

**EATON COUNTY
PLANNING COMMISSION
August 1, 2023**

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, Michael Hosey, Bruce Porter, Tim Cattron, Frank Holmes, Scott Hansen, Lisa Lawitzke, and Ben Tirrell.

Absent: Zachary Dillinger

Staff Present: Claudine Williams, Brandy Miller, Christopher Garrison and Tamara Alger

Agenda Approval: A motion was made by **Commissioner Hosey** to approve the agenda for the August 1, 2023 meeting. **Commissioner Porter** supported. Motion carried.

Minutes Approval: A motion was made by **Commissioner Hosey** to approve the May 2, 2023 minutes as printed. **Commissioner Tirrell** supported. Motion carried.

Public Comments: None

Public Hearings of Conditional Use Permit and District Change Amendment Applications:

CU-8-23-3: Request by David and Ashley Hughes for a Conditional Use Permit to operate a Home Business (sale of meals, baked goods, etc.) per Section 14.13 of the Zoning Ordinance at 2503 Butterfield Highway, Section 28, Brookfield Township.

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

Applicant Statement: Mr. David Hughes stated he doesn't have anything to add to the staff report, but offered to answer questions.

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

Speakers in favor: Commissioner Holmes said he would like to speak in favor of approving the conditional use permit. He drove by three days ago and said it looks like it is going to be nice.

Speakers opposed: None

Public hearing closed: 7:09 p.m.

Commissioner Tirrell asked if there could be an additional sign for the business. Ms. Miller stated the additional sign shown on the site plan is for an existing customary farming operation. She stated Mr. Hughes is permitted to have an additional sign for the proposed home business.

Commissioner Tirrell moved to approve **CU-8-23-3** a request by **David and Ashley Hughes** for a Conditional Use Permit to operate a Home Business (sale of meals, baked goods, etc.) per

section 14.13 of the Zoning Ordinance at 2503 Butterfield Highway, Section 28, Brookfield Township:

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

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

DCA-8-23-2: Request by Eaton County Planning Commission to amend the Eaton County Land Development Code (Zoning Ordinance). Article 7 Land Development Districts, add Wind Energy Systems as a use in Sections 7.3.3 & 7.3.4 (Limited Agricultural) and Section 7.6.4 (Industrial); Article 14 Specific Provisions and Requirements, amend Section 14.5 Community Service Facility and add Section 14.41 Wind Energy System (WES).

Staff Report: Ms. Williams read the staff report and Site Plan Review responses from the Eaton County Road Commission, Eaton Conservation District, Vermontville, Brookfield, and Bellevue Townships into record. She stated the proposed language went through a friendly review by MSU Extension.

Commissioner Ross asked if Ms. Miller had anything to add. Ms. Miller did not.

Commissioner Holmes stated he did not see any height restrictions. Ms. Williams stated that is correct; with the technology available, they didn't want to limit what someone could do, and didn't want to have to go back and possibly amend it later, so as long as safeguards were put in place with setbacks, there are no height restrictions.

Commissioner Hosey asked if Vermontville Township indicated a reason for denial of the application. Ms. Williams stated the township clerk shared the township didn't feel wind turbines should be on agricultural property or in any rural area.

Ms. Williams stated she would add is that in the actual text of the document it describes where they're allowed, but the ordinance doesn't specifically Article 7. what we allow. Ms. Williams said the question is would you like us to go through and read the text and make sure that it's provided for in Article 7 what zoning jurisdiction they're allowed in and what type of permit. **Commissioner Tirrell** asked if it was an oversight or intentional. Ms. Williams said she wasn't sure, but it may have been an oversight. **Commissioner Ross** stated he believes it is fine as written.

Commissioner Ross asked if everyone had had a chance to read it and review the language.

Commissioner Holmes asked what they do when they decommission or replace some of the parts. He asked if that is something that needs to be addressed by the Planning Commission. **Commissioner Tirrell** stated they put some decommissioning information in the ordinance, but it is fairly general language. It gives the county injunctive relief to affect or complete the decommissioning. Ms. Williams added that for each individual section, except for on-site ones, for the utility scale and testing, both have specific language about decommissioning and what plans have to be provided to show how they're going to decommission it.

Commissioner Holmes asked what would happen when the structure is taken down. It's probably not going to stay on site. He asked if it would stay in Eaton County. Ms. Williams said the decommissioning information is on page 10 under item 7; she read the section. Ms. Williams added that the ordinance does include how the components will be disposed of or recycled, and that will also be in the decommissioning plan for the Planning Commission to review. It could also be something to review with the applicant at that time.

Commissioner Tirrell stated that we brought over language from the solar ordinance. Ms. Williams said yes, we did; she added that the only other consideration would be the road commission. The road commission would like to have their own type of agreement. Ms. Williams said she does not think the road agreement has to be part of the text of the Zoning Ordinance, but it can either be added to the text that mentions the road agreement, or it could be something required for the Conditional Use Permit.

Commissioner Cattron asked if Ms. Williams knows if Gratiot County added anything to their agreement in theirs. Ms. Williams said she did not know.

Commissioner Lawitzke stated that she would also like to see something included in the ordinance regarding a road commission agreement; she added companies would then know up front that's one of the things they will need to plan ahead for. **Commissioner Lawitzke** said she'd rather see the applicants come to the Planning Commission with that agreement in hand than to come to them without it and then delay the decision. Ms. Williams said that could possibly be added under Regulations and Conditions.

