

Woodhull Township Planning Commission  
Minutes of Regular Meeting December 20, 2016

Approved on \_\_\_\_\_

1. **Call to order.** Chairman Scovill called the meeting to order at 7:33 pm
2. **Roll call** was taken by Chairman Scovill and the following members were present: Charles Scovill, Chair; Dan Carncross, Shaun Thronson, Greg Daenzer, Fred Junger, and Beverly Lang. Lang was newly appointed to serve the remaining term of Mark Coscarelli, who resigned to serve as County Commissioner. Jim Brehm, who was formerly the township board liaison to the planning commission, is no longer a member of the board.
3. **Appoint and Ratify Lang as Interim Secretary.** Chairman Scovill asked the commission to ratify appointment of Beverly Lang as Interim Secretary. So moved by Junger, seconded by Daenzer. 6 yes/ 0 no. Motion passed and Beverly Lang was appointed Interim Secretary.
4. **Recognition of Visitors/Voluntary Sign-In.** Sign-in sheet is on record.
5. **Approval of Agenda** for December 20. Request was made to add item IX to change meeting time to 7:00 p.m. Motion by Junger to approve agenda as revised; seconded by Thronson. 6 yes/ 0 no. Motion passed and agenda as revised was approved.
6. **Approval of Minutes** of October 25, 2016. Motion by Lang to approve minutes as presented; seconded by Thronson. 6 yes/ 0 no. Motion passed and minutes approved.
7. **Call to the Public on non-agenda issues:** Public comment opened at 7:41 pm. Hearing none, Chairman Scovill closed public comment at 7:41 pm.

#### New Business

8. **Application for Special Use Permit PSUP 16-14, Prolime Ag Services by Robert Rogers** to allow operation of a pelletizing facility as an Agricultural Services Establishment pursuant to Ordinance 4.3.1, located at 9542 W. Beard Road, Laingsburg. Owners of surrounding properties identified by the county community development department had been notified by mail of the township planning commission meeting and many were in attendance.

Chairman Scovill briefly explained the role of the township planning commission as advisory to the county and outlined the process for reviewing the application and accepting public comment for the purpose of making a recommendation to the township board and subsequently to the county planning commission. He encouraged interested persons to follow through by attending the county planning commission meeting. Chairman Scovill recognized the applicant to further explain his application.

Robert Rogers, owner of property owner Pine View Mining Development, explained his plans to operate Prolime Ag Services as a state-of-the-art pelletizing facility for producing high grade agricultural lime as a soil conditioner. Prolime currently has contracts with various municipalities to remove and manage lime residuals produced by water treatment plants. Currently, the lime is supplied to farmers in bulk for application on agricultural lands to sweeten the soil. Pelletizing the lime would enable farmers to apply the high grade Ag-lime soil conditioner in a more precise manner. He cited a tremendous need for this product in Michigan. Materials used to create the pellets are spent lime, ammonia lignin sulfonate as a binding agent, water, and natural gas. Prolime would initially employ 10 to 12 people; the building would be 100 x 100 and be located back in the woods on the 92-acre property. Mr. Rogers stated there are no issues with noise or smell and the operation will meet all EPA requirements.



Chairman Scovill thanked Mr. Rogers and asked commissioners if they had any questions. Commissioners had copies of the application, the site plan, and the county's staff report. It was noted that there are currently two special use permits at the property: one for surface mining and one for concrete crushing. In response to questions, Mr. Rogers stated truck traffic would vary and not be as heavy as generated by the existing mining operation. He estimated 5 to 15 trucks per day initially. Currently in the summer months there may be 12 to 15 trucks per day. The only infrastructure improvements would be extension of a gas line by Consumers. Mr. Rogers hopes sales are good enough that eventually 40 trucks per day may be required. Production would be full-time year-round while sales/distribution would be seasonal in spring and fall. In 2012, a permit was given to crush concrete; if the opportunity exists, they will continue that operation. Regarding noise, six electric motors and a dryer will be contained in the building with noise levels meeting all requirements. Regarding fencing, buffering, landscaping, and lighting, the property is landscaped on three sides and lighting is planned for the east and south sides of the building.

