STATE OF MICHIGAN )  
 ) ss  
COUNTY OF LIVINGSTON)

The foregoing instrument was acknowledged before me this 8  
day of March, 1996 by Daniel L. Giegler and Judith  
Giegler, his wife.

Kay Lynn Pagels  
Notary Public  
My commission expires:

KAY LYNN PAGELS  
NOTARY PUBLIC - LIVINGSTON COUNTY, MI  
MY COMMISSION EXPIRES 12/10/98

Lynn L. Meissner  
LYNN L. MEISSNER  
Kay Lynn Pagels  
KAY LYNN PAGELS

Lisa A. Giegler-Glasco  
Lisa A. Giegler-Glasco

STATE OF MICHIGAN )  
 ) ss  
COUNTY OF LIVINGSTON)

The foregoing instrument was acknowledged before me this 8  
day of March, 1996 by Lisa A. Giegler-Glasco.

Kay Lynn Pagels  
Notary Public  
My commission expires:

KAY LYNN PAGELS  
NOTARY PUBLIC - LIVINGSTON COUNTY, MI  
MY COMMISSION EXPIRES 12/10/98

Lynn L. Meissner  
LYNN L. MEISSNER  
Kay Lynn Pagels  
KAY LYNN PAGELS

Kimberly S. Giegler  
Kimberly S. Giegler

STATE OF MICHIGAN )  
 ) ss  
COUNTY OF LIVINGSTON)

The foregoing instrument was acknowledged before me this 8  
day of March, 1996 by Kimberly S. Giegler.

Kay Lynn Pagels  
Notary Public  
My commission expires:

KAY LYNN PAGELS  
NOTARY PUBLIC - LIVINGSTON COUNTY, MI  
MY COMMISSION EXPIRES 12/10/98

Robert R. Doyle  
Robert R. Doyle

Scott Carson  
Burroughs Materials Corporation  
By: Scott Carson  
Its General Manager

NORBERT D. KULSAVAGIS  
STATE OF MICHIGAN )  
COUNTY OF LIVINGSTON ) ss

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of February, 1996 by Scott Carson, General Manager of Burroughs Materials Company, a Michigan corporation, on behalf of the corporation, who affirmed that he was duly authorized to have acknowledges said instrument on behalf of said corporation.

Delores M. Lyman  
Notary Public  
My commission expires:

Delores M. Lyman  
Notary Public - Oakland County, MI  
Commission Expires 1-21-2000  
Acting in Livingston County, MI

RECORDED

2004 MAR 25 A 9:39

NANCY HAVILAND  
REGISTER OF DEEDS  
LIVINGSTON COUNTY, MI.  
48843

28/4

**ADDENDUM TO BURROUGHS MATERIALS COMPANY SAND AND GRAVEL  
MINING SPECIAL USE PERMIT TERMS AND CONDITIONS**

This Addendum is made on the 16th day of December, 2003 by the Hartland Township Board of the Township of Hartland, a Michigan Municipal Corporation, 3191 Hartland Road, Hartland, Michigan 48353 (hereinafter referred to as the "Township").

**WHEREAS**, on July 11, 1996, an approved Special Use Permit (the "Permit") was recorded by the Livingston County Register of Deeds at Liber 2063 page 0303 through 0329, which permits Burroughs to mine sand and gravel under certain terms and conditions in the Township; and

**WHEREAS**, the Permit limits sand and gravel mining in the Township to parcels of land in Hartland Township, Livingston County, Michigan, being more particularly described as:

Section 25, Township 3 North, Range 6 East, commencing at the West 1/4 Post, thence North 56 rods and 2.75 feet; thence East 80 rods; thence South 56 rods and 2.75 feet; thence West 80 rods to the point of beginning.

Section 25, Township 3 North, Range 6 East, the East 50 acres of the West 140 acres.  
Sidwell No. 08-25-300-002.

Section 25, Township 3 North, Range 6 East, the Southwest 1/4 except the East 70 acres, also except commencing at the Southwest Corner of Section; thence East 1010.66 feet to the point of beginning; thence North 422.1 feet; thence East 412 feet; thence South 422.1 feet; thence West 412 feet to the point of beginning.  
86 acres more or less split from 08-25-300-001.  
Sidwell No. 08-25-300-003.

Section 25, Township 3 North, Range 6 East, the East 58 rods of the West 1/2 of the Southeast 1/4, 58 acres more or less, split from 08-25-400-001.

Sidwell No. 08-25-400-017.

Section 25, Township 3 North, Range 6 East, the East 20 acres of the Southwest 1/4 and the West 1/2 of the Southeast 1/4, except the East 58 rods, 42 acres more or less, split from 08-25-400-001.

Sidwell No. 08-25-400-018.

and;

**WHEREAS**, paragraph 9 of the Permit requires Burroughs to maintain a Compliance Inspection Reserve Fund (the "Fund") to, among other things, ensure compliance with the provisions of the Permit and the requirements of Section 3.12 (formerly Section 22.33) of the Township's Zoning Ordinance, as amended; to reimburse the Township for the costs of inspections, monitoring, administration and enforcement, including attorney fees and court costs related to the Permit; to reimburse the Township for costs of Township staff attributable to the special land use; and to maintain or improve impacted roads as necessary; and

**WHEREAS**, the Permit requires Burroughs to maintain the Fund by making monthly payments to the Township in an amount equal to twelve cents (\$0.12) per ton of minerals removed from the subject property and in no event shall such fee be less than one thousand six hundred dollars (\$1,600.00) per month; and

**WHEREAS**, the Township Board is expressly permitted by the Permit and Section 3.12 of the Township's Zoning Ordinance to annually adjust the fees collected from Burroughs to maintain the Fund; and

**WHEREAS**, the Township Board desires to adjust the fees collected based on its review of fees previously collected and costs incurred; and



**WHEREAS** the Township Board desires to otherwise define Burroughs' respective rights and obligations in accordance with this Addendum.

**NOW, THEREFORE** the Township Board resolves as follows:

1. Terms and Conditions. All provisions of the Permit, expressly incorporated herein by reference, shall remain in full force and effect, except those provisions directly related to the amounts payable to the Township to maintain the Fund pursuant to paragraph 9 of the Permit. Notwithstanding all other provisions of paragraph 9 of the Permit incorporated herein, the fees paid by Burroughs and collected by the Township to maintain the Fund shall be adjusted as follows:
  - a. The Township shall, upon executing and recording this Addendum with the Livingston County Register of Deeds, immediately refund to Burroughs the balance of the Fund, including any accumulated interest, except for fifty thousand dollars (\$50,000.00) and less any costs incurred by the Township for the reasons set forth in paragraph 9 of the Permit or Section 3.12 of the Township's Zoning Ordinance.
  - b. Upon executing and recording this Addendum, Burroughs shall maintain a balance of fifty thousand dollars (\$50,000.00) in the Fund, which shall be controlled by the Township under the same terms and conditions set forth in paragraph 9 of the Permit or Section 3.12 of the Township's Zoning Ordinance.
  - c. In the event the Township makes an expenditure(s) from the Fund pursuant to paragraph 9 of the Permit or Section 3.12 of the Township's Zoning Ordinance, the Township shall immediately notify Burroughs in writing of said expenditure(s) by first class mail to its designated agent set forth in paragraph 5 of the Permit.

d. Any expenditures made by the Township pursuant to the Permit or this Addendum that causes the balance of the Fund to be less than fifty thousand dollars (\$50,000.00) shall be repaid by Burroughs to the Township within thirty (30) days for the purpose of maintaining the Fund balance in an amount equal to fifty thousand dollars (\$50,000.00).

e. Burroughs shall not be required to make annual monthly payments in an amount equal to twelve cents (\$0.12) per ton of minerals removed or a minimum amount of one thousand six hundred dollars (\$1,600.00) per month, provided that the Fund balance is maintained in accordance with this Addendum.

f. In the event that Burroughs fails to maintain a Fund balance of fifty thousand dollars (\$50,000.00) for sixty (60) consecutive days, the original provisions directly related to the amounts payable to the Township to maintain the Fund pursuant to paragraph 9 of the Special Use Permit (the "Permit") recorded by the Livingston County Register of Deeds at Liber 2063 page 0303 through 0329 on July 11, 1996 shall be reinstated, provided that the Township has notified Burroughs of any expenditure(s) in accordance with paragraph 1.c of this Addendum. Nothing in this Addendum shall be construed as to relieve Burroughs of its obligations if the Township fails to notify Burroughs of an expenditure(s) under subsection 1.c, rather, Burroughs' obligation to repay the Fund shall commence upon written notice provided by the Township.

2. Governing Law. This Addendum has been executed and delivered in Michigan and shall be interpreted, construed and enforced pursuant to and in accordance with the laws of the State of Michigan.

3. Severability. In the event any provision of this Addendum is held to be unenforceable for any reason, the unenforceability thereof shall not affect the remainder of this Addendum or the

Permit, which shall remain in full force and effect and be enforceable in accordance with its terms.

4. Amendments and Execution. This Addendum may be amended annually by the Township Board in accordance with the express authority granted to it by paragraph 9 of the Permit and Section 3.12 of the Township's Zoning Ordinance. This Addendum and amendments thereto shall be in writing and executed in multiple copies. Each copy shall be deemed an original, but all copies together shall constitute one and the same instrument.

5. Entire Addendum. This Addendum supersedes all previous or contemporaneous addendums, oral or written, and together with the Permit, constitutes the Township's and Burroughs' respective rights and obligations. Neither party shall be entitled to any benefits other than those specified in the Permit and this Addendum. No oral statements or prior or contemporaneous written material not specifically incorporated herein shall be of any force and effect, and both parties specifically acknowledge, in entering into and executing this Addendum, that they rely solely upon the representations contained in the Permit and this Addendum and no others.

6. Counterparts. This Addendum may be executed in any number of counterparts and each such counterpart shall be considered a valid original.

7. Successors. This Addendum shall bind Burroughs and the Township, as well as their respective officers, agents and successors in interest.

8. No Third-Party Beneficiaries. The parties to this Addendum expressly acknowledge that this Addendum is exclusively for the benefit of Burroughs and the Township and shall not be construed as entitling any third-party to any benefits or obligations from the Township arising under this Addendum.

9. Acknowledgment. By executing this Addendum, Burroughs expressly acknowledges that it has read the Permit and this Addendum thereto and understands and agrees that all of the relevant terms and conditions of the Permit, incorporated herein by reference, remain in full force and effect, except for those specific terms related to payments to the Fund expressly referred to by this Addendum.

9. Recorded Instrument. The parties to this Addendum expressly acknowledge and agree that this Addendum shall be recorded with the Livingston County Register of Deeds.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above by authority of Burroughs and the Township Board.

Hartland Township

By: Donald Rhodes  
Donald Rhodes, Hartland Township Supervisor

Patricia M. Franklin  
Witness:

By: Ann Ulrich, CMC  
Ann Ulrich, Hartland Township Clerk

Nancy M. Padgett  
Witness:


STATE OF MICHIGAN           )  
  )  
COUNTY OF LIVINGSTON    )

On this 4<sup>th</sup> day of March, 2004, personally appeared before me Donald Rhodes, in his capacity as Supervisor of Hartland Township and Ann Ulrich, in her capacity as Clerk of Hartland Township, and who did sign and agree to the terms of this Addendum on behalf of Hartland Township.

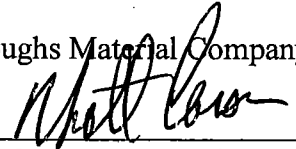
Ann Denise Lutz  
Notary Public, \_\_\_\_\_  
Livingston County, Michigan  
My Commission  
Expires: 1-2-05

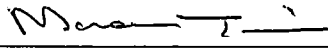
NOTARY PUBLIC - LIVINGSTON COUNTY, MICHIGAN  
ANN DENISE LUTZ  
1-2-05

Signed in the Presence of:

  
 Witness: Michael Czajkowski

Burroughs Material Company

By:   
 R. Scott Carson, Vice President

  
 Witness: Manse Tian

STATE OF MICHIGAN           )  
   )  
 COUNTY OF OAKLAND        )

On this 23 day of December, 2003, personally appeared before me R. Scott Carson, in his capacity as Vice President of Burroughs Material Company, and who did sign and agree to the terms of this addendum on behalf of Burroughs Material Company.

