

**EATON COUNTY
PLANNING COMMISSION MEETING
December 3, 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, Jeana Rohrs, Tim Catron, Jack Owens, Barbara Rogers, and Ben Tirrell

Absent: John Little and Blake Mulder

Staff Present: Claudine Williams and Brandy Hatt

Agenda Approval: A motion was made by **Commissioner Halsey** to approve the agenda for the December 3, 2019 meeting agenda as printed. **Commissioner Tirrell** supported. Motion carried.

Minutes Approval: A motion was made by **Commissioner Halsey** to approve the November 5, 2019 minutes as printed. **Commissioner Rogers** supported. Motion carried.

Public Comments: Ms. April Stopczynski stated due to the number in attendance at this meeting, attendees cannot properly see and hear; a change of venue should be considered to comply with the Open Meetings Act. It is the county's duty to provide appropriate access to all who wish to be able to hear the permits. Ms. Stopczynski also stated she would like to encourage the county to reconsider the solar ordinance based on the continued and clear opposition of the residents in Benton Township. It does not benefit the county to continue down this path where residents feel they are no longer represented and take action to separate governments; other townships could consider similar action. She stated there has been talk about a move toward becoming a charter township, which would place a further strain on an already delicate county budget. She stated she strongly recommend that the county adopt a temporary moratorium on large solar permits similar to that adopted by Benton Township to allow the county adequate time to revisit the inadequacies in its ordinance and ensure proper representation and protection of the residents the Planning Commission was appointed to protect.

CU-12-19-6: Request by Cody Pruden and Amanda Pruden-Delp for a Conditional Use Permit to operate an Educational Institution (day care facility) per Section 14.10 of the Zoning Ordinance at 747 S. Perkey Road, Section 14, Eaton Township.

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

Applicant Statement: Ms. Amanda Pruden-Delp stated she has been licensed since 2009 to operate licensed childcare; she has been licensed in the past for a facility caring for up to eighty-seven children. She stated since moving to her current home a year and a half ago, she has been licensed to care for up to six children; should would like to expand her license to provide quality care for more children. Commission Catron asked if she planned for a sign. Ms. Delp said no.

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: 7:10 p.m.

Commissioner Tirrell moved to approve **CU-12-19-6 (Cody Pruden and Amanda Pruden-Delp)** for a Conditional Use Permit to operate an Educational Institution (day care facility) per Section 14.10 of the Zoning Ordinance at 747 S. Bradley Road, Section 14, Eaton Township;

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

Commissioner Owens supported.

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

CU-12-19-7: Request by David and Sara Lambright for a Conditional Use Permit to operate an Agricultural Business (Greenhouse with on premise retail sales) per Section 14.1 of the Zoning Ordinance at 5723 Lamie Highway, Section 31, Chester Township.

Staff Report: Ms. Williams read the staff report into record.

Applicant Statement: Mr. David Lambright stated he does not have anything to add, and offered to answer any questions. Mr. Lambright noted the numbers on the buildings were mixed up; they are planning to build the northern greenhouse and then the southern one. **Commissioner Ross** asked Mr. Lambright if public will be in the existing building that is proposed for the potting shed. Mr. Lambright stated public is not planned to be in the building at this time, but maybe in the future. **Commissioner Tirrell** asked Mr. Lambright if he anticipates generating any solid waste or using plastics to cover the building or pots for planting. Mr. Lambright stated the greenhouse will be covered in plastic. **Commissioner Tirrell** asked Mr. Lambright if he will be using plastic containers. Mr. Lambright said yes, for pots. **Commissioner Tirrell** asked Mr. Lambright if he has a plan for the disposal of the materials. Mr. Lambright said they have a dumpster on site. **Commissioner Tirrell** asked if the plastic waste goes to be recycled. Mr. Lambright said yes. **Commissioner Rogers** asked Mr. Lambright if he is only going to sell annuals or if he will be selling perennials as well. Mr. Lambright stated for now they will mostly sell annuals.

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

Speakers in favor: None

Speakers opposed: Ms. Deborah Martin, 3112 N. Bradley Road, stated she is concerned about the watershed; she owns forty-three acres bordering Lamie Highway and Bradley Road. She said she also owns property across the road at 3115 N. Bradley as well. She said she has lived there for over twenty years. She stated she understands the cattle operation will be closing, she is happy about that. Ms. Martin stated she does not oppose the greenhouse, but she is worried about the watershed with the construction of more buildings on the property. She stated there is a new house with a different address recently constructed; much of the land is covered with buildings, and when it rains the water runs down the road and saturates the neighbor's field, comes across the road into their field and has made it impossible to have their swine in that area. She stated the last two years they have not been able to put their hogs in this area until July when it finally dries up. Ms. Martin stated she believes the water run off issues are due to the number of buildings and amount of cement on Mr. Lambright's property; the water has no place to go. She stated they have changed the lay out of the land; she is concerned about more buildings being constructed; she would like proper drainage installed so this does not affect them and impact their operation even more.

Public hearing closed: 7:20 p.m.

Commissioner Halsey asked if the buildings would affect the watershed. **Commissioner Ross** stated they could if they changed how the water drains. **Commissioner Rohrs** stated the Drain Commissioner's Office did not respond to this application. Ms. Williams stated that is correct. **Commissioner Rogers** stated the Drain Commissioner's Office would not review the application if there are no drains affected. Ms. Williams stated that is correct. **Commissioner Rogers** asked if there is a way, if this permit is granted, to ensure the water issue is addressed. **Commissioner Cattron** said it depends on the acreage of the property and size of the buildings. He stated if you have a large watershed and very small acreage of buildings, it does not affect the watershed very much; however, if you have a large coverage of buildings and pavement, that could affect it considerably. **Commissioner Ross** stated he does not see that large of a covering of buildings; the proposed greenhouses are far from the road. **Commissioner Owens** asked if all of the buildings were constructed legally, why are they addressing it now.

Commissioner Tirrell stated higher property has a right to drain onto lower property. He stated he believes there is enough space between the buildings that they will not affect the drainage, however the Planning Commission certainly could consider some type of other requirements. **Commissioner Rhors** stated the new buildings are in the back of the property, not on the front where there may be a drainage issue; she does not believe the new buildings will affect the waterflow.

Commissioner Tirrell stated he knows there has been drainage issue on the north of Lamie Highway for awhile, he asked Ms. Martin if the issue could be related that and not this business. Ms. Martin stated she has done hogs for sixteen years and has not had an issue until recently. She stated the existing buildings are near the front of the property; there are ten buildings on seven acres. She stated she is not opposed to the greenhouse; she just wants to make sure the water is managed. **Commissioner Tirrell** asked Ms. Martin if she believes it is possible the water issue is not caused by a single individual; is it possible there are other contributing factors. Ms. Martin said no, it is Mr. Lambricht's property. She said she has aerial photos of the property if the Planning Commission would like to see. **Commissioner Halsey** stated the Planning Commission also has an aerial photo of the property.

Commissioner Halsey stated the applicant is proposing to construct three additions onto his existing building for this business. **Commissioner Ross** said yes. **Commissioner Halsey** stated she does not believe the proposed additions are going to make a difference to the water drainage. **Commissioner Owens** stated the water tables have risen in the last two years, the great lakes are the highest point currently. He stated he has lived in his house for twenty-five years, he currently cannot get in his back field for the first time during the last two years because the water table is so high. **Commissioner Owens** stated previously they never had water issues on his property; so what Ms. Martin said regarding the water rings true, but may not be because of the buildings. **Commissioner Halsey** stated the proposed business meets all of the requirements; we can not deny it because there is running water.

Commissioner Cattron moved to approve CU-12-19-7 (David and Sara Lambricht) for a Conditional Use Permit for the operation of an Agricultural Business (greenhouse with on premise retail sales) per Zoning Ordinance Section 14.1 at 5723 Lamie Highway, Section 31, Chester Township;

1. Requirements of all other local, state and federal agencies must be met, including but not limited to: Eaton County Road Commission, Chester Township, Barry-Eaton District Health Department, Michigan Department of Environment, Great Lakes, and Energy, Eaton County Construction Code Department, Eaton County Central Dispatch, Eaton County Drain Commissioner, and Michigan Department of Rural and Agricultural Development.
2. This Conditional Use Permit is granted to David and Sara Lambricht for 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.

CU-11-19-5: Request by Ball Septic, Inc. and DV Commercial Group, LLC. for a Conditional Use Permit to operate an Open Air Storage (septage company) per Zoning Ordinance Section 14.33 from property located at 2910 Hubbard Road (identified as parcels 060-034-200-011-00 & 060-034-200-020-00), Section 34, Chester Township.

Staff Report: Ms. Williams read the staff report, an additional comment from the Eaton County Road Commission, and a letter from Ball Septic into record. Ms. Williams also stated Ms. Hatt spoke with Mr. Brandon Eldridge of Ball Septic today; the septic tank has been installed for the house, and they are working on filling in the lagoon area, but is it not complete due to soil conditions.

Commissioner Tirrell asked who from EGLE responded to the application. Ms. Hatt stated Mr. Greg Merricle from EGLE responded to the application and Mr. Haley's comments.

Applicant Statement: Mr. Darrell Vanderstelt stated he is the owner of the business and Mr. Brandon Eldridge runs all of the day to day operations. He stated the Planning Commission has heard the majority of their application; the big changes between this application and the last application are the installation of the septic for the house and the removal of the proposed storage tank; other than that everything is pretty much the same. **Commissioner Cattron** asked if he is correct that there is no land application currently. Mr. Vanderstelt stated that is correct. **Commissioner Cattron** asked if the waste is hauled away. Mr. Vanderstelt said yes. **Commission Halsey** asked Mr. Vanderstelt if he would like to have a sign for his business. Mr. Vanderstelt said no.

