

**EATON COUNTY
PLANNING COMMISSION MEETING
May 7, 2019**

Call to Order: Brian Ross, Chair of the Eaton County Planning Commission, called the meeting to order at 7:00 p.m. in the Board of Commissioners Room, Eaton County Courthouse, 1045 Independence Blvd., Charlotte, MI.

Pledge: The Pledge of Allegiance was given by all.

Roll Call: Brian Ross, Tammy Halsey, Tim Cattron, John Little, Barbara Rogers, Ben Tirrell, Jack Owens, and Blake Mulder

Absent: Jeana Rohrs

Staff Present: Brandy Hatt

Agenda Approval: A motion was made by **Commissioner Mulder** to approve the agenda for the May 7, 2019 meeting. **Commissioner Rogers** supported. Motion carried.

Minutes Approval: A motion was made by **Commissioner Halsey** to approve the April 2, 2019 minutes as printed. **Commissioner Cattron** supported. Motion carried.

Public Comments: None

CU-3-15-6: Request by Jake and Katie Mast and Elmina Mast for a Change of Conditions to an existing Conditional Use Permit which allows for the operation of an Agricultural Business (green house with on premise retail sales) per Article 14.1 of the Ordinance, specifically to allow for the property to be divided and construction of a new greenhouse at 2774 N. Shaytown Road, Section 36, Vermontville Township.

Staff Report: Ms. Hatt read the staff report and site plan review responses from Vermontville Township and Eaton Conservation District into record.

Applicant Statement: Mr. Mast stated this application started because he wanted to sell his son nine acres of land. He stated he was informed he had to go before the Planning Commission prior to recording his deed.

Commissioner Ross invited any speaker in favor or opposition to the request to make public comment.

Speakers in favor: None

Speakers in opposition: None

Public hearing closed: 7:09 p.m.

Commissioner Mulder asked for clarification on the Eaton County Road Commission's site plan review response regarding the driveways. Ms. Hatt stated the response does not affect the business, but will affect where Mr. Mast would like to have a driveway for the vacant parcel when the lot line adjustment and land divisions are complete. She stated the Eaton County Road Commission is concerned about a new driveway next to the business driveway due to site distance issues.

Commissioner Owens moved to approve CU-3-15-6 (Jake and Katie Mast and Elmina Mast) for a Change of Conditions to an existing Conditional Use Permit for operation of a Agricultural Business (green house with one premise retail sales) per Section 14.1 of the Ordinance at 2774 N. Shaytown Road, Sec. 36, Vermontville Township;

1. Requirements of all other local, state and federal agencies must be met, including but not limited to: Eaton County Road Commission, Benton Township, Barry-Eaton District Health

Department, Eaton County Construction Code Department, Eaton County Central Dispatch and Eaton County Drain Commissioner.

2. This Conditional Use Permit is granted to Jake and Katie Mast and Elmina Mast for above described use only. It is not transferable per the Zoning Ordinance.

Commissioner Rogers supported. A roll call was taken with eight (8) voting aye and none (0) voting nay. Motion carried.

CU-6-18-8: Request by Darrell Vanderstelt for a Change of Conditions to an existing Conditional Use Permit Which allows for the operation of an Open Air Storage (Ball Septic Tank Service) per Section 14.33 of the Ordinance, specifically to allow for construction of a storage tank and pole barn, and land application of materials at 2910 Hubbard Road (parcels 060-034-200-011-00 & 060-034-200-020-00, Section 34, Chester Township.

Staff Report: Ms. Hatt read the staff report; site plan review responses from Eaton Conservation District, Michigan Department of Environment, Great Lakes, and Energy, and Eaton County Road Commission; neighboring property owner responses from Jeff and Tracy Gordeneer, Derek Ruthruff, and Kevin Haley; and a statement from Darrell Vanderstelt, owner of Ball Septic into record. Ms. Hatt also informed the Planning Commission at least three neighboring property owners informed her they did not receive a letter notifying them of the Planning Commission Meeting in June of 2018. Ms. Hatt stated the Planning Commission heard five cases at the June 12, 2018 meeting, while no comments were received regarding this original application; comments were received on other applications heard the same night. Ms. Hatt stated all notices go out in the same letter on the same day. She stated the legal notice for the June 12, 2018 meeting was posted in the Eaton Rapids Advertising News and The County Journal. Proof of publication is located in the file.