At 7:56 pm, Chairman Scovill opened the discussion to members of the public, who voiced the following concerns and questions:

- How will waste be handled and job applicants screened? Mr. Rogers replied there is no residual waste. He does background checks and drug testing on employees; has previously employed people on work release.
- There is no way to enforce access restrictions. The current special use permit for concrete crushing allows operation from 7:00 am to 6:30 pm. The first SUP for mining limited operation to daylight hours; however, residents reported numerous instances of violations of operating before and after daylight have occurred.
- Road access does not accommodate 30-40 trucks a day. Trucks have illegally used Beard Road in the past. This permit would be the third for this property, allowing three operations: mining, concrete crushing, and pelletizing. Mr. Rogers acknowledged he could possibly be operating all three businesses at the property.
- The 100x100 building does not appear large enough to store the material. Mr. Rogers stated there is a plan for a second structure such as a car port to cover the stored finished product.
- A drain field will be required to accommodate employees; how many shifts will be operating? Mr. Rogers stated he might run the operation 24 hours per day if sales require.
- Currently the area is zoned A2, agriculture/rural residential, but consists primarily of rural residential properties. The township's Future Land Use map states the area is to remain low-density rural residential and a pelletizing plant does not meet that definition.
- Lime is seen on the driveway and roads all the way to I-69. It leaves a trail and dries as dust. Dust caused by trucks requires windows to be kept closed to protect health. Excessive lime shows up in the ground water. Mr. Rogers stated the Shiawassee County Health Department has been there and found no problems caused by the property or processes.
- Trucks will be not only removing the finished product, but bringing in materials used in the process. Use of the road by his three businesses adds to pavement deterioration and asking township taxpayers to pay for related road repairs seems unfair.

- Residents have problems now with dust and noise and traffic generated by the businesses operating on the property, and the proposed pelletizing facility would add to it. A commercial setting would be more appropriate for this type of operation. There is concern that other access drives would be opened up in the future with greater truck traffic intensifying the impact of a factory operation in a residential area.
- Justin Horvath of Shiawassee County Economic Development stated he sees this as a benefit to the community to improve the local economy and create jobs. This would support the farmers in the county and throughout the state. He inquired of Mr. Rogers what he can do to help alleviate the residents' concerns. Mr. Rogers replied he always tries to respond to concerns. He is considering paving farther back in. In the past, some products may have leaked, but that is not the case with the proposed process.

Hearing no further comments, Chairman Scovill closed public comment at 8:42 pm. and invited questions and comments from the commissioners.

Commissioner Junger mentioned an additional issue: the SUP is being requested under the ordinance definition and standards for an Agricultural Service Establishment. He referred to a Memo dated October 26, 2016, from Pete Preston, Community Development Director, addressed to the Shiawassee County Planning Commission (*attached and incorporated by reference*). The memo raised the question whether the processing of material brought to the site and the producing of a product to be used in agricultural production falls under the intent and purpose of the ordinance to be considered an Agricultural Service Establishment as defined in Article 21, on Table 2-1, and Section 4.3.1. He emphasized that the zoning board of appeals is the only body with authority to interpret the ordinance. The county planning commission has authority to propose an amendment to the ordinance for approval by the county board of commissioners. The memo stated that county staff has some reservations about a "manufacturing" use in the A-2 district. Commissioner Junger urged the township commission to take these comments into consideration.

Mr. Rogers clarified that the memo was a response to the applicant's query whether the activity falls within the Right to Farm Act. He stated that the county planning commission did feel that the operation fit the definition of Agricultural Service Establishment.

Further discussion among commissioners revealed concern that interpretation of the ordinance is the job of the zoning board of appeals and that either an amendment to the ordinance or change in location of the facility would be called for. There was discussion regarding which zoning districts may be more appropriate for this type of facility and operation.



