

Whitewater Zoom is inviting you to a scheduled Zoom meeting.

Topic: Planning Commission Meeting

Time: Sep 8, 2021 07:00 PM Eastern Time (US and Canada)

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WHITEWATER TOWNSHIP PLANNING COMMISSION
AGENDA FOR REGULAR MEETING *September 8, 2021*
7:00 p.m., Whitewater Township Hall
Via ZOOM and in person
5777 Vinton Road, Williamsburg, MI 49690
Phone 231-267-5141/Fax 231-267-9020

1. Call to Order/Pledge Allegiance
2. Roll Call of Commission Members
3. Set/Adjust Meeting Agenda
4. Declaration of Conflict of Interest
5. **Public Comment:** Any person shall be permitted to address a meeting of the Planning Commission. Public comments shall be carried out in accordance with the following rules and procedures:
 - a. Comments shall be directed to the Commission, with questions directed to the Chair.
 - b. Any person wishing to address the Commission shall speak from the lectern and state his/her name and address.
 - c. Persons may address the commission on matters that are relevant to township planning and zoning issues.
 - d. No person shall be allowed to speak more than once on the same matter, excluding the time needed to answer Commission members' questions.
 - e. Public comment shall be limited to 3 minutes.
6. Public Hearing: None

7. Approval of minutes of August 4, 2021, August 24, 2021, and August 24, 2021, closed session meetings
8. Correspondence: Lehnert, Mater and Slopsema correspondence included in packet
9. Reports/Presentations/Announcements/Comments
 - a. Zoning Administrator, Hall
 - b. Chair, Mangus
 - c. Township Board Representative, Not Available
 - d. ZBA Representative, Not Available
10. Unfinished Business:
 - a. Master Plan update and consultation contract status
 - b. ZO Amendment #81, Major Home Occupations
 - c. Closed session to discuss ongoing Northpoint Farms vs. Whitewater Township litigation
 - d. General discussion – intent and direction on marihuana zoning ordinance amendment – may include review of other ordinance samples.
11. New Business:
 - a. Mr. Holl – Global Warming presentation
 - b. Field trip reports / plans
 - c. Discuss subcommittee formation to complete ongoing projects
12. Next Meeting October 6, 2021, 2021
13. Public Comment
14. Commission Discussion/Comments
15. Continuing Education: Year in Review
16. Adjournment

Whitewater Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities who are planning to attend. Contact the township clerk at 231-267-5141.

WHITEWATER TOWNSHIP PLANNING COMMISSION
MINUTES FOR REGULAR MEETING
In-person and via ZOOM
August 4, 2021

Call to Order at 7:00 p.m.

Roll Call: In person: Mangus, Dean, Jacobson, Wroubel

No Board Representative or ZBA Representative available

Also in attendance: Zoning Administrator Hall and Recording Secretary MacLean

Set / Adjust Agenda: Set

Declaration of Conflict of Interest: None.

Public Comment: Mangus explanation of public hearings and public comment

Glenn Savage, 9833 Pineneedle Lane, Williamsburg, notes that the tabled items, RC district event barns, were brought up three years ago. (Mangus indicates that event barns and RC district have been moved to the Master Plan review.)

Heidi Vollmuth, private citizen, 8388 Winnie Lane, Williamsburg, concerned with this ordinance for home occupation, there is nothing in here about marihuana. It should be treated like alcohol. Would like something added to home occupation regarding marihuana.

Linda Slopesma, 9693 Miami Beach Road, Williamsburg, there is concern in the community about the last minute cancellation of the election. It is the second time it has been taken from them. There is a lot of concern about impending change to the community. Should we even proceed with these proceedings? Marihuana is not a regular agricultural product. Encourage everyone to resist being in a hurry.

Michelle Mueller 7482 Cook Rd. Williamsburg, notes there has been childish behavior regarding signs and name calling. Township needs to protect our area to the best of our ability. The goal of the Citizens Action Group is to educate the community and bring a decision to a vote. Letter of the law to fit client narrative. Marihuana industry is huge and here to stay. The township boards have a ground floor opportunity to set it up properly. Do we need a processing facility? Is there an understanding of a processing facility? Feels this is for one person at the expense of everyone else here.

