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April 29, 2025

Via Hand-Delivery and E-mail

Springfield Charter Township
ATTN: Chair of the Planning Commission
c/o Richard Davis, Township Supervisor
12000 Davisburg Road
Davisburg, MI 48350

**Re: Burroughs Materials Corporation of Michigan's ("Applicant" or "BMC")
Application for a Special Land Use Permit and Mining Permit ("Application") for a
proposed sand and gravel mining operation ("Project")**

Dear Planning Chairperson:

We represent BMC regarding the aforementioned Application to permit a sand and gravel mining operation in Springfield Charter Township (the "Township"), Oakland County. As part of the Project, BMC owns approximately 482 acres of land located in Springfield Charter Township (collectively, the "Property"). BMC currently owns a separate operating mining operation in the Township, which is nearing the end of its useful life. Further, BMC's primary customer, Ace Asphalt, is located in the Township. As the need for BMC's extracted materials continues, as illustrated by the Township's own need for road gravel products, this is a unique situation where BMC is looking to replace the resources of the current mining operation through the Project. The resources will be mined from the Property to replace exhausted reserves, and the processing will take place on site using modular processing equipment.

Pursuant to the Ordinance, the Project is located in an R-1A Suburban Estates ("R-1A") District as defined in Article III, Division 5 of the Township Zoning Ordinance ("Ordinance") and is permitted as a Special Land Use under the classification of Article II, Division 6 and as a Mineral Mining Operation under the classification of Article IV. Sand and gravel mining in the state of Michigan is also governed by the Michigan Zoning Enabling Act ("MZEA"). See MCL, Act 110 of 2006. The Project will fill a demand for construction-grade sand and gravel for the local and regional construction industry, as well as increase the local tax base, diversify the local economy and provide job opportunities for the local community. Further, the extraction of these natural resources would not cause "very serious consequences," and therefore, not be in violation of the MZEA.

The Applicant hereby submits the attached Application and supporting documents and information for consideration by the Township. Enclosed with this correspondence are the following:



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1. Three (3) copies of the completed Application for Mineral Mining Site Application **(Exhibit A)**¹ including;
 - a. Preliminary Site Plan **(Exhibit B)**;
 - b. Geological Report **(Exhibit C)**;
 - c. Aerial Photograph **(Exhibit D)**; and
 - e. Fee payment of \$700 (for Special Land Use Application and Mining Permit).

The Project

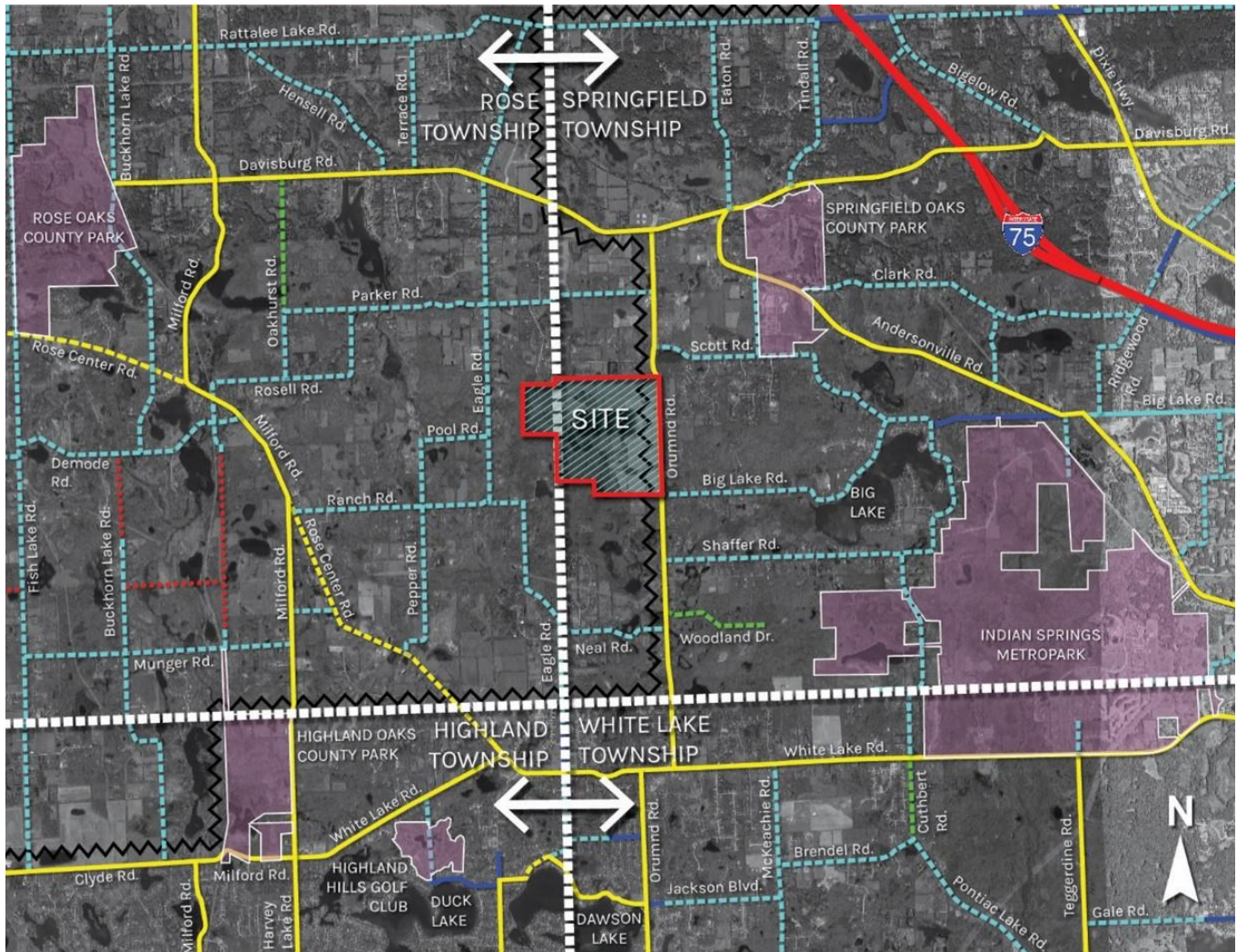
The proposed sand and gravel mining operation would be built on 4 adjacent sites totaling 482.6 acres. The site is located in portions of sections 19 and 30 of Springfield Charter Township, approximately 1.2 miles south of the intersection of Davisburg Road and Ormond Road (see Map below). The Project will be located in the R-1A("R-1A") zoning district. Mineral mining is regulated under Section 40-597 of the Ordinance, which provides that the mining of sand, gravel, stone, and/or other mineral resources in the township shall be authorized by the grant of special land use and Preliminary Site Plan approval by the township board, after recommendation of the planning commission, in accordance with this section, or pursuant to Article III, Division 14, Section 40-554 of the Ordinance as to mining operations in effect as of December 31, 2015. The Project is being submitted as a request for special land use to be approved by the township board following recommendation by the Planning Commission since the mining operation has not been in operation as of December 31, 2015. Mineral mining shall also be subject to the requirements of Article IV, Mining Control. Mineral mining shall be considered a special land use in the R-1A, C-1, C-2, PL, M-1 and M-2 Districts and shall be prohibited in all other districts.

¹ Additional copies may be provided upon request. In addition, an electronic version of this Application is being provided by email simultaneous with this filing.