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

Speakers in favor: None

Speakers opposed: Mr. Steven Shaver, 3050 Lamie Highway, stated he would like to donate his time to Mr. Ron Redick.

Ms. Kris Haley, 2566 N. Stine Road, stated she would like to donate her time to Mr. Ron Redick.

Mr. Ronald Redick thanked the Planning Commission for giving them the time to speak regarding this conditional use application. He stated he is the attorney for Kevin Haley who owns the seventy-five acre parcel directly north of Ball Septic property. He thanked the Planning Commissioners for their service and said he was a planning commissioner himself. He added he was also a project manager at an environment consulting firm for ten years before he started practicing law for the past twenty years, so this particular matter is right at the intersection of his specialty. He stated he is the only attorney in the state who has successfully overturned a DEQ decision to deny approval for a local ordinance governing the land application of sewage waste. He said it was a situation much like here where it was an ongoing property where it was not appropriate. Mr. Redick stated before making some of his principle points, he wants to address the procedure. He said the Planning Commission has already approved this once, and, also, given approval for a change in conditions, and in view of that, he understands they might be reluctant about changing their opinion or reversing the course at this point. Mr. Redick stated he understands why the Planning Commission reached their approving decision the first time, and that decision may very well have been reasonable based on the opinions and advice presented to them in the context of those first applications. However, he said the approval was, in fact, a product of numerous instances of legally incorrect advice and in some important respects. He asked the Planning Commission to keep an open mind as they receive the correct information about this situation and reach a different conclusion, which should be to deny this application. Mr. Redick stated his principle arguments are, number one, this has to do with the Planning Commission's authority to

deny; It is his understanding that during the first proceedings, the zoning staff instructed the Planning Commission that they, in fact, had no other option than to impose conditions when approving this use. He stated that is legally incorrect; Section 502 of the Zoning Enabling Act specifically provides that with regard to the conditional use, that one of the Planning Commission's options is to deny. He stated, in fact, denial is the required outcome from when an applicant does not meet the standards of the ordinance, which is the case here. He stated, secondly, it needs to be recognized that this applicant has no vested right whatsoever to operate on this property; again, it seems the zoning staff felt compelled to approve this in light of the fact that it operated for some twenty-five years without permits on an unlawful basis, but, once again, that is legally incorrect, Michigan Law has always held and recognized that an unlawful use gains no vested right due to non-enforcement and is subject to abatement at any time in a municipality. He stated that has always been the law, and it is been further reinforced by a recent decision in our court of appeals in Reaume versus Spring Lake Township which held that un-permitted uses do not become lawful or grandfathered simply by virtue of non-enforcement. He stated they are subject to abatement and termination so twenty-five years of operations means nothing with respect to the Planning Commission's decision. Mr. Redick stated, third and probably most importantly is this issue of hazardous materials and whether the business involves hazardous materials, the Planning Commission should not take seriously anyone who says that septic waste is not a hazardous material. He stated, in fact, both zoning ordinance and state law make it clear that it most certainly is a hazardous material. He stated the ordinance definition, is controlling for this purpose, and it is controlling because Michigan Law states when a defined term is in a zoning ordinance, that term as it is defined is controlling for all purposes, and you cannot rely on extrinsic sources like the dictionaries that have been discussed. He added the zoning ordinance itself says you can only look at other sources as it applies to undefined terms. He stated there is a defined term, hazardous materials, so it is controlling. Mr. Redick read the definition from the ordinance. He stated there is no question that septic waste meets this definition, it contains a number of disease-causing pathogens, bacteria and parasites that can cause potential fatal illnesses. He thanked the applicant for submitting their letter they turned in because they admitted this is, in fact a hazardous material because they focused on the fact the definition talks about toxic, flammable and explosive gases. Mr. Redick stated, in fact, the Michigan Department of Environmental Quality, now EGLE, has said that is exactly the case with respect to septic waste. He stated Mr. Haley has circulated a DEQ guidance document on septic waste for facility management practices, and with regard to septic waste creating explosive materials. He stated septic waste and storage facilities do not treat the septic waste; some biological activity will occur in these storages, and the gases generated can be sources of odors and can be explosive. He added the presence of off site odors may pose health risks to workers. The primary gases released from the facility are hydrogen sulfide, ammonia, carbon dioxide, carbon monoxide and methane; hydrogen sulfide is the most dangerous. He stated in sufficient concentrations, hydrogen sulfide can kill humans and animals, so by virtue of their own submission, Ball Septic has acknowledged that septage waste is, in fact, a hazardous material. Mr. Redick stated there have been other arguments that are easily diffused; one has been the statement that septage waste is not a hazardous waste. He stated that is a rather unremarkable observation since under our state hazardous waste laws, it is specifically excluded from hazardous waste; however, we are not talking about hazardous waste, we are talking about a hazardous material, and you can clearly understand the difference. Mr. Redick stated for example, gasoline is not defined as a hazardous waste; formaldehyde, is not defined as a hazardous waste; uranium, is not defined as a hazardous waste, yet, any one of these things will kill you if you come in contact with it. He stated it is because they are hazardous materials, and for the same reason, septage waste is a hazardous material; it will kill you if you ingest it just like those other materials. Mr. Redick stated the fact it is not hazardous waste is completely immaterial; as we are talking about hazardous material, not hazardous waste. He stated there has been the suggestion that because this material can be managed in a proper way that it is not hazardous; that is just wrong. He said the fact you can manage the hazardous substance does not make it not hazardous in the first place. He stated we all drive around with fifteen to twenty gallons of gasoline strapped to ourselves everyday; we drive over hundreds of thousands of gallons in a gas station. He stated we have cans of it in our garages; you can manage the risk presented by gasoline, but that does not change the fact that it is, in fact, a hazardous material, and the same thing applies with respect to septage waste. He stated just because you can manage the hazard does not mean the

hazard does not exist. Mr. Redick stated third, Mr. Merricle's opinion is his personal opinion and not anything of the DEQ's position, and he pointed out that all Mr. Merricle does is just disagree with the zoning ordinance. Mr. Reddick asked Ms. Hatt to pass out a handout which is a juxtapose of Mr. Merricle's statements. He stated Mr. Merricle says posing a health risk does not equate to hazard; he is wrong about that because the zoning ordinance says any substance or material by reason of its injurious properties may be detrimental or deleterious to the health of persons is, in fact, a hazardous material. He stated all Mr. Merricle is doing is disagreeing with the zoning ordinance, which is immaterial because he did not draft the zoning ordinance. He added Mr. Merricle has no authority to do anything with your zoning ordinance. He stated only the Planning Commission does, and they are bound by the definition of hazardous materials, which includes septage waste. Mr. Redick stated, fourth, it has been falsely stated many times this material can be land applied to the ground surface; septage waste can not be land applied anywhere. He stated it has to go undergo significant treatment before being allowed to do so; Part 31 of our State Natural Resources & Environmental Protection Act, directs the DEQ, now EGLE, to adopt rules to prevent the adverse effect from pollutants in sewage/sludge before it is land applied, and those rules require, among other things, extensive treatment to remove pathogens and fecal coliforms. He stated it requires monitoring of a variety of pollutants, including arsenic, lead, mercury and other heavy metals. It requires significant separation distances from both public and private water wells and cannot be applied anywhere where ground water is within thirty inches. In other words, because septage waste is so hazardous, there is a whole boatload of regulations that exist to make sure it is treated to remove all its hazardous properties before it can be land applied in what they call now biosolid. Mr. Redick stated, finally, this idea that we are reading the definition so broad that everything would be hazardous like water or Coke is just a really stupid statement; if he were to set in front of each of the Planning Commissioners a can of Coke, a glass of water, and a glass of septage waste, unless they are willing to drink all three of those, clearly, they know the difference between them, and it is obnoxiously absurd to suggest this body does not understand the difference. He stated clearly, septage waste is hazardous to humans; it will kill you if you drink it, coke and water will not kill you. Mr. Redick stated finally, because this is hazardous material, it is required to be on a paved road under Section 14.33.2.5.; that section states that the following requirements, plural, apply to both open air storage and open air businesses. He stated the word requirements is plural. He stated The Michigan courts hold that grammar is important in interpreting these provisions and is controlling; that means there has to be multiple requirements for open air storage listed, which means it cannot just be one of the subsections; it has to be more than one, in fact, it would be absurd to interpret this provision any other way because why would you want the business to engage in the selling of hazardous materials to be on paved roads, but not the one that engages in the actual storage of it. He stated it is far more dangerous not to be on a paved road. He asked why would you require a state, local and federal permit for selling hazardous materials, but not require any if you are storing hazardous materials? He stated it is, in fact, the applicant that is attempting to interpret this in an absurd manner. The county officials should be complimented with respect to imposing this provision for this type of facility because, clearly, transporting this type of material on an unpaved road increases the risk of spilling and causing environment problems. He stated someone had the foresight to include this type of requirement, to be on a paved road, for this precise type of facility, and they are asking the Planning Commission to respect the determination that the people who drafted this ordinance made, that this type of facility involving hazardous material has to be on a paved road, so for that reason, it does not satisfy the requirements and we ask for a denying decision.