Commissioner Owens stated the applicant states there are two existing storage tanks. He asked Ms. Hatt if she knew where the existing storage tanks were located. Ms. Hatt stated she believes the existing storage tanks may be located inside the existing building, but it would be best to ask the applicant.

Commissioner Halsey asked what the definitions are for an Open Air Business and Open Air Storage. Ms. Hatt read the Open Air Business and Open Air Storage definitions from Zoning Ordinance Section 14.33.

Commissioner Mulder asked Ms. Hatt if there are any issues with the size of the proposed pole barn. Ms. Hatt said no, the building as proposed meets the required one-hundred foot setback to the property lines and right-of-way. She stated the property is zoned Limited Agricultural, which limits the lot coverage to twenty percent of the property; the proposed structures do not come close to the twenty percent lot coverage limits.

Applicant Statement: Mr. Brandon Eldridge stated he works for Ball Septic, he offered to answer questions. **Commissioner Owens** asked Mr. Eldridge where the existing storage tanks are located. Mr. Eldridge stated there are two existing tanks in the "L" area of the existing barn; he also stated there are two additional tanks located back further on the property, but they do not use them. Mr. Eldridge stated the tanks were existing when they purchased the business. **Commissioner Owens** asked Mr. Eldridge if the proposed tank is in addition to the existing tanks or will it replace the existing tanks. Mr. Eldridge stated there is a tank in the building for septage from houses; the resulting liquid after processing is put in the outdoor tanks to go to the Dimondale Waste Treatment Plant. **Commissioner Tirrell** asked Mr. Eldridge if the existing tanks are made of concrete. Mr. Eldridge said no, one is steel and the other is plastic.

Commissioner Halsey asked if the two tanks located in the building hold the solid waste to be processed and then once processed the liquid goes in the tanks located outside. Mr. Eldridge said yes;

he added the material goes through a screen and then solids go through a press. **Commissioner Halsey** asked what the big tank is for. Mr. Eldridge stated the proposed tank will hold the liquid the existing tanks hold; he stated it too will be run through the press.

Commissioner Catron asked Mr. Eldridge if they are planning to add any buffering to the site. Mr. Eldridge stated they will take care of what they need to take care of. He added the proposed building will also help buffer the property owner to the south. **Commissioner Catron** stated one of the neighboring property owners stated there is an issue with the lights from the business. Mr. Eldridge stated he look into the issue.

Commissioner Tirrell asked Mr. Eldridge what the “X” shown on the site plan represents. Mr. Eldridge stated it is another property not associated with the business.

Commissioner Halsey asked what the barn will do to assist in blocking the light from the neighboring property. Mr. Eldridge stated the building will be fifteen feet tall and will block the light to the neighboring property.

Commissioner Ross invited any speaker in favor or opposition to the request to make public comment.

Speakers in favor: None

Speakers in opposition: Ms. Christine Haley stated she is giving her five minutes to speak to her son, Kevin Haley.

Mr. Kevin Haley, 8606 Woodruff Drive SW, Byron Center, stated he would like to request that the materials that he distributed to the Planning Commissioners tonight become part of the formal record for this hearing. He thanked the Planning Commission for allowing Ms. Hatt to read a summary of his written comments into record, detailing his request for six specific requirements if this application is approved. Mr. Haley stated he is here in person to request that this application be denied based upon the following: Critical information contained in the application is untrue; The site plan is inaccurate, failing to show two mandatory and critical elements; and The drainage patterns are such that the project is neither harmonious nor compatible with the existing natural features (wetlands, streams, etc.) on surrounding properties and will result in conditions that are detrimental to those properties. Mr. Haley stated Mr. Vanderstelt signed his application indicating that the answers and statements herein contained and the information provided is true, accurate, and correct. He stated there are two specific items contained in the application that he asserts are untrue, inaccurate, and/or incorrect; they are, Question 8 states: “Is the property located within 500 feet of a stream, drain, lake, pond, or seasonally flooded wetland?” Mr. Vanderstelt answered this question “no”. In fact, this property has a formal drain on it, a stream that is both **on** and adjacent to it, and it is located **within 100 feet of two wetlands**. Please see Exhibit A which shows all of these water features, and Question 16 asks in part: “How are supplies delivered/brought to the site?” and it was answered by Mr. Vanderstelt as “Light Delivery Trucks”. The primary “supply” being delivered to this site is Septage and is delivered via a Ball Septic pumper truck weighing in excess of 20,000 pounds when fully loaded. Mr. Haley asked the Planning Commission to see Exhibit B for additional written detail on why the answers to both of these questions are untrue. He stated the application states that a site plan should be attached and that it must include eight specific items; it is his assertion that the site plan is inaccurate in that it fails to show two of the critical and mandatory items. Mr. Haley stated specifically, Item e, bodies of water, creeks, lakes, ponds, county drains, marshes, and seasonally flooded wetlands, etc. show distances from building sites, parking, and storage areas, and item f, proposed grades and site drainage pattern(s). (Include drainage patterns around the entire perimeter of the property. He called the Planning Commission’s attention to exhibit A showing all of the water features. Mr. Haley stated fortunately for this commission, unfortunately for his self, we don’t have to speculate about what a spill, overflow, etc. might be like from an open air storage tank that does not have adequate secondary containment, nor do we need to speculate on why the bodies of water and drainage patterns are critical elements of the