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The estimated extraction activity will take place in 5 distinct phases, which will be completed in approximately 20 years, subject to market conditions. BMC estimates that between 60,000 and 665,000 cubic yards of sand and gravel will be removed annually from the site. A portable processing plant, as well as modular processing equipment, will be used on the Project Site for the purpose of producing road gravel and construction grade materials as needed, on an annual basis. The preparation of the land for mining will be done on an as-needed basis, leaving existing land cover in place until removal is required for mining activities. Similarly, reclamation will be completed on an ongoing basis such that the area disturbed by mining at any one time will be limited to what is required for efficient, safe, and responsible operations. After the completion of mining activity, site reclamation will result in a range of landform types and habitats, and a land shape conducive to recreational and/or residential development.

Based on our review of the Ordinance and the information provided below, and in light of the strong demand for BMC's aggregate materials which will continue once BMC's current mine is exhausted.

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the Applicant respectfully requests the review and recommendation of the Application by the Planning Commission and review and approval of the Application by the Board of Trustees. To that end, we request that the Application be reviewed and placed on the Planning Commission's agenda at the first available date. If possible, to expedite this request, we request that a special meeting be scheduled.

I. Article IV, Section 40-597, Mineral Mining

Pursuant to Article IV, Section 40.597, mineral mining is considered a special land use in the R-1A, C-1, C-2, Pl, M-1 and M-2 Districts.

The purpose of the mineral mining ordinance is stated in Section 40-597(a) of the Ordinance:

It is the intent and purpose of this section to promote the underlying spirit and intent of this article, but at the same time allow for the extraction of minerals in locations where they have been naturally deposited. These regulations are also intended to ensure that mineral mining activity shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use, and to ensure that mineral mining activities are consistent with the public health, safety, and welfare of the township.

Section 40-597(b) states:

The mining of sand, gravel, stone, and/or other mineral resources in the township shall be allowed under the following circumstances: a) as authorized by the grant of special land use and site plan approval by the township board, after recommendation of the planning commission, in accordance with this section, or b) pursuant to section 40-554 as to mining operations in effect as of December 31, 2015. Mineral mining shall be subject to the requirements of chapter 12, article IV, mining control. Mineral mining shall be considered a special land use in the R-1A, C-1, C-2, Pl, M-1 and M-2 Districts and shall be prohibited in all other districts.

As the Project will be located in the R-1A zoning district, it would be considered a special land use which requires approval by the Board of Trustees after recommendation by the Planning Commission. Along with this, Section 40-597(f) states that for operations requiring special land use approval it is the intent that the application procedure in this section and the application procedure for a mining permit of section 12-81 be reviewed *concurrently*.

The application requirements for mineral mining pursuant to Section 40-597(d) require submission of the following:

- (1) A completed application for special land use approval as set forth in section 40-145.

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- (2) A completed application and all required information for Preliminary Site Plan approval as set forth in section 40-136.
- (3) A completed application and all required information as set forth in section 12-81.
- (4) Market information. The applicant shall submit a report prepared by a geologist and/or other experts with appropriate credentials to demonstrate compliance with MCL 125.3205, as amended, that the natural resources to be extracted shall be considered valuable, and the applicant can receive revenue and reasonably expect to profit from the proposed mineral mining operation. The applicant shall also provide documentation to demonstrate that there is a need for the natural resources to be mined by either the applicant or in the market served by the applicant.

Response: This requirement is met. The Application and Preliminary Site Plan demonstrating compliance with MCL 125.3205 are attached as Exhibits A and B.

The standards by which the application will be evaluated are stated in Section 40-597(e):

- (e) *Standards.* The applicant shall have the burden of demonstrating that there are valuable natural resources located on the relevant property, that there is a need for the natural resources by the applicant, or in the market served by the applicant, and that no very serious consequences would result from the extraction, by mining, of the natural resources.
 - (1) The decision on a special land use request under this section shall be based upon the following:
 - a. A determination by the township board that the applicant has met the burden of demonstrating that there are valuable natural resources on the relevant property and that there is a need for the natural resources by the applicant or in the market served by the applicant;
 - b. A determination by the township board that the applicant has demonstrated compliance with the standards for special land use approval contained in this chapter.
 - c. A determination by the township board that very serious consequences would not occur as a result of the mining operations. The following factors shall be considered in making that determination:
 1. The relationship of extraction and associated activities with existing land uses.
 2. The impact on existing land uses in the vicinity of the property.
 3. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property.
 4. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
 5. The impact on other identifiable health, safety, and welfare interests in the local unit of government.
 6. The overall public interest in the extraction of the specific natural resources on the property.

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- d. The proposed mining operation shall have immediate and direct access to a road having the necessary and appropriate load bearing and traffic volume capacity in relation to the proposed intensity of the use.

Response: This requirement is met. The Application, Preliminary Site Plan and Geological Report demonstrating the existence of valuable sand and gravel, the need for the natural resource and that no very serious consequences would occur as a result of the mining operation are attached as Exhibits A B and C. Further, the mining operation will have immediate and direct access to Ormond Road, which has necessary and appropriate load bearing and traffic volume capacity in relation to the intensity of the mining operation use, as is shown in Exhibits A and B.

The Ordinance also requires in Section 40-597(g) that in addition to any other conditions that may be imposed by the Township Board, a condition of special land use approval is:

- (1) During the term of the special land use permit, the total area (or areas) being mined and which has (or have) not been reclaimed shall at no time exceed the lesser of 150 acres or 40 percent of the entire parcel approved as a special use; and
- (2) The applicant shall be required to secure any renewals of the mining permit required by section 12.81.

Response: The Applicant will comply with these requirements and secure mining permit renewals as required.

II. Article IV. Mining Control

The first of two permitting tracks that must be approved for a mining project in the Township falls under Article IV of the Ordinance, Mining Control. Section 12-79, Permits, requires a permit for owning and operating a mineral mining site in the Township. Under Section 12-79(d), Administrative review:

Where a permit is required due to the volume of cubic yards to be distributed yet a minimum impact is apparent, an administrative review performed by the township supervisor or his designee will be allowed to prevent unnecessary and costly information from being submitted. A minimum administrative review fee, as established by resolution of the township board, will be charged for this review. The township supervisor or his designee may allow the processing of an application with less than all the information otherwise required by this article.

Here, the Project will have minimum impact, yet permitting is required due to the volume of cubic yards to be mined. While the Applicant has worked to provide all relevant information necessary for a determination by the Township, the Township Supervisor may allow the processing of the Application

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with less than all of the information required by the Ordinance. To the extent more information is required or requested, the Applicant will be happy to supplement the record.

A. Section 12-80 provides the application procedure for a mining permit:

- (a) The following application procedure shall be complied with prior to the commencement or continuation of any mining which exists or is proposed as of or after December 11, 2008. The application form shall be obtained from the township clerk.
 - (1) All applicants shall use the form provided by the township clerk, accompanied by the documents listed on that form. All permits are annual in nature and all permits expire on May 15 of each permit year. To be considered for renewal, 15 copies of the proper application with required attachments must be submitted to the township on or before November 30 of the year preceding.
 - (2) Upon receipt of any application, the township engineer shall review the application and attachments, physically inspect the premises to determine compliance with the standards of this article and any previously issued permit and reclamation plans, and report to the township board, which report shall also include feasibility of the reclamation plans, compliance with any previously issued permit and reclamation plan and engineering considerations, an estimate of the cost of reclamation upon abandonment for bond amount purposes, and general safety, drainage and other engineering considerations of the permit application. The report by the township engineer shall be rendered no later than the regular February meeting of the township board.
 - (3) The township board shall make final determination on issuance, renewal or nonrenewal of the mining permit on or before May 15 of the respective year. Failure of the township board to act by the time frames mandated above shall not result in an automatic renewal for a one-year renewal period, but such failure merely results in an extension of the existing annual license for an additional period up to the time of final determination by the township board.
- (b) *Application contents.* The contents of an application for a mining permit shall be as follows:
 - (1) Name of the owner, or owners, of land from which removal is to be made.
 - (2) Name and address of applicant making a request for such permit.
 - (3) Name and address of the person who will be conducting the actual removal operation.
 - (4) Location, size, and legal description of the area from which the removal is to be made.
 - (5) Location of the processing plant and type of plant to be used.
 - (6) Detailed statement as to the exact type of materials or resources to be removed, and the estimated number of cubic yards.
 - (7) Proposed method of removal, general haul route, and whether blasting or other use of explosives will be required.

