

**EATON COUNTY
PLANNING COMMISSION
September 14, 2021**

Call to Order: Brian Ross, Chair of the Eaton County Planning Commission called the meeting to order at 7:00 p.m.

Pledge: The Pledge of Allegiance was given by all.

Roll Call: Brian Ross, Barbara Rogers, Ben Tirrell, Lisa Lawitzke, Tim Cattron, Bruce Porter, and Mike Hosey

Absent: Jim Mott and Zachary Dillinger

Staff Present: Claudine Williams and Brandy Hatt

Agenda Approval: A motion was made by **Commissioner Tirrell** to amend the agenda moving application CU-7-02-4 to the first application to be heard. **Commissioner Cattron** supported. Motion carried.

A motion was made by **Commissioner Hosey** to approve the agenda as amended for the September 13, 2021 meeting. **Commissioner Rogers** supported. Motion carried.

Minutes Approval: A motion was made by **Commissioner Tirrell** to approve the August 3, 2021 meeting minutes as written. **Commissioner Cattron** supported. Motion carried.

Public Comments: Mr. Phil Bombrys, Hamlin Township Supervisor, asked the Planning Commission to considered what the difference is between the businesses they will be hearing this evening and a hemp processing facility. He stated he realizes they may be protected, but he believes they need to be regulated by a Conditional Use Permit. He stated they are not agricultural in nature, and have lost their agricultural tax breaks.

Public Hearings of Conditional Use Permit:

CU-7-02-4: Request by Hamlin Township for a Change of Conditions to their existing Conditional Use Permit which allows for the operation of a Government Facility per Section 14.10 of the Zoning Ordinance; they request to construct a 30' x 40' pavilion in their park located at 6463 S. Clinton Trail, Section 15, Hamlin Twp.

Staff Report: Ms. Williams read the staff report and a Site Plan Review response from the Eaton Conservation District into record.

Applicant Statement: Mr. Phil Bombrys, Hamlin Township Supervisor, stated he would like to defer his comments to Mr. Brody Collins, who is the Eagle Scout requesting to build the pavilion for the township.

Mr. Brody Collins stated he is a local Boy Scout working on his Eagle Scout project. He said he went to the Township and asked if there was anything he could do and they came up with the pavilion. He added part of his project required him to fundraise so coordinated and held a 5k race at the park. Mr. Collins stated he has his project proposal if any of the Planning Commission Members would like to look at it.

Mr. Phil Bombrys stated the proposed pavilion would make it easier for people to use the park, as it is closer to the parking area. He noted their existing pavilion is near the back. Mr.

Bombrys stated Mr. Collins raised seven-thousand dollars for the project and asked the Planning Commission to approve the request.

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

Speakers in favor: Mr. Jeremy Whittum, Eaton County Commissioner for District 14, stated he has heard no complaints about the project, only positive responses. He asked the Planning Commission to vote affirmative and noted it will be a nice addition to the park.

Speakers opposed: none

Public hearing closed: 7:10 p.m.

Commissioner Hosey moved to approve **CU-7-02-4** a request by **Hamlin Township** for a Change of Conditions to their existing Conditional Use Permit which allows for the operation of a Government Facility per Section 14.10 of the Zoning Ordinance; they request to construct a 30' x 40' pavilion in their park located at 6463 S. Clinton Trail, Section 15, Hamlin Township, with the following conditions;

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

Commissioner Cattron supported. A roll call was taken with seven (7) voting aye and none (0) voting nay. Motion carried.

CU-9-21-5: Request by William and Margaret Hammond for a Conditional Use Permit to operate a Home Business (ammunition and reloading supply store) per Section 14.13 of the Zoning Ordinance at 9024 E. Spicerville Highway, Section 9, Hamlin Township.

Staff Report: Ms. Williams read the staff report and a Site Plan Review response from the Eaton Conservation District into record.