Aaron Grenchik, 5729 Williamsburg Rd., Williamsburg, owner operator of Williamsburg Construction and TC Hemp and Great Lakes Treats. We have a farm, we do agricultural hemp. Registered with the FDA. Everything is state certified. The last three years has been a lot of research, testing and development. Open minded about this conversation. It is a medicinal plant, cancer fighter. Licensed to sell cannabis under .03 THC. Have been operating a farm in Fife Lake for three years and indoor grow in Williamsburg for three years. 2015 and 2018 there were agricultural bills decriminalizing low THC hemp. Feels there is a lot of misinformation that has gone around. It can be good for the community. It is an industry. It can be healthy for our community. It is occurring with or without us. It is a privilege to be part of the process. Maybe we should have a further reach out of the community. Marijuana was decriminalized in the state. It is a medicinal plant giving people relief from physical issues. Would like to stress, change is inevitable. It is unfortunate there is so much slander. It doesn't help anyone. I am a business owner and grow. I sell. Thank you. I look forward to you making a conscientious decision. It takes one individual to ruin it for the community.

Jessica Mangus, 1214 Cerro Dr. TC, I have many friends in this area. I have been watching this issue for a while. While democracy is a beautiful thing to come to a decision together to move forward, it is American that it is upheld fairly. This isn't about marihuana. It is about the politics and about the people. People can voice the opinion freely.

Vern Gutknecht, via Zoom, 6801 Bunker Hill, Williamsburg. We live in a very envious community. Pledge of allegiance, Republic is a form of government which the power is held by the people. I've stated before, there is self-serving interest in government – what is best for me, not the people. How can a senator increase their net worth by a million dollars each year? What is best for the people? I live in a community that is part of a republic. The board moved their meetings to 9 a.m. Attendance has diminished dramatically. People cannot attend because they work. I am impressed with the PC, you try to learn and understand the issues. There are people who do not understand what a

community is or what a republic is. There are three people on the board who do not understand what a community or a republic is. I ask that the PC continue to leave self-serving interests at the door. Thank you.

Public Hearing:

Amendment #79, Medical Marihuana

a. Open Public Hearing on Zoning Ordinance Amendment #79 on Medical Marihuana at 7:26 p.m.

Notice for the meeting was published in the Record Eagle on July 18, 2021.

Rules, standards, definitions and guidelines for special use permit in the Industrial, Commercial and Ag districts and general rules primarily mimicking the state law on residential home grow and caregiver cultivation.

Separated medical and recreational into amendments #79 and #80 to make it easier. Amendment #80 includes adult use, using the same special use permits as in #79. Allowed us to look at the two separately. Special use provisions are under #79.

b. Zoning Administrator Presentation, received no additional communications.

c. Correspondence – public comment received: Included in the packet. The township attorney voiced some concern regarding registration licensing on home cultivation. We took that out. Stated that use within commercial was not addressed but commercial would be appropriate.

Letters received:

Kim Elliott, 7692 Crisp Rd., Williamsburg, opposed to proceeding at this time until there is a vote.

Dee Prabhaker, 6925 Cook Rd., opposed, stating concerns about community, children and safety.

d. Public Speaking in Favor of adopting Amendment #79, Mike Corcoran, attorney for Northpoint Farms.

Comments are regarding both zoning ordinance amendments. The Planning Commission (PC) Chair did a nice job on the overview. Notes that the PC is not deciding if it will be allowed. It is allowed by law of the township. The PC is making zoning ordinance recommendations via Special Use Permit (SUP). Applicants can be required to add additional stipulations. It is very detailed with protections. More can be added, even at the board level. I resent the personal attacks on myself and my client earlier. Notes that there have been multiple public hearings regarding marihuana.

e. Public Speaking in Opposition to Amendment:

Denny Fox, 10423 Elk Lake Rd., Williamsburg, I live in close proximity to the proposed facility.

Concerned with odor issues, security, negative effects in the community and potential for criminal activity. Would like it to come to a vote of the community.