Ms. April Stopczynski stated she gave Ms. Hatt a handout to pass out to the Planning Commission to show them a few of her observations. She stated she is a member of the Board of Appeals; she made the motion to revoke the permit due to concerns about the permit applications and the information and lack thereof in research. She stated she would like to provide the Planning Commission with a few additional facts for their consideration. Ms. Stopczynski said she is not speaking in favor of or against the permit. She stated she appreciates the fact that Ball Septic has scaled back their permit request to present a more reasonable plan and address a lot of the concerns. She said the photos she has given to the Planning Commission show the issues with the road. She said she visited the property last October after the permit was revoked and it was not yet repaired; she is happy to hear the Road

Commission has confirmed that they are in compliance now. Ms. Stopczynski stated if the Planning Commission looks at her handout they will see maps compiled from several different sources showing the waterway passing through the property is indeed a branch of the Little Thornapple that does come in immediate contact with the property and is a waterway despite repeated insistence by Ball Septic and the testimony by Commissioner Ross to the Board of Appeals that it is not. She stated the 2016 Thornapple Watershed Management Plan by the Barry Conservation District flags this area for very high levels of nitrates in the water. Ms. Stopczynski said septage is known to contain very high levels of nitrates. She stated the report also indicates high levels of e-coli due to fecal contamination and illegal dumping of unprocessed septage and overflow of tanks has been documented by local residents under the 2018 permit. Ms. Stopczynski stated anyone can look up as many definitions as they want of hazardous waste and hazardous material, but, when considering these things in an Ordinance or any other legal bases, it is based on what a reasonable, normal person would read it to mean, and she does not think there is any question what people would find feces to be. She said the fact this has been such a subject of debate is astounding to her. She stated the new application still contains incorrect and incomplete information. She stated the maps still do not include the parts of the Little Thornapple that run through the property; the application indicates they have been operating under a permit issued in June of 2016, this permit was issued in June of 2018 and has been revoked. She stated the application states there may be wetlands; either there is or is not. She said the application states they are only working with sludge and effluent; the initial form of materials brought to the site and transferred from the trucks to the tanks is septage, which contains pathogens that can cause illness. Ms. Stopczynski stated she request the Planning Commission include additional stipulations on the Conditional Use Permit, including all stipulations requested by the agencies submitting their requirements, a secondary containment to prevent any additional harm to surrounding properties, a full buffer between neighboring properties, regular testing by an independent entity of local waterways and wetlands that are in direct contact with the property or within a quarter mile of the property at the expense of the business, a one time testing at the expense of the company of the wells of residents within on quarter mile, and a written operating manual with documentation of annual employee review of processes. She stated while other agencies are involved, ensuring residents safety should be enforced at every step of this process.

Mr. Jerry Haley, 2566 N. Stine Road, stated he would like to donate his time to Mr. Kevin Haley.

Mr. Kevin Haley, 8606 Woodruff Drive, Byron Center, stated he would like to refer the Planning Commission to page eight of his document, which is where the Planning Commission will find the DEQ document Mr. Redick had referred to earlier. He stated he owns the property immediately north of and adjacent to the subject property. He thanked the Planning Commission for their time and requested they deny this application because both the Eaton County Ordinance and Michigan Law are clear, that no permissiveness or discretion can be used to allow this particular open air storage to exist at this particular location. He stated he thinks that everyone in the room tonight agrees this business has been operating unlawfully at this location from approximately 1992 to 2018; his sole reason for being here this evening is to ensure that the Ball Septic Service is brought into full compliance with all local, state, and federal laws, including the Zoning Ordinance of Eaton County. Mr. Haley stated he believes Mr. Vanderstelt also has a goal of ensuring this business is brought into compliance; Mr. Vanderstelt has told him on multiple occasions he was aware when he purchased this business it had not been in conformance for thirty years and he proceeded with the purchase because he has a significant amount of experience with intentionally buying non-conforming properties and businesses and bringing them into conformance. He stated if we all share the common goal of full conformance with the Eaton County Zoning Ordinance and the laws of the State of Michigan, we then only need to agree upon what constitutes full conformance. Mr. Haley stated there has been a significant amount of debate related to Section 14.33 of the Eaton County Ordinance. He stated the written comments he submitted prior to the hearing objectively and conclusively show the Eaton County Ordinance makes it impossible for this business be to granted a Conditional Use Permit to operate at its current location on Hubbard Road. Mr. Haley stated much of the debate related to Section 14.33 of the ordinance has been due to a variety of non-expert opinions related to two aspects; does septic waste, also known as septage, meet the definition of a hazardous material contained in Section 14.33.1.C of the ordinance or is there an

alternative definition that should be used and whether or not all three conditions of Section 14.33.2.G apply to an open air storage. He stated the clear path to resolving this debate about non-experts is to rely upon Michigan Law and undisputed experts on these topics; the commission has heard from Mr. Redick this evening, Michigan law is clear and no external definition can be used related to what constitutes a hazardous material because Eaton County Ordinance already includes a clear definition. He stated we are then left to determine whether or not septic waste is a hazardous material per the definition provided in the ordinance. Mr. Haley stated he has provided written comments with several expert opinions on that subject. Mr. Haley stated exhibit 7 is an e-mail to him from Jeremy Hoeh, environment health program unit supervisor for EGLE; in his e-mail, Mr. Hoeh refrains from offering an opinion on whether or not septage meets the ordinance definition of a hazardous material because he is neither a toxicologist nor an epidemiologist. Mr. Haley stated in support of Mr. Hoeh's indication that this important interpretation be left to a toxicologist or epidemiologist, Exhibit 5 is a written report from Dr. Paul Damian, a highly respected and experienced toxicologist with strong ties to the State of Michigan; in his report, Dr. Damian unequivocally states that septic waste unquestionably meets the ordinance definition of a hazardous material. Mr. Haley stated exhibit 6 is an e-mail from Greg Merricle, the septic program coordinator for EGLE; in his e-mail, Mr. Merricle states that septage "contains human pathogens" and that it poses the same "human health disease potential" as a septic tank. He stated although his expertise does not rise to the same level as the other expert opinions found within his written comments, even Mr. Vanderstelt appears to agree septic waste meets the ordinance definition of a hazardous material in that it can create human health hazards. Mr. Haley stated specifically, exhibit 8 of his written comments shows marketing materials from the Ball Services website stating, if your septic system is not cleaned on a regular basis, you, your employees and your guests could start experiencing bad odors, slow drains and plumbing back-ups; these signs can cause discomfort and health hazards for everyone which classifies it as a hazardous material per Section 14.33 of the ordinance. Mr. Haley stated as it relates to whether or not all three conditions of Section 14.33.2.G apply to an open air storage, exhibit 3 in his written comments is a formal report from Dr. Michael Motley. He stated Dr. Motley is a well respected expert in the field of communication and psycholinguistics; in his report Dr. Motley states, it is his firm opinion the original intent of Section 14.33.2.G of the ordinance was that both open air business and open air storage facilities involving hazardous materials be required to demonstrate the licensing requirements of G.1 and be required to satisfy the location requirements of G.2. Mr. Haley states, in addition to his own expert opinion Dr. Motley also consulted with Dr. Virginia Hamilton; Dr. Hamilton is a well respected expert in the field of semantics, which is the study of meaning. Mr. Haley stated as detailed in Dr. Motley's report, Dr. Hamilton independently arrived at the same conclusion, that all three conditions of Section 14.33.2.G apply to an open air storage. Mr. Haley stated much has been stated about this business being better under Mr. Vanderstelt's ownership, including attributing credit to Ball Septic for self-reporting the 3,000 gallon intentional dumping incident of earlier this year; although, he states his not able to cover it in full detail during the time allotted, he can assure this commission the facts indicate that this was not self-reported by Ball Septic. He stated he knows this based a FOIA request he did of EGLE. Mr. Haley said he has every communication related to this event, if any member of the commission wishes to hear those facts, he is prepared to present them. Mr. Haley stated Mr. Vanderstelt has appealed to the commissions emotion by stating in exhibit 1 of his application that without the CUP being issued, the business would be forced to close as it would be too costly to relocate. Mr. Haley stated it is not the fault of this commission, the county, and certainly not adjacent land owners that Mr. Vanderstelt failed to conduct the appropriate pre-purchase due diligence to determine what would be required to make this business compliant. He stated the facts are that this business has been operating unlawfully at this location from approximately 1992 to 2018 and that adjacent land owners and other local residents have suffered the consequences of this unlawful business that entire time. Mr. Haley stated there has been a continuous stream of intentional and unlawful release of septic waste; septic waste has found its way on to other properties, including his and in the bodies of water that includes the seasonal wetland on his property. He stated if there is any doubt about there being damage to Hubbard Road, we heard earlier the reference to road damage and pictures were handed out of damage to the road observed by an independent member of the board of appeals. Mr. Haley stated again, as stated by Mr. Redick, this damage highlights the risk to the county officials that first adopted the zoning provision requiring this type of business be located on a paved primary road. He said this type of damage would not be

happening if Ball Septic was lawfully located on a paved road per the zoning ordinance. He stated he is here to request the Planning Commission deny this application because both Eaton County Ordinance and Michigan Law are clear, that no permissiveness or discretion can be used to allow this particular open air storage to exist at this particular location. Mr. Haley thanked the Planning Commission and stated he is prepared to answer any questions the commissioners might have related to these comments, the written comments he submitted in advance, or the exhibits he submitted.