site plan. He stated he would like to call the Planning Commission's attention to Exhibit L. He stated after last night's news segment on the unauthorized and disgusting sewage dumping that occurred Sunday, Mr. Vanderstelt had his employees cleaning up the dump site; at that time, Mr. Vanderstelt told him that he also had them cleaning up other areas of concern. Mr. Haley stated one of those areas was immediately adjacent to the current open-air storage lagoon. He stated the first picture from Exhibit L came from Google Earth and shows the current open-air storage lagoon and the drainage pattern going northwest from it and towards the seasonally flooded wetland on his property; picture 2 shows Mr. Vanderstelt's employee discing up an area of concern next to and leading northwest away from the open-air storage lagoon; picture 3 shows a low spot in the field that the drainage continues to and which shows up as bare in the Google Earth photo. He stated the Planning Commission should note that the picture shows that there is a significant buildup of something black on the corn stubble in this area and that does not appear in the surrounding area. Mr. Haley stated based upon the appearance of that area, along with the odor further downstream from it, that material is likely septage from the storage lagoon overflow. He stated picture 4 shows drainage from the low spot coming onto his property, again, the odor emanating from this water would indicate that it contains septage; and finally, picture 5 shows the seasonally flooded wetland on his property that became the ultimate destination of the Septage from the storage lagoon overflow. Mr. Haley stated on June 12th of last year, this commission approved CU-6-18-8 granting a Conditional Use Permit to Mr. Vanderstelt to operate an Open-Air Storage for the continued operation of Ball Septic Tank Service; they did so in good faith, believing that the application and site plan provided were true, accurate, and correct. He stated there were no voices in opposition to the application; he stated he believes that that is due to several parties here this evening not receiving the notification, including himself. Mr. Haley stated this evening, in addition to requesting that the current application be denied, he is also requesting that the Conditional Use Permit granted on June 12, 2018 be voided. He stated the application filed by Mr. Vanderstelt dated April 18, 2018, Exhibit K, contains the same untrue, inaccurate, and incorrect information as what he just detailed for the application dated March 19, 2019. Mr. Haley stated Mr. Vanderstelt also signed this application indicating that the answers and statements herein contained and the information provided is true, accurate, and correct; further, he acknowledges that if that is not the case, the application and any approvals are void. He asked the Planning Commission to note that the verbiage from the application states that any approvals are void, not that they may be void. Mr. Haley stated he laid awake last night thinking about a four-year old boy that he met yesterday that was super excited to show him a frog that he had in a jar, and to tell me all about it; it caused him to really think about the significance of the decisions that are going to be made here this evening. He stated in this room there are literally generations that have grown up enjoying the stream and wetlands; there are families whose children are too young to enjoy it now, but are counting on us to do the right thing now so that they can enjoy it in the future. Mr. Haley stated he is requesting the Planning Commission deny the application and that the previously approved Conditional Use Permit be voided because doing so is consistent with the Ordinance in that, the project and business are neither harmonious nor compatible with the existing natural features sue to wetlands, streams, etc. on surrounding properties and that they will result in conditions that are detrimental to those properties, and the project and the business are not currently designed to protect natural resources, or the health, safety, and welfare of the residents and landowners immediately adjacent to the proposed land use, or the community as a whole. He stated he also believes that voiding the previously approved Conditional Use Permit is not only consistent with the legal language found in the incorrect application that generated that approval, but is actually a requirement of that same legal language. Mr. Haley stated for the sake of that four-year-old boy and his frog, and for all of the future generations of children and frogs to come, he asked again that this commission deny the application and void the previously approved Conditional Use Permit.