Hearing no further comments, Chairman Scovill turned the discussion to the general standards for approving a special use permit:

1. ***The special use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and the surrounding area.***  
Commissioners agreed that the area's character is primarily rural residential rather than agricultural and this more intense use of the property would not be harmonious particularly in view of the township's Future Land Use Plan to keep the area rural residential.
2. ***The special use shall not inappropriately change the essential character of the surrounding area.***  
Commissioners noted that two special uses are currently in place at the property; however, the proposed more intense use has the potential to change the essentially rural residential character of the surrounding area because it is more of an industrial process than an agricultural one.
3. ***The special use shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, yet also is in keeping with the natural character and environmental quality of the site.***  
Commissioners acknowledged that the proposed new use may have economic benefits to the county; however, the concern is that it is not in keeping with the natural character and environmental quality of the site as evidenced by comments of residents about air quality due to dust, excessive lime in ground water, and increased truck traffic. The chairman urged residents to supply written documentation to the county of environmental effects.
4. ***The special use shall not be hazardous to adjacent property or involve use, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, ground vibration, water runoff, fumes, light, or glare.***  
Commissioners again cited concerns about truck traffic, noise, and runoff of lime from trucks on the roads and its effect on air and water quality.
5. ***The special use shall be adequately served by essential public facilities and services.***  
Commissioners cited the reduction in county road patrols as one reason for the inability to adequately enforce the current restrictions under the existing SUPs regarding traffic and operating times, and expressed concern that additional traffic would only increase the need for enforcement by an already-reduced police force.
6. ***The special use shall not place demands on public services and facilities in excess of current capacity unless planned improvements have already been scheduled for completion.*** Commissioners agreed that in addition to placing excess demands on law enforcement, the increased truck traffic would intensify pavement deterioration, resulting in increased costs to taxpayers for road maintenance and repair. The application does not indicate that any new enforcement services or road improvements are planned.

7. *The special use shall be consistent with the intent and purpose of this Ordinance and the objectives of the County Land Use Plan.* Noting that the county land use plan includes the township land use plan, Commissioners found it is clear that the future land use for the area in question does not include industrial facilities but does anticipate continuation of low-density rural residential use.
8. *For special uses in the A-1, A-1-1/2, A-2 Districts, approval of a permit shall be further determined on the basis of the proposed land use's effect on a loss of prime agricultural land or on the right-to-farm of any adjacent farm.* Commissioners found that there would be no loss of prime agricultural land or negative impact on any adjacent farmland.

Hearing no further comments, Chairman Scovill entertained a motion. It was moved by Commissioner Junger that the township planning commission recommend denial of PSUP 16-14, Prolime SUP and site plan for an Agricultural Service Establishment, based on the following reasoning: The petitioned special land use does not meet the general standards of Article 12 of the Ordinance; it does not meet the general standards of Article 14 and the specific use standards of Section 4.3.1; it is inconsistent with the future land use plan; and the nature of the proposed use is industrial not agricultural.

The motion was seconded by Commissioner Daenzer and passed 6 yes/0 no. Commissioner Junger asked for a roll call vote: Carncross yes; Thronson yes; Lang yes; Daenzer yes; Junger yes; Scovill yes. By unanimous decision, the motion passed and the township planning commission recommends denial of the application. The secretary will forward the recommendation to the township board for consideration at its meeting January 4, 2017, with subsequent forwarding by the supervisor to the Shiawassee County Planning Commission.

#### **Recess**

9. Following a two-minute recess, Chairman Scovill reconvened and addressed agenda item 9 regarding changing the meeting time. Commissioner Daenzer moved, seconded by Secretary Lang, to change the time of the Woodhull Township Planning Commission meetings to begin at 7:00 p.m. instead of 7:30 p.m. effective January 2017. 6 yes/0 no, motion passed.

#### **Information/Updates**

Chairman Scovill asked for volunteers to attend the county planning commission meeting in January to support the township's recommendation on the Prolime matter. Commissioners Scovill, Junger, and Thronson indicated interest in attending.

Secretary Lang distributed the expenditure report for period ending 10/31/16.

**Adjournment:** Motion to adjourn by Junger, supported by Thronson. 6 yes/0 no. Motion passed. Meeting adjourned at 9:10 pm.

Supervisor Kay Nickols introduced Trustee Rick Betts and indicated he will be the board's liaison to the township planning commission.

Respectfully submitted, Beverly Lang, Secretary



MEMO TO PLANNING  
COMMISSION (PROLI

Attachment: Memo October 26, 2016, to SCPC from Pete Preston