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- (8) General description of types of equipment to be used.
- (9) Duration of proposed operation, and location, timing, and any other relevant details with respect to the phasing and progression of work on the site.
- (10) Proposed method of filling excavation where mining results in extensive under-surface extension.

Response: This requirement is met. Please see Mineral Mining Site Application attached as Exhibit A.

- (11) A vertical aerial photograph (submitted on an annual basis), enlarged to a scale to fit on a 24-inch by 36-inch blueprint, from original photograph flown at a negative scale no smaller than one inch equals 660 feet. The date of the aerial photograph shall be certified, and shall have been flown at such time as the foliage shall be off of onsite trees. If there are changes in the topography from the date of the photograph, an accompanying text shall be provided explaining each change. The photograph shall be provided from an aerial flight having occurred within six months prior to the application filing date. The vertical photograph shall cover:
 - a. All land anticipated to be mined in the application, together with adjoining land owned by the applicant;
 - b. All contiguous land which is or has been used by the owner or leasehold applicant for mineral extraction and/or processing and/or storage, and all contiguous land in which the applicant or any affiliate has a current interest;
 - c. All lands within 200 feet of a proposed mining area;
 - d. All private and public roads from which access to the property may be immediately gained;
 - e. Boundary of the entire planned mining area by courses and distance;
 - f. Site topography and natural features including location of watercourses within the planned mining area;
 - g. Means of vehicular access to the proposed operation.

Response: See Aerial Photograph attached as Exhibit D. To the extent an aerial photograph with a larger scale is required, the Applicant will supplement the record. The information requested in Section 12-80(11)(a-g) is included in the Preliminary Site Plan attached as Exhibit B.

- (12) A mining and reclamation plan incorporating the updated contour base map drawn to a scale of no greater than one inch equals 200 feet and containing elevation contours at a maximum five-foot interval. The mining and reclamation plan shall show final elevation contours for the entire site and shall identify areas to be mined and reclaimed under the mining year in which a permit is being applied for. The mining and reclamation plan shall contain the following general information:
 - a. General area of completely reclaimed land;

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- b. General area of reclamation underway;
- c. General area currently used for topsoil and overburden storage;
- d. General area proposed for reclamation during the mining permit year;
- e. General area proposed for topsoil and overburden storage during the mining permit year;
- f. The acreage for each area shown on the mining and reclamation plan;
- g. A description of the methods and materials proposed for reclamation including placement of topsoil and planting materials;
- h. A schedule for reclamation activities.

Response: This requirement is met. See Preliminary Site Plan, attached as Exhibit B.

- (13) A surety performance bond to cover full reclamation for current and past operations at the site (including any mining activities prior to the effective date of the ordinance from which this article is derived) in an amount approved by the township based upon recommendation of the township engineer, which shall include the costs of inspections and administration of the permit, which bond shall be continued until all property where mining was conducted is fully reclaimed, at which time the bond shall be released. The form and content of the bond shall be approved by the township attorney. As acreage is reclaimed, the permit holder's bonding requirements will be reduced on a per acre basis. Mining activity shall only be permitted in areas of the subject properties for which the bond was posted, and there shall be no mining in any area which was not taken into consideration in the determination of the bond amount. The bond amount shall remain in effect for three years from the date of issuance of the initial permit. The township may review and adjust the bond amount annually.

Response: The Applicant will comply with this requirement.

- (14) Any other information deemed necessary by the township board in order to make its recommendation or decision.
- (15) The signature of the owner of the site, consenting to the application and agreeing to be bound by all the provisions of the permit and this article.

Response: This requirement is met. See signed Mineral Mining Site Application attached as Exhibit A. To the extent any additional information is required, the Applicant will supplement the record.

- (c) *Fees.* The application and any renewal permits shall be accompanied by a processing fee, to be paid by the applicant in an amount established by the township board.

Response: The Applicant will comply with this requirement.

- (d) *Renewal of annual permit.* The mining permit shall be annual in nature and shall expire on May 15 of each year. To renew the mining permit for the parcel or parcels being mined the township board shall receive a report from the township engineer as to compliance with the permit by the

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applicant. Upon finding the applicant has complied with the plan, another mining permit may be issued, subject to compliance with the provisions of this article.

(e) *Standards for approval and requirements.*

- (1) The township board shall grant or renew a permit under this article only if it finds that the applicant has demonstrated all of the following:
 - a. The proposed or existing mining operation complies with the standards of this article.
 - b. The proposed or existing mining operation complies with the environmental performance standards of the Springfield Township Zoning Chapter, and any other applicable law, ordinance or regulation.
 - c. For renewals, that the mining operation is in compliance with the terms of the existing permit.

Response: *The Applicant will comply with these requirements.*

B. Sec. 12-81 provides the standards, required improvements and reclamation for a mining operation:

- (a) *Fencing and screening.* A permit holder shall maintain and install/repair as necessary a four-foot-high farm type fence along the outside perimeter of all areas where mining activities have or are to occur. Fencing shall not be required along the common property lines for sites owned by the permit holder. The fencing must be continuous and in good repair so as to secure the subject property from trespassers.
 - (1) During the mining and reclamation period, the permit holder shall maintain such fence. Any necessary repairs to the fencing shall be promptly made by the mining operators so as to maintain the integrity and continuity of the fence along the outside perimeter of the mining site properties.
 - (2) All fenced areas shall be conspicuously posted with "No Trespassing" signs, which shall be of sturdy and rigid material. A permit holder shall promptly replace any missing signs.

Response: *This requirement is met. See Preliminary Site Plan, attached as Exhibit B.*

- (b) *Hours of operation.* A permit holder may carry on mining activities during the hours of 6:00 a.m. to 7:00 p.m., except during daylight savings time when the closing time can be extended to 8:00 p.m., Monday through Saturday, and as the hours may be amended from time to time. The term "mining activities," as used in this section, means the operation of mining machinery and the processing plant. Mining and/or trucking activities shall not occur on Sunday without advance authorization from the township supervisor or his/her designee. The limitation of operations on legal holidays shall be the same as the limitation applicable to Sundays.

Response: *The Applicant will comply with all requirements regarding hours of operation.*

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- (c) *Road access.* The proposed mining operation shall have immediate and direct access to a paved road having necessary and appropriate load bearing and traffic volume capacity in relation to the proposed intensity of the use.

Response: This requirement is met. The haul route for the mining operation will have immediate and direct access to Ormond Road, a paved road which meets the load bearing and traffic volume requirements.