Ms. Carla Firestone, 2781 Lamie Highway, stated her father's property is located across the road from Ball Septic; she has questions regarding the business and what is draining off from the property. Ms. Firestone asked if the new building is going between the existing buildings. She stated there is a drain that dumps into the road and creates flooding on her father's property. Ms. Firestone asked if Ball Septic is removing the rock out of the ditches and doing something with it. **Commissioner Ross** stated the proposed septage storage tank if approved would be regulated by EGLE. He asked Ms. Hatt to explain the regulations of the location of the proposed storage building. Ms. Hatt stated the proposed

storage building will be required to obtain approvals from the Eaton County Drain Commissioner, Barry-Eaton District Health Department and Eaton County Road Commission prior to obtaining a Building Permit to begin construction. Ms. Firestone asked if this business is causing an issue with chronic wasting disease. **Commissioner Ross** stated that would be a question for EGLE. Ms. Firestone stated she believes the application should be denied.

Mr. Derek Ruthruff, 2808 Hubbard Road, stated his property is located to the south of Ball Septic. He stated Ms. Hatt read his comments into record; however, Ms. Hatt stated Zoning Ordinance Section 14.33.1 has three different classifications, however the regulations for the location off from the road says Open Air Business and Open Air Storage shall meet the requirements. Mr. Ruthruff stated septage is considered hazardous material. He stated he spoke with a sanitarian who informed him it is hazardous material. Mr. Ruthruff stated Zoning Ordinance Section 14.33.2 G. specifically says An Open Air Business or Open Air Storage which involves hazardous materials. Mr. Ruthruff stated this would imply the business needs to be located on a paved road. He stated Mr. Vanderstelt informed the Planning Commission he has been trying to work with the neighbors, but he has not spoken with Mr. Vanderstelt prior to the violation on his property; Mr. Vanderstelt followed the news crew to my property. Mr. Ruthruff stated the proposed barn is not a bufferyard; a bufferyard should block the business, not just the lights and the smell. He stated the property line between his property and Mr. Vanderstelt's property is approximately two-thousand feet, he understands it would be a significant amount of trees, but it should be buffered. Mr. Ruthruff stated the drain tile system is every thirty feet; he stated he is not sure if the Planning Commission has the pictures he submitted in front of them, but the drain runs on his property. He stated there is a lagoon also located on the property to the northeast of the barn. Mr. Ruthruff stated the existing bufferyard shown on the site plan does not go all the way around the property owned by Steve Ball; this is a serious concern. He stated the Zoning Ordinance says the Open Air Business and Open Air Storage shall comply with the requirements. He stated the Planning Commission considered the materials to be hazardous at the last meeting; he quoted a portion of the Mr. Vanderstelt's Conditional Use Permit issued in June of 2018. Mr. Ruthruff stated he and his wife purchased their property a year ago; they have a one year old and a two year old.

Ms. Nancy Shaver, 3050 Lamie Highway, stated she owns a property adjacent to Ball Septic Service. She stated she did not receive a letter last summer, so they missed an opportunity to comment at that time. Ms. Shaver stated her husband has lived here his entire life; they have been married since 1977. She stated this is a community where people know people by first name we have been dealing with the smell and extra wear and tear to Hubbard Road for the last twenty-two years. She stated they have concerns because their property is located downstream from Ball Septic. Ms. Shaver stated they live on the north side of Lamie Highway in a location that has seasonal flooding; the water flows from the south side of the road and puddles from the water traveling. She stated they have concerns about the local water shed. Ms. Shaver stated they have a child that lives downstream from Ball Septic; she gave the direction of water flow. She stated they have grandchildren that may have been exposed to the illegal application material. She stated she request the application be denied and the previous approval voided.