Ms. Nancy Shaver stated Ms. Hatt has photos to pass out for her. Ms. Shaver asked the Planning Commission to wait to look at photos until she goes over them so they stay in order. Ms. Shaver stated she is also here to request the Planning Commission not approve the application for Ball Septic Service. She stated because this meeting for CU-11-19-5 was rescheduled from Tuesday, November 5th, her son who lives directly down stream from Ball Septic is unable to attend tonight and speak on behalf of his family. She stated the stream that flows westward from Ball Septic crosses his property on its way to the Little Thornapple River. She stated his five children are no longer allowed to play near the stream due to the potential contamination. She stated she and her husband and adjacent property owners to Ball Septic. Ms. Shaver stated they purchased their property on Lamie Highway, that boundaries the east bank of the Little Thornapple River, in 1976 and have resided there until this date. She stated their concern is with Ball Septic Service being permitted to do business at 2910 Hubbard Road, which is located in the Thornapple watershed and is approximately five-eighths of a mile from the Little Thornapple River, which boundaries their property. She stated there is a stream that crosses the Ball Septic property that flows through the Hubbard Road culvert and drains into the Little Thornapple River approximately 1500 feet south of the bridge on Lamie Highway. Ms. Shaver stated this stream is a flow line that does not run dry at any point during the year, according to a 1974 Eaton County Drain Map, this stream is identified as a natural water course. She said the approximate fall from Hubbard Road to the Little Thornapple River is twenty-two feet, which confirms that an overflow or spillage from Ball Septic Service has a high probability to contaminate not only the stream, but the river as well. Ms. Shaver asked the Planning Commission to look at the photos while she explains them. She stated the first picture is where the Hubbard Road culvert drains to the west, so you can see it does flow; the second picture is where the stream goes through the Stine Road culvert draining to the west; the third picture is the Little Thornapple River at the Lamie Highway bridge; the fourth picture shows seasonal flooding southwest of their home where you see water over the road making it impassable, water in the neighbor's field, water in their yard and over their private pond and the last photo is taken from the north side of their home, and shows the seasonal flooding covering their backyard and into their field. Ms. Shaver stated as wet as it has been this year, the flooding has happened multiple times. She stated she would like to conclude by saying it remains their desire to protect the integrity of the Thornapple watershed, the Little Thornapple River, the stream and their private pond as well as all neighboring properties for future generations. She stated she respectfully request that the Planning Commission deny approval of CU-11-19-5 tonight.

Public hearing closed: 8:36 p.m.

Commissioner Owens stated he is not familiar enough with some of the statements the public has made due to missing a couple of meetings. He stated the Planning Commission could have discussed the concerns. He asked if the Planning Commission needed to do a little more research. **Commissioner Catron** stated he walked the property today and has information that may help. He stated the swale shown on the survey that goes across the field is a drainage structure; specifically it is a drop inlet. He said water is supposed to go into it at the south property, it looks like it is supposed to be an outlet for the tile. **Commissioner Catron** stated years ago the tile was installed under the field to take the drainage, the water was not intended to flow across the surface as it does today. He said the USDA would call this area a seasonal wetland and noted it does not look wet all of the time. He said it has been mentioned there is a branch of the Thornapple River; there is a stream that looks like it flows all the time and goes along the south property line from the southeast corner and leaves where the survey says dam structure. He stated it is not on the property, it looks like it flows along the property line. **Commissioner Catron** stated he was purposeful when he walked around the field to see if he could see any evidence of recent spreading on it. He stated he did not find any evidence of

recent land application; there was no trash or junk in the field, so he believes they are processing everything inside the building as they have stated. He stated there has been a lot of discussion regarding the hazardous waste or hazardous material. He questioned the intent of the original ordinance language as it was written. He stated it strikes him as illogical the intent would be to include all septic waste and animal waste; if it did, our farmers carting animal waste in open slop wagons are hauling hazardous waste all over the county. **Commissioner Cattron** stated he does not believe that was the intent, it would not make sense to him.

Commissioner Rhors asked Commissioner Ross if she could ask staff a question. **Commissioner Ross** said yes. **Commissioner Rhors** asked if there have been any known spills other than the ones addressed by Mr. Vanderstelt; were there any other reports of spills by neighboring property owners. Ms. Williams said no. Ms. Hatt explained the only two complaints received were addressed in the staff report. She stated she personally inspected the complaint of the leaking tanks, but no violations were found.

Commissioner Tirrell stated the Planning Commission has discussed hazardous materials, but have not talked about open air storage. He stated it would be helpful to look at that definition. He added the the seasonal rivulet/wetland could also create methane and hydrogen sulfide. **Commissioner Owens** asked Commissioner Tirrell if we need to look into this further. **Commissioner Tirrell** stated we the commission is looking at this again because the previous application was not filled out correctly. He agrees there were errors, the seasonal wetland were not identified. **Commissioner Tirrell** stated the information has now been provided. He asked Commissioner Cattron if he saw any other water features on the property not on the site plan. **Commissioner Cattron** said no, there are water resources within five-hundred feet, the stream on the property line, and wetlands on the adjacent property as noted.

Commissioner Tirrell stated he is comfortable with the way the Planning Commission interpreted hazardous material in the previous decision. **Commissioner Halsey** asked if this application is to allow for construction of a building for equipment, not open air storage. Ms. Williams stated the application is for open air storage which includes the construction of a building for equipment.

Commissioner Tirrell moved to approve CU-11-19-5 (Ball Septic, Inc. and DV Commercial Group, LLC.) for a Conditional Use Permit for the operation of an Open Air Storage (septage company) per Zoning Ordinance Section 14.33 at 2910 Hubbard Road (Parcels 060-034-200-011-00 & 060-034-20-020-00), Section 34, Chester Township;

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

Commissioner Rogers supported.

Discussion: **Commissioner Tirrell** stated the Board of Appeals did a nice job reviewing the application, however the mistake has been corrected. **Commissioner Ross** said he would like something added to the motion stating they are approving this for an Open Air Storage for a septage business which does not include hazardous materials and therefore is not required to be on a paved road. He stated we may want to specify domestic septic waste is not considered hazardous materials. **Commissioner Owens** stated he believes that has already been said.

Commissioner Tirrell amended his motion to include this business is for an open air storage and handling of septage. **Commissioner Halsey** supported.

Discussion: Commissioner Tirrell stated he believes his motion with the amendment and the discussion regarding this application makes it clear the Planning Commission does not define septage as hazardous materials. **Commissioner Owens** stated he believes it is completely spelled out in the application as well; the Planning Commission should not have to further define it.

A roll call was taken with six (6) voting aye and one (1) voting nay. Motion carried.

CU-12-19-8: Request by Sandstone Creek Solar, LLC. for a Conditional Use Permit to operate Solar Energy System – Large per Zoning Ordinance Section 14.39 on properties identified as parcels 070-009-200-002-01, located off from Oneida Road; 070-005-200-002-00, located off from E. Needmore Hwy.; 070-005-200-020-00, located off from E. Needmore Hwy.; 070-005-200-043-02, located off from Otto Rd.; 070-005-400-001-00, located off from Otto Rd.; 070-009-200-061-01, located off from Oneida Rd.; 070-004-400-035-05, located at 2860 Doane Hwy.; 070-004-400-003-04, located off from Doane Hwy.; 070-008-200-001-00, located off from Otto Rd.; 070-009-100-002-01, located off from Otto Rd.; 070-004-100-004-31, located off from Otto Rd.; 070-004-200-004-01, located off from Oneida Rd.; and 070-004-300-002-01, located off from Otto Rd. The subject properties are located in Sections 4, 5, 8, and 9 of Benton Township.

Ms. Williams asked Commissioner Ross if she could inform the Planning Commission of an update regarding Benton Township establishing their own Zoning Ordinance prior to reading the staff report. **Commissioner Ross** said yes.

Ms. Williams stated staff received a letter from Benton Township’s attorney on December 2nd, which was yesterday, notifying Eaton County Benton Township has adopted an interim Zoning Ordinance which went into immediate effect on November 27, 2019. She stated she received another letter from Benton Township’s attorney on December 3, 2019, which is today, notifying Eaton County Benton Township received a notice of intent to file a referendum petition on their adopted interim Zoning Ordinance. Ms. Williams stated additionally, Eaton County is also aware of a complaint filed in Circuit Court challenging the validity of Benton Township’s interim Zoning Ordinance; therefore, the question of zoning jurisdiction of Benton Township is uncertain at present. She stated staff has consulted with the county’s legal counsel on this matter; with jurisdiction being uncertain, legal counsel has recommended the Planning Commission not render a decision on the application for CU-12-19-8 at this time. Ms. Williams stated Sandstone Creek, LLC has requested to still move forward with their presentation at tonight’s meeting, which will be allowed, along with the public hearing immediately following. She stated the recommendation from the county’s legal counsel is to postpone a decision on the application to the next Planning Commission meeting on January 7, 2020 or until clarification of jurisdictional status is resolved through the court.

Staff Report: Ms. Williams read the staff report, a letter from Mr. Ryan Timmer, a letter from Lansing Regional Chamber of Commerce, and an e-mail from Deputy Drain Commissioner, Eric Dibel into record.

Commissioner Owens asked Ms. Williams if she would read the first letter from Benton Township again, the one where they talked allowing the presentation to go forward. Ms. Williams stated those comments were from Staff and Eaton County’s attorney. **Commissioner Owens** stated he misunderstood. **Commissioner Ross** asked Commissioner Owens if he still would like Ms. Williams to read the comments again. **Commissioner Owens** said yes.