Brad Boals, 10991 Munro, Williamsburg, don't know if I am against. Concerned about light glare, odors, 300 ft. set back. Does the business in an existing business building make those rules null and void? (Mangus notes that the restrictions are still in place even if closer to a property line and it would have to be a variance through the ZBA.)

Heidi Vollmuth, private citizen, 8388 Winnie Lane, Williamsburg, nothing against the medical. Found the biggest complaint in the public education is that we need someone to police it and deal with complaints.

Renee Savage, 9833 Pineneedle Lane, Williamsburg, concerned about temporary events, the organizer, lighting, hours, locked vaults, policing, environmental testing, spillovers, odors. Mr. Corcoran, the board did vote but the public said no in a public vote. Our vote was taken away on Tuesday. If the public says yes, if the public says no, with a vote, then it needs to be reevaluated.

Vicky Emerson, 8785 Park Rd., Williamsburg, is concerned about policing resources and about conflict of interest.

Glenn Savage, 9833 Pineneedle Lane, Williamsburg, judge decided to not allow the vote yesterday. The people voted for the medical marihuana. In 2018, the community voted against recreational. Three members of the board made the decision and one of those has a conflict of interest. People are against recreational not medical marihuana. Once we get it in here we cannot get it out.

(Point of order)

This needs to go back to the people for a vote. The judge is limited on what he can do.

Don Bailey, via Zoom, live in TC, retired state police sergeant, attended as a guest at a previous meeting. Inaccuracies addressed. Recreational and medical marihuana are the same thing. Lawsuits in TC. Money will be made in recreational, medical will go away. People should have the right to vote. Notes the 2017 survey done in the township. Concerned about conflict of interest of the township board member, enforcement by police, black market, lighting, odors and wastewater treatment. Concerns are about medical and recreational, both.

- f. Anyone Wishing to Speak on the Amendment Who Has Not Already Commented
Jessica Mangus, 1214 Cerro Dr., Traverse City, I am an observer. Notes that laws should be as fluid as the peoples' choice, not locked in. Recommends people make comment, discuss and share opinions
- g. Close Public Hearing at 8:04

Commission discussion: Mangus: Statement to the board (commission) that this is not the situation we expected to be in. We thought we would have the vote of the people, more community input to work with. We will need to be very accurate in our findings of fact and our decision. It does not mean that everything is done at this meeting. We can make adjustments, minor amendments, think it over and bring it to a vote at the next meeting. I don't think we will get to everything on our agenda. We have flexibility. Not rush, not stall – we will take our time and do it right.

Dean notes that the majority of his comments will be withheld until the public hearings are complete. He is surprised that there is no discussion of the specifics regarding controls and setbacks, etc. Is that because we have done a good job deliberating the details or is the fervor of the evening? This is the time for input on the details.

Mangus notes that a public hearing does not make it a done deal. Will make the best effort that we can to put out the best ordinance in a timely manner.

Amendment #80, Recreational Marihuana

- a. Open Public Hearing on Amendment #80 on Recreational Marihuana at 8:10 p.m.
Noticed published in the Record Eagle on July 18, 2021. This is pertaining to zoning ordinance amendment #80, specifically, inclusion of recreational grow and process to be allowed as outlined in #79 in our Industrial, Commercial and Agricultural Districts.
- b. Zoning Administrator Presentation
- c. Correspondence, letters received:
Kim Elliott, 7692 Crisp Rd., Williamsburg, opposed to proceeding at this time until there is a vote.
Dee Prabhaker, 6925 Cook Rd., opposed, stating concerns about community, children and safety.

Jessica Ziecina, - opposed. I have empathy for the farmer who wants to sell. Allow this gain on the backs of all of the other citizens.

Concerns are odor, crime, impaired drivers, pollution, small community, saturation, number of permits, property values, ease and availability to our children, taxpayer dollars being spent on attorneys. Vote, the citizens already said no. Who will want to buy my house?

Jim & Shelly Rybarsyk, 9543 Palaestrum, Williamsburg, opposition to recreational marihuana. Who is truly benefiting, children, old people, farmers, outside entities? Whitewater Township rejected legalization of recreational marihuana. Would like a fair and legal vote. Concerns are pollution of land, water and air, odor, setbacks, number of permits, availability to our children.

