

Richland Township Planning Commission
Wednesday, October 4, 2023

Members Present:

Greg Turner
Larry Engel
Chris McNally
Susan Neuenfeldt
Terry Keyser
Matt Bray
David King

Members Absent:

Others Present:

Rob Grose, Twp Manager
Scott Crofoot, Zoning Administrator

Call The Meeting to Order: Chairman Greg Turner called the meeting to order at 7:00 p.m.

Approval of Agenda as Presented: Motion by David King, supported by Susan Neuenfeldt to approve the agenda as presented. Unanimous vote. **Motion Carried.**

Motion to Recess into a Public Hearing and to Call the Public Hearing to Order: Motion by David King, supported by Susan Neuenfeldt to recess into a Public Hearing and call the meeting to order. Unanimous vote. **Motion Carried.**

SUP-2023-01 & S-2023-04 – NPG Investments on Behalf of Mr. Kris Kreh is Requesting a Special Use Permit and Site Plan Approval on Parcel 22-12-2-04-3001-000 located on the 4300 Block of N. Brennan Road to Mine and Export Sand and to Convert the Wooded Area into Two Small Ponds and Natural Grass Areas.

Zoning Administrator Scott Crofoot presented an overview of the request. The applicant wishes to excavate and remove from the site approximately 32,000 cubic yards of sand to create two small ponds and re-establish the remaining areas as farmland and natural grass. There are two county drains on the property, the Weeks Drain crosses the property on the northwest corner and the Nelson Run Drain crosses the property on the southeast corner.

Access to the site will be provided by a temporary drive off of N. Brennan Road and another off of Diener Road. The two small ponds will be created along Diener Road. One will be approximately .10 of an acre, while the second will be .8 of an acre. The first pond is located approximately 153 feet from Diener Road and 431 feet from the south property line. The second pond is located 815 feet from Diener Road and 488 feet from the south property line.

Nick Gorney representing NPG Investments, LLC. asked that the Planning Commission consider allowing the Road Commission to determine the truck routes as funneling all truck traffic north on Brennan and Diener Roads will create an issue for residents living along those roadways and it will help disperse trucks to different locations. The Planning Commission members agreed to reword staff recommendation No. 7 to: ***The Saginaw County Road Commission has the latitude to determine the approved truck routes for this project.***

Chairman Turner asked for comments from the public. There was no one in the audience that provided comments.

Motion to Close the Public Hearing: Motion by David King, supported by Susan Neuenfeldt to close the public hearing. Unanimous vote. **Motion Carried.**

Approval of the Minutes of the Regular meeting held on Wednesday, September 6, 2023: Motion by Chris McNally, supported by Susan Neuenfeldt to Approve the Minutes from September 6, 2023 regular board meeting. Unanimous Vote. **Motion Carried.**

Building Inspectors Report: Motion by Susan Neuenfeldt, supported by David King to receive and file the Building Inspectors report for September. Unanimous Vote. **Motion Carried.**

Zoning Administrators Report: Zoning Administrator Scott Crofoot provided an overview of his report. Motion by Susan Neuenfeldt, supported by Matt Bray to receive and file the Zoning Administrators report for September. Unanimous Vote. **Motion Carried.**

Public Comment: No public comment. Motion by Larry Engel, supported by Chris McNally to close public comment. Unanimous Vote. **Motion Carried.**

New Business:

- A. Motion to Recommend the Approval of SUP 2023-01 and S-2023-04 provided the nine (9) conditions listed in Staff's Report are met. The conditions are as follows:**
1. A permit to discharge storm water into the Saginaw County Road Commission ditch must be obtained.
 2. A Soil Erosion permit must be obtained from the Saginaw County Department of Public Works Department prior to any excavation taking place.
 3. The applicant may need to treat the soil with water from time to time to help alleviate dust.
 4. The project must comply with the conditions contained in Chapter 14, Section 1416(9) of the Zoning Ordinance.
 5. The applicant pays 10 cents per cubic yard for hauling of extracted soils over roads within the Township for the purpose of recouping the cost of repairing and maintaining said roads. The fee shall be paid to the Township Treasurer within 30 days from the date of hauling said materials over the roads. (Resolution No. 2008-08).
 6. The project must be completed, and the property returned to normal use, within 24 months of approval.
 7. The Saginaw County Road Commission has the latitude to determine the approved truck routes for this project.
 8. The stockpiling areas shall be shown on the final site plan, including distances from roads and property lines.

9. The pond areas shall be shown on the final site plan, including distances from roads and property lines.

Motion by Matt Bray, supported by Larry Engel to approve SUP 2023-01 and S-2023-04 provided the nine (9) conditions listed in Staff's report are met. It should be noted that condition number seven (7) shall be as follows: ***The Saginaw County Road Commission has the latitude to determine the approved truck routes for this project.*** Unanimous Vote. Motion Carried.

B. S-2023-05 – DC HSC Holdings, LLC is requesting site plan approval to construct a 788,144 square foot manufacturing facility on 80.01 acres of land, including 533 parking spaces, a 22,500 square foot storage building and a stormwater management retention pond, located on the southwest corner of N. Orr Road and O'Hara Road.