Ms. Williams read the comments again.

Commissioner Owens asked who gives the authority for the applicant to make the presentation tonight. Ms. Williams stated that is the decision of the Planning Commission; legal counsel has advised allowing the presentation, but the decision is that of the Planning Commission. She apologized and noted perhaps different wording should have been used.

Applicant statement: Mr. David Caldon stated he is an attorney with the Varnum Law Firm; legal counsel for the applicant, Sandstone Creek Solar. Mr. Caldon stated Sandstone is very pleased to present tonight its completed application and site plan for a conditional use permit to operate a large solar energy system. He stated as the Planning Commission may know, this application represents the culmination of over two years of work on this project, that included working through the process of the county's adoption of a new solar ordinance which imposes strict requirements on solar projects within the county; it also included collaboration with staff both at the county and with the road commission and the drain commissioner's office to ensure all of these strict requirements were met by the site plan. Mr. Caldon stated Sandstone truly appreciates the county's willingness to work with them over the last two years because Sandstone and its parent company, Geronimo Energy, believe in taking a collaborative approach in all projects, and think a public private partnership makes for the best progress. He stated for that reason they were disappointed Benton Township, or some in Benton Township, have not been willing to take a collaborative approach to this project. He stated the Planning Commission may have heard the township adopted an interim Zoning Ordinance in an attempt to stop this project. He said they do not think that was done lawfully or that it has any effect; however, they will not be talking about that tonight. Mr. Caldon stated the county does have a valid zoning ordinance and Sandstone Creek applied for a Condition Use Permit under that ordinance. He added Sandstone Creek's application is fully compliant. He said they would like to hear from the Planning Commission on that and address any questions or any comments about the application. He stated hopefully, when we are done, the Planning Commission will be able to conclude that the application does comply with all of the strict requirements under the ordinance.

Ms. Kara Bakke, Developer with Geronimo Energy stated she is here on behalf of Sandstone Creek and on behalf of the land owners that make up the project. Ms. Bakke stated she as a panel of experts here with her; that have also been in attendance at previous Benton Township meetings as well. She stated for some this will be a repeat, but they wanted to have the same information presented at each one so everyone in attendance was able to have the same presentation and same access to resources and experts. She stated Ms. Hatt handed out a roster of her panel experts identifying the names and bios of each person; the third column list each meeting the person attended. Ms. Bakke stated she will be presenting and here for questions and answers, she noted not all of the experts will be presenting, some are only here to answer questions. She asked the Planning Commission to wait until the end of the presentation to ask questions. Ms. Bakke stated there is one error on the list of experts, Ms. Gemma Smith, their director of environment health and safety and training, is here and will be presenting. She stated Mr. Andrew Nelson, engineer with Westwood will discuss the drainage plan for the project and, Ms. Pat McGarr will give a presentation on real estate and the property value as it relates to solar energy. She stated before they get into too many project specifics she wanted to discuss the word megawatt, which is a thousand kilowatts. She stated a megawatt can power about two hundred home annually; the Sandstone project will be up to one-hundred megawatts, which is enough energy to power approximately 24,000 homes on an annual basis. She stated they believe Sandstone Creek is an excellent project; it is sited appropriately next to existing infrastructure that can handle the project. She stated they have land owners who seek to utilize their personal property for solar energy and they have a great resource in the area with minimal environmental impact with this location. Ms. Bakke stated there are multiple and viable commercial options for this project and a considerable tax contribution to both the county and the township with a project of this size; solar is a development that does not require the same public services other large developments would. She stated it is compatible with agricultural use, and they see this project as something that can preserve farmland because it is not taking farmland out of production forever such as a home going on the land or shopping malls, things to that effect. She stated per the recent policy initiatives by MDARD, they, too, are now embracing solar as a farmland tool. She said solar and agricultural do go hand in hand, they are not in conflict, and Michigan is in a fundamental and necessary energy transformation. They and we are excited to be here and they are excited to be working on projects that are part of that transformation.

Ms. Bakke stated they have prepared a presentation for the Planning Commission this evening, which includes brief points on Geronimo Energy and a brief project overview. She stated once she is done

with her presentation, a presentation will be made on the safety and operations procedures for the project, then the drainage of the project, and then property values. She stated the presentations will conclude with remarks from their attorney.

Ms. Bakke presented her portion of the slide show.

Ms. Gemma Smith, stated she is Geronimo's Director of Environmental Health and Safety and Training, so her responsibility within the organization is to make sure their employees and the public are safe with our projects and operation. She stated she is going to tell the Planning Commission a little bit about how the project will be operated. Ms. Smith presented her portion of the slide show.

Mr. Andy Nelson, West Professional Services stated he is going to give a brief overview on the drainage that we came up with for the project. He stated they have worked closely with the Drain Commissioner's Office for the last several months to develop a plan that meets their requirements. Mr. Nelson presented his portion of the slide show.

Ms. Pat McGarr, with Cohn Reznick, stated her firm is one of the top ten accounting firms in the United States. She stated she is their notional practice leader for their valuation practices; she oversees real estate and business valuations, machinery and equipment and intangibles. She stated she is a real estate appraiser; she has been an MAI for the past twenty-five years. She stated she is a member of the Appraisal Institute and a counselor of real estate, which is a specialty group of real estate development experts by invitation only. She stated she is a FRICS, which is a fellow of the Royal Institution of Chartered Surveyors; the surveyors are known globally as appraisers, and it allows her to appraise real estate anywhere in the world. She stated she is licensed as a general certified real estate appraiser in twenty-one states, including Michigan, and the year before last the governor of Illinois appointed her to the Real Estate Appraisal Board as Vice Chair; this is a disciplinary and advisory board. Ms. McGarr stated one of her niche practices over her professional career has been impact studies; she has been brought here tonight to talk with the Planning Commission as a fact witness with regard to some of the studies that we have performed with regard to the properties adjacent to existing solar facilities. Ms. McGarr presented her slide show.

Mr. David Caldon thanked the Planning Commission for their attention; having heard a little bit about the project, he would like to wrap up the presentation by drawing the Planning Commission back to the Zoning Ordinance. He stated as the Planning Commissioners know the Zoning Ordinance says the Planning Commission shall approve a Conditional Use Permit for any application which fully meets the requirements of the Zoning Ordinance. He stated there are five standards stated in Section 9.3.6, and they are required to consider those standards in making their decision. Mr. Caldon stated the first standard is compliance with the Master Plan; the Master Plan states on page 95 that Eaton County agriculture is and always has been an important component of the economy. Eaton County maintains approximately one thousand farms occupying 230,000 acres in the county, and in this section of the master plan, it goes on to say Eaton County's focus is identifying economic development opportunities that will enhance, compliment and diversify the large agricultural segment of the Eaton County economy. He stated the Master Plan goes on to state on page 97 that the MEDC has identified six areas of opportunity in this regard, and the very first one identified there is alternative energy; it notes wind, solar, hydro as types of alternative energy, so the project does not only comply with the Master Plan, it is textbook in terms of the Master Plan that the Planning Commission adopted and said they wanted to have happen with some of this 230,000 acres of agricultural property. Mr. Caldon stated second, the Planning Commission is to consider the availability of essential public services such as streets, highways, schools, emergency medical care, and public transportation; this standard is clearly met because this project does not require schools, it does not require public transportation, it does not require those things or have any significant impact on those things, this project has no impact on those public services, it generates, as Kara laid out, the same sort of substantial tax revenues you would get with an intensive residential development or commercial development, so it is a win/win for the county. This standard is very clearly met. He stated third the design of driveways and the level of traffic generated by the project is a consideration; approximately eight-hundred acres of land are part of this

project with three employees making daily trips to and from the property, that is six trips per day. He stated the Institute of Traffic Engineers, 10th Edition says, the average number of trips per day for one single family household is 9.44 trips, so about thirty percent traffic less on eight-hundred acres than you would have with one single family residence, so this standard is very clearly met. Mr. Caldon stated forth is the adequacy of on-site sanitation facilities; this project includes a bathroom, kitchenette, one toilet, and a sink. He stated, again, this is far less of an impact than one single family residence typically include two bathrooms or two and a half bathrooms or something of that nature; so with effectively one half bath on eight-hundred acres, this standard is met. Mr. Caldon stated the fifth and final standard is being compatible with existing land use; the project is clearly compatible with the existing land use. He stated we know this because the Master Plan directs this particular use on agricultural property; in fact, the Zoning Ordinance allows this particularly use only on agricultural and industrial zoned property. He stated it is even better than that, because the use is buffered around the entire perimeter, and it results in effectively, no noise, no odors, minimal lighting, and less traffic than one single family residence, so this standard is also clearly met. Mr. Caldon stated because each of the five standards in the Zoning Ordinance are clearly met, they respectfully ask for the Planning Commission's approval and confirmation they have satisfied those standards of approval of the Conditional Use Permit.

Commissioner Ross asked the Planning Commissioner's if they have any questions for the applicant. **Commissioner Halsey** asked Ms. McGarr if her studies were in rural or residential areas. Ms. McGarr stated she has done studies in both areas. She stated when they look at a detrimental influence, they look at single family homes because they are the most sensitive to outside influences, look at those and look at rural areas that have maybe similar development; maybe a single family home on five acre lots running along the road frontage. She stated the majority of these were somewhat similar or some of them are more similar than other, but you have to go where the solar farms are to study, and there is not a tremendous volume of solar farms yet. She stated she also has to look at the number of years the solar farm has been in place to do the study. **Commissioner Tirrell** asked what the longest time frame for a study was, is there a trend later after the solar farm has been installed. Ms. McGarr stated the longest one she can recall is four years; again, they are relatively new.