Notary Public, Anthony P. Mlynarski  
Oakland County, Michigan  
 My Commission  
 Expires: 12/30/2007

Drafted by and when recorded return to:

✓ Michael D. Homier (P60318)  
 Foster, Swift, Collins & Smith, P.C.  
 313 S. Washington Square  
 Lansing, MI 48933

S:\120\TWP\HARTLAND\Burroughs\Addendumrevised.wpd

2655 Clark Road  
Hartland, Michigan 48353  
(810) 632-7498 Office  
(810) 632-6950 Fax  
mstirling@hartlandtwp.com



**Trustees**  
Joseph W. Colaianne  
Matthew J. Germane  
Glenn E. Harper  
Joseph M. Petrucci

#### **4. Zoning and Master Plan:**

The property is located in the CA, Conservation Agricultural Zone District. The intent of the CA District is to protect vital natural resources and to protect lands best suited to agricultural use from the encroachment of incompatible uses which would cause such land to be taken out of production prematurely, while designating an area appropriate to low density single family residential development that does not alter the general rural character of the District.

The Hartland Township Comprehensive Plan identifies the southerly area as Estate Residential. Estate Residential is intended to serve very low density residential development and where appropriate, agricultural land uses. The northerly half of the property is designated as Multiple Family Residential. The Multiple Family Residential designation is often used for land that is bordered on one or more sides by nonresidential uses and on the other sides by lower intensity single family designations.

#### **5. Facility Background:**

1996-2011	Annual Reports Submitted on Mining Operations showing progression of mining and reclamation.
August 18, 2003	Township Board granted a Special Use Permit with conditions to address the stockpiling and processing of materials.
January 16, 1996	Township Board approved Special Use application #161 for Burroughs Materials with changes to the Terms and Agreements.
December 30, 1993	Circuit Court ordered the variance to permit the mining to be located 200 feet from the property line or right-of-way line.
April 29, 1992	Zoning Board of Appeals granted a waiver of 1) the requirement to plant evergreen trees for the visual screening and berming conditions and 2) equipment maintenance may occur between the hours of 7 am and 9 pm.

#### **6. Existing Operation:**

The sand and gravel mining operation includes an aggregate processing plant (52 feet high) including conveyors, finish product, stockpiles and sedimentation ponds. The equipment typically found on the site includes draglines, bucket loaders and transport trucks. An office building/maintenance garage, truck scales and wheel wash will be sited in the northwest corner of the mining area served by an interior access drive.

As background to the operation, the mining of the site consists of stripping topsoil, sand-clay and overburden (clay) product and stockpiling it for use in the reclamation process. These stockpiles are distributed as the mining operation continues to the westerly portion of the site. The sand and gravel is then excavated using front end loaders for the work above the water table. Once the aggregate has been extracted to the water table, the draglines are used to extract the remaining product. The product is processed on-site.

The mining operation began during the 1998 construction season. According to a letter dated January 23, 2012 from Burroughs Material Company, material was sold out of inventory only, with no mining activity taking place from 2007 through 2010. Sand and gravel resources are used primarily in the building and development projects. Since the surrounding areas have seen a significant reduction in number and scope of projects, the demand for product slowed concurrently. The applicant is requesting the extension to mine, process and market gravel to the ready mix concrete and asphalt industries in Oakland and Livingston Counties. The original plan was to complete the mining operation by May 2014.

## **7. Site and Operational Review**

Section 3.12 H. of the Zoning Ordinance provides Operation and Development Requirements, Standards and Required Improvements for sand and gravel mining facilities. Mineral extraction operations are permitted as a special use in the Conservation Agricultural District.

### **Fencing**

All mining excavation areas shall be fenced prior to the commencement of extractive operations and prior to the placement on the site of machinery or buildings. The fence shall completely surround the borders of the mining site. The fence is required to be a six (6) foot high chain link design fence. Gates will be locked when the plant is not operating.

*The mining operation is completely enclosed with a fence that meets the requirements of the Ordinance.*

### **Posting of Mining Site**

The perimeter of any mining extraction site shall be conspicuously and adequately posted with signs sufficient to indicate the danger of trespassing in the area.

*Signs are posted on the site in compliance with the Ordinance.*

### **Visual Screening**

All buildings, structures, fuel storage, active excavation areas, mining operations and storage of equipment shall be visually screened from view from all adjacent public highways and adjacent parcels. A twenty (20) foot wide landscape buffer strip is required between the property line and the base of the berm.

*The landscape buffer has been installed with a berm height fluctuating between 5 feet and 15 feet. The Zoning Board of Appeals granted a variance for the landscape materials on the berm.*

*The processing plant is shown toward the center of the site; west of the extraction site. There are existing berms and mature trees located between the residential properties fronting Lone Tree Road and the mining facility.*



### **Hours of Operation**

The Ordinance requires that the hours of operation are limited to between 7 am and 6 pm, Monday through Friday and 7 am to 1 pm on Saturday. No work is permitted, without prior authorization on Sundays and holidays.

*According to the Terms and Conditions, the mining and extracting of sand and gravel, processing and stockpiling of sand and gravel, operation of motor driven vehicles and mining equipment, sale of sand and gravel, loading of trucks and other mining operations shall occur between the hours of 7:00 AM and 6:00 PM Monday through Friday and Saturday 7:00 AM through 1:00 PM. Equipment maintenance and repair shall be conducted only between the hours of 7:00 AM and 9:00 PM, unless otherwise authorized by the Township.*

### **Access to Major Thoroughfare**

All sites being mined under the provisions of this Zoning Ordinance shall have direct access to a designated all weather (Class A) road, which roadway shall be improved to the specifications of the County Road Commission.

*The Livingston County Road Commission has no objections with the mining facility extending their operations for an additional seven years. They indicated that the road has shown some general deterioration in the area where there was a sufficient amount of wet soils. They will monitor the situation and work with the applicant to make any necessary repairs when warranted.*

### **Transportation Routes**

The transportation route or routes within the Township shall be as directed and minimal in detrimental impact as reasonably possible.

*According to the Terms and Conditions the haul route shall be designated as: Pleasant Valley Road north of the site driveway to M-59. The haul route is limited to the paved portion of Pleasant Valley Road. All truck traffic is to use M-59 for access to and from the site. Signs are posted at the exit informing the driver of the haul route. The Terms and Conditions also include provisions for trucks that violate the policy (See Exhibit C) and a provision to require installation of a video device to monitor the turns.*

### **Prevention and Removal of Material from Roadways**

Truck undercarriages and wheels shall be sprayed to prevent sand, gravel or mud from being deposited on roadways. The Ordinance requires that materials be removed within 12 hours if a complaint is filed.

*The Township has not received any complaints regarding material on the roadway. The facility is equipped with a truck washing station to the south of the office/maintenance building.*

### **Dust Control Along Roadways**

All roads within the sand and gravel mining site shall be maintained by the operator at all times in a dust controlled condition by the use of hard surface paving material or the application of other dust suppressants.

*Pleasant Valley Road is paved from the site and the washing of the vehicles aides in addressing this issue.*

### **Sound Vibration and Dust**

All equipment and facilities used in the excavation, processing, loading or transporting shall be maintained and operated in such a manner as to eliminate sounds, vibrations or dust which interfere with the reasonable use and enjoyment of surrounding properties.

*The Terms and Conditions identifies several parameters that must be met, including but not limited to extra quiet mufflers installed on all yard equipment, requiring adequately and legally muffled trucks, etc. In addition, all trucks are required to be tarped according to MDOT regulations.*

### **Lighting**

All sources of lighting used shall be directed away from surrounding property and effectively shielded.

*There are no changes to the lighting. All lighting shall be shielded so the light sources are not visible from the adjacent residential property.*

### **Protection of Public Health and Safety; Drainage**

Addresses protective measures to assure public health or safety for ground water, surface water and/or watershed, etc.

*The applicant has taken measures to preserve and protect the natural areas of the site. In addition, three wells are installed on the site for monitoring groundwater elevations and quality. These are addressed under item number 13.k of the Terms and Conditions.*

### **Excavation: distance requirements from roadways and property lines**

Excavation shall not create slopes and/or depressions closer than 300 feet from the right-of-way line of the nearest road or highway and 500 feet from any residentially zoned or used property.

*There are no changes to the distance requirements from the roadway and property lines.*

### **Machinery, equipment and methods of operation**

Machinery shall be limited to those approved as part of the Special Use Permit application.

*There are no changes to the machinery, equipment and method of operation from the previously approved plan.*

## **8. Site Review**

The applicant has submitted a proposal to extend the activity through 2021. Phase I of the project will be completed in 2013 and is the area closes to the northerly property line. Phase II of the plan will run through 2016 and will excavate material south of the existing lake area and approximately 300 feet to the south. Phase III of the plan runs from 2016 to 2020 and will complete the lake development and run to the west approximately 800 feet and 150 feet further to the south. After each stage of the plan, the area will be reclaimed.

The lake area was originally proposed at 74 acres. The property owner has decided to maintain some of the agricultural land and put it back into production. The new reclamation plan provides a completed lake over approximately 35 acres. The slopes are equal to or flatter than the

reclamation slopes in the previously approved plan. This is consistent with Ordinance requirements.

## 9. Special Use Review

The application for a special use permit is subject to the required standards and findings of Section 33.03 of the Hartland Township Zoning Ordinance. In accordance with those provisions the Planning Department scheduled a public hearing for March 8, 2012, in compliance with Public Act 110, as amended. The following standards serve as the basis for decisions involving special land uses, per Section 33.03F:

- 1) Will be harmonious and in accordance with the objectives, intent and purposes of this Ordinance.

*The intent for the CA, Conservation Agricultural Zone District is to assure that permitted uses peacefully coexist in a low density setting, while preserving the rural-like features and character of certain portions of the Township. The continuation of the sand and gravel operation will make possible the use and recovery of natural resources within the Township. The proposed mining operation will permit extraction and use of the natural resource thereby using the land in accordance with the Township Ordinance.*

*The reclamation of the site will result in lake on the property with gently sloping grades to allow for future use as residential or possible farm production.*

- 2) Will be compatible with the natural environment and existing and future land uses in the vicinity.

*During the initial development of the facility, protection measures were taken to preserve the existing wetlands and a large portion of the woodlands. To the extent possible, the continuation of the use is compatible with the natural environment. The surrounding area continues to be largely agricultural with some single family residential parcels. While the applicant has requested an extension, this use continues to be limited in its operational capacity. Once the operation ceases the equipment and structures will be removed and the site reclaimed.*

- 3) Will be compatible with the Hartland Township Comprehensive Plan.

*The area being used for the wet and dry mining operation is designated for low density single family residential uses. To the extent possible, the proposed use, as well as the previously approved facility is compatible with the Comprehensive Plan. The northerly portion of the property is designated for multiple family residential use. The access to the site is on one of the northerly properties. No actual wet or dry mining activity occurs on this property.*

- 4) Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways and structures, refuse disposal, or that the persons or agencies responsible for the establishment of the proposed use shall be able to adequately provide any such service.

*No additional public services, other than those already available and being provided to the facility, will be required for the continuation of the facility. As part of the initial*

*special use permit, the applicant has set aside an escrow account to address inspections or services. This account is held by the Township for an amount not to exceed \$50,000.*

- 5) Will not be detrimental, hazardous, or disturbing to the existing or future neighboring uses, person, property or the public welfare.

*As part of the prior approval, the applicant agreed to pave Pleasant Valley Road to a point roughly 1,980 feet north of Lone Tree Road. A haul route is designated with ingress and egress from M-59 using the paved portion of Pleasant Valley Road. There should be no traffic exiting the site heading southbound. The site development standards and safety precautions outlined in the terms and agreement, ordinance provisions and engineering design standards will provide the measures necessary to mitigate the negative impact.*

*The Planning Department has received phone calls from property owners along Lone Tree Road with complaints of trucks coming from the facility and using the road to haul material. These complaints were investigated and determined to be unfounded. While there may have been gravel trucks using Lone Tree Road there was no evidence to support the complaint that the trucks were coming from that facility.*

- 6) Will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

*There are no anticipated increases in public facilities and services beyond the existing level. The Hartland Township Fire Marshall has reviewed the modified plans with the extended date and has no objections.*

## **10. Site Review & Proposed Improvements:**

The procedure for a Special Use Permit requires the proposed application and site plan be developed pursuant to 33.02, Site Plan Review. The Planning Department has reviewed the plans for consistency with local Ordinances and sound planning and zoning principles. The applicant is not proposing any changes to the previously approved site plan.