Applicant Statement: Mr. William Hammond stated he has been doing this business all his life, he likes selling the supplies and working with the people. He stated he used to use all of his vacation days and take a trailer on the road to sell his supplies, but has operated from home since 2012 when he retired. He stated the business keeps him busy.

Commissioner Ross asked Mr. Hammond about the Eaton County Construction Code comments regarding the storage of the gunpowder. Mr. Hammond stated he already follows the requirements. He added the ATF and Hamlin Township Fire Department have inspected his store; he is required to keep the black powder in a safe and keep a detailed log of its sales. Mr. Hammond stated he sells pre-civil war items such as flints as well.

Commissioner Hosey asked Mr. Hammond if he would like a sign for his business. Mr. Hammond said no. **Commissioner Cattron** asked Mr. Hammond if he sells ammunition. Mr. Hammond said yes. He stated there is no longer a black powder season, so to keep his

business going, he sells ammunition. Mr. Hammond stated he has eight cameras that record in his shop and has cameras with motion detectors outside on his property.

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 he would like the Planning Commission to approve the application. He stated it is nice to know that there is explosive materials on the property so the Fire Department is aware.

Mr. James Duntley stated he has lived in the neighborhood for two and a half years. He said Mr. Hammond keeps his property up, no signage is needed for the business; there are no issues.

Ms. Sara Duntley stated she has lived across the road from Mr. Hammond for fifteen years. She said she has more issues with the hospital than she does from Mr. Hammond's business. She stated the neighbors all keep an eye on everyone's properties and Mr. Hammond's has never been an issue.

Mr. Jeremy Whittum, Eaton County Commissioner for District 14, stated he has known Bill and Peggy for most of his life. Mr. Whittum stated he would be in favor of the business if it were next to him. He asked the Planning Commission to vote affirmative. He said there have been no problems or complaints for the last 30 years and he does not expect any now or in the future.

Speakers opposed: none

Public hearing closed: 7:22 p.m.

Commissioner Tirrell stated his only question was regarding the fire code, which was answered. **Commissioner Lawitzke** stated she thinks this is a great business to have local.

Commissioner Rogers moved to approve **CU-9-21-5** a request by William and Margaret Hammond for a Conditional Use Permit to operate a Home Business (ammunition and reloading supply store) per Section 14.13 of the Zoning Ordinance at 9024 E. Spicerville Highway, Section 9, Hamlin Township, with the following conditions;

1. Requirements of all other local, state and federal agencies must be met, including but not limited to: Bureau of Alcohol, Tobacco, Firearms, and Explosives, Eaton County Road Commission, Barry-Eaton District Health Department, Michigan Department of Environment, Great Lakes and Energy, Eaton County Construction Code Department, Eaton County Central Dispatch, and Eaton County Drain Commissioner.
2. This Conditional Use Permit is granted to William and Margaret Hammond for the above-described use only. It is not transferable per the Zoning Ordinance.

Commissioner Lawitzke supported. A roll call was taken with seven (7) voting aye and none (0) voting nay. Motion carried.

CU-9-21-6: Request by Joy Owens for a Conditional Use Permit to operate an Agricultural Business (on-farm store selling beef, pork and poultry) per Section 14.1 of the Zoning Ordinance and a Home Business (selling baked goods, jewelry, t-shirts and other arts and craft items) per Section 14.13 of the Zoning Ordinance at 6905 Carlisle Highway, Section 24, Kalamo Township.

Staff Report: Ms. Williams read the staff report and a Site Plan Review response from the Eaton Conservation District into record.

Applicant Statement: Ms. Joy Owens stated her three daughters would have been here this evening, but they are home canning grape juice. She asked the Planning Commission to approve her application. She stated she and her husband and five children run their farm; they have had a lot of request to offer cuts of meat rather than whole animals or sections of animals. She said they also currently run a successful farm stand in the summer.