Commissioner Cattron stated he has a question about the grading; the way the Ordinance is written, it is targeted at maintaining the health and the structure of the soil, and the Ordinance asks for a minimum amount of grading. He said he heard one of the presenters state there will be a significant amount of grading, this is disturbing; he would like an explanation. Ms. Bakke stated they are all for minimized grading, however, the same Ordinance also required approval from the Drain Commissioner's Office, the drainage plan presented is what they had to do to gain the approval of the Drain Commissioner's Office. She stated she sees this as an area the Planning Commission and Drain Commissioner are in conflict with one another. She said they are certainly willing to work with the Planning Commission and Drain Commissioner to address their plans. Ms. Bakke stated the presented drainage plan is not typical, to the amount of grading they normally see for a solar project, and they would like it reduced as well; other counties allow them to maintain the surface drainage and have the water flowing as it normally is on adjacent properties. **Commissioner Cattron** stated the fact is the draining characteristics are better if you do not disturb the soil. Ms. Bakke agreed, she also stated there is a reduction in the drainage for a large portion of the year due to having a stable crop; they are used to having an extra or a little larger basin, and once the project is constructed there is very minimal to no water storage required on site because of the increased infiltration from those deeper root stations and having vegetation establishment. She stated they would be happy to go back to the Drain Commissioner and continue to work with them, but they may also need support from the Planning Commission because they are unwilling to look at the standards differently, they are treating solar just like their other projects.

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

Speakers in favor: Ms. Glenda Brown, 1105 East Chicago Road, stated she is a property owner in Benton Township, she has lived in the area for over half her life and is proud of the progressiveness of Eaton County in the past and now. She stated she encourages Eaton County to continue to embrace this in supporting renewable energy. She stated solar provides vegetation for farmers and valuable contributions to the tax base. Ms. Brown thanked the Planning Commission for their time and consideration and stated she has found this process to be very enlightening.

Speakers opposed: Mr. Gary Suits, 2905 Doane Highway, stated he did not come prepared for a speech or anything, but he has listened intently and read some of the literature, and some questions have come into his mind. Mr. Suits stated he lives right in the middle of the project, and he just thought a while ago while some people in Minnesota may be happy to drive back into the middle of a solar project and even buy property there, he knows just about everybody out by the project, and none of them are willing to do that or want to do that, and they are the ones that elected everyone. He stated they depend upon the Planning Commission to support them; around \$20,000 going towards the schools, that sounds like a lot of money, it is a lot of money to him, but he is just one of about maybe thirty people that live right adjacent to or in the middle of this project and about \$2,000 of his tax money every year goes to the schools. He stated the people living in the area are already paying that much, if not more in taxes. Mr. Suits stated another thing he wanted to mention was he keeps hearing about the one-hundred foot setback. He stated he looked in the Michigan Zoning & Enabling Act, and says something about a hundred foot setback, for projects of this size, if the setback is less than a hundred feet, neighbors owning adjoining properties can complain, and it requires a two-thirds majority of approval for something less than a hundred feet rather than just a simple majority for approval for the project; this makes him whether this is really just peoples' generosity and wanting to be nice to everyone or if it is a strategic move to be able to get this passed. He stated he read through the points the Planning Commission's decision is based on; he said he knows he has mentioned before something about the solar panels burning, he also knows the question was asked by others. He stated they were informed there is nothing in the solar panels that would generate a fire or cause a problem; he was additionally informed the panels have plastic components and they have been told if a fire starts, it would be due to grass fires and the employees would carry fire extinguishers. However, he said the fact still remains, large installations like this do, have and can catch fire and the components will burn. Mr. Suits stated when they do burn, they are plastic, they will put off toxic fumes; he is not allowed and does not think any of the other citizens are allowed to burn a plastic lawn chair, it is against the law. He stated his point is when he reads the basis of the Planning Commission's decision it says their decision will be based upon compliance with specific requirement contained elsewhere in the Ordinance and in the general standards listed below; under item B, it says they have to be in compliance with essential public facilities, that they are adequate, in other words, appropriate for the installation. Mr. Suits said they must be adequately provided to the project, including, but not limited to highways, streets, police and fire protection. He stated just today he inquired of a person on the Benton Township Fire Department, who could not speak officially, And there still is no plan for hazardous material being transported to the site or, how to deal with fire should the panel catch fire. He stated there have been no plans for the safety of someone's life. **Commissioner Ross** stated Mr. Suits has about a minute left. Mr. Suits stated he does not have an hour to give his presentation, only five minutes. Mr. Suits stated there are no plans for incident stabilization, that means to stop the fire; they have been told to just let it burn out, but that does not work. He stated property conservation is also an issue. He stated he is not willing and hopes the Planning Commission is not willing to let this go through and pass on only a promise they are going to work with the fire department. He stated the Planning Commission has plans sitting in front of them that have specific things drawn out and they should hold them to those plans that are written, but he asks they do not leave the safety part as a promise; this is his life and his safety and everybody else's safety. He stated he leaves it in the hands of the Planning Commission to take care of this and protect him. He stated he implores the Planning Commission at a minimum to postpone this until more solid things can be done about the safety.

Mr. Chris Patterson, counsel for Benton Township, stated the intent of coming here is to provide a status update as to what actions the township has taken so the Planning Commission is aware. Ms. Patterson stated his address is 4151 Okemos Road, Okemos, Michigan. He stated he heard tonight

Geronimo is looking at a public private partnership, that they are community-driven and farmer-friendly; he thinks that is an interesting concept because even himself, personally, on behalf of the township, approached Geronimo's counsel a few weeks ago when the township began engaging in the process of adopting an interim Zoning Ordinance. He stated they provided Geronimo a copy of the interim Zoning Ordinance prior to any Planning Commission meetings that were held and gave them an opportunity to feedback; Geronimo attended the Planning Commission meeting and township board meeting, provided zero input or comments about the interim Zoning Ordinance. Mr. Patterson stated, in fact, he attended the township board meeting Geronimo and their legal counsel attended, when they indicated they would be willing to and looked forward to the opportunity to work with the township. Then coming here tonight, he has learned apparently, Geronimo has now filed suit in Eaton County Circuit Court and is suing Benton Township. He stated Benton Township did what is legally provided pursuant to Section 404 of the Michigan Zoning & Enabling Act for the township to undertake its own zoning so they could address these issues at the Township level. He stated he thinks it is disingenuous for Geronimo to suggest the township is attempting to thwart this project; they have provided advance notice to Geronimo's legal counsel. Mr. Patterson stated what the township has done is adopt an interim Zoning Ordinance, which is now in effect; since that zoning is effective, under the county's own zoning, the Planning Commission should now defer to the township's zoning. He added state law, basically, supports that assumption. He said Benton Township's interim zoning ordinance also has solar provisions; it addresses large solar farms, and provides an application process; the township does provide the opportunity for the applicant to come under Benton Township's interim Zoning Ordinance, which is now in effect. They have provided a means to apply and allow it. Mr. Patterson stated comments should be made and addressed at the local Benton Township Planning Commission and Township Board meetings, not at this commission. Mr. Patterson stated Geronimo had the opportunity to present to the Benton Township Planning Commission members and they did discuss and postpone taking any action on the application; therefore there is no feedback. He stated Geronimo suggests the Interim Ordinance is ineffective, however it is his belief the Eaton County Planning Commission has no responsibility to approve this application this evening. Mr. Patterson stated apparently, Geronimo will be serving Benton Township with a complaint and there will be some litigation as to the validity of the Interim Zoning Ordinance; it would seem best to him that the Planning Commission take no action as recommended by its county's corporate counsel. He stated he would note with respect to the application materials themselves, the planning commission did take an opportunity to review them. He stated Geronimo suggested that it actually complied with the Master Plan with providing for prime agricultural uses and certain acreage identified in the county. He stated there are some concerns as were raised by the commissioners which related to these basins and the potential perpetual impact they may have on the agricultural land when this system will ultimately be decommissioned. He stated the important issue is whether land can actually be returned to its prime agricultural existence, which is one of the prime goals of this county's Master Plan, but, also, Benton Township's master plan.

Commissioner Owens informed Commissioner Ross his time is up. He asked if Mr. Patterson should be given more time due to the fact he is Benton Township's Attorney. Mr. Patterson stated he appreciates the suggestion, but his is almost done; he only needs five more seconds. He stated the last comment he would like to make is, the Planning Commission previously had a Conditional Use Permit that was pending and related to land use in Benton Township; that application was postponed. He stated he believes that has set a precedent to require a similar action here tonight.