- d. Public Speaking in Favor of Amendment: Chris Hubbell 8055 Angell Rd., Williamsburg, over a year ago came to the township for the possibility of a special use permit to use a business building. Concerned about number of permits. Did not set out to disrupt the community. Looking for best use of the building / property. It is all indoors. I do not understand all of the misconceptions. Lots of inaccurate things have been said about me and my family.
- e. Public Speaking in Opposition to Amendment: Linda Slopesma, 9693 Miami Beach Rd., Williamsburg, regarding the detail of #79 and #80, have read the draft zoning ordinance, have followed this closely. Concerned with the site plan review, waste, waste disposal, understanding of the rules, security, crime, light (measurability), hours of operation, overnight trucks, footprint, the term “normal senses”, litigation, setbacks, property value, property owner protections, variances and number of permits. Feels there is a need to schedule a second public hearing. (Mangus: clarification, are the concerns specific to Ag or all of the districts? Slopesma indicates that it is for all but based on the size and setback requirements most will end up in Ag.)

Glenn Savage, 9833 Pineneedle Lane, Williamsburg, reiterate, when I was on the PC, we were working on event barns. Three years later you are still working on event barns. Concerned about the speed of pushing the ordinance through, number of permits, PC needs to work on the fine details, PC needs to think about the township as a whole. Don't care what people do in their homes. Disappointed in the turnout of citizens of Whitewater Township.

Heidi Vollmuth 8388 Winnie Lane, Williamsburg, concerned about a board member changing her mind. Wants a vote, wants simple and humble. Approves of use in Industrial and Commercial, not Ag. Concerned about policing, odor, number of permits, what the Fed is going to do with marihuana, grow agricultural hemp and opening “Pandora's Box” for something you may not want. Concerned with the provisioning center next to Family Dollar (not in our township). Vote was taken away.

Tom Slopesma, 9693 Miami Beach Road, Williamsburg, concerned about toxic pollution, setbacks, property rights, residents' recourse, odor (subjective metrics), cleaning systems, protection of non-marihuana growers and a superfund for financial recourse.

Jessica Mangus, 1214 Cerro Dr., Traverse City, speaking up against what I see. Indicates concerns: harm to children, weed as a pacifier for adults, dealers, safety, security, will not help the township. Questions: who are we going to call? Being caught up in politics, leaves collateral damage. Will the odor seep into all of the produce? Is this all about one farmer?

Randy Jorgensen 10565 Elk Lake Rd., Williamsburg, adjoining property owners to this proposed potential disaster where they have a track record. Concerned about property values, safety, deterioration of this township and conflict of interest.

Renee Savage, 9833 Pineneedle Lane, Williamsburg, concerned about commercial zone setbacks and odor. Do not want that kind of establishment next to my quilt shop. Would like to see that the commercial district cannot be grandfathered in or further setbacks.

Don Bailey, via zoom, recreation and medical are one in the same as far as opposition. This is not traditional farming. This is industrial processing. Support putting it to the vote. Signs were taken down

and destroyed. Concerned about real time monitoring, inspections, safety and lack of policing.

f. **Anyone Wishing to Speak on the Amendment Who Has Not Already Commented:**

Janice Austin, 9991 Miami Beach, Williamsburg, concerned about the board member conflict of interest. Feels the ballot language was done in a way to confuse citizens.

Mike Lehnert, 10610 Elk Lake Rd., Williamsburg, chose Whitewater Township after career in the Marine Corp. because of the people and the beauty. I have served where people could not vote. Vote. Conflict of interest needs to be addressed.

g. **Close Public Hearing at 8:56 p.m.**

Will need to end the meeting before we get to the rest of the agenda. Zoning Administrator recommends completing Amendment #81.

Consensus of Commissioners to continue past the 9 o'clock time for amendment #81.