- (d) *Road maintenance.* Access roads, excluding roads under the jurisdiction of the Road Commission for Oakland County, to and within the subject properties shall be maintained by the permit holder so as to maintain the roads in adequate condition for access purposes and to minimize the dust arising from the use of such roads. Such maintenance shall be accomplished through the application of chloride, water, and/or similar dust retardant material. In the event notification is received from any other county and/or state agency having jurisdiction over the affected public roadway regarding maintenance requirements, the notified mining operators shall promptly take whatever appropriate action is necessary to address the agency's requirements.

Response: The Applicant will comply with this requirement.

- (e) *Operation of use.* All equipment and facilities used in the production, processing, or transportation of sand, gravel, or stone on the subject properties by the permit holder shall be constructed, maintained, and operated in such a manner as to eliminate, insofar as practicable, noises, vibrations, or dust which interfere with the reasonable use and enjoyment of surrounding property. Where feasible, the processing plants and accessory equipment shall be located below the average grade of the surrounding parcels so as to effectuate screening from sight, noise, dust, and vibration.

Response: The Applicant will comply with this requirement.

- (f) *Noise standards.* The permit holder shall not operate any equipment on the subject properties at any time or under any condition so as to cause a level of sound which exceeds that allowable by Code section 40-883. Noise levels may be increased by ten decibels for a period of not to exceed 15 minutes in any one-hour period. The township supervisor/designee may grant a temporary waiver of this requirement for a period not in excess of 30 days.

Response: The Applicant will comply with this requirement.

- (g) *Lighting.* All lighting used on the site to illuminate the mining area, access roads, stockpile area, and similar use area shall comply with Code section 40-888.

Response: The Applicant will comply with this requirement.

- (h) *Drainage.* Proper drainage shall be provided at all times on the subject properties by the permit holder to prevent the collection and stagnation of water, and surface water shall at all times be directed in such a manner so as not to create an adverse impact to the adjoining properties; provided, however, that the maintenance of the natural flow of surface water shall not be deemed an adverse impact. There shall be no creation of an adverse impact to the water table in the area.

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Response: *The Applicant will comply with this requirement. There are 25 groundwater monitoring wells on the property. The first 5 wells have been monitored monthly since November 2008. The remaining 20 have been monitored monthly since January 2017. The data demonstrates that the water table rises and lowers seasonally but has remained stable over time. The average water elevation over time in the proposed mining area is 1016.8 feet. On average, it ranges from 1015.4 feet to 1017.8 feet over time and across the proposed mining area. The Applicant does not anticipate any impact or change to the water table due to mining, but will continue to monitor the water elevations monthly and address any concerns promptly.*

- (i) *Termination and reclamation.* The mining sites shall be reclaimed in a manner such that no final slopes shall have grades in excess of one foot vertical to three feet horizontal except with regard to submerged slopes which shall be graded from the water's edge at a grade not in excess of one foot vertical to seven feet horizontal for a distance of not less than ten feet, nor more than 50 feet. In such cases as the reclamation plan provides for a permanent water area, excavations shall be made to a water depth of at least ten feet below the low water mark, for at least 80 percent of the entire water area. All mining activities are to occur at least 100 feet from the nearest property line (exclusive of a common property line with other permit holders or active mining operators), provided all processing and stockpiling shall be conducted at least 200 feet from the nearest property line (exclusive of common property line with other permit holders or active mining operators). Where the property is currently disturbed within the exterior 25-foot setback, as indicated on the submitted mining and reclamation plan, the disturbed property shall be fully reclaimed in accordance with the reclamation plan details. Reclamation activities shall consist of the grading necessary to effectuate a smooth transition in site grades and stabilization of all disturbed areas with topsoil, seed, and mulch and may extend up to the 25-foot setback line. The submitted mining and reclamation plan shall include turf establishment specification acceptable to the township engineer.

Response: *This requirement is met. See Preliminary Site Plan, attached as Exhibit B.*

- (j) *Excavation filling.* In the event filling of the mined area is necessary in the course of reclamation, the fill material shall be inert materials only and shall not consist of and/or contain any organic waste, hazardous waste, radioactive waste, agricultural waste, industrial waste, or sludges and sewage residues, whether or not compounded, mixed, combined, bound, or contained within any other material through any chemical or physical process or a combination thereof, or in any other fashion; and moreover, such fill material shall not contain any other material which will, or is likely to, impair or harm the air, water, and natural resources, and public trust therein, and/or the public health and safety.

Response. *The Applicant will comply with this requirement.*

- (k) *Cessation of mining.* Upon cessation of all mining operations, except stockpiles, the operator within a reasonable period of time not exceeding 12 months thereafter, shall remove all plant structures, buildings, stockpiles, and equipment unless such building or structures can be lawfully used in the district in which the structures, buildings, stockpiles and equipment are located.

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Storage and stockpiling of mined products after cessation of mining activities may be permitted by the township board by annual permit for that purpose only. In no event shall any additional materials be allowed to be added to these stockpiles and such a permit shall not interfere with or excuse reclamation as provided by this article.

Response. *The Applicant will comply with this requirement.*

- (l) *Monitoring.* Three times during each mining year, upon seven days' notice provided to the owner, permit holder, or designated agent, the township engineer may inspect the mining sites with the permit holder and his representative present if possible. The detail of the inspection shall be determined in a reasonable exercise of discretion by the township engineer. All efforts shall be made toward a mutual cooperation during such inspections, toward the ends of allowing such inspection to be expeditiously and accurately undertaken, and minimizing interference with the operation. The township engineer shall be responsible for inspections hereunder, and shall, at all times, have the right to peaceably enter upon the subject property for the purpose of conducting inspections to ensure compliance. In the event the township engineer shall determine that a violation of any of the provisions of this article exists, notice of such fact shall be sent to the permit holder with a copy of such notice to the township board. Such monitoring by the township engineer shall in no way limit access to the mining sites by authorized township personnel, subject to applicable laws and ordinances, in the exercise of their official township duties.

Response. *The Applicant will comply with this requirement.*

III. Special Land Use Requirements

Preliminary Site Plan review is required as part of a Special Land Use Permit Application. See Article II, Division 5, Section 40-136(2): "Preliminary Site Plan review and approval is required for all proposed uses and structures within the township." Section 40-145(c) provides that a pre-application meeting must take place when filing for a special land use permit:

- (1) Pre-application meeting and review. A pre-application meeting shall be required for each proposed special land use request. The pre-application meeting shall follow the procedures set forth in section 40-136(h)(2)a.

Response: *The Applicant has had multiple discussions with the Township with the most recent occurring in April 2025. The Applicant discussed the need for the Project, its development plan and policies, haul routes and equipment to be used, reclamation plans, an overview of their extractive operations, and other factors to ensure compliance with the Township Ordinance and submission requirements.*

IV. Site Plan Review and Requirements

Full Site Plan review and approval, requires a Site Plan to be reviewed and approved by the Planning Commission. Full Site Plan review is a four-step process consisting of pre-application review

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(see above), preliminary plan review, final Site Plan review and final engineering review. See, Section 40-136(e)(3). The criteria for Site Plan review are provided in Section 40-136(f) and include the following:

A. Site Plan Requirements

- (f) Administrative and full Site Plans shall be reviewed and approved upon a finding that the following conditions are met:
 - (1) The proposed use will not be injurious to the surrounding neighborhood.
 - (2) There is a proper relationship between major thoroughfares and proposed service drives, driveways and parking areas and provisions have been made for acceleration, deceleration and passing lanes or approaches so as to preserve the safety and convenience of pedestrian and vehicular traffic.
 - (3) The location of buildings, outside storage receptacles, parking areas, screen walls and utility areas is such that the adverse effects of such uses will be minimized for the occupants of that use and surrounding areas.
 - (4) It provides for proper development of roads, easements and public utilities and protects the general health, safety, welfare and character of the township.
 - (5) It meets the requirements and standards for grading and surface drainage and for the design and construction of storm sewers, stormwater holding facilities, parking lots, driveways, water mains, sanitary sewers and for acceleration, deceleration and passing lanes or approaches as determined by the township engineers and set forth in the township design and construction standards.
 - (6) Proper access to all portions of the site and all sides of any structure is provided. All structures or groups of structures shall be so arranged as to permit emergency service access by some practical means to all sides where possible. All driveways and parking lot lanes necessary to provide emergency access shall be a minimum of over 18 feet in width. Site features such as, but not limited to, trees and other plant materials, fences, retaining walls, berms, outdoor furniture, outdoor structures, and natural and artificial water bodies shall be arranged to permit adequate emergency vehicle access.
 - (7) Natural resources will be preserved to the maximum extent possible in the site design by development in a manner which will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, groundwater and woodlands.
 - (8) The proposed development respects the natural topography to the maximum extent possible by minimizing the amount of cutting, filling and grading required.
 - (9) The proposed development will not cause soil erosion or sedimentation.
 - (10) Stormwater management systems and facilities will preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible, and will not substantially reduce or increase the natural retention or storage capacity of any

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wetland, water body or watercourse, or cause alterations which could increase flooding or water pollution on or off site.

- (11) Wastewater treatment systems, including on-site septic systems will be located to minimize any potential degradation of surface water or groundwater quality.
- (12) Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby water bodies.
- (13) The proposed use is in compliance with all township ordinances and any other applicable laws, except as otherwise expressly allowed in this section.
- (14) Buildings, parking, drives, landscaping and other improvements on the site are appropriate and consistent with good design standards for the lot size, shape, general location, and consistent with and/or an enhancement of area buildings and properties.
- (15) Landscaping, including ground covers, trees, shrubs and other vegetation, is provided in areas disturbed by construction, to maintain the natural character of the area and improve the aesthetic quality and environmental functioning of the site and area.
- (16) Deviations from the minimum setbacks found in this article may be allowed for preexisting legal nonconforming structures, provided that the proposed deviation does not increase the existing nonconformity and that the planning commission has made the following affirmative determinations:
 - a. The preexisting structure was, at the time of Preliminary Site Plan approval, a legal nonconforming structure as described in section 40-931.
 - b. The proposed building setback in the proposed Preliminary Site Plan will not have any material adverse impact on the proposed development or any adjoining parcels or infrastructure.

Response: All requirements are met. See Preliminary Site Plan, attached as Exhibit B. To the extent certain requirements are not addressed, it is due to their inapplicability.

B. Site Plan Information

Section 40-136(g) provides the information required on a Site Plan:

- (g) All Site Plans shall be submitted in digital and paper format. For paper submittal, sheet size shall be 24-inches by 36-inches with plan view drawn to a scale found on the U.S. Standard Engineers Scale. Where the size of a project requires more than one 24-inch by 36-inch sheet at a one inch equals 100 feet scale or a larger scale (lower number) is needed for clarity or detail, more than one 24-inch by 36-inch sheet shall be used with match lines clearly shown. Plan sheets shall be clearly drawn so that all information is legible and not obscured by other plan information.

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- (2) *Full Site Plan review.* The following information shall be required for each step of the full Site Plan review process.
- a. *Pre-application review.* Plans submitted for pre-application review are to be conceptual in nature with enough information to properly illustrate the development concept and to accomplish a productive meeting.
 - b. *Preliminary Site Plan review.* Every preliminary plan submitted to the planning commission shall include the following information:
 1. The general description, location, size and shape of the property involved.
 2. The general shape, size and location of proposed buildings, parking areas and service drives, loading zones, location of existing and proposed streets serving the property, and natural features including, but not limited to, general topography, soils, wetlands, wooded areas, native plant community types, tree rows and water bodies.
 3. The general location and type of all existing and proposed stormwater and sewage treatment systems serving the property.
 4. A written explanation or analysis of how the development and its concept will comply with the criteria of Site Plan review found in subsection (f) of this section.
 5. Any other information deemed necessary to properly illustrate the development concept.

Response: The Applicant is submitting simultaneously for both preliminary and final Site Plan review. See Preliminary Site Plan, attached as Exhibit B and this letter.

- c. *Final Site Plan review.* Plans submitted for final Site Plan review shall contain all of the following data and any other information that will assist the township in determining compliance with the criteria of Site Plan review. The minimum information as listed below shall be provided for review:
 1. General information.
 - (i) Proprietors', applicants' and owners' names, addresses and telephone numbers.
 - (ii) Date (month, day, year), including revisions.
 - (iii) Title block.
 - (iv) Scale.
 - (v) North point.
 - (vi) Location map showing proximity to major thoroughfares and section corners with north point indicated.
 - (vii) Architect, engineer, surveyor, landscape architect, or planner's seal.
 - (viii) Existing lot lines, building lines, structures, parking areas, etc., on the parcel, and within 100 feet of the site.
 - (ix) Proposed lot lines, property lines and all structures, parking areas, etc. within the site, and within 100 feet of the site.

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- (x) Centerline and existing and proposed right-of-way lines of any street.
- (xi) Zoning classification of petitioner's parcel and all abutting parcels.
- (xii) Gross acreage figure.

Response: This requirement is met. See Preliminary Site Plan, attached as Exhibit B.

2. Physical features.

- (i) Acceleration, deceleration and passing lanes and approaches.
- (ii) Proposed locations of access drives, street intersections, driveway locations, sidewalks, bike paths, curbing and areas for public use.
- (iii) Location of existing and proposed service facilities above and below ground, including:
 - A. Well sites.
 - B. Septic systems and other wastewater treatment systems. The location of the septic tank and the drainfield (soil absorption system) should be clearly distinguished. Wastewater treatment systems process should be explained.
 - C. Chemical and fuel storage tanks and containers.
 - D. Storage, loading, and disposal areas for chemicals, hazardous substances, salt and fuels.
 - E. General location and concept of on-site utilities (both above and below ground) including water, wastewater system, and stormwater systems.
 - F. Preliminary calculations for stormwater facilities. Enough detail must be provided to determine the location and type of stormwater treatment proposed and the area needed for these facilities.
 - G. Location of all easements.
- (iv) All buildings with dimensioned floor plans, setbacks and yard dimensions and elevation views, of all sides of the building, including all roof-mounted mechanical units and screening, exterior materials and colors, including demonstration that the provisions of section 40-821 architectural and site design standards are met.
- (v) Dimensional parking spaces and the calculations, drives and method of surfacing.
- (vi) Exterior lighting locations and illumination patterns.
- (vii) Location and description of all existing and proposed landscaping, berms, fencing and walls.
- (viii) Trash receptacle pad location and method of screening.
- (ix) Transformer pad location and method of screening.
- (x) Dedicated road or service drive locations.
- (xi) Entrance details including sign locations and size.

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- (xii) Designation of fire lanes.
- (xiii) Any other pertinent physical features.

Response: These requirements are met. See Preliminary Site Plan, attached as Exhibit B. To the extent any requirements are not addressed, it is due to their inapplicability.

