

DRAFT
WHITEWATER TOWNSHIP PLANNING COMMISSION
MINUTES OF JUNE 1, 2011 REGULAR MEETING

Call to Order by Zakrajsek at 7:03 pm

Roll Call: Lyons, Boyd, Dean, Miller, Mangus, Courtade & Zakrajsek, Recording Secretary-MacLean, Zoning Admin.-Meyers, Intern-Sullivan + 4 audience

Set/Adjust Agenda: Address Civic and Charity Temporary Signs – Article XXX, as requested by the Township Board, add to New Business as number one.

Approval of Minutes of 4/20/2011 Special Meeting: Motion to approve by Lyons, seconded by Boyd; all in favor. Motion Carried.

Approval of Minutes of 5/4/2011 Regular Meeting: Motion to approve by Boyd, seconded by Lyons; all in favor. MOTION CARRIED.

Conflict of Interest: None declared

Public Comment: None

Public Hearing: None

Reports:

Correspondence: (1) Medical Marijuana, comment from Attorney Fahey. Fahey recommends the township board pass a general ordinance which will cover Federal law issues should they arise. (2) Whitewater Watch Road Ordinance letter addressed by Road Committee Chairman, Miller, explaining some of the differences in intent of the Road Ordinance regarding private roads. Fire safety being the first “health, safety and welfare” issue. Wording is being worked on; the draft has not been touched since November. Maintenance and maintenance agreements are increasingly becoming issues from a lender/mortgager standpoint.

ZA Report: May report: not available

Township Board Rep: Township Board voted to remove ourselves from participation in Rural Fire, as of December 31, 2011. The Board will establish an advisory group; taking written applications. It was discussed to start fresh with everything. Anyone who may be interested in fire and/or ambulance can let Supervisor Lake know in writing.

Chair: Has been receiving information from people with concerns regarding the Whitewater Watch letter. Whitewater Watch serves a good purpose and is informational. There are things mentioned that are not represented accurately. Fielded several phone calls from distressed members of the community. As building codes change, people learn to adjust to change. Mangus: the draft, as it is currently written, does give the township the right to make people rebuild their existing road. Miller, it’s all in pencil, we are working on the wording; it is not intended as it is being presented. Hate to see a big dividing line. No need to make people angry, do inform them and help them.

Zakrajsek: 911/emergency issues with an ambulance and fire truck, it can just be a mess.

Mangus: This would make people maintain their private roads at levels above what the county does.

Boyd: Is the township liable? Zakrajsek: Regarding signing a waiver?

The lawyers would blow that right out of the water. Mangus: Other townships do it. Zakrajsek: The Post Office has even changed and will not put mail boxes on private roads – things do change. Dean: What is the definition of a private road and a driveway? Meyers: That is being worked on, it's still very, very premature. Comment by a member of the Road Committee in the audience, Kim Halstead: Didn't you (Zakrajsek) build a road and you had to build it smaller than you wanted to make it? Zakrajsek: I shrunk a cul-de-sac, I couldn't turn my own truck around. Halstead: Do you think it's fair that they make you come in and make it wider now? That is the point that is being made. All these roads were up to standard up until now when you want to make a new private road ordinance now you are going to make, like Arnie was saying about Island Lake. What are you going to do with Island Lake? There's no place to make the road wider. The point being, if somebody wants to build down there, now you are going to have somebody that has to upgrade the road to conform with the ordinance. Meyers: No. Halstead: You mean if someone wants to build on Island Lake Road you are not going to force them to upgrade the road? That's what the new ordinance says. Meyers: Remember the consensus of the committee, that you sit on, if there are eight lots on that private road at this given moment, there's only six houses but there are eight lots, you're not building a new lot; however, once you want to take that to nine, ten or eleven, that's where the problem is. Mangus: If one person decides to split then the road becomes illegal, if the board chooses to enforce it and it's at their discretion, the way that it is currently written. Meyers: The way it is currently written there is a provision that the board could make any road have to be updated. But, again, it is a draft that has not been touched since November. The rule was, if there were eight lots, like Kim Mangus' being serviced by that road, you get to build on those eight lots and it doesn't apply to you, those lots were already there. Mangus: What if I want to split, or any other neighbor wants to split, then who determines who pays for that road now that it's non-conforming? How do you get neighbors who have not had a road agreement to get a road agreement? It's a way to get you to not split your property. Boyd: I think this conversation is way in advance. Instead of pulling apart they, being the Whitewater Watch and the road committee needs to work together, not pull it all apart. Zakrajsek: There's an opportunity tomorrow night to discuss this. We're ending it right there.