The Planning Department is drafting a resolution for consideration by the Township Board. A draft of the resolution shall be provided to the Planning Commission prior to their March 8, 2012 regular meeting.

After conducting the public hearing and reviewing all comments, reports and documents, should the Planning Commission wish to recommend approval of the applicant's request, the following motion and statement are offered for consideration:

**The Planning Commission hereby directs staff to prepare a resolution for the Board's consideration reaffirming the existing Terms and Conditions and providing for the requested extension.**

**Move to recommend approval and allow the applicant to proceed to the Hartland Township Board for consideration of the Special Use Permit and Site Plan Application #504, based on the findings contained in the Planning Department Memorandum dated March 1, 2012 for property located at 1380 Pleasant Valley Road (Parcel ID: 08-25-100-004 & 014, 08-25-300-002 & 003 and 08-25-400-017 & 018).**

Attachments: A. Letter from Burroughs Materials Company dated 1/23/2012  
B. Special Use Permit Terms and Conditions dated 1/16/1996  
C. Annual Ground Water Monitoring Report – 2010 dated 12/14/2010  
D. Section 3.12, Removal of Soil, Sand or Other Materials

Cc: Burroughs Materials Co.  
51445 West 12 Mile Road  
Wixom MI 48393

Daniel and Judith Giegler  
13320 Hibner Road  
Hartland MI 48353

Email Distribution:

B. Jonckheere, LCDC  
K. Hiller, LCRC  
M. Bernardin, Fire Marshall  
J. Booth, HRC  
S. Filarecki, Director of Public Works

OFFICE OF THE PLANNING DIRECTOR  
**Mardy Stirling**

2655 Clark Road  
Hartland, Michigan 48353  
(810) 632-7498 Office  
(810) 632-6950 Fax  
mstirling@hartlandtwp.com



**Supervisor**  
William J. Fountain

**Clerk**  
Larry Hopkins

**Treasurer**  
Kathleen A. Horning

**Trustees**  
Joseph W. Colaianne  
Matthew J. Germane  
Glenn E. Harper  
Joseph M. Petrucci

**RESOLUTION NO. 12-R007**

**SPECIAL USE APPLICATION AND ASSOCIATED SITE PLAN APPLICATION #504**

**AMENDMENT TO THE TERMS AND CONDITIONS**

At a regular meeting of the Township Board of Hartland Township, Livingston County, Michigan, held at the Township Hall in said Township on April 3, 2012 at 7:00 p.m.

**PRESENT:** Trustee Petrucci, Trustee Harper, Trustee Germane, Trustee Colaianne, Treasurer Horning, Clerk Hopkins and Supervisor Fountain

**ABSENT:** None

The following resolution was offered by **Trustee Harper** and seconded by **Clerk Hopkins**.

**WHEREAS**, Burroughs Material Company received a Special Use Permit with Terms and Conditions on January 16, 1996; and

**WHEREAS**, the Terms and Conditions established a maximum duration for the sand and gravel mining permit of 15 years upon the issuance of the land use permit; and

**WHEREAS**, the Township Zoning Administrator issued the land use permit on May 15, 1998; and

**WHEREAS**, Burroughs Material Company has been operating the sand and gravel operation in good faith and in accordance with the Terms and Conditions of the Special Use Permit; and

**WHEREAS**, the expiration of the Special Use permit expires on May 15, 2013; and

**WHEREAS**, Burroughs Material Company has requested that the Township Board, upon review and recommendation for approval by the Planning Commission, approve an extension of their special use permit for a sand and gravel mining operation until May 15, 2021; and

**WHEREAS**, the Planning Commission held public hearing regarding this issue on March 8, 2012; and

**WHEREAS**, Burroughs Material Company's representatives presented the following information:

1. Materials were sold out of inventory only, with no mining activity taking place from 2007 through 2010. The reduction in mining activity was due to low demand for the product which is directly correlated to the recent economic decline in southeast Michigan.
2. An additional eight (8) years from the original expiration date of May 15, 2013 is necessary to complete the mining operation. Seven (7) years for mining and one additional year for reclamation activities. This schedule is based on the quantity and quality of the sand and gravel reserves.

**WHEREAS**, all information contained in the original plan of operation remains valid except where noted or referenced herein; and

**WHEREAS**, all provisions of the previously approved Special Use Permit and Terms and Conditions remain valid except where referenced or noted herein; and

**NOW, THEREFORE, BE IT RESOLVED**

1. **Approval of Use.** Upon the terms and subject to the conditions of this Resolution, the Township Board hereby approves the extension of the Special Use Permit until May 15, 2021 pursuant to the Terms and Conditions recorded with Livingston County Register of Deeds on July 11, 1996, as amended by Resolution 03-12-03 and this Resolution.

2. **Findings.** The Planning Commission has reviewed all of the pertinent information recently submitted by the Applicant. The Planning Commission members and the Township's Planner find no exceptions to Section 20.07 of the Hartland Township Zoning Ordinance. The request to continue the sand and gravel operation for a period not to extend past May 15, 2021 remains consistent with the following standards:

- The use is harmonious and in accordance with the objective, intent, and purpose of the Hartland Township Zoning Ordinance.
- The use is compatible with the natural environment and existing and future land uses in the vicinity.
- The use is compatible with the Hartland Township Comprehensive Plan.

- The use is adequately served by the essential public facilities and services and that these persons and agencies are adequately equipped to provide such services, and
- The continued use will not be detrimental, hazardous, or disturbing to the existing or future neighboring uses, person, property, or the public welfare.
- The continued use will not create additional requirement at public cost for public facilities and services at the detriment to the economic welfare of our community.

3. **Lands covered.** This Resolution covers and applies to the following leased properties: 08-25-100-004, 08-25-100-013, 08-25-300-002, 08-25-300-003, 08-25-400-017, 08-25-400-018 Further described in Exhibit B and made a part hereof.

4. **Use Permitted.** Upon the terms of this Resolution, Burroughs Material Company and its successors and assigns will be authorized and permitted construct, install, operate subject to the terms of this resolution, maintain, use, repair, remove and reclaim a sand and gravel mining operation, consisting of an aggregate processing plant, maintenance garage, scales, dragline, bucket loaders, conveyors, transport trucks, roadway, berming, excavation, and other elements as more particularly set forth in the application of to layout, construct, install, operate under the terms of this Resolution, maintain, use, repair and remove as approved by the Township through the Special Use Permit and Site Plan.

5. **Terms and Conditions.** The Terms and Conditions dated January 16, 1996 and amended on December 16, 2003 shall remain in full effect with this Resolution amending as follows:

As a condition of this Permit, the functional area of the property has been limited in size in order to regulate the operation of the mining activity, minimize the negative impacts on the site and ensure the expeditious development of the property according to the Reclamation Plan. The following graphics shall have been modified and now include (dated March 15, 2012):

- a. An aerial photo of the site labeled Site Overview (Sheet 1);
- b. An operations plan for mining labeled Operations Plan (Sheet 2);



- c. A reclamation plan showing final contours and the lake labeled Reclamation Plan (Sheet 3);
- d. A site plan for the office and truck wash area, labeled Site Plan at Office Area (Sheet 4);
- e. Site cross sections labeled Cross Sections (Sheet 4);
- f. A proposed plant layout diagramming the activity in the processing area labeled Operations Plan (Sheet 2); and,
- g. Overlays pertaining to phasing of mining labeled Operations Plan (Sheet 2).

These plans/graphics will be used to define the limits of the activities that can occur on the site within specific time frames. No mining activity shall take place outside of the limits of mining described in this Permit nor shall any activity occur until the agreed upon dates described herein.

Development activities (septic system, well, road, building and utility construction activities) shall be permitted subject to the time lines in this Permit and final site plan approval.

6. **Duration of Permit.** Special Use Permit #504 shall take effect on May 15, 2013. The permit shall extend the original duration of the permit for a period not to exceed eight (8) years (May 15, 2021) or through the completion of mining and reclamation, whichever occurs first. All other requirements of the Terms and Conditions under Duration of Permit remain in effect.

7. **Compliance Inspection Reserve Funds.** In accordance with the Township Board resolution dated 03-12-03 which amended the Terms and Conditions of the Special use Permit to maintain a \$50,000.00 balance in the Compliance Inspection Reserve Fund.

8. **Mining Operations and Reclamation Plans.** The Mining Operations Plan and final Reclamation Grading Plan are attached as Sheets 2 and 4 and made a part of this amended Special Use Permit. The description of mining operations and reclamation is based upon current mine practices and technology, as well as market demands for sand and gravel products and is generally as presented to the Township in the special use application. As site conditions

change, these practices may vary and will be updated in an annual operation plan, submitted to Hartland Township as a condition of the annual permit renewal.

- a. **General Description and Phasing.** Extraction activity will take place in four (4) distinct phases which will be completed in eight (8) years from May 15, 2013. Typical aggregate mining equipment, including a dragline, bucket loaders, transport trucks and conveyors will be utilized during the mining operation. An aggregate processing plant will be constructed in the central area of the site.

At the completion of mining operations, site reclamation will result in a lake, approximately 35 acres in area, with a maximum depth of 35 feet. Areas of the site that have been mined, but are not part of the lake, will be sloped and reclaimed to meet Township standards.

9. **Governing Law.** This Addendum has been executed and delivered in Michigan and shall be interpreted, construed and enforced pursuant to and in accordance with the laws of the State of Michigan.

10. **Severability.** In the event any provision of this Addendum is held to be unenforceable for any reason, the unenforceability thereof shall not affect the remainder of this Addendum or the Permit, which shall remain in full force and effect and be enforceable in accordance with its terms.

11. **Recorded Instrument.** The parties to this Addendum expressly acknowledge and agree that this Addendum shall be recorded with the Livingston County Register of Deeds.

YEAS: Trustee Germane, Trustee Colaianne, Treasurer Horning, Supervisor Fountain,  
Clerk Hopkins, Trustee Petrucci and Trustee Harper

NAYS: None

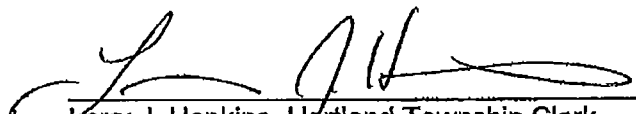
ABSENT: None

THE RESOLUTION WAS DECLARED ADOPTED.

Hartland Township Board of Trustees  
Resolution No. 12-R007  
April 3, 2012  
Page 6 of 6

STATE OF MICHIGAN            )  
  )  
COUNTY OF LIVINGSTON       )

I, the undersigned, the duly qualified and acting Township Clerk of the Township of Hartland, Livingston County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Township Board of said Township at a regular meeting held on 3<sup>rd</sup> day of April, 2012.