3. Natural features.

- (i) Soil characteristics of the parcel.
- (ii) Existing topography with a maximum contour interval of two feet on parcels of more than one acre. Topography on the site and beyond the site for a distance of 100 feet in all directions shall be indicated.
- (iii) General grading plan correlated with existing topography so as to clearly indicate all areas of grading.
- (iv) Location of existing drainage courses and associated bodies of water, on and off site, and their elevations.
- (v) Location of existing wetlands.
- (vi) Location and identification of natural resource features, including woodlands and other native plant communities, and areas with slopes greater than ten percent (one foot of vertical elevation for every ten feet of horizontal distance). Parcels that are located within the priority resource protection areas may be required to collect additional information about the site's natural features, as described in section 40-892.
- (vii) Location of invasive species. If found, an Invasive Species Management Program per Article V Invasive Species Control shall be provided.

Response: These requirements are met. See Geological Report, attached as Exhibit C. To the extent any requirements are not addressed, it is due to their inapplicability.

V. Project Schedule

It is the intent of the Applicant at this time is to commence site work within 2 months after obtaining all required governmental approvals. A more detailed project schedule will be provided prior to issuance of final permits.

VI. Applicable Law and the MZEA

MCL 125.3205(3) provides:

An ordinance shall not prevent the extraction, by mining, of valuable natural resources from any property unless very serious consequences would result from the extraction of natural resources. Natural resources shall be considered valuable for the purposes of this

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section if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.

(emphasis added)

Here, there is no question that the existing operations of BMC have reached the final stages of their useful life and there is a demonstrated need both from its largest customer in close proximity and the Township. Applicant will receive revenue and operate at a profit by extracting sand and gravel and providing construction grade aggregates for sale to markets in the local, regional and state construction industry. The sand and gravel that would be extracted from the proposed mining operation are the highest volume natural aggregate used in southern Michigan. This sand and gravel aggregate is used as the component for different sand and gravel products such as commercial asphalt used to build roads and shoulders, concrete, basement floors and walls, paver bricks, septic fields, and pipe bedding. This aggregate is also used for masonry and fill sand.

A. Need

A combination of growing demand coupled with the closing of several regional mining operations in the last twenty years, has led to a need in the market served by the Applicant for sand and gravel. At this time, the Applicant already has purchase agreements with customers who have been supplied by the extracted aggregate from BMC's current mine in the Township including its largest customer which is located in the Township. These contracts cannot be fulfilled without a filling in of the required resources to be provided by BMC's new mine that is the subject of this Application. The Project will allow for a continuity of aggregate to be supplied to current customers. As such, there is no doubt that the Applicant, by extracting the sand and gravel natural resources, will "receive revenue and reasonably expect to operate at a profit," as required by statute and the Ordinance. MCL 125.3205(3),

Further, the continuing government funded road reconstruction and repair products, as well as regional commercial, industrial and residential construction projects will provide a continuing market for the extracted sand and gravel extracted from the proposed mining operation. In fact, Springfield Charter Township has an ongoing need for aggregate products to support the Township's road and infrastructure improvements. In light of this need and as a benefit to the Township, the Applicant will provide up to 4,300 cubic yards of MDOT 23A road gravel aggregate product annually to the Township for a period of five years, as part of a separate agreement to be developed with the Township.

B. No Very Serious Consequences

Aside from demonstrating a need, MCL 125.3205(4) and the Ordinance, also requires the Applicant to demonstrate to the Township that no very serious consequences will occur as a result of the mining Project. The factors used in considering whether very serious consequences would result from the mining of natural resources are laid out in MCL 125.3205(5)(a)-(f):

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(5) In determining under this section whether very serious consequences would result from the extraction, by mining, of natural resources, the standards set forth in *Silva v Ada Township*, 416 Mich 153 (1982), shall be applied and all of the following factors may be considered, if applicable:

- (a) The relationship of extraction and associated activities with existing land uses.
- (b) The impact on existing land uses in the vicinity of the property.
- (c) The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.
- (d) The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.
- (e) The impact on other identifiable health, safety, and welfare interests in the local unit of government.
- (f) The overall public interest in the extraction of the specific natural resources on the property.

The Applicant has analyzed the Project in light of these factors. The analysis concludes that the extraction of sand and gravel by the proposed mining operation would not cause very serious consequences to the community in the vicinity of the Project. For example, there is an existing mining operation approved in Springfield Township which is nearing the end of its useful life and this Project will replace the resources from that approved site. The analysis by the Applicant concludes that the proposed mining operation will not result any significant operational impacts to the adjacent road network. The proposed site access configuration for the Ormond Road route will acceptably facilitate site ingress and egress. Intersection approaches along all of the potential proposed haul routes will continue to operate acceptably with negligible changes in delay as a result of the expected additional volume of trucks. Also, the estimated sound levels associated with the operation of mining equipment to be used, will not exceed the zoning noise limitations for the R-1A district.

Further, there is no evidence that the health, safety and welfare interests of the local community would be negatively impacted by the Project. Some examples:

- less than 2 million tons of sand and gravel will be crushed per year in compliance with regulations of the Environmental Protection Agency ("EPA") and the Michigan Department of Environment, Great Lakes and Energy ("EGLE");
- Crushing equipment will be located at least 500 feet from any residential or commercial establishment, or any place of public assembly, exceeding Township requirement;
- A comprehensive fugitive dust control program designed to minimize dust emissions from the excavation site will be implemented by the Applicant in compliance with EPA and EGLE regulations;
- Screening berms will be constructed in the mining setback area to mitigate visual and noise impacts of the mining operation during each phase;
- The proposed mining site will be secured by fencing and warning signs which will ensure the Project site does not pose a safety hazard to the surrounding community;

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- After completion of the final phase of the Project, reclamation measures by the Applicant will establish a landscape cover to prevent soil erosion and fugitive dust, drainage ways and wetlands will be delineated and protected, the Project land will be returned to productive agricultural, recreation or residential use, and all mining related equipment and structures will be removed from the site, all in compliance with the Township's Ordinance requirements;
- The Project will create local job opportunities, increase the local tax base and increase the long-term value of the Project site;
- The Project will preserve natural resources located within the Eagle Road Natural Resource Protection Overlay District consistent with Township ordinances; and
- The site will be reclaimed to be suitable for a long-term land use consistent with the Township standards and best practices adopted by BMC, as demonstrated at multiple locations previously mined and reclaimed by BMC and affiliated companies.

As is clear from the existing operations, the Project would have minimal impact on the surrounding community and has not indicated a single very serious consequence.

Under Michigan law, when a Preliminary Site Plan contains the information required by the zoning ordinance and is in compliance with the zoning ordinance, it is to be approved. See MCL 125.3501(5); *Hessee Realty, Inc. v Ann Arbor*, 61 Mich App 319 (1975); *Keating Int'l Corp v Orion*, 51 Mich App 122 (1974), *aff'd*, 395 Mich 539 (1975).

As Applicant BMC has met all criteria under the Springfield Charter Township Ordinance and the MZEA, the Application should be approved.

VI. Conclusion

The Applicant respectfully requests that the foregoing materials be considered by the Township and that the Application for a Special Land Use Permit, Preliminary Site Plan, and a Mining Permit be approved. On behalf of the Applicant, we thank you in advance for your timely attention to this Application and look forward to working with the Township throughout the zoning approval process.

Sincerely,

ZAUSMER, P.C.



Stephen R. Estey

SRE
Encls.

EXHIBIT C

SPRINGFIELD TOWNSHIP MINERAL MINING SITE APPLICATION

Name of Applicant (proposed licensee): Burroughs Materials Corporation of Michigan

Address: 9300 Dix Ave.

City: Dearborn State: MI Zip Code: 48120

Phone: (313) 429-2200 email: rmaxbauer@levynet.com

Owners of Land: Edw. C. Levy Co.