Mr. Charles Meddaugh, 7621 Otto Road, stated he has spoken to this group before. Mr. Meddaugh stated Geronimo, the spin doctors are back; they did a pretty good job in presenting the project. He stated there were a couple of flaws. He said there is a piece of ground thirty feet in the air he likes to sit on; he watches the wildlife and the crops. Mr. Meddaugh stated on Saturday and Sunday he watched a mature bald eagle soar over the field while finding a place to sit and have lunch. He said he would rather watch the eagle than look at solar panels. He stated that is his emotional statement; his practical statement is Geronimo says they are going to conserve land, but if you put farmland in set aside, all it does is sit there. He stated they want to come in, move large quantities of materials dig large trenches, put pipe in the ground, and completely disturb everything that is there now. He stated then they are going to come in and drive over it with hundreds of vehicles, which will compact the ground further, to

the point it is no longer agricultural. He said what they want to do will not preserve farmland. Mr. Meddaugh stated when he was at the Benton Township Meeting he made a comment that seems to have spurred a little interest because there was a presentation tonight on safety and all of the things they are going to do for safety, but they missed the point completely. He stated yes, there is a possibility of fire, it is slim, but what happens when someone drives a vehicle out into a bunch of solar panels. He asked how the solar panels are turned off. He stated they are not; it is generating electricity as long as the sun is hitting it. Mr. Meddaugh stated when he asked this question at the Benton Township Meeting, the engineer informed him they would cordon off the area and wait for their people to get there. Mr. Meddaugh stated he spent fifteen years as an emergency responder, and he would not cordon off an area and sit and wait while somebody is bleeding to death because they want someone from Minnesota to show up to take care of the problem.

Ms. April Stopczynski, 6621 N. Cochran Road, stated Sandstone Creek, LLC. and Geronimo Energy have no legal vested interest at the county level at this time. She stated they have not been awarded a permit for anything; the Planning Commission is not obligated to do anything with the information Geronimo would like to provide. Ms. Stopczynski stated the Planning Commission was not obligated to hear this application today, yet Geronimo received an hour. She stated Benton Township, who the county is currently in conflict with, had their attorney here to speak for five minutes, and it was a waffle on whether or not he was given two more minutes to wrap up; that is abominable. She stated the application as submitted by Sandstone Creek and Geronimo Energy does not meet the requirements of the Ordinance and contains many maybes and approximations rather than the detail needed to effectively make an informed decision on this permit. She stated even the acreage is not in specific terms, it is approximate. She stated they should know the acreage of the project; this is an enormous project with enormous implications positive or negative for this community and the two-hundred, six land owners that are within three-hundred feet of the property, the majority of which have families. She stated it is not two-hundred, six individuals; it is two-hundred, six property landowners that were notified. Ms. Stopczynski stated if they cannot comply with the Ordinance and cannot comply with other county departments, such as the Drain Commissioner, this would be inappropriate siting. She stated the Planning Commission also needs to consider their staff; does the county have the resources to effectively supervise the training for the staff to effectively evaluate whether this construction and site maintenance is done appropriately and properly. She stated with this permit, it is the Planning Commission's obligation to ensure laws and regulations are followed. Ms. Stopczynski stated as the Planning Commission has heard and can see, there are already lawsuits, there will be more. She stated the Planning Commission needs to be very, very sure of the action they take.

Mr. Dave Falsetta, 6862 Mallard Drive, stated he is not in favor of this application; he opposes it. He stated he is not against solar, as a renewable energy it is a great deal. He stated he is not against the owners wanting to lease or sell their property; that is what they are supposed to do, good for them. He stated he is against it if it ruins property. Mr. Falsetta stated he knows they had their real estate person speak and tell us the prices are not going to be affected, that somebody would rather look at glass than a beautiful scenery of woods or a field, but he finds that hard to believe. He stated that does not sit well with him, but if their view was already concrete, than maybe a field of glass would be a great view. He stated that is not the lifestyle he wants and does not recall any of the Planning Commissioners knocking on his door and asking him what he thought was best. He stated Geronimo did not come out to speak with him; they do not know what he wants. He stated he does not want the development out there; they do not like it, they think it is dangerous and it is going to ruin their property values. He stated during the presentation they told us very few studies have been done, very few of these have been built, so how do they know; they do not, they are just guessing and manipulating the numbers to get what they want. Mr. Falsetta stated he hopes the Planning Commission finds it in their hearts and do the right thing, the thing that is not going to hurt people. He said they needed to bring the township into this because the county is too big to listen; they mean too little to the county for them to do something to help them; this is going to ruin their lives. He stated that is how they see it, that is their view, this is life ruining and life changing and the Planning Commission does not care. He asked the Planning Commission to prove they care by coming out and talking with them. He stated he has not seen any of the Planning Commissioners; they are real people with real lives, and they have real

properties. He stated if Geronimo is so sure their property values are not going to be harmed, why doesn't someone make them put something in writing stating they would guarantee the price of their property, that way they do not lose money on their properties. He asked why the county can't do something like that for them; another thing they could do is pay their electric bills, he bets the property values would increase if they paid their electric bills. He stated they are the people of Eaton County; the Planning Commission should be helping them.

Ms. Nancy Gensel, 5388 Carls Ridge Drive, stated Planning Commission members have the responsibility to represent the concerns of their constituents, and over the last few years, they have registered their concerns in many different ways, even by township resolution. She stated Benton Township sent a resolution in 2017, they have had petition drives, and have provided hundreds of signatures; they have provided letters, e-mails, phone calls, newspaper articles, social media articles, and have been here in public to give testimony over and over. She stated they have spoken loud and clear on numerous instances just like tonight. Ms. Gensel stated this room has been filled to capacity and spilled into the hallways with people voicing their concerns about this. She stated she urges the Planning Commission to evaluate their concerns, put priority on their township and residents to determine their own destiny, to protect their resources, environment and preserve their heritage. She stated again, the Planning Commission's responsibility is to hear the concerns of the constituents who will live with the decision of their actions.

Ms. Monica Karr, 3253 E. Strange Highway, stated she wanted to point out that as Geronimo's attorney so eloquently mentioned they worked with them every step of the way to develop the solar ordinance; that is true. She stated she has not missed very many meetings and has been present since the first meeting in Oneida Township; at that point Geronimo said the project was going to be two-hundred, fifty acres and she said they worked hard to come up with a solar ordinance to allow for solar power in an appropriate place. She stated now that the Conditional Use Permit has been applied for it is larger. She said Geronimo is talking with school children in Vermontville; they are talking to school children all over and they have approached homeowners in Eaton Rapids. Ms. Karr stated when she stood up here before and said we needed a size limitation on the ordinance; she was told by the commissioners she did not have to worry about that because there were only so many places they could put it. She stated after she read on Geronimo's website that eleven thousand acres were anticipated to be the imprint of this project, you all assured her that was not going to happen, yet here we stand and it is three times, almost four times the size by the time you talk about the imprint for just this one.

Ms. Tammy Dennis, 875 E. Santee Highway, stated the person from Geronimo did not even bother to put her phone down, she has been on her phone the entire time people have been speaking. She stated she did not care to listen to anyone, she was on her phone the whole time. Ms. Dennis said the person from Geronimo even admitted solar panels, when rotating, is like watching paint dry. She stated if you go by Delta Township where they have solar panels now on a smaller scale, it is horrible to look at. She said she drives by them every single day and it is horrendous to look at; none of them, like everyone has said, wants that. She stated there are people she knows on this commission, one specifically, on this commission at the Benton Township meeting apologized to Geronimo because everybody was so rude to them. She stated now here they are; they are already threatening to sue Benton Township, how long it is going to take before they try to bankrupt the township and come after the county. She stated Benton Township is a small township and they have already filed a lawsuit against them because the citizens are trying to speak out against what they want.

Ms. Dennis stated another thing they did not mention in this presentation, that they mentioned at Benton Township, is when they are evaluating for safety they will be flying drones around. So drones will be watching all of their houses just so Geronimo can keep an eye on their equipment. She stated she personally spoke with two people on the Benton Township Fire Department and EMS, they reiterated the same thing; they are a small fire department, we are talking about over eight-hundred acres. She stated Geronimo said they expect the Fire Department to put out a perimeter fire if there is one. If they think we are going to put out a perimeter fire and let whoever is inside come to harm, they cannot sit back and watch. Ms. Dennis stated she has heard the same spiel at all of the meetings from

the real estate appraiser; even she said Lapeer has a prison on one side and a highway on the other. Ms. Dennis said they do not live on a highway and do not live in Indianapolis. She stated if she wanted to go back to a big city like Indianapolis, she would. She stated they do not live in Minnesota, they live right here in Charlotte, Michigan. Ms. Dennis stated none of them want this and everybody has said that; she does not know what it is, the power Geronimo thinks they have that they can just come in and take over their township. She said they should not be allowed to do that. Mr. Dennis stated it would be nice if everyone could vote on it; she is not sure how to go about doing that, but she will look into it. She stated she wants to emphasize Geronimo stated this project will power twenty-three thousand, six hundred, seventy-seven homes, but none of the homes are located in Michigan; the appraiser stated the number of homes supported by solar in Michigan is twenty-six thousand, five hundred, sixty; that is not much of a difference of what they want to build in their little township, compared to the State of Michigan.

Ms. Kelly Coburn, 7235 Johnson Road, stated the Planning Commission showed their true colors when the little guy that comes for a permit is tabled, which was done last month with the gravel pit, and the big multimillion dollar company wants to present their permit and they listen to it. Ms. Coburn stated she knows someone that went for a permit for property in Benton Township just a few days ago, they were told the township is doing their own zoning, to go to the township to get the permit. She asked if that is the case, why is this hearing this CUP being heard; if the little guy cannot go and get a permit to build a building in Benton Township, why is a multimillion dollar company allowed to present. Ms. Coburn stated there are decommissioning costs that are to be put on the bond during the process; she would like to know if Eaton County calculated the decommissioning cost or did Geronimo calculate them. She stated she can guarantee in twenty years, the costs are going to be far more than what is budgeted in the permit.

