

**EATON COUNTY
PLANNING COMMISSION
April 6, 2021**

The Eaton County Planning Commission met virtually as permitted by Public Act 228 of 2020.

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

Pledge: The Pledge of Allegiance was given by all.

Roll Call: Brian Ross, in person Eaton County Courthouse
Zachary Dillinger, their residence in Eaton Township, Eaton County, MI
Bruce Porter, in person Eaton County Courthouse
Barbara Rogers, in person Eaton County Courthouse
Ben Tirrell, their residence in the City of Charlotte, Eaton County, MI
Lisa Lawitzke, their residence in Bellevue Township, Eaton County, MI
Tim Cattron, their residence in Eaton Rapids Township, Eaton County, MI
Jim Mott, in Port Charlotte, Florida

Absent: Mike Hosey

Staff Present: Claudine Williams and Brandy Hatt

Agenda Approval: A motion was made by **Commissioner Dillinger** to approve the agenda for the April 6, 2021 meeting. **Commissioner Rogers** supported. A roll call was taken with eight (8) voting aye and none (0) voting nay. Motion carried.

Minutes Approval: A motion was made by **Commissioner Rogers** to approve the February 2, 2021 as written. **Commissioner Mott** supported. A roll call was taken with eight (8) voting aye and none (0) voting nay. Motion carried.

Public Comments: None.

Public Hearings of Conditional Use Permit:

CU-4-21-1: Request by Jonathan and LeAnn Mast for a Conditional Use Permit to operate an Agricultural Business (slaughterhouse selling products butchered on the premises) per Article 14.1 of the Ordinance at 7801 Anderson Hwy, Sec. 26, Vermontville Township.

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

Commissioner Mott asked if there are any size limitations for the building. Ms. Williams stated there are no size limitations on buildings used for agricultural businesses.

Commissioner Cattron asked if staff could clarify the inspection requirement. Ms. Williams stated the business is not required to have a license from the USDA or MDARD. Ms. Hatt stated the USDA and Barry Eaton District Health Department will inspect the business for compliance with their rules and regulations.

Applicant Statement: Mr. Jonathan Mast stated he is aware Jim and Sons is not licensed as a rendering company. He stated he has a list of licensed rendering companies from the USDA and will submit a contract as soon as he has one. **Commissioner Ross** asked Mr. Mast if he could move the building back fifteen feet. Mr. Mast stated there is a power line directly behind his proposed building; he cannot move it back further. **Commissioner Tirrell** asked Mr. Mast if he has an interior site plan of the building. Mr. Mast said yes. He stated the backside of the building as far from the road as he can get is where the animals will be held. **Commissioner Tirrell** asked how big

the holding area will be. Mr. Mast said the live animal will be 72' long by 16' wide with holding pens, up against the far wall.

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

Speakers in favor: Chad Brunton, Oneida Township, stated he is speaking on behalf of himself and those raising cattle; this business is needed. He said it would be great to see a local processor especially in Eaton County; it has been needed for a long time and he hopes the Planning Commission can find a way to approve the business so they have options.

Pamela Carpenter Stine stated she and her husband Wayne Stine are neighbors. They approve of the business; Mr. Mast is a good guy and will take care of the place.

Speakers opposed: Marilyn Fentenberg stated she understood they only had to add comments in addition to the letter that was sent. She stated she is representing Douglas Wilcox as he is unable to attend the meeting due to getting his covid shot. Ms. Fentenberg stated she has done research since her letter was written. She stated she has information regarding animals and property values from a scholar in real estate and finance; this business is broadly defined as facility where animals are raised or brought for slaughter, the valuation of property can be impacted negatively by twenty-five percent and up to eighty-eight percent for properties abutting animal operations such as a slaughterhouse. She stated the proposed building is located four hundred feet from Mr. Wilcox property line; there will be an impact of insects, smell, and on water sources. She stated there will also be an impact on the real estate market value. Ms. Fentenberg asked if the Planning Commission would like her to provide the research paper. She said their objection is pursuant to Article 9.6.3.E.; specifically, the project will not result in conditions that are detrimental to surrounding properties. Ms. Fentenberg stated this will impact Mr. Wilcox's property value.

Mr. Larry Meining stated he owns the property across the street from where the building is going up. He stated he has the same property value concerns. Mr. Meining stated he does not believe the Road Commission's report. He stated he was considering building a house on his property, this would change his mind. Mr. Meining stated he does not think the road can handle the traffic, it is not a thru road and has washed out in the past.

Vicky Weiler stated she lives on Vermontville Highway, she is one of the closest neighbors to the property. Ms. Weiler stated she does not have a problem with the application. She believes the business will serve the community well.