Amendment #81, Major Home Occupations

a. **Open Public Hearing on Amendment #81 on Major Home Occupations at 9:00 p.m.**

Notice published in the Record Eagle on July 18, 2021, addressing the yearly review of home occupations.

b. **Zoning Administrator (ZA) Presentation:** concerns that were relayed to the attorney. Attorney: (per correspondence received) Re-evaluate in five years. ZA indicates that it is not a trial and error basis. A change in use would need to be evaluated.

c. **Correspondence - none**

d. **Public Speaking in Favor of Amendment:** Heidi Vollmuth, 8388 Winnie Lane, Williamsburg, no problem as long as the last line stays in it.

e. **Public Speaking in Opposition to Amendment - none**

f. **Anyone Wishing to Speak on the Amendment Who Has Not Already Commented - none**

g. **Close Public Hearing at 9:04 p.m.**

Approval of Minutes:

MOTION by Jacobson, second Wroubel by to approve July 7, 2021, Meeting Minutes.

Roll call: Dean-yes; Jacobson-yes; Mangus-yes; Wroubel-yes

All in favor. Motion carried.

Correspondence: Email thread from Township attorney for discussion during public hearings discussions.

Reports:

Zoning Administrator Report, Hall: The board has approved working with Grobbel. Board is reviewing the contract.

Chair's Report, Mangus: Not at this time.

Township Board Rep., Not Available

ZBA Representative,: Not Available

Committee Reports: None.

Additional Items: None.

Unfinished Business:

1. Master Plan Review: Review contract with Mr. Grobbel, book at our next meeting.

Suspend the rest of the unfinished and news business meeting agenda items.

Public Comment: Linda Slopsema, 9693 Miami Beach Rd., Williamsburg – thank everyone for listening and everyone

caring about their community.

Continuing Education: None.

Commission Discussion/Comments: .

Next Regular Meeting is scheduled for September 1, 2021.

Agenda: Continue with this agenda plus Grobbel.

The Zoning Administrator notes that it is critical to keep the public involved in the Master Plan review.

Please sign in on the Public Hearing sheets if you have not.

Adjournment: 9:11 p.m.

Respectfully Submitted
Lois MacLean,
Recording Secretary

DRAFT

WHITEWATER TOWNSHIP PLANNING COMMISSION
MINUTES FOR SPECIAL MEETING
in Person and via ZOOM
August 24, 2021

Call to Order at 6:00 p.m.

Roll Call: In person: Dean, Jacobson, Mangus, Wroubel

No Board Representative or ZBA Representative available

Also in attendance: Recording Secretary MacLean

Set / Adjust Agenda: Set

Declaration of Conflict of Interest:

Mike Jacobson notes that he grows marihuana for personal use. Consensus not a conflict of interest.

Carl Wroubel, as previously indicated, 12 years ago was part of a law suit against Williamsburg Receiving. Issue was resolved. Consensus not a conflict of interest.

Mangus notes that there may not be enough time for all of the public comment before the closed session.

Public Comment:

Denise Peltonen, 10610 Elk Lake Rd. notes a conflict of interest with one of the board members, Paul Hubbell, and Northpoint Farms.

Linda Slopsema, 9693 Miami Beach Rd., notes the large number of permits. Feels the ordinance is not specific enough. Not sufficient to protect all of the property owners.

Heidi Vollmuth, 8388 Winnie Lane, private citizen, make the decision for the greater good. Feels it is moving too fast.

Renee Savage, 9833 Pineneedle Lane, notes the conflict of interest. Concerned about the impact of the whole community.

Marihuana is not a Right to Farm farm substance.

Mangus received and read a public comment letter:

Michael Lehnert, 10610 Elk Lake Rd., noting a conflict of interest of the board member. Put the issue to the voters.

Learn lessons from other townships' ordinance(s).

Public Hearing: None

Special Meeting Business:

1. Discuss intent and direction on marihuana zoning ordinance amendments following input from the public hearings. We got a lot of input from the community during the public hearing, with more comments against the ordinance(s). If ordinances are written correctly it can be okay. Kalkaska, that we looked at as a model, in the opinion of the engineer that the township board is in discussion with, feels Kalkaska's is written well. May be able to have our Master Plan consultant/planner (Grobble) look it over also. He may know engineers that can help.