  
\_\_\_\_\_  
Larry J. Hopkins, Hartland Township Clerk



**MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY  
WATER RESOURCES DIVISION  
PERMIT**

---

**Issued To:**

**Burroughs Materials Corporation  
Hartland Sand & Gravel  
51445 West 12-Mile Road  
Wixom, Michigan 48393**

**Permit No: WRP019590  
Submission No.: HNN-R5K3-32Z78  
Site Name: Burroughs Material-Hartland  
Issued: November 19, 2019  
Revised:  
Expires: November 19, 2024**

**This permit is being issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division, under the provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); specifically:**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> <b>Part 301, Inland Lakes and Streams</b>                         | <input type="checkbox"/> <b>Part 323, Shorelands Protection and Management</b> |
| <input type="checkbox"/> <b>Part 303, Wetlands Protection</b>   | <input type="checkbox"/> <b>Part 325, Great Lakes Submerged Lands</b>          |
| <input type="checkbox"/> <b>Part 315, Dam Safety</b>  | <input type="checkbox"/> <b>Part 353, Sand Dunes Protection and Management</b> |
| <input type="checkbox"/> <b>Part 31, Water Resources Protection (Floodplain Regulatory Authority)</b> |  |

**Permission is hereby granted, based on permittee assurance of adherence to the State of Michigan requirements and permit conditions, to:**

**Authorized Activity:**

**Excavate approximately 1,200,000 cubic yards of sand and gravel, resulting in the creation of a 35-36 acre lake, as shown on the attached plans.**

**All excavation will be completed in the "wet" with no dewatering or pumping of groundwater.**

**Waterbody Affected:  
Property Location:**

**Unnamed Lake  
Livingston County, Hartland Township  
Town/Range/Section 01N06E01**

**Authority granted by this permit is subject to the following limitations:**

- A. Initiation of any work on the permitted project confirms the permittee's acceptance of and agreement to comply with all terms and conditions of this permit.
- B. The permittee, in exercising the authority granted by this permit, shall not cause unlawful pollution as defined by Part 31 of the NREPA.
- C. This permit shall be kept at the work site and shall be available for inspection at all times during the duration of the project or until its expiration date.
- D. All work shall be completed in accordance with the approved plans and specifications submitted with the application and/or plans and specifications attached to this permit.
- E. No attempt shall be made by the permittee to forbid the full and free use by the public of public waters at or adjacent to the structure or work approved.
- F. It is made a requirement of this permit that the permittee give notice to public utilities in accordance with 2013 PA 174 (Act 174) and comply with each of the requirements of Act 174.
- G. This permit does not convey property rights in either real estate or material, nor does it authorize any injury to private property or invasion of public or private rights, nor does it waive the necessity of seeking federal assent, all local permits, or complying with other state statutes.
- H. This permit does not prejudice or limit the right of a riparian owner or other person to institute proceedings in any circuit court of this state when necessary to protect his rights.
- I. The permittee shall notify EGLE within one week after the completion of the activity authorized by this permit.
- J. This permit shall not be assigned or transferred without the written approval of EGLE.
- K. Failure to comply with conditions of this permit may subject the permittee to revocation of the permit and criminal and/or civil action as cited by the specific state act, federal act, and/or rule under which this permit is granted.
- L. All dredged or excavated materials shall be disposed of in an upland site (outside of floodplains, unless exempt under Part 31 of the NREPA, and wetlands).
- M. In issuing this permit, EGLE relied on the information and data that the permittee provided in connection with the submitted application for a permit. If, subsequent to the issuance of a permit, such information and data prove to be false, incomplete, or inaccurate, EGLE may modify, revoke, or suspend the permit, in whole or in part, in accordance with the new information.
- N. The permittee shall indemnify and hold harmless the State of Michigan and its departments, agencies, officials, employees, agents, and representatives for any and all claims or causes of action arising from acts or omissions of the permittee, or employees, agents, or representative of the permittee, undertaken in connection with this permit. The permittee's obligation to indemnify the State of Michigan applies only if the state: (1) provides the permittee or its designated representative written notice of the claim or cause of action within 30 days after it is received by the state, and (2) consents to the permittee's participation in the proceeding on the claim or cause of action. It does not apply to contested case proceedings under the Administrative Procedures Act, 1969 PA 306, as amended, challenging the permit. This permit shall not be construed as an indemnity by the State of Michigan for the benefit of the permittee or any other person.
- O. Noncompliance with these terms and conditions and/or the initiation of other regulated activities not specifically authorized shall be cause for the modification, suspension, or revocation of this permit, in whole or in part. Further, EGLE may initiate criminal and/or civil proceedings as may be deemed necessary to correct project deficiencies, protect natural resource values, and secure compliance with statutes.
- P. If any change or deviation from the permitted activity becomes necessary, the permittee shall request, in writing, a revision of the permitted activity from EGLE. Such revision request shall include complete documentation supporting the modification and revised plans detailing the proposed modification. Proposed modifications must be approved, in writing, by EGLE prior to being implemented.
- Q. This permit may be transferred to another person upon written approval of EGLE. The permittee must submit a written request to EGLE to transfer the permit to the new owner. The new owner must also submit a written request to EGLE to accept transfer. The new owner must agree, in writing, to accept all conditions of the permit. A single letter signed by both parties that includes all the above information may be provided to EGLE. EGLE will review the request and, if approved, will provide written notification to the new owner.

- R. Prior to initiating the permitted construction, the permittee is required to provide a copy of the permit to the contractor(s) for review. The property owner, contractor(s), and any agent involved in exercising the permit are held responsible to ensure that the project is constructed in accordance with all drawings and specifications. The contractor is required to provide a copy of the permit to all subcontractors doing work authorized by the permit.
- S. Construction must be undertaken and completed during the dry period of the wetland. If the area does not dry out, construction shall be done on equipment mats to prevent compaction of the soil.
- T. Authority granted by this permit does not waive permit requirements under Part 91, Soil Erosion and Sedimentation Control, of the NREPA, or the need to acquire applicable permits from the County Enforcing Agent (CEA).
- U. Authority granted by this permit does not waive permit requirements under the authority of Part 305, Natural Rivers, of the NREPA. A Natural Rivers Zoning Permit may be required for construction, land alteration, streambank stabilization, or vegetation removal along or near a natural river.
- V. The permittee is cautioned that grade changes resulting in increased runoff onto adjacent property is subject to civil damage litigation.
- W. Unless specifically stated in this permit, construction pads, haul roads, temporary structures, or other structural appurtenances to be placed in a wetland or on the bottomland of the water body are not authorized and shall not be constructed unless authorized by a separate permit or permit revision granted in accordance with the applicable law.
- X. For projects with potential impacts to fish spawning or migration, no work shall occur within fish spawning or migration timelines (i.e., windows) unless otherwise approved in writing by the Michigan Department of Natural Resources, Fisheries Division.
- Y. Work to be done under authority of this permit is further subject to the following special instructions and specifications:
1. No fill, excess soil, or other material shall be placed in any wetland, floodplain, or surface water area not specifically authorized by this permit, its plans, and specifications.
  2. No dewatering or pumping of groundwater is authorized by this permit.
  3. The permittee is cautioned that impacts to aquifers of adjacent property as a result of the lake development are subjected to civil damage litigation.
  4. Issuance of this permit does not waive permit requirements under Part 31, Water Resources Protection, of the NREPA. Contact Ms. Danielle McLain of EGLE, Water Resources Division, Industrial Storm Water Permit Program, Lansing District Office, 525 West Allegan, Lansing, Michigan 48933, by phone at 517-899-7034 or e-mail at [mclaind2@michigan.gov](mailto:mclaind2@michigan.gov).
  5. Issuance of this permit does not waive permit requirements under Part 31, Water Resources Protection, of the NREPA. Contact Mr. Kevin Bott of EGLE, Water Resources Division, Groundwater Discharge Permit Program, Lansing District Office, 525 West Allegan, Lansing, Michigan 48933, by phone at 517-230-2624 or e-mail at [bottk@michigan.gov](mailto:bottk@michigan.gov).
  6. Authority granted by this permit does not waive permit or program requirements under Part 91 of the NREPA or the need to acquire applicable permits from the CEA. To locate the Soil Erosion Program Administrator for your county, visit [www.mi.gov/eglestormwater](http://www.mi.gov/eglestormwater) and select "Soil Erosion and Sedimentation Control Program" under "Related Links."
  7. The authority to conduct the activity as authorized by this permit is granted solely under the provisions of the governing act identified above. This permit does not convey, provide, or otherwise imply approval of any other governing act, ordinance, or regulation, nor does it waive the permittee's obligation to acquire any local, county, state, or federal approval or authorization necessary to conduct the activity.

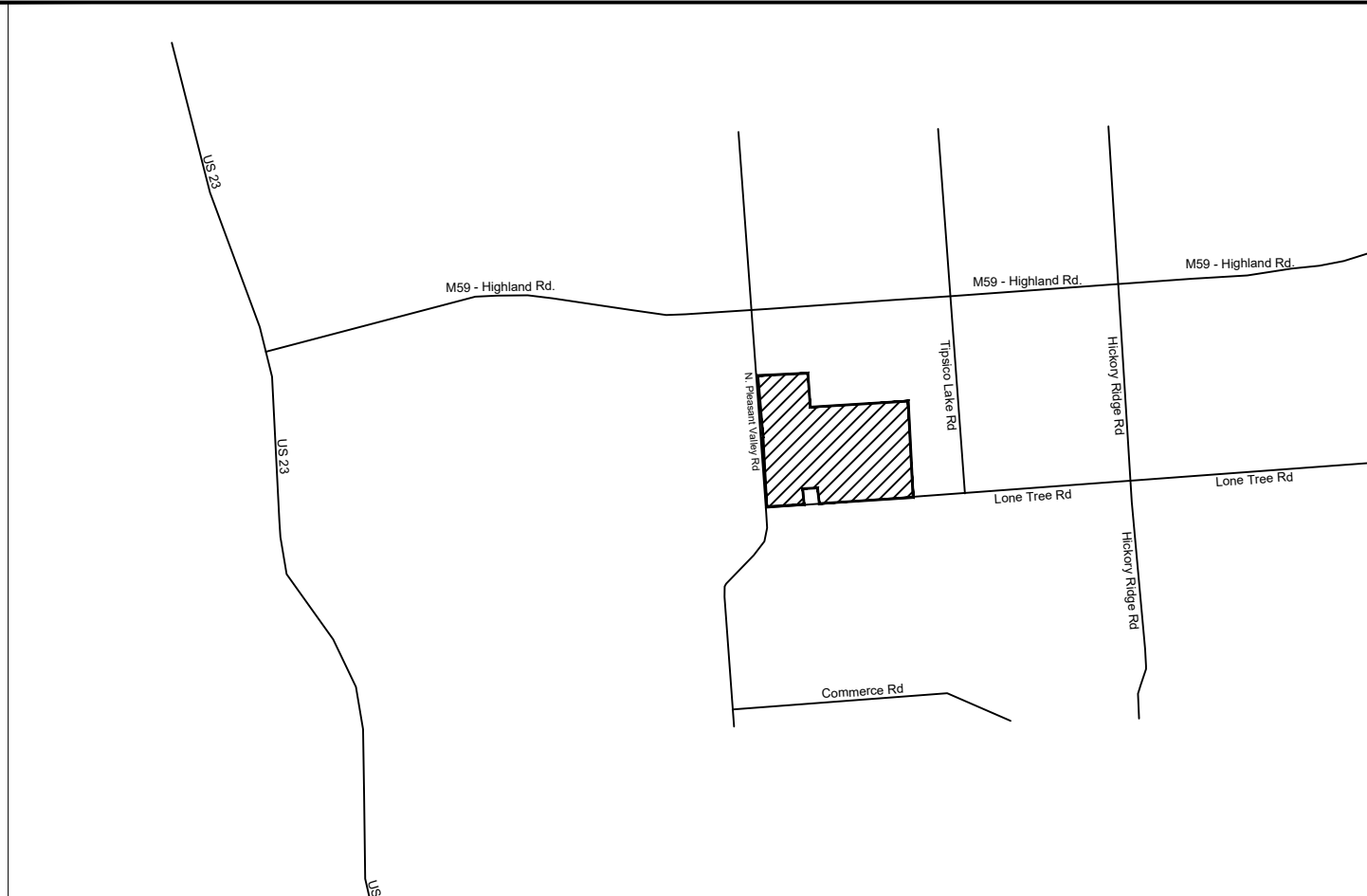
8. This permit does not authorize or sanction work that has been completed in violation of applicable federal, state, or local statutes.
9. The permit placard shall be kept posted at the work site in a prominent location, at all times, for the duration of the project or until permit expiration.
10. This permit is being issued for the maximum time allowed and no extensions of this permit will be granted. Initiation of the construction work authorized by this permit indicates the permittee's acceptance of this condition. The permit, when signed by EGLE, will be for a five-year period beginning on the date of issuance. If the project is not completed by the expiration date, a new permit must be sought.
11. At the end of five years, Burroughs Material Corporation, shall apply to EGLE for a new Part 301 Permit to continue its sand and gravel mining operation at this site.



Issued By:

Jeff Pierce  
Lansing District Office  
Water Resources Division  
517-416-4297

cc: Hartland Township Clerk  
Livingston County Drain Commissioner  
Livingston County Enforcing Agent  
Mr. Jeff King, King & MacGregor Environmental, Inc.



SCALE 1" = 5,000'

## Location Map

### Sheet Index

1. Cover Sheet
2. Site Plan
3. Site Plan: Proposed Lake Detail
4. Cross Section: A-A'
5. Cross Section: B-B'
6. Cross Section: C-C'
7. Cross Section: D-D'
8. Cross Section: E-E'

### NOTES:

#### GENERAL INFORMATION:

STATE: MICHIGAN  
COUNTY: LIVINGSTON  
TOWNSHIP: HARTLAND  
APPLICANT: HARTLAND SAND & GRAVEL

#### PROPOSED ACTIVITY:

UNNAMED LAKE WILL BE EXPANDED FOR THE PURPOSE OF SAND AND GRAVEL AGGREGATE MINING.