Mr. Andy Shaver, 2802 N. Stine Road, stated he lives to the south of Ball Septic. He stated Mr. Wright owns the field between his property and Ball Septic's property. Mr. Shaver stated he can see the lights from the business from his house at night and there are woods between their properties. He stated his wife wanted to attend this evenings meeting as well; they found out about the application yesterday because his property is located outside of the public notice range. Mr. Shaver stated his property is located downstream from Ball Septic. He stated he hunts near the stream; it seems there may be malfeasance on the part of the Community Development Department. Mr. Shaver stated he was a building for a number of years and understands how important the site plans are. He stated like Mr. Haley said, it is not a matter if something wrong is going to happen it already has happened. He stated he understands the arguments coming from EGLE, but the land application was not done safely. Mr. Shaver stated if he were to spread his septic materials on his property the Barry-Eaton District Health Department would have an issued. He asked the Planning Commission to stay their decision to prevent legal matters.

Ms Gloria Parker, 3467 Hubbard Road, stated she did not find out about this application until she watched the news report on channel 10; she is thankful to her neighbors for letting her know about the application. She stated there are three areas they are asking for input on. She asked if the driver did not have permission to spread the waste on the property, was the waste illegally dumped on the property. Ms. Parker stated it is her understanding the proper way to apply waste is to inject it into the soil; the picture on news 10 showed the waste being sprayed onto the property. She asked which application is proper; she asked if the employees in the past do not know how to properly apply the waste to the land, how many others did it incorrectly. Ms. Parker added the news stated dumping of material on the land would be investigated by the Michigan Department of Environmental Quality; she asked if this is true. She stated she is aware to apply materials on other properties the farmers have to give permission, but also believes the soil is required to be tested to see if it is over the nutrients levels; she also believes there is a five year waiting period between land applications. Ms. Parker stated the condition of the road and the businesses mode of transportation is hard on Hubbard Road. She stated she is looking for answers to her questions before the Planning Commission approves the application.

Ms. Sarah Libby, 3419 Hubbard Road, stated many of the drivers for Ball Septic speed down the road. She asked if the business is expanded can the driver try to decrease their speeds down the road. Ms. Libby stated she has lost a couple of dogs and has small children. She stated she would like the drivers to slow down to increase the safety.

Ms. Erin Ruthruff, 2008 Hubbard Road, stated when they purchased their property they had the water tested and the well failed due to high levels of nitrates. She stated nitrates are harmful to infants; they have a son and daughter. Ms. Ruthruff stated they had to have a new well drilled; they had to go three-hundred feet to find safe drinking water.

Mr. Steve Shaver, 3050 Lamie Highway, stated he does not want to cause harm to this business at all, but has lived in the area his entire life; we cannot fool around when we are talking about our streams and farm land. He stated he believes Ball Septic Company over did the land application on their field and were shut down for it. He stated there should be a lot of scrutiny regarding this business; the business should be brought up to the current codes. Mr. Shaver stated there are people down the street from the business that are impacted.

Public hearing closed: 8:44 p.m.

Commissioner Ross informed the Planning Commission he invited Ms. Regina Young, Environmental Health Director of the Barry-Eaton District Health Department to the meeting to answer any questions the Planning Commission may have. **Commissioner Ross** asked Ms. Young if there are any comments she would like to address. Ms. Young stated the Barry-Eaton District Health Department works with the Michigan Department of Environment, Great Lakes, and Energy. She stated the information from the staff report and EGLE is correct, there are procedures and laws that are required to be followed. Ms. Young stated EGLE contracts with the Barry-Eaton District Health Department for the review and investigation prior to the use or construction of a septage tank; if the construction is approved, there are annual inspections of the facilities. She stated they look at the setbacks of the buildings to water and field tiles; Ms. Young stated she is not speaking in favor of or opposition of the application, rather she is giving information. She stated the land in question is currently not approved for land application; the dumping that occurred on Sunday is being investigated currently. Ms. Young stated she heard a comment about the lagoon located on the property; it may be for a wastewater lagoon, which is for the household residential wastewater.

Commissioner Owens asked if the TOST program was still in affect when the property transferred ownership in 2018. Ms. Young said no.

Commissioner Mulder asked if there is any water testing done for drinking water when the annual inspections are done. Ms. Young said not ordinarily, but could per the current rules under par 117 which are complied under the Public Health Codes. She stated the site would be compared to the

engineering and design and land. Ms. Young stated if there were a land application proposal, they would like looking at the soils and will have to do soil sampling to make sure there is not a high phosphorous level; they also look at the cropping plan, the material may only be applied at a rate the proposed plants could consume the materials. Ms. Young stated the license for the proposed septage tank is processed through EGLE. She stated she does not know of an area wide drinking well sample.

