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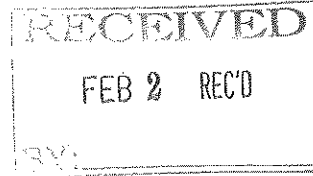
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February 1, 2016



Mr. Dave Best, Supervisor  
and Metamora Township Board Members  
730 W. Dryden Road  
Metamora, MI 48455

**RE: Report To Township Board In Accordance With Resolution  
Establishing Moratorium On Gravel Mining Applications In Order To  
Consider New Statutory Standards, Dated December 14, 2015**

Dear Mr. Best and Township Board Members,

On November 10, 2015, American Aggregates of Michigan, Inc. ("AAOM") (a Levy company) prepared a proposal for a new sand and gravel mine in Metamora Township, and submitted the application on behalf of that company and the Detroit Area Council, Boy Scouts of America (referred to together as "the Applicant"). The proposal was received by the Township on November 16, 2015.

The Project Site is proposed to include 724 acres of land, and the Project itself proposes to remove some 22,000,000 cubic yards of material from the Project Site over a period of some 30 years. The removed material is proposed to be transported from the Project Site in easterly and westerly directions by large gravel-hauling vehicles, including a significant number of trips along Dryden Road through the Village of Metamora, with an equally significant number of trips projected to head east through the Village of Dryden. Review of AAOM's submission to the Township for consideration, particularly Tab II.G., Appendix D, entitled "Trip generation information," the estimated total number of trucks per day, according to AAOM's expert's report, is 200.

The proposal contains an extensive discussion on the enactment of PA 113 in 2011, MCL 125.3205, (the Gravel Statute), and the limits of Township authority to regulate the proposed Project under the Gravel Statute. In light of the extensive nature of the operation being proposed, its long duration, and the significant impacts that could reasonably be expected, and considering that the Gravel Statute materially altered the

review and approval of applications for gravel mining in relation to the law in existence immediately preceding its enactment, the Township Board:

“ . . . found and determined that it would be of critical importance to the public health, safety, and welfare of the Township and its residents to study its ordinances with the view of determining whether amendment of the Township Zoning Ordinance with regard to gravel mining is necessary or appropriate.

Accordingly, the Township Board finds that it is necessary for the Township to study the Gravel Mining Standards and consider amending its Zoning Ordinance to accommodate such new standards and procedures, and finds that it should direct the Township Attorney to lead the effort to pursue such study and report to the Board a recommendation on amending the Zoning Ordinance within 60 days following the adoption of this Resolution.

Considering the complexity of this subject matter, the magnitude of the departure of the Gravel Mining Standards from customary planning and zoning, and the requirements to prepare draft ordinance provisions, consider the implications on nearby communities, conduct public hearings and provide members of the public with adequate opportunity to examine this issue and provide input to the Township.”

In order to accomplish such considerations, the Board adopted a resolution on December 14, 2015, establishing a temporary moratorium on all requests seeking approval of gravel mining in Metamora Township, and as part of the December resolution:

“Township Board directs the Township Attorney to lead the effort to pursue a study of the need for, and best means of, conforming the Zoning Ordinance to the Gravel Mining Standards, and report the findings and recommendations from this study to the Township Board within 60 days following the adoption of this Resolution.”

The Township Attorney, along with Township Special Counsel, Gerald Fisher, now submit this report in accordance with the directive of the Township Board in the December 14, 2015 Resolution. As the report of counsel, your attorneys make the following findings and recommendations:

- I. In the interest of providing a meaningful and appropriate review of the Project proposal under the Gravel Statute, and review of other potential applications (which the Township has reason to believe will be submitted) it is strongly recommended that the Township amend its Ordinances, and consider also amending its Master Plan, in order to be responsive to the Gravel Statute and other related state law. It is recommended that such amendment process

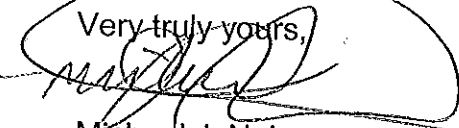
should be pursued, along with related steps, as outlined in the following paragraphs.

- II. **Step One:** Meeting with representatives of the Applicant for the purposes of:
  - A. Discussing the Applicant's position on the validity of the Gravel Statute. This is relevant in light of the preliminary analysis performed by the Township Attorney in conjunction with special legal counsel retained by the Township Board.
  - B. Discussing whether the Applicant would be willing to revise its application in a manner that would result in substantially less impact on the Township (including the Village).
  - C. Providing information and seeking an understanding on the process to be employed by the Township in connection with its response to the Gravel Statute, including the nature of Master Plan and ordinance amendments that would be necessary or appropriate.

This meeting with a representative of the Applicant has been scheduled for February 2, 2016.

- III. **Step Two:** Continue to pursue analysis of the need for the gravel resources proposed to be excavated by the applicant. The preliminary analysis of the Township Attorney reveals that the application documentation submitted by the Applicant, while certainly extensive and professionally prepared, appear to be materially inadequate for purposes of assessing the need for sand and gravel resources in the foreseeable future within the market area expected to be supplied from the Project Site.
- IV. **Step Three:** Prepare and provide to the Planning Commission and Township Board proposed Master Plan and Ordinance amendments relating to the "need" issue, i.e., the need for the sand and gravel resources in the foreseeable future within the market area expected to be supplied from the Project Site. This "need" issue is described in relatively complicated terms in the Gravel Statute, and it would be in the interest of all parties involved to seek a common understanding on this issue.
- V. **Step Four:** Prepare and provide to the Planning Commission and Township Board proposed Master Plan and Ordinance amendments regarding the detailed review procedure that should be followed by the Township (and applicants) with regard to natural resource mining applications based on prevailing state law.

Your Township Attorneys will provide further reports to the Township Board as additional information and insight is secured.

Very truly yours,  
  
Michael J. Nolan