#### METHOD OF EXCAVATION/ACTIVITY:

METHODS USED FOR EXCAVATION WILL BE DRAGLINE AND BUCKET/CLAMSHELL DREDGE FOR UNDERWATER AGGREGATES, AND MECHANICAL WHEEL LOADERS FOR AGGREGATES LOCATED +3' ABOVE THE WATERLINE.

#### METHOD OF DISPOSAL:

MATERIALS EXCAVATED FROM EXISTING AND PROPOSED LAKE ARE SORTED, WASHED, STOCKPILED, SOLD AND SHIPPED OFFSITE.

#### VERTICAL DATUM, UNITS & BENCHMARKS:

ALL ELEVATIONS SHOWN ARE IN REFERENCE TO CORS-96 VERTICAL DATUM. EASTING AND NORTHING INFORMATION IS GIVEN IN NAD83 MICHIGAN-SOUTH STATE PLANE 2113. PROJECT UNITS GIVEN IN INTERNATIONAL FEET. PROJECT QC FROM MDOT BENCHMARK-AB3067. PLEASE REFER TO TITLE BLOCK FOR B.M. DETAILS.

#### HARTLAND TOWNSHIP RECLAMATION REQUIREMENTS:

BELOW WATER SLOPES, AS PER TOWNSHIP ORDINANCE, SHALL NOT EXCEED A 1V:7H TO A DISTANCE OF 50FT. ALL ABOVE WATER SLOPES WILL BE RECLAIMED TO A 1V:4H OR GREATER WHEN MINING OPERATION HAVE BEEN COMPLETED.

**COVER SHEET**  
**Part 301 Inland Lakes & Streams Permit Application: Unnamed Lake Creation Project**

**HARTLAND SAND & GRAVEL MINE**  
1380 Pleasant Valley Rd, Hartland, Michigan 48353  
Livingston County / Hartland Twp.

Site Plan Date:  
2/13/2019

Drawn by:  
D.V.

Scale:  
1"=5000'

Sheet #  
1 of 8

EGLE WPD  
WRP019  
Appr

Issued On:11/19/2019  
Expires On:11/19/2024

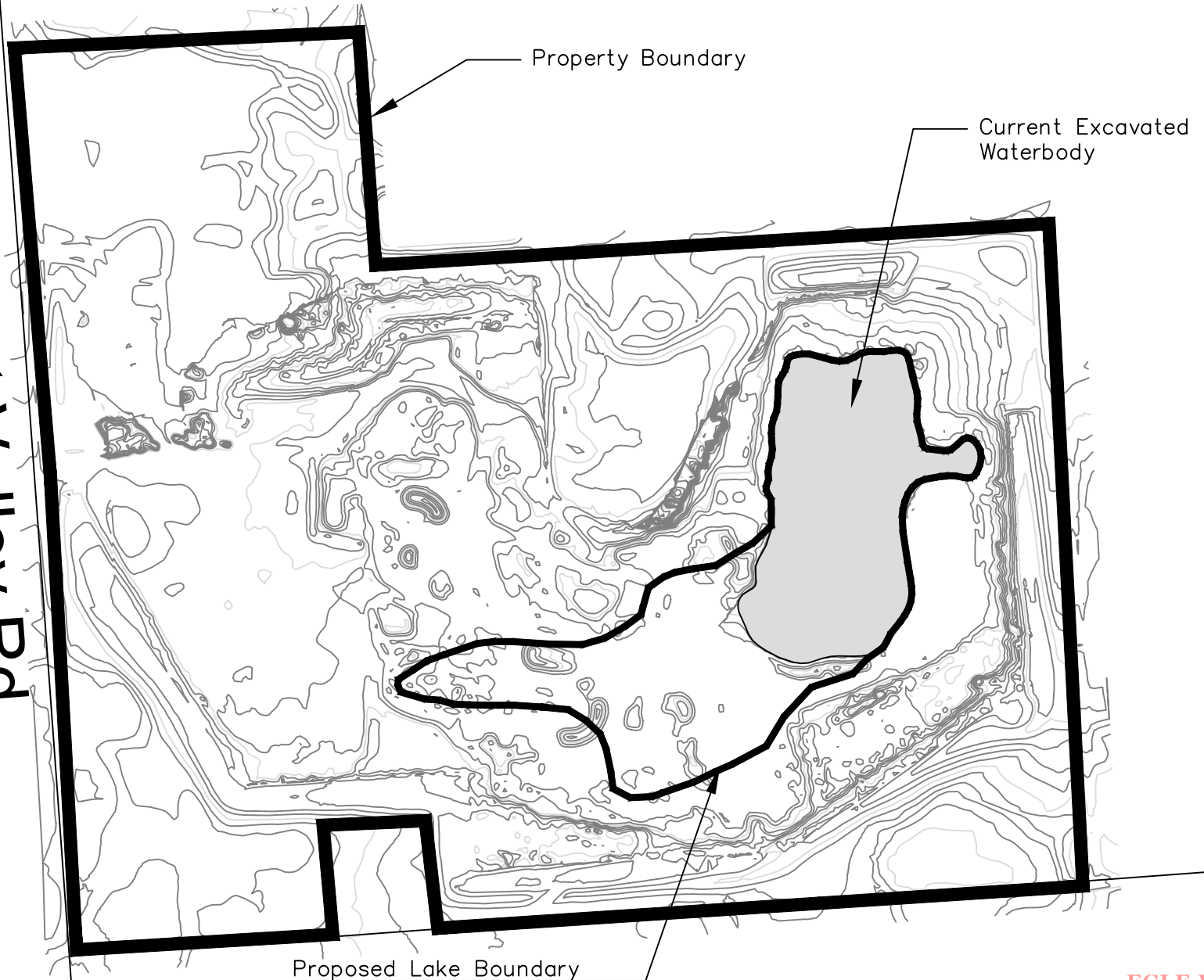




Soil Erosion & Sediment Control:

- All aggregate (sand & gravel) mining will be done in current pit within property boundaries.
- No offsite discharge or de-watering will occur for the creation of this body of water.
- There are no known existing or anticipated storm water discharges from this site.

N. Pleasant Valley Rd



SITE PLAN

Part 301 Inland Lakes & Streams Permit Application: Unnamed Lake Creation Project

HARTLAND SAND & GRAVEL MINE  
1380 Pleasant Valley Rd, Hartland, Michigan 48353  
Livingston County / Hartland Twp.

Site Plan Date:  
2/13/2019

Drawn by:  
D.V.

Scale:  
1" = 600'

Sheet #  
2 of 8

EGLE WPD  
WRP019  
Appr

83

Issued On:11/19/2019  
Expires On:11/19/2024



CURRENT EXCAVATED  
WATERBODY BOUNDARY

**Unnamed Lake**

Est. Final Lake Design: 35 ac.

Est. Volume Remove Below OHWM: 1,200,000 cy

Est. Volume Remove Total: 1,507,000 cy

Approx. Lake Max Length: 2103'

Approx. Lake Max Width: 2517'

Approx Lake Max Depth: (Elev. 957.5') 27.0'

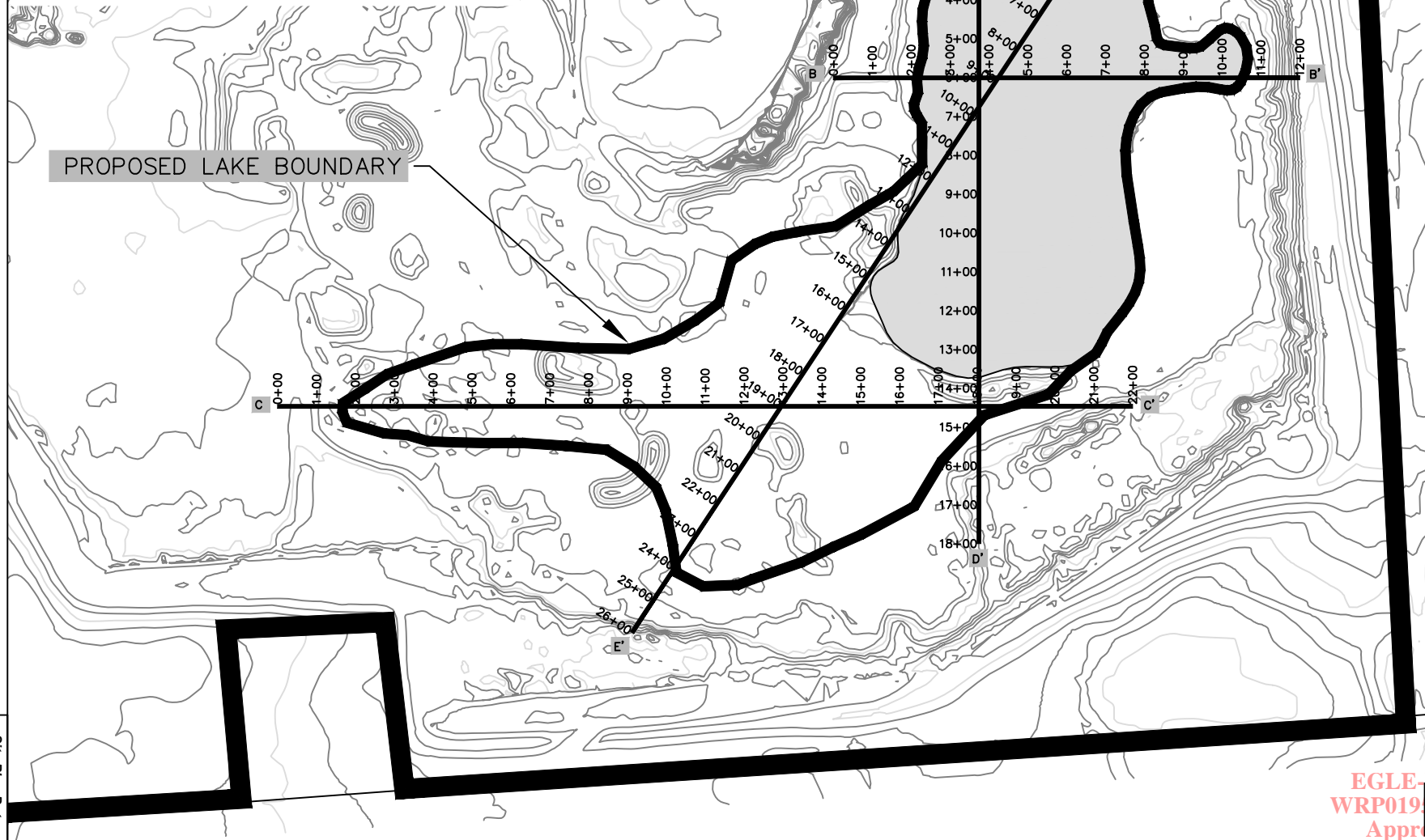
Existing Total Pond Areas: 16.5 ac

Water Elevation (OHWM): 982.5'

Datum CORS-96

Date: October 10, 2018

PROPOSED LAKE BOUNDARY



**SITE PLAN: Proposed Lake Detail**

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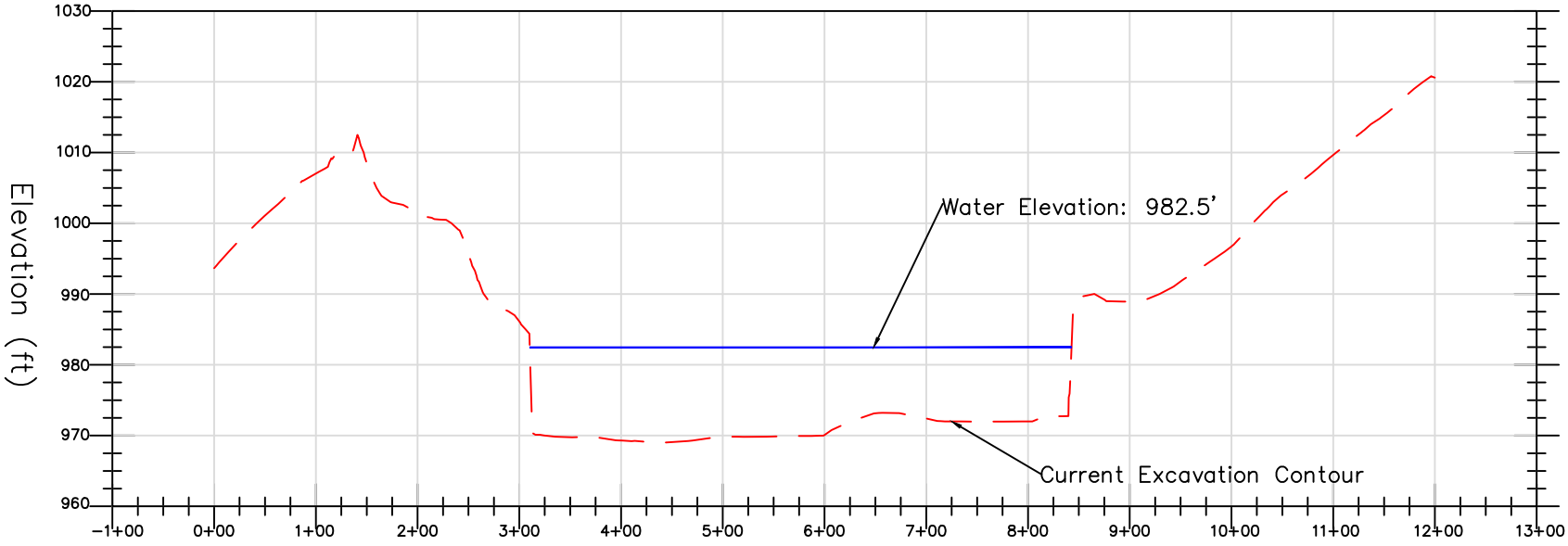
Site Plan Date:  
2/13/2019

Drawn by:  
D.V.