Commissioner Halsey stated she heard annual inspections are done by DEQ, if this is the case, what are they looking for. Ms. Young stated the Barry-Eaton District Health Department staff does an inspection of the filtering press and septage hauling trucks. She stated the reports are then sent to EGLE for review; EGLE uses the reports for licensing and renewal requirements.

Commissioner Cattron stated some of the concerns he has heard have to do with the run off that drains off from the property; he asked if water sampling is required. Ms. Young stated water sampling is not required; she stated items that are required for land application are setbacks, isolation distances and application techniques. **Commissioner Cattron** asked who the neighboring land owners could contact with questions or if they believe a spill has occurred. Ms. Young stated the Barry-Eaton District Health Department would work with EGLE; she stated the complainant from Sunday's incident informed them there was a twenty foot area where the dumping occurred, no waste was observed.

Commissioner Ross asked the Planning Commission Members if they have any additional questions from Ms. Young. **Commissioner Ross** thanked Ms. Young for attending the Planning Commission meeting.

Commissioner Owens asked if any of the Planning Commissioners visited the site. **Commissioner Cattron** stated he visited the site. **Commissioner Owens** asked Ms. Hatt how many complaints have been made regarding the operation of business from the property. Ms. Hatt stated no complaints were received until the notice was mailed to the neighboring property owners to notify them of this meeting.

Commissioner Tirrell asked Ms. Hatt if she worked with the applicants on the site plan. Ms. Hatt said yes. **Commissioner Tirrell** asked Ms. Hatt if there is a scale for the site plan. Ms. Hatt said no.

Commissioner Rogers asked about the drains shown on the site plan submitted to the Planning Commission by Mr. Haley. Ms. Hatt stated the application was sent to the Eaton County Drain Commissioners Office for review, drains located on the property would have been addressed by the Eaton County Drain Commissioner. Ms. Hatt stated she does not believe the water ways shown on the site plan are actual Eaton County Drains.

Commissioner Mulder stated he is concerned about the location on the lagoon on the property. He stated he did not find anything noted in the original application either; it states there is a well and septic located on site.

Commissioner Owens stated there should be some investigation, the people who have given their comments on the building have brought up some good points. He stated the applicant filling out the application did not give all of the information; whenever anyone is talking about waste, we should have all of the information. **Commissioner Owens** stated Mr. Haley has done some good research. **Commissioner Mulder** stated he would not have any issues with the site plan if this were an application for a pole barn, but due to the nature of what is being applied for, he would like to have more details as to what the plan is. He stated he understands they do not have actual plans at this point for the septage tank because it is the preliminary stages of review; however, he would like the information necessary to determine if this use fits within Eaton County rules. **Commissioner Mulder** stated he would like more detail on what is being asked for.

Commissioner Cattron stated he is not dismissing the concerns of the neighboring property owners, but he has designed animal waste tanks; he stated all of the concerns discussed will have to be addressed in the design through EGLE. He stated the question of secondary containment will be

dependent on what type of system is designed. **Commissioner Catron** stated he agrees with the comment made by EGLE; there is no point in spending a lot of money on an engineer if the local ordinance does not allow for the use. He stated they may be able to have an engineer do some preliminary. **Commissioner Catron** added he visited the site, he believes the site is well maintained; you cannot tell there is affluent on the property. He stated he would like to require the applicants have an engineer work on a plan. He stated they should have shown things on their site plan such as the drain, spacing of the tile and where the runoff leaves the property.

Commissioner Ross stated he agrees with everyone; the site plan is poor and does not show enough detail. He stated he does not feel qualified to give an answer at this point, especially given the fact that there is a lagoon system on the property that they know nothing about; he stated that is what an engineer and the EGLE review is for. **Commissioner Ross** stated if the Planning Commission were to ask for a different site plan, what additional information would the Planning Commission like to further consider the request; keeping in mind the details of the proposed and existing system are regulated by EGLE. **Commissioner Tirrell** noted the Planning Commission needs to remain in their wheelhouse when reviewing this application; they are not EGLE. He stated he does not believe the Planning Commission can approve the site plan this evening because the buffering shown on site plan is a problem; they could further consider the application with more information.