Chairman Turner asked Manager Grose to provide an overview of the project. Manager Grose indicated he applicant is proposing to construct a 788,144 square foot manufacturing facility on the southwest corner of N. Orr Road and O'Hara Road. The facility will operate 24 hours per day, 7 days a week and will provide approximately 1,300 employees. Five hundred thirty three (533) parking spaces are provided on the south side of the facility approximately 112 feet from the south property line. The site will be accessed by two drives off of N. Orr Road. The northern drive will provide access for trucks, while the southern drive will provide access for employees.

A 24-foot-wide access drive is proposed around the entire manufacturing facility. A 148-foot x 152-foot detached building (22,500 sf) is proposed along the northwest portion of the site approximately 126.5 feet east of the west property line along Pruess Road and 175 feet south of the north property line along O'Hara Road. This building is used for storage of miscellaneous materials.

An electrical substation is proposed at the northeast corner of N. Orr Road and O'Hara Road. The applicant will own the substation area; however, Consumers Energy will maintain a long-term lease for the purpose of operating the substation. The sub-station measures 350 feet by 450 feet and will be encompassed by an 8-foot-tall chain link fence as is customary to help discourage individuals from entering the area. The area within the substation will be maintained with gravel. The substation complies with the zoning ordinance setback of 200 feet from property lines. An 8-foot-tall berm, with a 4:1 slope, will be constructed along N. Orr Road and O'Hara Road to help shield the substation from the public. The berm will be maintained on a regular basis as part of the lawn area of the entire facility.

An 8-foot-tall berm, with a 4:1 slope, will be constructed along Pruess Road to provide a buffer area for the residents along Pruess Road. This berm will also be maintained on a regular basis as part of the lawn area of the entire facility. There is a wooded area on the south side of the site that is approximately 750 feet in depth from Pruess Road. This will serve to provide a buffer for the residents along Pruess Road. The applicant plans to construct a 6 to 8 foot-tall privacy fence along the remainder of the south side of the site for the length of the manufacturing building. The privacy fence will be constructed with solid vinyl, wood, or metal.

A retention pond, used for stormwater management, is proposed along N. Orr Road on the south side of the site. The entire site, with the exception of the south side privacy fence, will

be encompassed by an 8-foot-tall chain link fence.

The north side of the property contains a 100-foot-wide easement owned by ITC for its transmission lines. ITC does not allow any trees or landscaping, including a berm to be installed within their easement. Utilities will be installed to the manufacturing facility outside of the 100-foot easement, which limits the ability to install landscaping. The property lying to the north is vacant farmland. The majority of the single-family homes are located approximately 2,640 feet north of the site. The majority of the homes are shielded by wooded areas. So, I am not sure a buffer area on the northside, along O'Hara Road is a concern.

Mr. Bruce Allen representing HC HSC Holdings, LLC also provided an overview of the project.

The following comments from the public were received by the Planning Commission:

1. Debbie Shepherd, Shepherd Organic Farms told the Planning Commission that she is concerned about any type of contamination that could be harmful to her organic farm. She is also concerned about lightning and noise. Ms. Shepherd provided the Commission with a letter outlining her concerns about the manufacturing facility. The letter is attached to the minutes.

2. Tyler and Hanna Shepherd, Shepherd Organic Produce and Poultry of 1735 Pruess Road asked the Planning Commission to increase the height of the berm to 20 feet, to have the perimeter fencing along Pruess Road installed on the back side of the berm, have the berm constructed in a fashion that wraps around the southwest side adjacent to the existing wooded area, trees planted on both sides of the berm, conduct sound and lighting measurements before and after the project is completed. Tyler and Hanna provided a letter to the Planning Commission outlining their concerns. The letter is attached to the minutes.

Mr. Allen stated that the facility will comply with the Township's noise and lighting ordinances.

Chairman Turner discussed the north side (O'Hara Road) landscaping with the members of the Planning Commission. Given that there is an existing 100 foot wide ITC easement on the northside of the property, and the fact that ITC does not allow any type of tree plantings or berms within their easement, the Planning Commission members agreed to not required any tree plantings in this area. This is due to the fact that the property to the north is vacant farmland and residential parcels are located approximately 2,000 feet from the facility.

Supervisor Brian Frederick asked the Planning Commission to add an additional condition to the approval. If the wooded area located in the southwest corner of the facility on an adjacent parcel is removed, a six to eight foot tall privacy fence constructed with either wood, vinyl, or metal will be required to be installed along the south property line.

The Planning Commissioners agreed with the recommendation.

Motion by Terry Keyser, supported by David King to approve S-2023-05 provided the nine (9) conditions listed in staff's report are met and that a 10th condition be added. Unanimous Vote. Motion Carried.