Scale:  
1" = 400'

Sheet #  
3 of 8

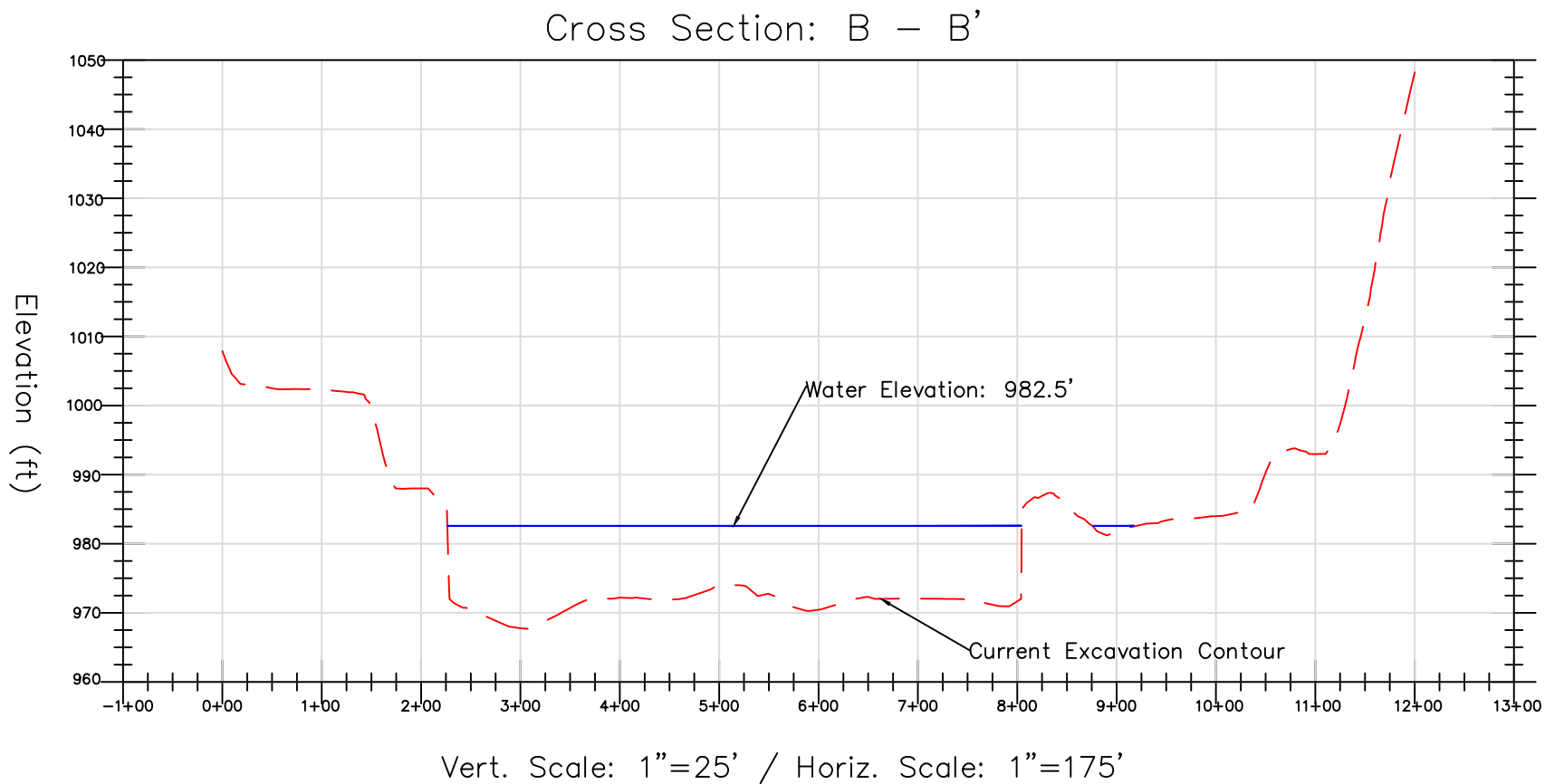
Cross Section: A - A'



Vert. Scale: 1"=25' / Horiz. Scale: 1"=175'

**CROSS SECTION: A - A'**  
Part 301 Inland Lakes & Streams Permit Application: Unnamed Lake Creation Project  
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Site Plan Date:	2/13/2019
Drawn by:	D.V.
Scale:	Varies
Sheet #	4 of 8



**CROSS SECTION: B - B'**

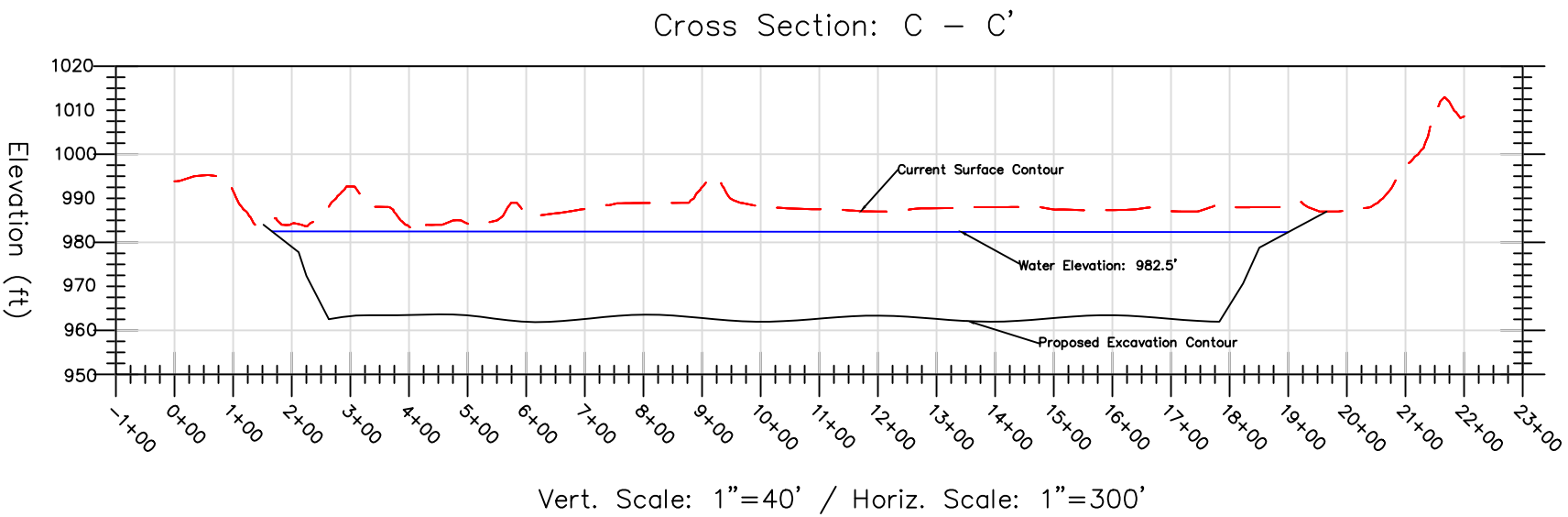
Part 301 Inland Lakes & Streams Permit Application: Unnamed Lake Creation Project

**HARTLAND SAND & GRAVEL MINE**

1380 Pleasant Valley Rd, Hartland, Michigan 48353

Livingston County / Hartland Twp.

Site Plan Date: 2/13/2019
Drawn by: D.V.
Scale: Varies
Sheet # 5 of 8



**CROSS SECTION: C - C'**

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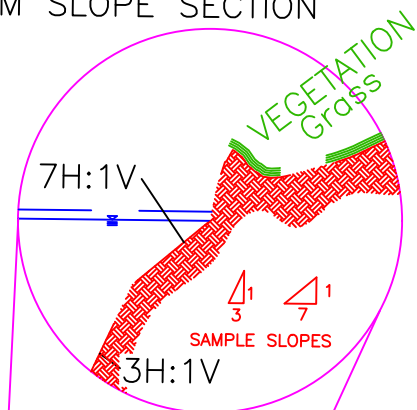
Site Plan Date:  
2/13/2019

Drawn by:  
D.V.

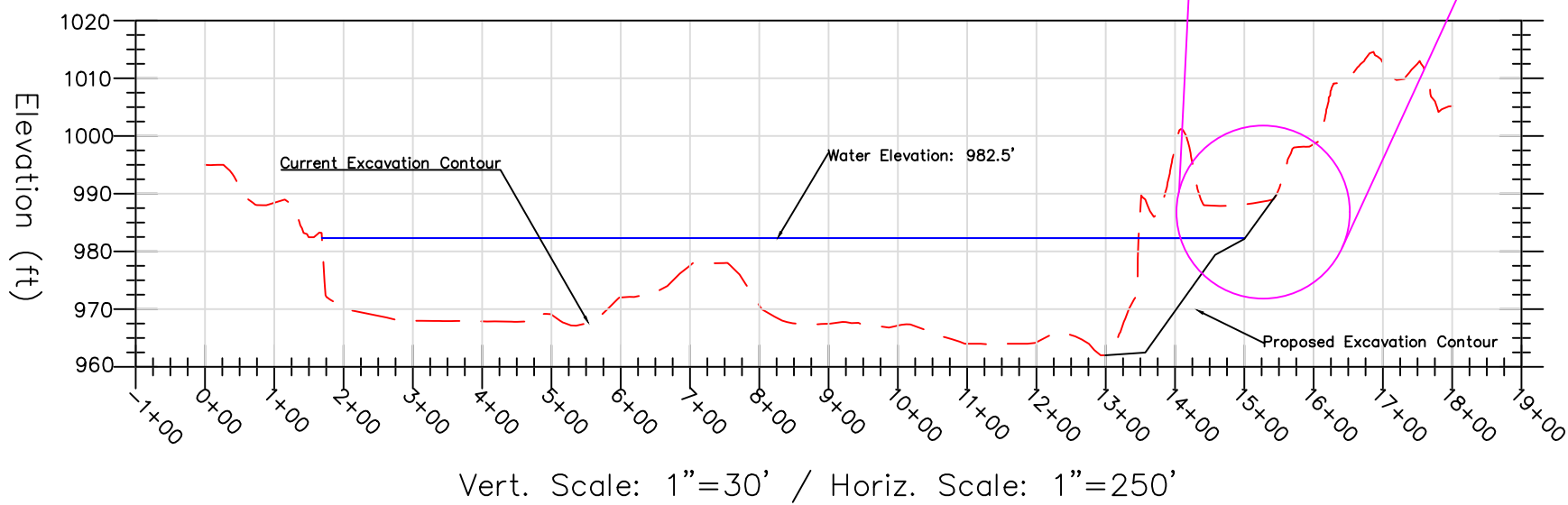
Scale:  
Varies

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# ZOOM SLOPE SECTION



## Cross Section: D - D'



### CROSS SECTION: D - D'

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Livingston County / Hartland Twp.