We do not have planning and enforcement in our township.

The aforementioned engineer may be able to set up a tour of the Kalkaska facility.

Dean: Taking our time and getting it right is appropriate. Would like a field trip to Kalkaska and another township down state doing the same. The majority of concerns are conflict of interest, number of permits and just vote. There is nothing that the PC can do to addresses any of those no matter how long we take. Is it the role of the PC to try to "fix what is broken"?

Jacobson: The major concerns are based on the board's general ordinance.

Mangus notes that the PC can walk the ordinance back, encourage a reduction. We can say how many locations we will allow. We are trying to get it correct right out of the gate. Feels there are too many permits allowed in General Ordinances #59 & #60.

Carl agrees with these statements. Has a problem with the number of permits. Need to look at other communities. What did they do right? What did they do wrong? Is there something that we are not doing that we should be doing? We have an obligation to write a good ordinance.

Mangus: We cannot lower the number of permits but we can limit the number of locations.

Consensus that we are not ready to send this to the board the way it is currently written.

Maybe we need to look at the commercial district. Limit the number of locations. Look at setbacks and distances. Setback graphic provided by Mangus.

Set up tours: board is setting up a tour in Kalkaska. Would the PC be interested in participating? – yes.

Possible day trip to Frankenmuth where they have the same type of situation with an existing structure? Dean is interested, Wroubel interested, Jacobson interested. Dean will set it up.

Jacobson is interested in getting input from someone who knows how to write ordinances better than we do. Would like the tours first.

Did Kalkaska use an engineer, planner and/or architect? Get the Kalkaska ordinances before the tour.

Can add an engineer review under a special use permit to review air scrubbing systems, etc. Likely cost the applicant \$5,000 to \$10,000.

The PC will be returning to an open session after the closed session.

Chris Patterson is township legal counsel. Meagher, a lawyer for the township's insurance company, will also be in attendance of the closed session.

Will need a two thirds vote to go into closed session.

Question by Mangus: Is that two thirds of those present or two thirds of the seven member board?

Patterson notes it should be two thirds of the body.

Mangus indicates that we only have four members.

Patterson: Two thirds of those that are going to be appointed that are serving.

2. Closed session to discuss ongoing Northpoint Farms vs. Whitewater Township litigation

Motion by Dean, second by Jacobson to adjourn special meeting at 7:00 p.m. to enter into a closed session to discuss the trial strategy in connection with Northpoint Farms, LLC vs Whitewater Township because discussion such strategies in open session would have a detrimental financial effect on the township.

Roll call: Wroubel-yes; Jacobson-yes; Dean-yes; Mangus-yes. Motion carried.

Adjourn to closed session.

Resume special meeting at 7:30

Schedule the tours of other facilities.

Need to change the date of the next regular meeting as Mike will likely not be available on the 1st.

Consensus to change the regular meeting to September 8, due to a lack of quorum on the 1st. With the date change it will be considered a special meeting.

3. Discussion regarding consultant selection and scope of service – marihuana ordinances. This approval is still in the board's hands.

Next Regular Meeting is scheduled for September 1, 2021, there will be a lack of quorum.

Change the meeting date to September 8, request Grobble attend if available.

Wroubel: Previously went through line by line. What are we not comfortable with?

Mangus notes that it is the setbacks and nothing to limit the number of permits. We can limit the number of facilities and/or set a limit of number of locations. How do you measure the odor? It should be in the ordinance.

Mangus would like to eliminate commercial district. Currently we are treating recreational and medical the same – we don't have to permit recreational in the Ag District at all. Limit the number of locations. Special use permits can require specifics on air cleaning, require engineer, require more than seven days of recordings, address lighting, hours of operation. Other things that can be addressed are the building size, setbacks and zoning variance requests. Possibly create a PC sub-committee to address the wording.

September 8, agenda: Set up sub-committee, general discussion of amendments / ordinances, Grobble – MP review, field trips planning or reports, summary of Kalkaska ordinances plus anything from the ZA, amendment #81 regarding home occupations. Potential closed session.