Commissioner Tirrell moved to postpone **CU-6-18-8 (Darrell Vanderstelt)** to the July 9, 2019 Planning Commission Meeting to be held at 7:00 p.m. in the Eaton County Courthouse located at 1045 Independence Blvd, Charlotte, Michigan, and require a new site plan compliant with Zoning Ordinance Requirements be submitted to the Community Development Department by May 24, 2019 to allow for the site plan to go through an addition thirty day site plan review.

Commissioner Mulder supported. A roll call was taken with eight (8) voting aye and none (0) voting nay. Motion carried.

CU-5-19-1: Request by Maggie Collins for a Conditional Use Permit to operate an Educational Institution (childcare facility) per Section 14.10 of the Zoning Ordinance at 8972 Holmes Highway, Section 21, Hamlin Township.

Staff Report: Ms. Hatt read the staff report and site plan review responses from Barry-Eaton District Health Department and Eaton Conservation District into record.

Applicant Statement: Ms. Collins stated she has operated home day cares and daycare facilities since 2002; her previous facility was licensed for up to sixty children. She stated she currently operates a home based daycare center from her home. Ms. Collins said she is aware of the Barry-Eaton District Health Department requirements and has been working with Maynard Berry to resolve the issue. She stated Mr. Berry originally designed the system for the church; she is aware the Barry-Eaton District has to have an approvable system in place; it is a licensing requirement through the State of Michigan.

Commissioner Ross invited any speaker in favor or opposition to the request to make public comment.

Speakers in favor: Mr. Phil Bombrys, Hamlin Township Supervisor, stated Ms. Collins has operated her home daycare center with a Conditional Use Permit; the proposed move is approximately a quarter of a mile from her home. He stated it would be great to have the property on the tax roll. Mr. Bombrys said Ms. Collins knows all of the state guidelines and she is required to meet. He stated the daycare center is likely to have less traffic than the church.

Mr. Eric Collar, 6460 Yorkshire Lane, stated he is a member of the JW Congregation, they would be happy to see their previous building used as a day care facility. He stated it is a beautiful location and facility. Mr. Collar stated there are other members of the congregation who are also in favor that live

near the building as well, but they were unable to attend due to illness. He stated he would happy to see the project move forward.

Speakers in opposition: None

Public hearing closed: 9:29 p.m.

Commissioner Owens stated he believes this is the best use for this building. **Commissioner Mulder** stated he would like to apologize to Ms. Collins for not amending the agenda to move her application.

Commissioner Owens moved to approve CU-5-19-1 (Maggie Collins) for Conditional Use Permit to allow for the operation of an Educational Institution (childcare facility) per Section 14.10 of the Ordinance at 8972 Holmes Highway, Section 21, Hamlin Township;

1. Requirements of all other local, state and federal agencies must be met, including but not limited to: Eaton County Road Commission, Benton Township, Barry-Eaton District Health Department, Eaton County Construction Code Department, Eaton County Central Dispatch and Eaton County Drain Commissioner.
2. This Conditional Use Permit is granted to Maggie Collins for above described use only. It is not transferable per the Zoning Ordinance.

Commissioner Catron supported. A roll call was taken with eight (8) voting aye and none (0) voting nay. Motion carried.

Other Business: Commissioner Ross asked staff for the report on the PA 116 Application. Ms. Hatt reported on one application for property located in Section 14 of Bellevue Township.

Commissioner Owens moved to recommend approval of the PA 116 Applications to the Eaton County Board of Commissioners. **Commissioner Mulder** supported. Motion carried.

Reports: Ms. Hatt informed the Planning Commission a letter from Diana Bosworth, Eaton County Clerk, was included in there packet regarding the denial of the petition filing regarding DCA-3-18-2 Solar Energy Systems. She stated specifically, the request was denied due an insufficient number of signatures.

Ms. Hatt also informed the Planning Commission Zoning Ordinance Section 14.39 Solar Energy Systems was in their packets to include in their Zoning Ordinances.

Ms. Hatt reported the Eaton County Board of Appeals meet this evening; they approved two variance applications.

Upcoming Cases: Ms. Hatt informed the Planning Commission there is one application to be heard at their June 4, 2019 meeting.

Public Comments: none

A motion was made by **Commissioner Owens** to adjourn the meeting. **Commissioner Catron** supported. The meeting adjourned at 9:34 p.m.