Site Plan Date:  
2/13/2019

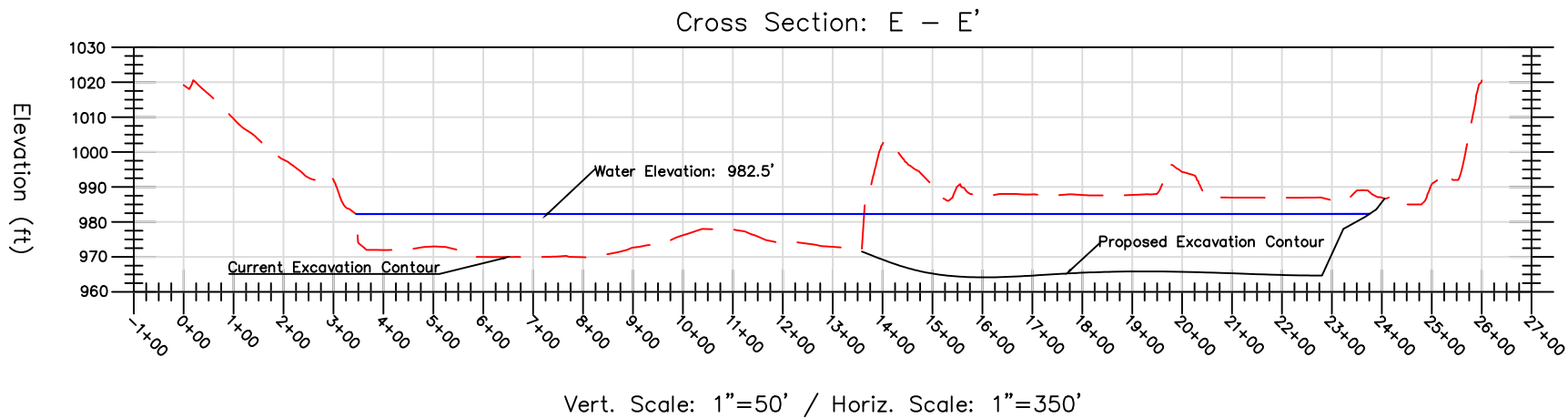
Drawn by:  
D.V.

Scale:  
Varies

Sheet #  
7 of 8

EGLE WPD  
WRP019  
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**CROSS SECTION: E - E'**

Part 301 Inland Lakes & Streams Permit Application: Unnamed Lake Creation Project

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 1380 Pleasant Valley Rd, Hartland, Michigan 48353  
 Livingston County / Hartland Twp.

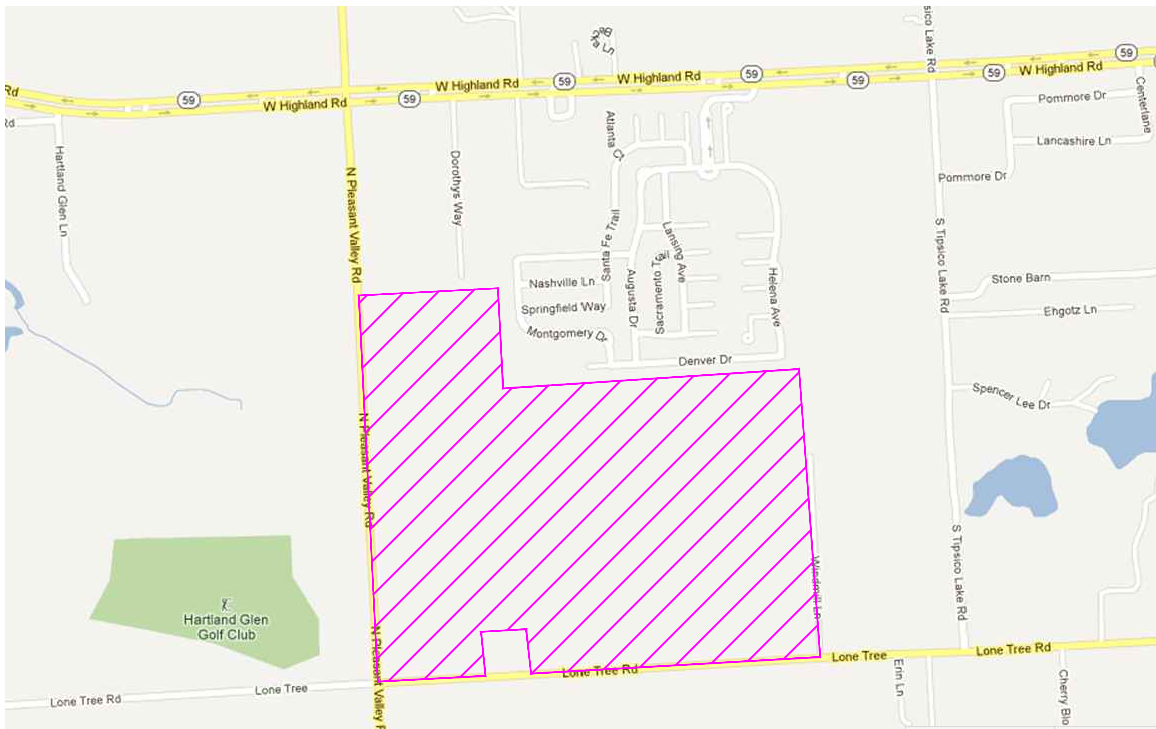
Site Plan Date:  
2/13/2019

Drawn by:  
D.V.

Scale:  
Varies

Sheet #  
8 of 8





LANDSCAPE MAINTENANCE:

- 1) Entrance landscaping will be maintained regularly to provide a clean consistent character of the area.
- 2) The site will be monitored daily (Monday through Saturday) for litter and dust problems. Litter cleanup and dust control will be completed on an as needed basis. Dust control measures will include washing down paved areas with a water truck, treating internal haul roads with calcium chloride, and wetting down areas being stripped of overburden.

VARIANCES GRANTED:

The following variances have been granted for this site with regard to the mining of sand and gravel as ordered by the Circuit Court of Livingston County, December 30th 1993.

- 1) Setbacks for mining shall be 200 feet from property line and the right-of-way (R.O.W.) line.

The following variances have been granted for this site with regard to the mining of sand and gravel, as granted by the Hartland Township Zoning Board of Appeals on April 29th 1992.

- 1) The requirement to plant evergreen trees is excluded from the visual screening and berming conditions of the ordinance.
- 2) Equipment maintenance may occur between the hours of 7am and 9pm.

DEED RESTRICTIONS:

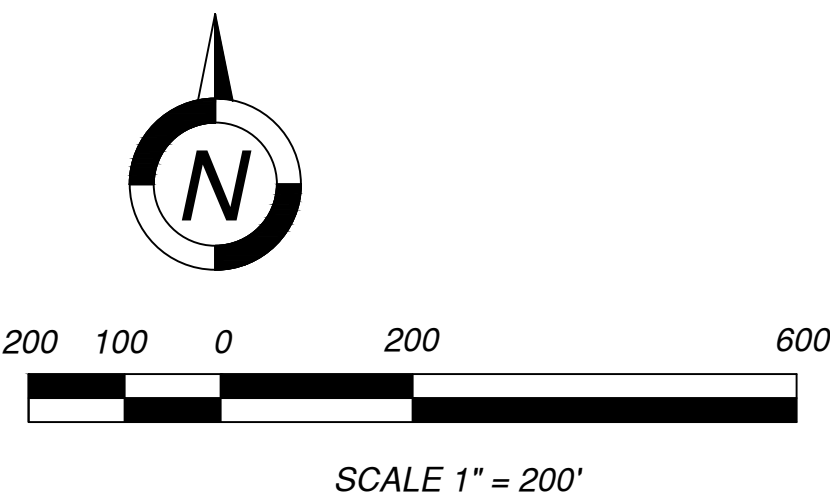
There are no deed restrictions recorded for the parcels within the Special Use Permit.

STORAGE:

Junk material will not be stored at the site. The dragline crane will be stored in the excavation area when not in use. Front end loaders and other heavy equipment will be stored near the processing plant when not in use.

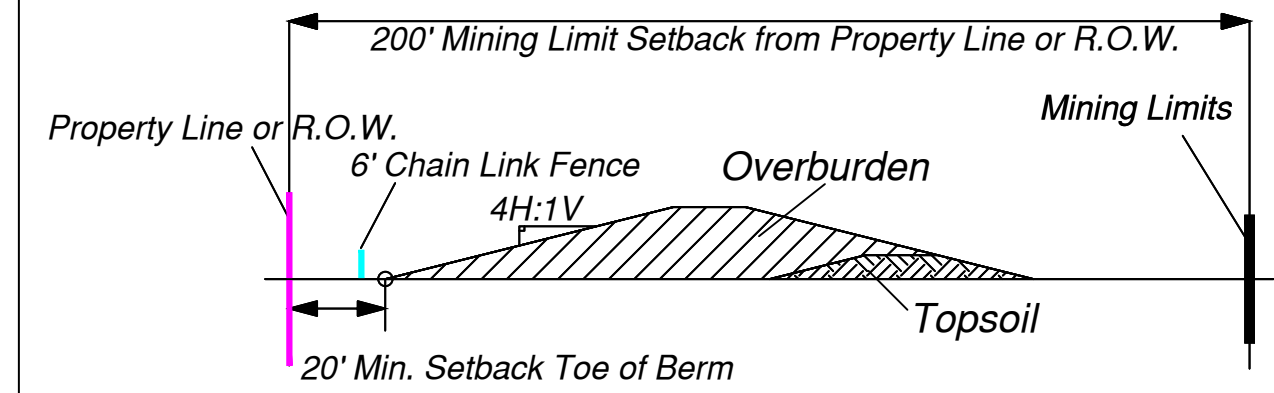
PROPERTIES UNDER PERMIT:

08-25-100-004, 08-25-100-013, 08-25-300-002, 08-25-300-003, 08-25-400-017, 08-25-400-018,



BURROUGHS MATERIALS Co. 51445 WEST 12 MILE ROAD WIXOM, MICHIGAN 48393 TEL (248) 348-8511 FAX (248) 348-9007		DESIGNED BY: M.V.	DATE: 5/19/2021
		DRAWN BY: M.V.	DATE: 7/7/2021
		CHECKED BY: R.Z.	DATE: 8/25/2021
		BY: DATE:	
		REVISIONS	
		NO.	
Hartland Special Use Permit Renewal - Site Overview Title Drawing		LAST MODIFIED ON: 8/25/2021 12:40 PM	PLOT DATE: 8/27/2021 10:00 AM
DRAWING TITLE:		LAST MODIFIED BY: KOBIECHI	
DRAWING CREATION ON: 8/25/2021 12:40 PM		LAST MODIFIED ON: 8/25/2021 12:40 PM	
TOPOGRAPHIC DATA: DATE: 5/19/2021 SURVEYOR: KOBIECHI DETAILS: 1/2" = 100' F.G.S. SITE ON SEPTEMBER 16th 2020		VERTICAL DATUM: CORS 96	COORDINATE SYSTEM: NAD83 MI 2113 South Zone
AERIAL PHOTOGRAPH: 8/23/2021		PROJECT NAME: HARTLAND	PROJECT CODE: HRT
BATHYMETRIC DATA: N/A		DATE: 8/25/2021	SCALE: 1" = 200'
CONTROL POINT INFO: NAME: CONTROL NAME X: ###.### Y: ###.### Z: #.#		1 of 4	
		SHEET NO.	





Screening Berm Design Standards  
Scale: 1' Vertical : 10' Horizontal

SITE PHASES & OPERATIONS PLANNING:

This Phase has been completed.  
Phase I (2012 - 2013) - COMPLETE  
Estimated Area Mining: 4.3Ac  
Estimated Area Reclamation: 2.3Ac  
Estimated Area Stripped: 2.0Ac

This Phase has been completed.  
Phase II (2013 - 2021) - COMPLETE  
Proposed Area Mining: 7.9Ac  
Proposed Area Reclamation: 0Ac  
Proposed Area Stripped: 0Ac

Phase III (2021 - 2036) - CURRENT  
Proposed Area Mining: 16.4Ac  
Proposed Area Reclamation: 16.4Ac  
Proposed Area Stripped: 0Ac

'Wet' operations will continue during this phase. The construction of the final proposed lake will progress, with a final completion of all mining activities scheduled to be complete by fall 2036.