Commissioner Cattron asked about the water. Ms. Owens stated she does not plan to have a restroom. **Commissioner Tirrell** asked Mr. Owens to describe the nature of the business, specifically, what proportion of the sales are from the items produced on the farm. Ms. Owens stated they raise beef, have a greenhouse and a large garden for produce. She stated the sale of milk and cheese from other farmers would be an added benefit, she does not produce milk or cheese. **Commissioner Tirrell** asked if the majority of the sales are from items produced on the farm. Ms. Owens said yes.

Commissioner Hosey asked Ms. Owens if she would like a sign for the business and how many parking spaces will be provided. Ms. Owens stated she may have a three foot by five foot sign and will provide four to five parking spaces.

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

Speakers in favor: none

Speakers opposed: none

Public hearing closed: 7:35 p.m.

Commissioner Tirrell stated he would like to have the Zoning Ordinance Committee look at the Agricultural Business section of the Zoning Ordinance as some of the uses listed may be allowed under the Right to Farm Act.

Commissioner Tirrell moved to approve **CU-9-21-6** a request by **Joy Owens** for a Conditional Use Permit to operate an Agricultural Business (on-farm store selling beef, pork and poultry) per Section 14.1 of the Zoning Ordinance and a Home Business (selling baked goods, jewelry, t-shirts and other arts and craft items) per Section 14.13 of the Zoning Ordinance at 6905 Carlisle Highway, Section 24, Kalamo Township, with the following conditions;

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

Commissioner Rogers supported. A roll call was taken with seven (7) voting aye and none (0) voting nay. Motion carried.

PA 116 Applications: Ms. Williams stated the Planning Commission has one PA 116 Application submitted by Mr. Edward Behrndt; she went over the application with the Planning Commission.

Commissioner Hosey moved to recommend approval of Mr. Edward Behrndt's PA 116 Application to the Eaton County Board of Commissioners. **Commissioner Rogers** supported. Motion carried.

Other Business: Ms. Williams stated the Planning Commission received a proposed 2022 meeting calendar in their packets. She stated they do not need to take action this evening, but wanted everyone to look at it before action is taken. Ms. Williams pointed out July 4th falls on a Monday in 2022, so the Planning Commission Meeting would be on Tuesday, July 5th.

Reports: Ms. Williams stated the Zoning Ordinance Committee met on August 25th and decided to meet monthly. Their next meeting is September 30th. She stated they are discussing regulations for Wind and other smaller items throughout the Zoning Ordinance. Ms. Williams stated once the Zoning Ordinance Committee has completed the wind regulations, they will begin working on marihuana regulations.

Ms. Williams stated the Zoning Board of Appeals did not meet this evening due to lack of business.

Public Comment: Mr. Phil Bombrys, Hamlin Township Supervisor, stated he has received several complaints from residents regarding a Hemp Facility. He stated their Fire Department does not know anything about the facility. Mr. Bombrys stated he does not have a problem with the business, but believes they should comply with rules and regulations. He stated if they are not regulated because of fear of a lawsuit, then the Sheriff's Department should be gotten rid of, they are sued all the time; let them fight us. He stated this is not medical marihuana, they are not growing anything, they are only processing. **Commissioner Tirrell** asked if there are a lot of these facilities going up. Mr. Bombrys stated there is one on Spicerville and one next to the City of Eaton Rapids Police Chief's house. He stated the processing facility was a farm with pole buildings; he is not clear on the ownership as it is still listed under the ownership of the farmer. He stated the property no longer receives agricultural tax exemptions; he feels they are sliding under the radar. He stated they were able to install three-phase electrical without permits; they now have some permits. Mr. Bombrys stated he has heard they have an explosion room in the building, which would be something the Fire Department should be aware of, they will be called there eventually and need to know what they are walking into. **Commissioner Tirrell** stated he would like some clarification. Ms. Williams stated staff is currently working on the issue.

A motion was made by **Commissioner Hosey** to adjourn the meeting. **Commissioner Cattron** supported. Motion carried.

The meeting adjourned at 7:49 p.m.