Public Comment:

Mike Lehnert, 10610 Elk Lake Rd., suggested the road trip and will help. (Dean is leading that effort.)

Michelle Mueller, 7482 Cook Rd., appreciates the PC's diligence.

Heidi Vollmuth, 8388 Winnie land, private citizen, do some homework.

Denise Peltonen, 10686 Elk Lake Rd., notes concerns about well water and previous environmental issues with the facility in discussion.

Commission Discussion/Comments: (previously noted).

Adjournment: 8:00 p.m.

Respectfully Submitted
Lois MacLean,
Recording Secretary

From: Kim Mangus <manguspc@yahoo.com>

Subject: PC correspondence

- On Mon, Aug 9, 2021 at 5:05 PM Michael Lehnert <wontolla44@gmail.com> wrote:

Kim,

This letter is provided for inclusion the next time that the topic of marijuana ordinances comes up. I would request that it be read aloud and submitted for the record.

My name is Mike Lehnert. I live at 10610 Elk Lake Road, Williamsburg. For reference I spoke at the last planning committee meeting after you called for comments from parties who had not aligned themselves either for or against the ordinances. I spoke of my concerns about the process by which the ordinances had been given to you by the township board, specifically the fact that the ordinances seemed to be contrary to the will of the voters. There seems to be a clear conflict of interest that would put that vote in question as the person requesting authority to secure permission to repurpose his cherry processing plant into a marijuana industrial facility is the brother of a board member who voted in favor of the ordinance.

As background, I moved here ten years ago after serving for 37 years in the Marine Corps. My wife and I purchased a 40 acre working farm where we grow a variety of crops. My last job in the Corps was to command all seven of the Marine Corps bases West of the Mississippi...a region larger than the state of Rhode Island. I mention this simply because I have had a lot of experience with land use issues and while I want to see crop diversity in this community and support actions that help farmers, the issue of marijuana needs to be carefully considered.

Simply stated this may be the biggest land use issue that Whitewater Township ever faces. If the decisions are made in haste or in error, you won't get a do over and the character of the community will be changed forever.

I've three recommendations that may serve to help resolve this issue.

First. Since this ordinance involves many more than simply the property owner who is making the request, put the issue to the voters in the 2022 election or at the first regular election--whichever occurs first.

Second. Since this issue will almost certainly be litigated, Paul Hubbell needs to go on record to explain why his vote and any future votes on this matter are not a

conflict of interest given that the person making the request is his brother. Once that explanation is provided, it would be prudent that the board seek an opinion through appropriate legal channels up to the Attorney General of the State of Michigan to determine whether Paul's vote in fact represents a conflict of interest.

Third: Since similar ordinances have already passed in other townships where land prices are low, rural agriculture dominates, zoning ordinances are permissive and unused properties are available, we should take advantage of the lessons learned by others. For example, Vassar Township in Tuscola County was an early adopter of ordinances that supported both commercial and industrial marijuana. Their demographics are similar to ours. It would be useful for either the board or the planning commission to seek information on the outcome of that decision by speaking to police, fire fighters, educators and local business people. Do they regret their decision? What would they change in zoning regulations? Has there been a spike in criminal activity or a reduction of property values? There are certainly other locations in the state but that's the one I know of personally. If an ordinance is crafted and approved by the board, it needs to be done with the benefit of the experiences of other communities to ensure that the quality of life we enjoy here is not diminished

Thank you for your consideration..

Semper Fidelis,

Mike

This was sent by Ron, he was asked to forward it to the PC.
Thanks,
Kim

Hello Ron,

The Mission Statement for Whitewater Township states....."The Whitewater Township Board will strive to maintain the rural character of our community, to enhance our quality of life, and to utilize our tax dollars in a fiscally sound manner."

I have attended and commented at many meetings of the Planning Commission and Township Board over the last 15 years plus. It has been very frustrating to say the least. The RC zoning effort to break down the 5 acre to lower lot size continues even though surveys, legal opinions and decisions, not a single public comment or written letter has been in favor of this happening has appeared. 85% of the RC zoned area is State land, the few areas available represent the rural character of our township. More recently, the last 3 years, the Marijuana issue has gained the spotlight. Again, surveys, public comments, written letters, have all fallen on deaf ears. Just 3 years ago this was rejected by the WTB.