Phase IV (2036 - 2037)  
Proposed Area Mining: 0Ac  
Proposed Area Reclamation: Remainder  
Proposed Area Stripped: 0Ac

The final year of the permit will complete reclamation and clean-up activities. Any remaining structures will be removed, the site will be graded, topsoil placed and barren ground will be seeded.

Post Mining site development is to be determined by Land Owners.

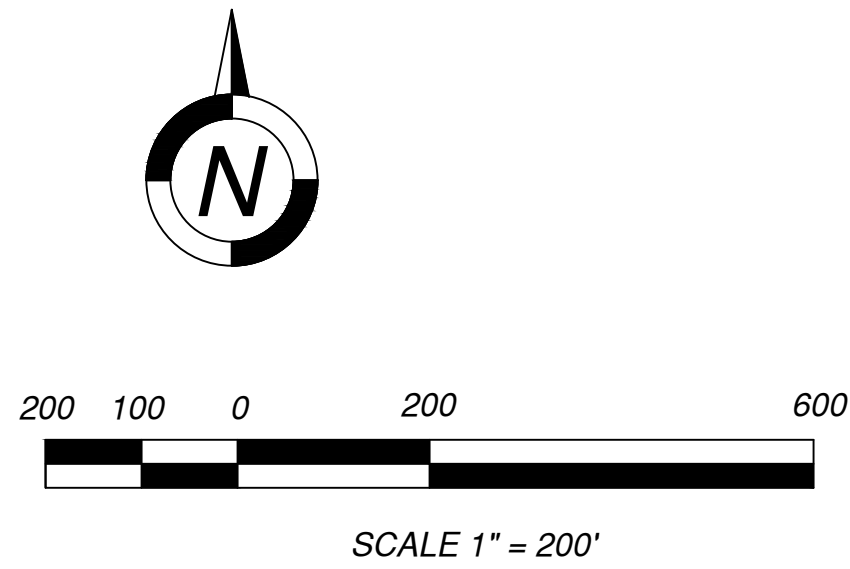
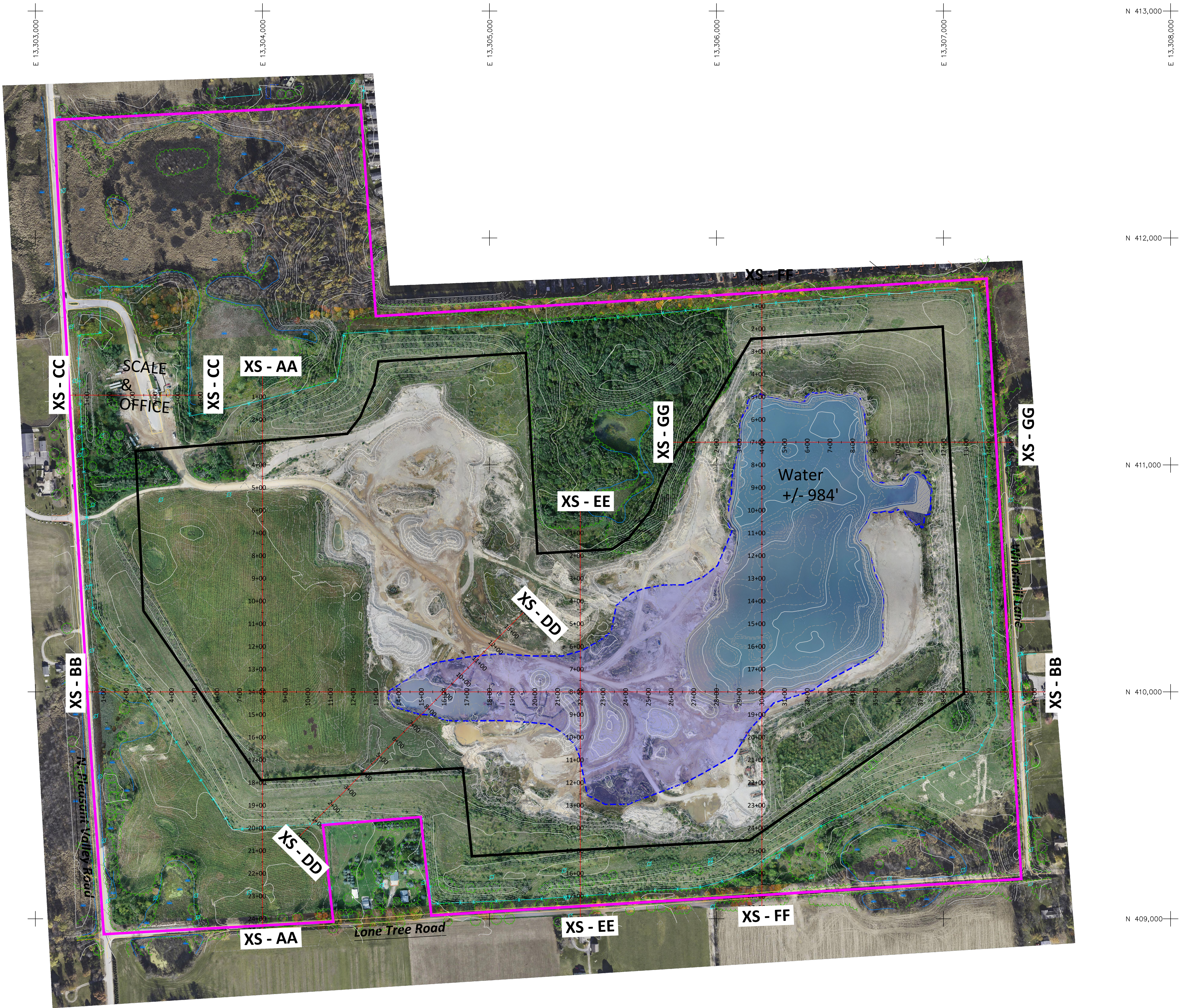
LEGEND	
	PROPERTY LINE
	EXISTING BUILDING/PLANT
	FENCE
	MINING LIMITS
	FINISHED LAKE DESIGN
	TREES/WOODLANDS
	WETLAND
	POLE
	COORDINATE MARKER
	CROSS SECTION LINE
	WETLAND BOUNDARY
	ROAD / PAVED
	MAIN SITE HAUL ROAD
	MINOR CONTOUR (2')
	MAJOR CONTOUR (10')
	SCREENING BERM
	PHASE III AREA
	PHASE IV AREA
	RELOCATED CONVEYOR
	RELOCATED PLANT

AERIAL PHOTOGRAPH: 8/23/2021	TOPOGRAPHIC DATA: DATE: 9/16/2020 SURVEYOR: K.D.	VERTICAL DATUM: CORS-96	DATE: 8/25/2021
BATHYMETRIC DATA: N/A	DETAILS: NAD83 MI 2113 South Zone SITE ON SEPTEMBER 16TH 2020.	COORDINATE SYSTEM: NAD83 MI 2113 South Zone	SCALE: 1" = 200'
CONTROL POINT INFO: NAME: CONTROL NAME X: ##### Y: ##### Z: #####	PROJECT NAME: HARTLAND	PROJECT CODE: HRT	2 of 4
DRAWING TITLE: Hartland Special Use Permit Renewal - Operations Plan Hartland Site Overview - Operations Plan (Phases III & IV)			SHEET NO.

DESIGNED BY:	DATE:	11/28/2011	BURROUGHS MATERIALS Co.
M.V.			51445 WEST 12 MILE ROAD
DRAWN BY:	DATE:	5/18/2021	WIXOM, MICHIGAN 48393
M.V.			TEL: (248) 348-8511
CHECKED BY:	DATE:	8/25/2021	FAX: (248) 348-9007
R.L.			
BY	DATE		
NO.	REVISIONS		







METHOD & EQUIPMENT USED FOR EXCAVATION/RECLAMATION:

METHODS USED FOR THE UNDERWATER EXTRACTION OF AGGREGATE RESERVES WILL BE DRAGLINE AND/OR TRACKED-EXCAVATOR.

METHODS USED FOR THE EXTRACTION OF DRY AGGREGATE +3' ABOVE THE WATERLINE RESERVES WILL BE MECHANICAL WHEEL LOADER.

EQUIPMENT USED, BUT NOT LIMITED TO:  
CAT 980 WHEEL LOADER (OR EQUIVALENT)  
CAT 345 EXCAVATOR (OR EQUIVALENT)  
CAT D8 OR D6 BULLDOZER (OR EQUIVALENT)  
MANITOWOC 4600 DRAGLINE  
SKID-STEER  
ELJAY PROCESSING PLANT  
PORTABLE GENERATORS  
SERVICE VEHICLES/TRUCKS

RECLAMATION PLANNING & OPERATIONS:

SURFACE RECLAMATION OPERATIONS:

AREAS AFFECTED BY MINING OR OTHER ONSITE OPERATIONS WILL BE GRADED TO AN AVERAGE 1V:4H SLOPE, TOPSOILED TO A DEPTH OF 4" AND SEEDED DURING OR BEFORE THE EXPIRATION OF THE PERMIT.

FOR PERMANENT WATER AREAS, FOR A DISTANCE OF NOT LESS THAN TEN (10) FEET NOR MORE THAN FIFTY (50) FEET, THE SUBMERGED SLOPES SHALL BE GRADED FROM THE WATER'S EDGE AT A GRADE NOT IN EXCESS OF A MINIMUM RATIO OF ONE (1) FOOT VERTICAL TO SEVEN (7) FEET HORIZONTAL.

SCALE AND SCALE OFFICE WILL BE REMOVED DURING PHASE IV. THE ENTRANCE DRIVE AND PROPERTY FENCING WILL REMAIN IN PLACE, AT THE REQUEST OF LAND OWNER.

LEGEND	
	PROPERTY LINE
	BUILDING/STRUCTURE
	FENCE
	MINING LIMITS
	FINISHED LAKE DESIGN
	TREES/WOODLANDS
	WETLAND
	POLE
	COORDINATE MARKER
	CROSS SECTION LINE
	WETLAND BOUNDARY
	ROAD / PAVED
	MINOR CONTOUR (2')
	MAJOR CONTOUR (10')
	PROPOSED LAKE DESIGN

AERIAL PHOTOGRAPH: 8/23/2021	TOPOGRAPHIC DATA: DATE: 9/16/2020 SURVEYOR: K.D. DETAILS: COMPLETED ON 9/16/2021
BATHYMETRIC DATA: N/A	COORDINATE SYSTEM: NAD83 MI 2113 South Zone
CONTROL POINT INFO: NAME: CONTROL NAME X: ###.### Y: ###.### Z: #.###	PROJECT NAME: HARTLAND

DATE: 8/25/2021	VERTICAL DATUM: CORS 96
SCALE: 1" = 200'	PROJECT CODE: HRT
3 of 4	
SHEET NO.	

DRAWING TITLE: Hartland Special Use Permit Renewal - Reclamation Plan Hartland Site Overview - Reclamation Plan / Final Site Design	
DRAWING CREATOR: 8/27/2021 10:07 AM	LAST MODIFIED BY: KDEICHI
LAST MODIFIED ON: 8/27/2021 10:07 AM	PLotted DATE: 8/27/2021 10:21 AM

DESIGNED BY:		DATE: 11/28/2011
DRAWN BY:		DATE: 5/18/2021
CHECKED BY:		DATE: 8/25/2021
BY:		DATE:
NO.		REVISIONS

BURROUGHS MATERIALS Co.  
51445 WEST 12 MILE ROAD  
WIXOM, MICHIGAN 48393  
TEL: (248) 348-8511  
FAX: (248) 348-9007





## Elevation



## Elevation



## Elevation



## Elevation



## Elevation



## Elevation



## Elevation



LEGEND	
	EXISTING GROUND SURFACE
	PROPOSED FINAL GROUND SURFACE
	PROPOSED FINAL LAKE SURFACE

TOPOGRAPHIC DATA: TYPE: KESPI & GPS SURVEYOR: K.D. DATE: 17 OCT 2008 SITE ON SEPTEMBER 10TH 2020.	VERTICAL DATUM: CORS-96 COORDINATE SYSTEM: NAD83-W-2113 South Zone PROJECT NAME: HARTLAND PROJECT CODE: HRT
SERIAL PHOTOGRAPH: 8/23/2021 BATHYMETRIC DATA: N/A CONTROL POINT INFO: NAME: CONTROL NAME ELEVATION: ##### X: ##### Y: ##### Z: #####	DATE: 8/25/2021 SCALE: 1" = 200'  <div>4 of 4</div> SHEET NO.

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