Commissioner Ross asked Mr. Mast if he would like to address any of the public comments.

Mr. Mast stated he understands the concerns regarding the traffic, but stated they are not that big of a plan and will not have that many vehicles going up and down the road. He stated he knows Brown Road has washed out in the past; he will try his best to direct the traffic to his property to Shaytown Road. Mr. Mast stated he does not believe there will be much small or bugs as everything will be located inside his building. He stated the neighbors may see an occasional truck and trailer.

Public hearing closed: 7:39 p.m.

Commissioner Mott stated he deals with famers that have cattle; during covid, there were a lot problems getting the cattle in for processing. He stated this business would help the community and allow processors timely turnaround; he is in favor.

Commissioner Rogers stated she would approve because they had active slaughter houses in Hamlin Township and it did not stop people from building and she never noticed an odor. She stated this business is needed in Eaton County.

Commissioner Tirrell stated this is clearly a permitted use in the district. He stated he is considering the setback for the animal holding area as the portion of the building where the animals are held. He stated it should be clearly shown on the site plan where the animal holding area, manure storage etc. will be and verify setback are being met.

Commissioner Porter moved to approve **CU-4-21-1** a request by **Jonathan and LeAnn Mast** for a Conditional Use Permit to operate an Agricultural Business (slaughterhouse selling products butchered on the premises) per Article 14.1 of the Ordinance at 7801 Anderson Hwy, Sec. 26, Vermontville Township with the following conditions;

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

Commissioner Mott supported.

Ms. Williams asked Commissioner Porter if he would like to add anything to his motion regarding a new site plan be submitted with the animal holding area designated or that no animals be allowed outdoors. **Commissioner Porter** stated the animals are in the building.

Commissioner Tirrell recommended amending the motion to include submission of a site plan showing the animal holding area, manure storage and any other dust producing items. **Commissioner Catron** stated he supports Ben's request. He said also like to have the manure spreading area shown on the site plan.

Commissioner Porter moved to amend his motion to also include the following requirements,

1. The site plan shall be amended to show the animal holding area, (within the proposed building to meet setback requirements) manure storage, and any other dust producing materials.
2. The site plan shall also be amended to show the area on the property where the manure will be spread.

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

DCA-4-21-1: Request by Jennifer Ketchum to amend the Eaton County Land Development Code (Zoning Ordinance). The proposed amendment is to Article 14.32 Adult Entertainment Establishments and Amusement Establishments, Section 14.32.2 Definitions item E. Massage Establishment. The request is to add licensed massage therapists to those establishments exempt from this sections requirement.

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

Applicant Statement: Ms. Jennifer Ketchum offered to answer any questions the Planning Commission may have.

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

Speakers in favor:

Speakers opposed:

Public hearing closed: 7:54 p.m.

Commissioner Rogers stated she would like the proposed amendment to go to the Zoning Ordinance Committee to ensure it is done correctly. **Commissioner Cattron** stated he would like the language sent to the Zoning Ordinance Committee as well.

Ms. Ketchum asked **Commissioner Ross** if she could address the Planning Commission. **Commission Ross** said yes.

Ms. Ketchum stated she started her business in 2002; she is a big advocate for following the rules. She said she is part of the Association that advocated for the profession to require licensing to stop people who are not legitimate. She stated she used to be an instructor and only performs medical massages and works with doctors, chiropractors, etc. She said she does not do relaxation or spa massages. Ms. Ketchum stated she has been licensed since 2014, she pays malpractice insurance, she has been finger printed and she has been background checked. She stated she was shocked when she read the Zoning Ordinance and saw her business was considered adult entertainment. She stated she was in support of her proposed amendment going to the Zoning Ordinance Committee. She would like to bring her business home and practice there. Ms. Ketchum stated she is a big advocate to keep adult entertainers out of their business.

Commissioner Lawizke stated she sees a massage therapist that works out of her home in Barry County; she looked at Barry County's Ordinance, sexually oriented businesses are separate. She stated she is in favor of separating the two.

Commissioner Rogers moved to postpone the application to the June 1, 2021 Planning Commission meeting to allow the Zoning Ordinance Committee time to review the language.

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

Other Business: none

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

Ms. Williams informed the Planning Commission of Clinton County's notice of intent to update their Future Land Use Plan.

Ms. Williams stated a meeting will be scheduled for the Zoning Ordinance Committee.

Public Comment: None

A motion was made by **Commissioner Rogers** to adjourn the meeting. **Commissioner Porter** supported. Motion carried.

The meeting adjourned at 8:03 p.m.