Commissioner Rogers moved to postpone CU-12-9-8, a request by Sandstone Creek Solar, LLC to the next Planning Commission meeting on January 7, 2020 or until a clarification or jurisdictional status is resolved through the courts. **Commissioner Ross** stated he would gladly entertain a motion, but we are still hearing public comments. **Commissioner Rogers** asked if we are still in public comments. **Commissioner Ross** said yes.

Commissioner Ross asked if anyone else would like to speak under public comment.

Ms. Helen Schneider, 1915 Glass Drive, stated she would like to register an opposition of the project. She stated she has been following this for a year and a half, and the more she learns about it, the more unknowns come up in her mind. She stated she thinks we are the canary in a coal mine on this; she felt like that from the beginning and the more she learns, the more she thinks she is right. Ms. Schneider stated the Michigan DNR has not returned any commentary to the county about this project; she knows it is not a requirement of the permit process, but as a resident, she has concerns about the wildlife and hopes other have concerns as well. She stated the deer population is a concern if they get out in the road because they have nowhere else to go. Ms. Schneider held up a cake mix and said you do not have to purchase the cake mix to read the ingredients, she can go as a shopper and read the ingredients on any item on the shelf. She stated the permit application from Geronimo, the whole thing, has a support narrative, and site plan, but she cannot find the ingredients showing what is in the panels. She asked if that makes sense to anyone. She stated she has heard after it is approved, if you approve it, then we can find out what the ingredients are. She stated we have two hundred, six properties adjacent to this project; those people have a right to know what is in the panels that will degrade over time. She stated the word degrade was used by Geronimo at one of the previous meetings; they will degrade over time, but they have the right to know beforehand what is in the panels. Ms. Schneider stated she sent a letter to the local paper last month, it was printed, but greatly reduced down to three hundred words; she wants to read a paragraph out of it. She stated because she is afraid there are many people in her township that are being blind sided by what is happening; if they have not kept up, they are really going to be in for a surprise. She stated the first thing she said was about commercial generating energy operations are supposed to be on land zoned industrial, not on farmland according to the Eaton County Land Use Master Plan; and then she went on with some

questions. She stated she has a lot of questions; industrial solar farms are new in Michigan, they do not even have a ten year track record yet, there are a lot of unknowns. She asked if they will be practical given our Michigan weather; will they be profitable for the layer of corporations, subsidiaries and LLCs that may own or operate them over time. She asked if new technology will render the huge panels obsolete in a few years; will the surety bonds or deposits be enough to cover the whole cost of removing materials in twenty to thirty years or less if there is a bankruptcy. She asked if the land will be suitable for crops afterwards; is Benton Township at risk of having hundreds of acres of brownfields or more in the future. She asked what recycling facilities and landfills in the United States take hundreds of thousands of used solar panels which may contain heavy metals. She stated we are not sure what elements will be in the panels; a permit should not be approved without definite specifications beforehand and they estimate three hundred, twenty-six to four hundred, thirty panels.

Eaton County Commissioner Brian Droscha, 140 N. Stewart Road, stated the chair of the Planning Commission is out of order; there was a motion made, it is not his place to deny the motion. He stated she gets the chance to get a second, if a second is not received, her motion fails. Mr. Droscha stated if she gets a second, you have to take a vote on it; it does not matter when the motion is made.

Commissioner Ross asked if anyone else would like to speak under public comment. Mr. Droscha called for a point of order and stated there is a motion on the floor.

Commissioner Owens stated as long as public comment is done, he would second the motion; he was just waiting to make sure everyone that wanted to speak got a chance.

Commissioner Ross asked if anyone else would like to speak under public comment.

Public hearing closed: 10:43 p.m.

Commissioner Owens seconded Commissioner Rogers's motion. **Commissioner Ross** stated there is a motion and a second; he asked if there was any further discussion. **Commissioner Tirrell** stated he heard the motion previously, but did not hear a second then; now that there is a second, he is happy to discuss the motion.

Commissioner Owens stated that is why he asked if public comment was complete. **Commissioner Tirrell** stated he wanted to hear what the public had to say, everyone heard the motion, no one seconded it.

Commissioner Ross asked if there was any further discussion, seeing none he asked for a roll call vote. A roll call was taken with seven (7) voting aye and none (0) voting nay. Motion carried.

Commissioner Ross stated there would be five minute recess.

Commissioner Ross called the meeting back to order at 10:56 p.m.

Other Business: Ms. Williams presented PA 116 application submitted by Alan and Carolyn Shoemaker to place forty acres into the Farmland Preservation Program. **Commissioner Tirrell** moved to recommend to the Eaton County Board of Commissioners approval of the PA 116 application as submitted. **Commissioner Halsey** supported. Motion carried.

Commissioner Ross announced tonight is Commissioner Jack Owens last night as a member of the Eaton County Planning Commissioner. **Commissioner Ross** thanked Commissioner Owens for his years of service and presented him with a certificate of appreciation.

Reports: Ms. Williams stated as directed by the Planning Commission, Ms. Hatt performed a surprise inspection at Sunny Crest Youth Ranch. Ms. Hatt stated she spent two hours at Sunny Crest Youth Ranch with Undersheriff, Jeffery Cook, whom she asked to accompany her. She stated it was a

surprise inspection to see how the homes were actually operating; whether or not they were compliant with the additional seven regulations and conditions the Planning Commission imposed on them at the October Planning Commission Meeting. Ms. Hatt stated there were four exterior cameras installed outside of the office; the cameras on the office were not operational and the cameras required on the back of the property were not installed. She stated she received an e-mail from Mr. Brian DeVos informing her he has a bid for the additional cameras and the existing cameras are now operational. Ms. Hatt stated Undersheriff Cook and she will be going back out to Sunny Crest Youth Ranch to meet with Midstate when they train the staff how to use the cameras and alarm system. Ms. Hatt stated the alarms were not being properly used and some were in need of repair. Ms. Hatt stated the intent of the alarms was to alert staff to people coming and going from the homes, the alarms were not on and were missing from the windows. She stated a corrective action plan in place. Ms. Hatt stated while they were onsite there were children coming and going with no adults paying attention; she had to call into question twice whether a child from one house had permission to be at the new house they were in; at one point a child told her he came through a bedroom window. Ms. Hatt stated there were ten children on site during her inspection; she arrived at 12:30 p.m. on Monday, December 2nd. She stated most of the children were in school. She said she will be doing another surprise inspection before the January Planning Commission Meeting. Ms. Hatt apologized for not printing out the Central Dispatch reports; however, off the top of her head, she believes sixteen calls were made in September, twenty-nine in October and twenty-two in November. Ms. Hatt stated most of the calls in October were for a resident running away; that child no longer lives there. She stated Sunny Crest Youth Ranch is also looking at restructuring the program slightly to place the children in houses based on their level system, instead of haphazardly. This should allow staff to work with the new residents. Ms. Hatt stated she believes this is a good plan.

Commissioner Owens stated Ms. Hatt may want to speak with the EMS people themselves. He stated he had a conversation regarding Sunny Crest twice now and said no one answers the phone. He asked Ms. Hatt to call and speak to the Sunfield Township Fire Chief. Ms. Hatt stated Commissioner Owens is correct, there is an issue with the phone that was required to be onsite for Central Dispatch to call when needed. She was informed by Central Dispatch the phone was not operational, or no one answers it. Ms. Hatt stated she called the phone herself on Monday morning and it went right to voicemail. She stated there seems to be a struggle with the staff dress code that was put in place; the dress code is fairly simple, they are required to wear a black shirt that identifies them as Sunny Crest Youth Ranch Staff. Ms. Hatt stated she personally called out at least four staff members not having the proper uniform on. She noted it is very hard to discern some of the staff from the children. Ms. Hatt stated she has received two complaints since the October Planning Commission Meeting; both complaints were in regards to children trespassing on property. She added the child no longer resides at Sunny Crest. She said she called the complainant yesterday to enquire if there have been any issues since the first week of October; the complainant said there have not been any additional issues. Ms. Hatt stated while there are still some issues, there is a corrective action plan in place and she intends to do another surprise inspection before the January Planning Commission Meeting. **Commissioner Ross** asked Ms. Hatt to prepare a written report on this inspection and the next inspection for the January Planning Commission Meeting. He stated it does not sound like they have made many improvements. **Commissioner Halsey** agreed. **Commissioner Ross** stated he would like to have a Sunny Crest representative come in January to address issues from the surprise inspection and why they have not complied yet. He stated something as simple as a shirt is not that difficult and this is not acceptable. Discussion was held in reference to the difference between reporting on Sunny Crest as opposed to a full review. Staff offered to inspect the property and give as many reports as requested, however, per the Planning Commission conditions, a full review required a site plan review, neighbor mailing and public meeting notice which could not occur until the March meeting. Staff clarified the site plan review would include sending the application to all of the normal agencies and the Eaton County Sheriff, LARA, Michigan Department of Health and Human Services, and the Michigan State Police to name a few.

Ms. Williams informed the Planning Commission there is a Zoning Ordinance Committee meeting scheduled for Wednesday, December 18th at 3:00 p.m.

Ms. Williams informed the Planning Commission the Board of Appeals heard one variance request this evening, which was approved.

Public Comment: None

Upcoming Cases: Ms. Williams informed the Planning Commission there are two Conditional Use Permit Applications as well as the potential to hear the postponed applications in Benton Township for their January 7, 2020 meeting.

A motion was made by **Commissioner Owens** to adjourn the meeting. **Commissioner Halsey** supported. Motion carried.

The meeting adjourned at 11:09 p.m.