Old Business:

1. Outdoor Wood Furnaces: Report from County Planning Commission: Intern Sullivan: Attended County Planning Commission, they recommended adding "no refuse burning, minimum chimney height and minimum distance from a building not on the same property." Sullivan feels that the Planning Commission's original definition was the intent and that it would be appropriate to make the recommendation to move this definition to the board for approval. Zakrajsek: There was no discussion by the County Planning Commission on policing the burning of refuse, they just said go with it. Boyd: Is there such a thing as an odor nuisance? Meyers: Yes, it is covered in another section and it could be utilized if someone was using burning trash or burning the wrong things in there and the DNR would get involved. **Motion to recommend the originally recommended definition to the Township Board for approval by Miller, seconded by Mangus. All in favor. Motion Carried.**

2. Medical Marijuana: In order to move forward on this issue, we must address home occupations to some extent to show that we allow caregivers. If we are not ready for a public hearing at the July 6 meeting with language then we will need to ask for an extension on the moratorium which expires mid August. This has been actively discussed and no one would be able to say we are dragging our feet on it. We've added Collective/Dispensaries as a special use in our industrial area. We propose changes to our Home Occupation definition to the one most acceptable. Modified the special use provisions for Medical Marijuana Dispensary/Collective in Article 25 under site plan and special uses with the request that it would be equipped with a professionally monitored alarm system. Added to the Supplementary Provision 37, section 37.40. Added 25.21 (D) Special Use Provision for Major Home Occupations. Zakrajsek: we may need to extend the moratorium.

3. Home Occupations: Discussion regarding 25.21 (D) Special Use provisions for major Home Occupations: Should not be restricted based on private road / arterial or collector roads. If there are issues it would go to the ZBA, if it happened regularly the ZBA can request the Planning Commission to consider a change. There are permits and other conditions that can be required. There is a big difference in Major and Minor Home Occupations. Zakrajsek: We have two different issues, medical marijuana and home occupations. Approve the definition of the home occupation and then we can finish up the medical marijuana. The consensus is to take out #4 and 5 on 25.21 (D) and accept. Discussion regarding 25.21 (C). Consensus on 25.21 (C) #3 end it at "monitored alarm system" Supplementary Provision: Article 37, section 37:40 Home Occupations A-Minor Home Occupation okay. B-Major Home Occupation, consensus to change examples to read: Hairdresser, Retail Shops (including antiques and gifts) and similar uses as determined by . . .
Motion by Mangus to set a public hearing at the next regular meeting, for the purpose of modifying the definition section (Article 3) to include the new definition of home occupation; the definition of medical marijuana dispensary/collective; modify article 9.11 special uses to include E, medical marijuana collectives; add Article 25.21(C) special use provisions; add 25.21(D), special use provisions for major home occupations; add Article 37.40 home occupations as amended by the board. Seconded by Lyons, all in favor – Motion carried.

4. Slalom Course Update: Contacted our lawyer regarding the liability issue, recommended contacting the insurance company then follow what they say to do. Liability Insurance representative was at the Township Board Meeting and asked him directly. We will be receiving information next week. There is a call into Fleming at the DNR for clarification. This is on the Township Board agenda June 14. Update at the July meeting.

New Business:

Civic and Charity Temporary Signs – Article XXX. At their last meeting, the Township Board asked that the Planning Commission address the need for Civic and Charity events to ask the Township Board for permission to erect temporary signage. Sullivan shared modified language that changed the approving function to the Zoning Administrator.

Motion by Boyd. to set a public hearing at the next regular meeting on Civic and Charity Temporary Signs, seconded by Mangus. Motion carried.

Public Comment: Jacobson, Skegemog Point Road. People are tired of being regulated. The road issue is just that. Thank this commission, this group is working very well. Zakrajsek is doing an outstanding job. Kim is doing a good job trying to make more out of less. Appreciates Boyd speaking out against the minute detail discussion. Appreciate that people are working together. A little opposed to the medical marijuana thing - don't know where the industrial area is. Don't understand why we support the grow store but then want to hide. The "grow store" was not set up for the medical marijuana, that is not why it came in, the medical marijuana has just been a growth for that business. Appreciate the compromise. Thanks for all your work and your time.

Motion to adjourn by Boyd, seconded by Miller, 8:46 pm. MOTION CARRIED.

Continuing Education: Part 1 – The Big Picture, Filling the Gaps: Environmental Protection Options for Local Governments.

Tabled Items: Non-conformities; Definitions-Fences; Permitted and Special Uses

Special Meeting scheduled for June 8, 2011 at 6 p.m. Topics: Continuing Education: Part 3 of Filling the Gaps and the Master Plan.