Address: 9300 Dix Ave.

City: Dearborn State: MI Zip Code: 48120

Phone: (313) 429-2200 email: rmaxbauer@levynet.com

Name of Company Conducting Actual Removal: Burroughs Materials Corporation of Michigan

Address: 9300 Dix Ave.

City: Dearborn State: MI Zip Code: 48120

Phone: (313) 429-2200 email: rmaxbauer@levynet.com

Location of Land: Approximately 1.2 miles south of the intersection of Davisburg Road and Ormond Road

Section: 19 and 30 Springfield Township, Oakland County, Michigan

Size of Land: 482.664 acres

Legal Description of Land (attach exhibit): SE ¼ of Section 24, Town 4 North, Range 7 East, Rose Twp, also part of South 1/2 of Section 19 and part of the North 1/2 Section 30, Town 4 North, Range 8 East, Springfield Twp

Location of processing plant: Portable and modular processing equipment will be used to process sand and gravel on site. Please see attached letter in support of application for location.

Type of plant to be used: Portable and modular processing equipment will be used. It will consist of feeders, screens, rock crushers, and conveyors. Conveyors will feed onto portable stacking conveyors

Section: 19 and 30

Size: Equipment size will vary based on specific products to be produced

Legal Description: N/A

Type of material or resources to be mined, stockpiled, or hauled away: Sand and gravel

Estimated number of cubic yards to be removed: Between 60,000 cubic yards and 665,000 cubic yards, annually

Duration of proposed operation: Approximately 20 years. Market conditions will dictate.

If mining is to be conducted in phases, number of phases: _____

If mining is to be conducted in phases, list location, timing, and other relevant details regarding each phase (attach additional pages if necessary) : Please see the attached letter in support of application

Description of types of equipment to be used: Front end loaders, excavators, bull dozers, scrapers, haul trucks, modular processing equipment and other similar equipment as conditions necessitate

Proposed method of removal and general haul route (attach additional pages if necessary) ::

On-road trucks will travel north on Ormond Road, west on Davisburg Road, and then north or south on Milford Road, depending on location of delivery

Will blasting or other use of explosives be required? No

Proposed method of filling excavation if mining results in extensive undersurface extension (attach additional pages if necessary) : Not necessary

Other Documents Required:


1. A vertical aerial photograph as required by Section 12.80(b)(11) of the Township's Mining Ordinance.
2. A mining and reclamation plan as required by Section 12.80(b)(12) of the Township's Mining Ordinance.
3. A surety performance bond to cover full reclamation for current and past operations at the site. as required by Section 12.80(b)(13) of the Township's Mining Ordinance.

Applicant (proposed licensee)*

Sign: 
Print Name: REUBEN MAKBAUER

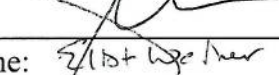
Dated: 29 APR 2025

Owner (of land)*

Sign: 
Print Name: Eliot Wehner

Dated: 4/29/25

Operator (or operating company)*

Sign: 
Print Name: Eliot Wehner

Dated: 4/29/25

*Note: application must be signed by applicant, owner and operator.

EXHIBIT D

EXHIBIT E

Geological Report – Springfield Township

The 1998 Quaternary Geology Map of Michigan, with respect to Oakland County, and more specifically Springfield Township, shows the area of the Project Site as part of a coarse-textured glacial till deposit. See Figure 1. The approximate location of the Project Site itself is identified with a red circle-marker and arrow. The Project Site area is listed on this map as “Coarse-textured glacial till” and “End moraines of coarse-textured till.”

An end moraine marks a standstill period of a glacier where materials of all sizes accumulate. Small streams, rivers and valleys are formed by melting ice, transporting and depositing material to different locations and thickness on and within the glacier. As the glacier receded to the north, the mixture of gravel, sands, silts and clays were left behind, this is known as “glacial till”. “Coarse-textured” till implicates larger, more coarse sediments were deposited in this area. Meaning, sand and gravel was primarily deposited, as opposed to silt and clay. Because of this, Springfield Township is a uniquely optimal location for sand and gravel mining.

A total of 57 soil borings have been conducted on site by Burroughs Materials, confirming the above geologic background information. Soil borings have approximate depths ranging from 60 to 100 feet. In addition to the soil borings, 25 observation wells have been installed on the property to assist in identifying water elevations. Samples were collected from the soil borings and sieve analysis tests were used to evaluate the quality of the material. The gradation results were used to determine that the geologic resources found on the Project Site are a viable source of materials to produce construction grade, quality aggregate. Specifically, these tests indicate the following:

- The sand and gravel on the Project Site have the correct coarseness and range of particle sizes to meet the raw material requirements to produce concrete sand (MDOT 2NS), road gravel, fill sand, pea gravel, and similar construction materials. Burroughs Materials estimates that the Mining Area will produce approximately 15,000,000 tons of marketable material.
- The quality and quantity of sand and gravel discovered on the Project Site is economically significant enough to supplement and eventually replace the raw material from the existing processing plant owned by Burroughs Materials in Springfield Township, which is nearing the end of its useful life.
- The quantity of materials on the Project Site that are not sold as products (e.g. topsoil, overburden and inner-burden clay and silts) is large enough to meet reclamation needs for the Project Site and limited enough to allow for the efficient and profitable extraction of the sand and gravel resources.

The on-site data collection, soil borings, geologic and historical background provide sufficient evidence of a construction grade quality sand and gravel deposit. The magnitude of the property, in terms of overall acreage and topography, supports the quantity of reserves that Burroughs Materials has determined to be adequate to support this operation and permit application.