Commissioner Holmes stated he was concerned with the narrowness and access of some of the roads in Eaton County. Possibly the road commission may need to do something temporarily to get the wind turbine components through a narrow stretch of road. **Commissioner Holmes** stated he also believes it is a good idea to add something with the road commission. Ms. Williams said it could be added to the application requirements, but if the Planning Commission changes an entrance or exit, then potentially they would have to change it again. Ms. Miller suggested adding the potential road commission agreement to the application requirements.

Commissioner Holmes stated that he could foresee the road commission needing to do something temporarily; they may need to look at what the site will be and what their requirements would be to get there.

Commissioner Ross stated that he remembers when they were doing the solar on Nixon, the roads were a mess when they were completing that project too; As both of these are similar on how we try to approach them, if we should encourage something from the road commission too so they're not tearing apart the road. **Commissioner Ross** said the Planning Commission could tell the applicant ahead of time to get something from the road commission.

Commissioner Hosey stated that in the contract it tells what is expected with the roads and how that is handled; His concern is that they're so wide. **Commissioner Hosey** said the company that does the work already sets this up.

Commissioner Ross suggested that they may not need to do it, or maybe they could address this at their next Zoning Ordinance Committee meeting. Ms. Williams said that she thinks they would want to leave that discretion up to the road commission. She would rather refer back to the road commission, and if the Planning Commission is so inclined, to add the language regarding

the agreement. Ms. Williams said they could inform the road commission that this is a concern and see if the road commission has the authority to put language into the ordinance. Ms. Williams added that Mr. Hannahs went to the trouble of reaching out to Gratiot County to see what their rules and regulations were, so Mr. Hannahs obviously has an interest in making sure the roads are protected.

Commissioner Cattron stated that Mr. Hannahs raised the point with us, so Commissioner Cattron thinks that Mr. Hannahs would like the Planning Commissions help in making sure that people know it's required. Ms. Williams agreed. She said it is talked about under Site Plan Requirements. There is a section on driveways on page 9, item 8, they do need the approval of the road commission for the access driveway points and things like that, so the Planning Commission could just expound on that by requiring the applications to have additionally whatever type of agreement. The text can be added either under the Application Requirements or under the Regulations and Conditions. Ms. Williams reminded the Planning Commission that if it goes under the Application Requirements and a change is made where an ingress or egress point is, they will have to update that agreement with the Road Commission to accommodate the change. She added it seldom happens, but to just keep in mind.

Commissioner Ross asked if anyone else had any discussion.

Commissioner Hosey asked if any of this could be an eminent domain situation. Ms. Williams said it wouldn't be up to the county, it would be up to the state; eminent domain has very specific things in it that would have to be approved. Ms. Williams believes at this point that wind does not meet that threshold for eminent domain through the county.

Mr. Garrison stated that he knows the state did do eminent domain for radio communication systems for the whole State of Michigan; he doesn't see that with the wind turbines.

Commissioner Tirrell stated that he honestly likes putting it in the road commission agreement under the requirements of the application.

Commissioner Hansen asked if any fees have been established for the application itself. Ms. Williams said it's a Conditional Use permit Application, so it would require the Conditional Use Permit Application fee and then whatever bonding the Planning Commission may require for the decommissioning plan. Ms. Williams said if anyone makes a motion, she would encourage them to include the road commission in the verbiage so that they can get that added in for the board approval.

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: 7:33 p.m.

Commissioner Hosey moved to approve **DCA-8-23-2** a request by Eaton County Planning Commission to amend the Eaton County Land Development Code (Zoning Ordinance). Article 7 Land Development Districts, add Wind Energy Systems as a use in Sections 7.3.3 & 7.3.4 (Limited Agricultural) and Section 7.6.4 (Industrial); Article 14 Specific Provisions and Requirements, amend Section 14.5 Community Service Facility and add Section 14.41 Wind Energy System (WES):

- A. Identifiable conditions related to the application that have changed which justify the proposed amendment.
- B. There is no error in the original Ordinance; however, these changes are being made for update to the existing language.
- C. These changes will not create any precedents or effects.
- D. This change will not impact the ability of the county or other governmental agencies to provide adequate public services and facilities.

With the addition of the following added to Section 14.41.3 B. Application Requirements, An approved Road Maintenance Agreement from the Eaton County Road Commission and/or Michigan Department of Transportation.

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

Other Business: None

Communications: None

Reports: Ms. Miller informed the Planning Commission there is a Special Meeting to continue updates to the Eaton County Master Plan on August 22, 2023 at 6:00 p.m. She also stated the Master Plan open houses have been scheduled, she will send out an email to the Planning Commission letting them know when and where those meetings will take place.

Ms. Miller said the Zoning Board of Appeals did not meet tonight due to lack of business

Ms. Miller stated the Zoning Ordinance Committee will not meet in August; the next meeting is scheduled for September 19, 2023.

Upcoming Cases: Ms. Miller informed the Planning Commission they have one Conditional Use Permit Application to hear at their September 5th meeting.

Commissioner Ross stated that he's been on the Planning Commission for a long time. He has a farm owner's reporting survey from May of 1998. He stated it has some good historical information in it. He is going to give it to Ms. Miller, and if any of the Commissioner's wish to read it, they can reach out to Ms. Miller. Ms. Miller said that she could scan it in and email to the Commissioners.

Public Comment: None

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

The meeting adjourned at 7:37 p.m.