What Happens???? Enter the personal interests of Whitewater Township Board members. Benak gets a variance to break down the acreage requirement in the RC zoned district for her families personal benefit for her property. Now Hubbell, whose brother is wanting to go all in in the Marijuana business, owns adjacent property, is all in on allowing the full menu of the Marijuana business.....Grower, Processor, Transporter, Safety, etc. All of this even though on all levels was rejected in a Township Survey 65% to 35%. A citizens group collects signatures for a ballot proposal. Does it happen? Do voters get to speak up? Heck NO, lets not let the voters be heard!! Lets not allow residents to make an effort to maintain a quality of life in our community without Marijuana.

Legal fees have piled up at the Township level dealing with the issues above. Is this utilizing our tax dollars in a fiscally sound manner? The Mission Statement above is a Joke!!! I realize that "Conflict of Interest" is a fine line, but the pattern over time in our Township is there. The Township Clerk and the 2 mentioned above dictate the direction on issues with little or no regard for the majority views and opinions of those they represent. Is there no guilt?

Thank You Ron for you time and efforts.

John Mater

Planning Commission Meeting 08/24/2021

Regarding proposed zoning ordinance amendments for Commercial Medical Marijuana and Commercial Adult Use Marijuana Establishments:

This is a huge (310 permits worth of huge) land use issue for Whitewater Township. If the zoning requirements are rushed or in error, you won't get a redo and the community will be damaged forever.

Under special land uses, you need to have specific measurable requirements. Many of the sections are not sufficiently specific enough to protect neighboring properties and the community at large. You must balance the special use with the other property uses in the area.

I detailed specific concerns with hazardous waste management, security, lighting, hours of operation, disturbances, and setbacks in my comments at the public hearing on 8/4/2021. These items all need specific details and measurable limits such that they can be enforced and protect the community.

The draft ordinance states that there may be a variance for an existing commercial structure. Why do we want to open ourselves up to lowering the standards you determine are necessary for the community? There are no parameters noted in this section indicating exactly what items you will consider easing or dismissing. It is not respectful of other property owners to leave this wide open to interpretation and litigation. Be specific or just eliminate the section.

You should also consider limiting the total number of sites within our community for these businesses, otherwise, you will destroy the rural nature of our community.

In my opinion, this amendment in the current state is not sufficient to protect the rights of all citizens and property owners. Please take the time to more thoroughly look at the requirements and step it up so we avoid the problems in the future.

Thanks for listening.

Linda Slopsema
9693 Miami Beach Rd
Williamsburg, MI

Please join us for a **FREE**

Risk Management Training for Local Officials

Tuesday, September 28, 2021

5:30 PM – 8:00 PM

East Bay Charter Township Hall, South Conference Room (1965 N. Three Mile Road)

Instructor: John Iacoangeli, FAICP, Principal at Becket & Raeder, Inc.

Who should attend: All local officials, including planning commissioners, zoning board of appeals members, and elected officials in Grand Traverse County

Equipping local officials with a comprehensive understanding of state statutes and best practices related to the land development approval process is critically important. As litigation poses a significant risk related to planning and zoning decisions, this is essential training for all elected officials, planning commissioners and zoning board of appeals members.

This training will focus on minimizing litigation risk by understanding laws and applying standards. Topics include identifying a conflict of interest, applying discretionary standards during special land use reviews, reasonable expectations of a developer and how comprehensive plans can minimize risk.

Social distancing will be maintained to the greatest extent possible. Attendees will also have the option of viewing the training from the comfort of your computer live on YouTube: [TACM.tv/EastBayLive](https://www.youtube.com/watch?v=TACM.tv/EastBayLive)

PIZZA WILL BE PROVIDED!

If planning to attend, please R.S.V.P by September 17th to East Bay Township Planner, Claire Karner, at ckarner@eastbaytwp.org.

Training developed by:



American Planning Association
Michigan Chapter

Thank you to our sponsors:



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GRAND TRAVERSE COUNTY CHAPTER