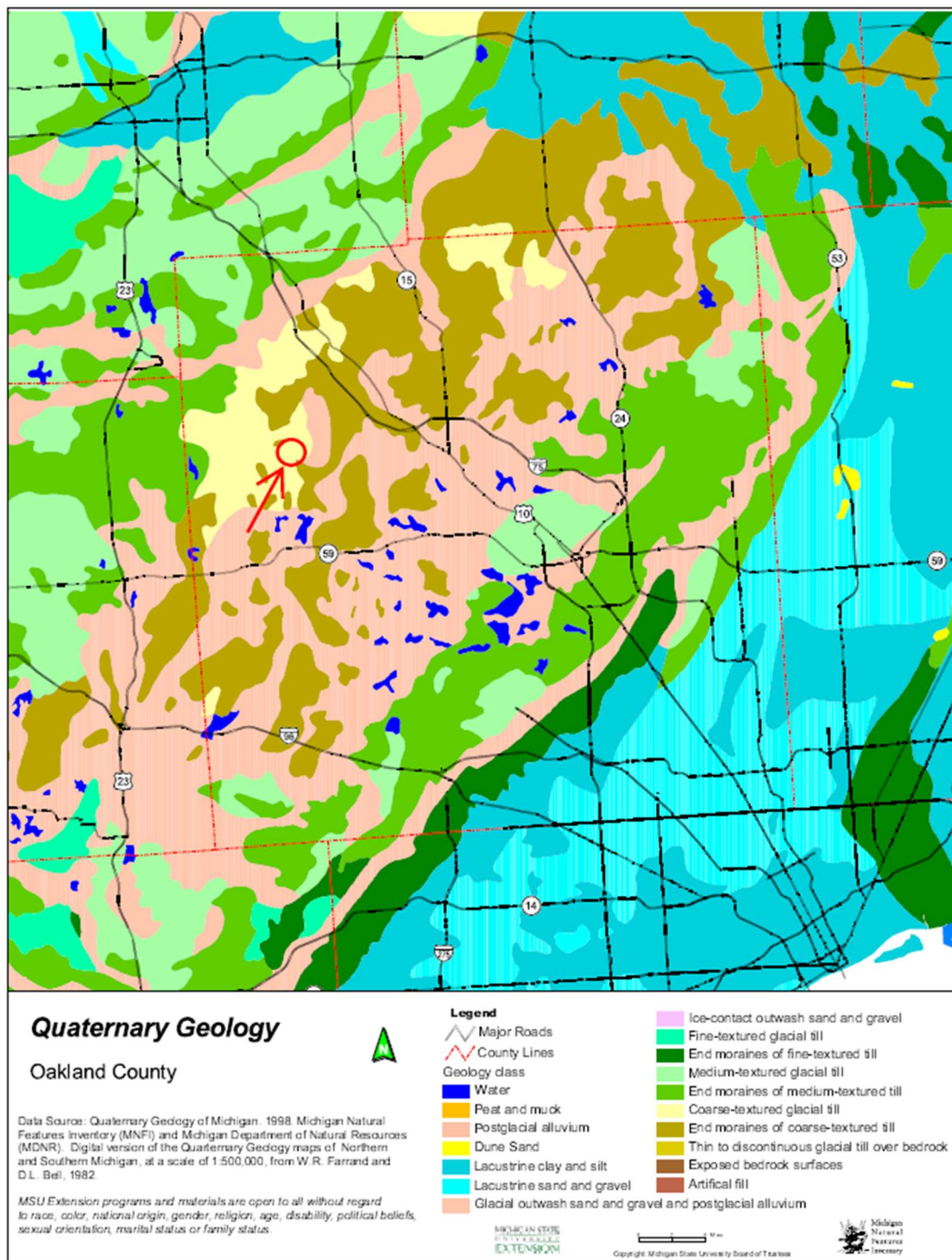
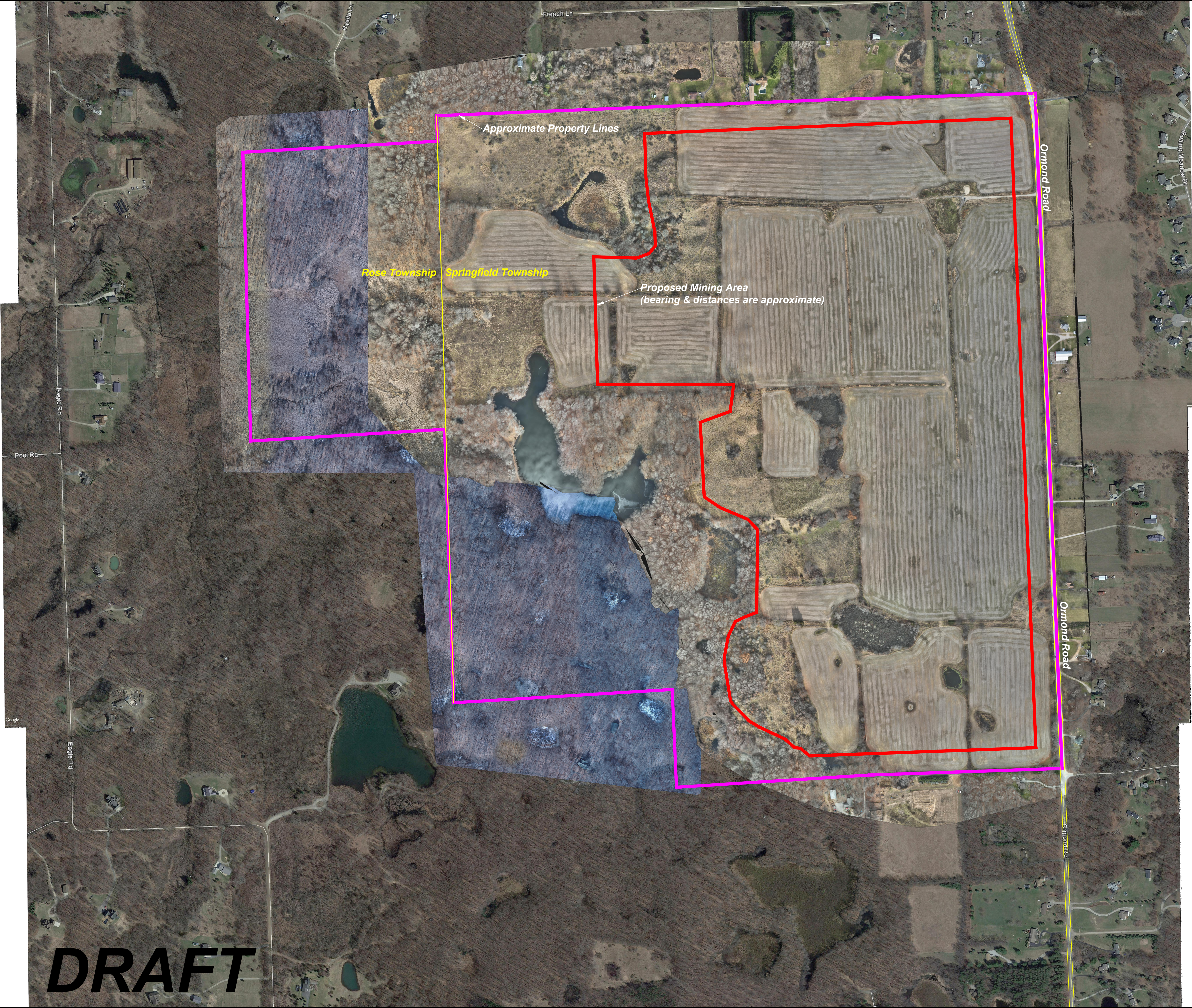
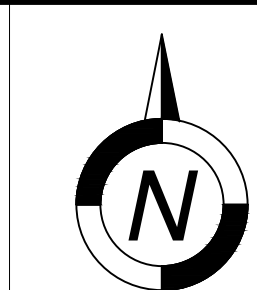


Figure 1. Oakland County Quaternary Geology Map

EXHIBIT F



DRAFT



AERIAL PHOTOGRAPH: 12/14/2023, 2/14/2023
DATE: 4/29/2025
SURVEYOR: ERM C. LEW
COORDINATE SYSTEM: NAD83-MI-1113 South Zone
DETAILS: on 12/14/2023, Western portion completed on 2/14/2023. Background completed on 2/14/2023. Background coordinates: Google Earth, 5, 104.
CONTROL POINT INFO: NAME: Z, Y, Z

VERTICAL DATUM: CGRS 96
DATE: 4/29/2025
SCALE: 1" = 300'
PROJECT CODE: FLD
PROJECT NAME: FIELD
COORDINATE SYSTEM: NAD83-MI-1113 South Zone
FIELD NO.

DRAWING TITLE: Field Property Aerial Springfield Township
DRAWING CREATED ON: 4/29/2025 7:54 AM
LAST MODIFIED ON: 4/29/2025 7:54 AM
KORCIECH
PLOT DATE: 4/29/2025 8:06 AM

DESIGNED BY:		DATE:	
NO.		4/3/2025	
DRAWN BY:		DATE:	
NO.		4/3/2025	
CHECKED BY:		DATE:	
REVISIONS		BY	DATE
NO.			

NATURAL AGGREGATES DIVISION
51445 WEST 12 MILE ROAD
WIXOM, MICHIGAN 48393
TEL. (248) 348-8511
FAX. (248) 348-9007