The conditions are as follows:

1. Approval of the final site plan by the Zoning Administrator prior to issuing a building permit.
2. Approval of the Stormwater Management Plan by the Saginaw County Road Commission and the Saginaw County Public Works Office prior to issuing a building permit.
3. Approval of the Public Water and Sanitary Sewer Plans by Thomas Township's Department of Public Works prior to issuing a building permit.
4. Approval of a Landscaping Plan by the Zoning Administrator prior to issuing a building permit.
5. Approval of a Soil Erosion Permit from the Saginaw County Department of Public Works prior to grading the site.
6. The berms and lawn area around the facility will be maintained on a regular basis.
7. Compliance with the recommendations of the Michigan Department of Transportation and the Saginaw County Road Commission regarding the results of the Traffic Study being conducted by Wade-Trim prior to the issuance of a building permit.
8. A final plan of the substation configuration will need to be reviewed and approved by the Zoning Administration prior to its construction, which includes a photo metric plan.
9. A photo metric plan will need to be reviewed and approved by the Zoning Administrator prior to the issuance of a building permit. This includes taking a photo metric measurement of existing conditions along Pruess Road.
10. If the wooded area located in the southwest corner of the facility on an adjacent parcel is removed, a six to eight foot tall privacy fence constructed with either wood, vinyl, or metal will be required to be installed along the south property line.

Public Comment: No Public Comment. Motion by Larry Engel, supported by Susan Neuenfeldt to close public comment. Unanimous Vote. **Motion Carried.**

Adjournment: Motion by Terry Keysor, supported by Chris McNally to adjourn the meeting at 8:10 p.m. Unanimous vote: **Motion Carried.**

Respectfully submitted by:
Rob Grose on behalf of Susan Neuenfeldt
Richland Township Planning Commission Secretary

received
10-4-23

Ry

We would like to go on record about our concerns about the new chemical plant contaminating the certified Organic ground across the road from the proposed manufacturing plant.

We have recently had a meeting with management at HSC about our concerns about the new plant going up across the road from our fields. The members of HSC that we talked to repeat several times that there should not be any hazardous chemicals at that site like there is the current site.

The fact about our situation is, it **does not have to be a hazardous chemical** to create a contamination issue for us. Any contamination that is spread on our property, be it through the ground, water or in the air, if it is deemed as not an organic product, has the potential to have us lose our organic certification. Both Tyler and Hannah shepherd and our property (Jerry and Debbie Shepherd) Is GOA (Global Organic Alliance, Inc. certified Organic ground.

As you can imagine there are many products we cannot put on our ground, we cannot have mosquito control spray our ditches. My point is we do not determine what is acceptable, GOA make that determination. Jerry's products are tested on common contaminants, and we have an auditor out to the farm at least once a year. I have no idea if Tyler's products are tested, but he too has auditors.

Should we lose our certification due to contamination, the current crop plus the next three years will not be certified.

This is a true story example of how strict the rules are and how the certification time frame works.

As organic farms we sometimes do some things other farmers would never do. One of the odd things we did was mix some molasses in with other liquid fertilizers and spray this mixture as a foliage fertilizer for the beans, this would make the leaves a little sticky and the bugs don't like it, so they stay off our crops. One year, several years ago, we had mixed 5 gallons of molasses with 300 gallons of water and our liquid fish fertilizer, we sprayed the mixture over 20 acres of beans. Later in the summer we had our yearly GOA audit for our organic certification. The auditor spends the day going through the paperwork, what is on the crop this year, what was on it over the last few years, copies of tags seed, fertilizer and bulk compost or other minerals that was put on in the spring. The auditor tours the fields and the farm. Then a week or so later, we were contacted that one of the ingredients in the molasses is no longer considered organic.

So, the results of us not knowing that the one ingredient in the molasses was no longer considered organic was, we could not sell that crop as organic product and for the next three years we were in the recertification process and could not sell our product as organic. Four years of income was severely affected, thankfully it was only sprayed on 20 acres.

There is almost 200 acres of GOA certified organic across the road from this proposed plant and should this plant contaminate our ground in any manner that would cause us not to be able to sell our product, we want it on record that we would expect to be reimbursed by the owners of the contaminate for the full three to four years of our financial loses.

Debra Shepherd
10-4-23

received
10-4-23

HSC Plant Neighbor Requests

Below are the requests that we have shared with HSC at our meeting with them on 9/26/2023 and with the zoning contact call on 9/28/2023.

1. We would like a berm higher than 8 feet tall. We do not feel that this height is acceptable to successfully block the noise and excess light leaving their property. We think that a 20 foot berm would be tall enough, similar to the berm located on the North side of the current plant (North of the contractor parking lot).
2. We would like the berm to round the corner towards the woods so that there is not a gap between the edge of the property and the woods that we can see the plant.
3. The berm should be built prior to the start of construction.
4. The fence on the opposite side of the berm, for the berm to be along the road and the fence on the other side.
5. Trees to be planted on both sides of the berm. It is pointless to plant them on top of the berm and see them die in future years.
6. We would like to request a sound and light test prior to the start of construction so that it can be properly tested after the plant is in production if we have issues.

Additional questions:

1. What will be the construction hours? Is this something we are going to have to worry about after working hours and during the night?

Tyler & Hannah Shepherd

989-395-4001