

LOCAL GOVERNMENT AND MUNICIPAL FINANCE COMMITTEE

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METAMORA?

- ❑ Small rural township east of Flint/North of Detroit
- ❑ Has four active gravel pits
- ❑ Is where there has been a 30 year saga to stop one industrial-scale gravel mine
- ❑ Community is NOT anti-gravel
- ❑ Just some places that are not appropriate for a gravel mine

WHY THE 30 YEAR SAGA?

- ❑ 700 acre parcel owned by Boy Scouts
- ❑ Leased for gravel mining to American Aggregates
- ❑ AA has proposed industrial-scale gravel mine (30 million tons of gravel over 30 years)
- ❑ Proposed mine is 300' from a leaking, actively-monitored EPA Superfund Site
- ❑ Superfund Site pollution plume (1-4 dioxane, PFAS) is spreading (horizontally and vertically)
- ❑ Nearby residents have had their wells condemned by EPA (have to drink and bathe with bottled water)
- ❑ Pollution plume has spread onto proposed gravel pit site
- ❑ Ironically, gravel pit site is in Flint River watershed!

HOW AND WHY ARE WE HERE?

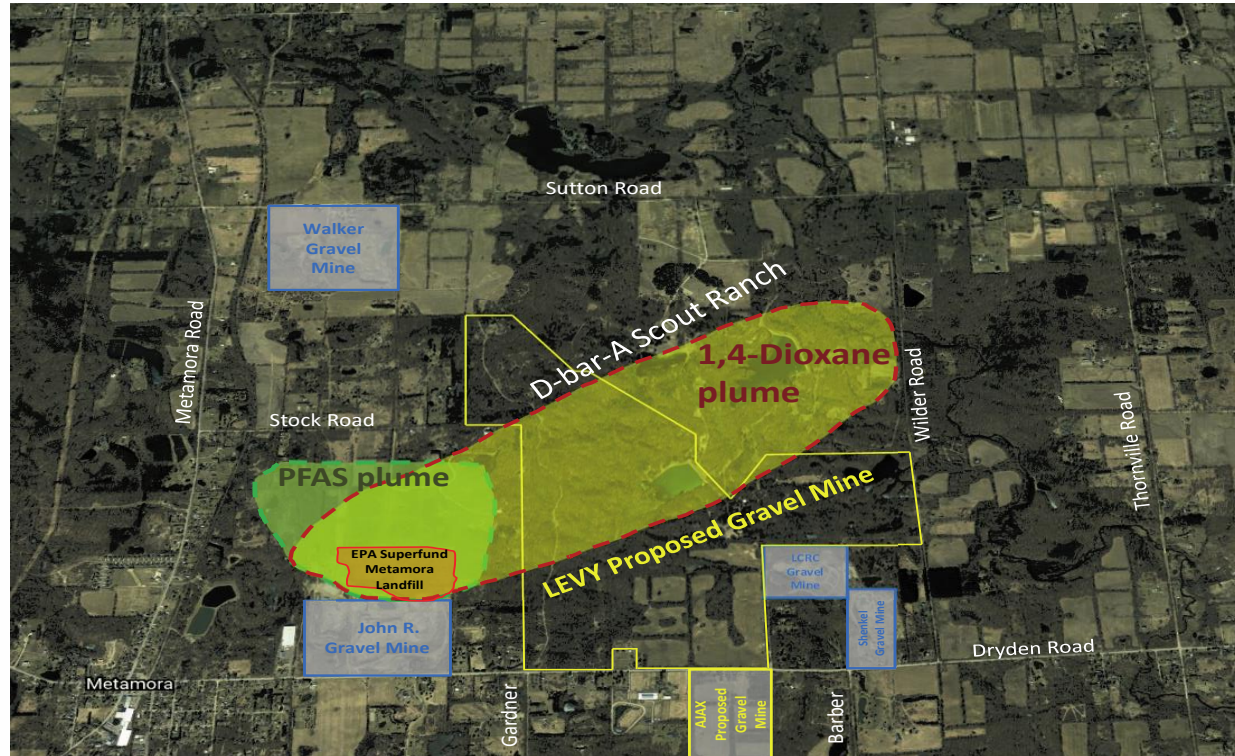
- 1982 – 2005 – Numerous attempts, Township decisions, court cases deny proposed re-zoning for purpose of gravel mining
- 2005 – American Aggregates leases property/Metamora Township denies re-zone
- 2005-2010 – Numerous court rulings uphold Township decisions
- 2012 – PA113 Enacted (gravel sponsored) favorable for gravel permitting
- 2015 – Levy re-applies (under PA113) re-zone for 500 ac. gravel mine – Application in-process
- 2015-2019 – Levy loses multiple lawsuits in local, state and federal court (Levy sues Township Trustees individually)
- 2018 – SB1210 (eliminate local control) defeated in lame duck session
- 2019 – MDOT Gravel Study Published
 - MAA **influence** on MDOT Study discovered (FOIA required)
 - MDOT Gravel Study investigated – results invalidated
 - Narrative changes from “out of gravel” to “gravel too far away/too expensive” (unsubstantiated)
- 2019 – Senate bill eliminating local control does not get out of Senate
- 2020 – SB431 approved by Senate (by ONE vote margin)

THIS HAS ALWAYS BEEN ABOUT GETTING TO MINE IN METAMORA. ALWAYS

PROPERTY RIGHTS – RIGHT?

- ❑ There can be equally legitimate yet seriously conflicting property rights.
- ❑ What mechanism is used to determine which of the equally legitimate property right prevails?
- ❑ Historically, local control via zoning, master planning, past precedent, etc. are used to determine conflicting property rights disputes
- ❑ Mechanism has checks & balances (e.g. re-zoning, zoning board of appeals process, legal action, etc.)
- ❑ SB431 eliminates ANY local input and gives 100% of any legitimately conflicting property rights to gravel industry

EXAMPLE - CONFLICTING PROPERTY RIGHTS



SB431 IS UNPRECEDENTED IN THE POWER AND SCOPE IT CEDES TO A SINGLE INDUSTRY

1. SB431 eliminates **all** zoning constraints
2. Gravel pit could replace a golf course
3. Allows pit to locate in business or industrial districts
4. Mining next to school or church could not be stopped
5. Along shores of environmentally-sensitive lakes
6. Allows dangerous “sheer cliff” type mining
7. Fundamentally alters Michigan resident’s longstanding trust and property investments based on good-faith in zoning and master plans
8. Would ultimately re-shape community development over period of time without local recourse

CONTEXT ON LOCAL CONTROL

“(Local zoning) is one of the primary means by which we protect that sometimes difficult to define concept of quality of life”

Opinion of Thurgood Marshall
U.S. Supreme Court Justice in
Village of Belle Terre v. Boraas (1974)

THERE ARE NO “DO-OVERS” WITH SB431

1. SB431 is an ALL AND NOTHING bill. Gives ALL to gravel industry and leaves NOTHING to local citizens & government
2. There is no going back if SB431 becomes law...
3. Can't put gravel back in ground
4. Can't clean up newly spread contaminated ground water due to mining, water pumping or gravel-rinsing operations
5. Can't give back lost quality of life of affected residents
6. Can't repair damage and destruction from incompatible haul routes with neighborhoods and residents
7. Can't put original zoning back in place
8. It's a matter of when – not if - communities and residents will be devastated by SB431

AND FOR WHAT PURPOSE? TO WHO'S BENEFIT?