

The Planning Commission is pleased to announce that we have returned to in person meetings. Please note that we do expect all attendees to respect mask and social distancing requirements. We also request that you refrain from attending in person if you are coughing, running a fever, or not feeling well. Zoom attendance has been provided to accommodate maximum resident participation as in person seating will be limited. Thank you for your respectful compliance in these matters.

Whitewater Zoom is inviting you to a scheduled Zoom meeting.

Topic: Planning Commission Meeting

Time: May 5, 2021 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/95954982494?pwd=LzVkQi9Sbis1Z2M4ZnN6cktCWXhvZz09>

Meeting ID: 959 5498 2494

Passcode: 851081

One tap mobile

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Find your local number: <https://zoom.us/u/aocxUH9BE>

WHITEWATER TOWNSHIP PLANNING COMMISSION

AGENDA FOR REGULAR MEETING, *May 5, 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 April 7, 2021 and April 22, 2021
 - 8. Correspondence:
 - 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 Review
 - b. Updated marihuana zoning ordinance regulations
 - 11. New Business:
 - a. Master Plan presentation by Chris Grobbel
 - 12. Next Meeting June 2, 2021
 - 13. Public Comment
 - 14. Commission Discussion/Comments
 - 15. Continuing Education
 - 16. Adjournment

Tabled Items: RC District, Event Barns

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 or the TDD at 800-649-3777.

WHITEWATER TOWNSHIP PLANNING COMMISSION
MINUTES FOR REGULAR MEETING
In-person and via ZOOM
April 7, 2021

Call to Order at 7:00 p.m.

Roll Call: Via Zoom: Mangus in East Bay Twp, MI

In person: Dean, Jacobson, Wroubel

No Board Representative or ZBA Representative available

Also in attendance: Zoning Administrator, Hall and Recording Secretary MacLean

Set / Adjust Agenda: Grobbel MP presentation postponed

Declaration of Conflict of Interest: None.

Public Comment: Linda Slopsema, 9693 Miami Beach Rd.: sent an email to all commissioners, trying to understand what is going on based on comments of March 24. Critically important to set up Special Use Permits details regarding traffic, noise, visual and odor. Buffer zone needs to be specific. Lighting is another concern and can be disturbing. Sent an article regarding odor and setbacks. Please do research to address property owners.

Michelle Mueller, 7482 Cook Rd.: Ditto Ms. Slopsema's notes. Please take your time and do this right. If this is going forward would like all considerations on the table. There a lot of pros and cons. Look at everything carefully.

Renee Savage, 9833 Pineneedle: Concerned about the marihuana. It is not just the farmers at stake, it is the surrounding community. Please keep in mind that marihuana seeds are highly toxic to pets.

Michael Corcoran, represents Northpoint Farms, and John Harvey. Comments are appropriate, buffer zones are a good way to address issues. There are a lot of options for odor control. Thank the PC for the hard work. It seems you are getting close. Hope that you will consider a special meeting. There is no authority to stop this, especially regarding the medical marihuana.

Vern Gutknecht, 6880 Bunkerhill Rd.: Appreciate what you are doing. Once you let the genie out of the bottle you cannot put it back. Concerned that TC area will become the marihuana capital rather than the cherry capital. We are all still learning and some things scare me. Ask that the PC be conservative. The buffer zone ideas, conditions and screening between the establishments and the neighbors. Think the neighbors should be able to have input.

Public Hearing: None

Approval of Minutes:

MOTION by Dean, second by Jacobson to approve March 3, 2021, Meeting Minutes.

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

MOTION by Jacobson, second by Wroubel to approve March 24, 2021, Special Meeting Minutes, as amended.

Discussion: two changes

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

Correspondence: In the packet from Michael Corcoran wasn't included in the 3/24/2021 meeting. Ms. Mueller with a list of questions and concerns, and Linda Slopsema (add to next month's packet)

Reports:

Zoning Administrator Report, Hall: Bring a couple things to your attention. The PC is fortunate to get the amount and quality of public comment being received. Citizens Guide to Planning and Zoning is available at the township hall. It can be accessed online also.

Receive questions about short term rentals (STR) every day. Will be supplying information to the PC for review.

Lots of calls regarding real estate along M72. M72 is ripe for development. Mr. Grobbel is planning to attend at the next meeting.

Land Use Permits are on par with last year. Thank you to the public that are communicating on issues.

Have the language complete for the Major Home Occupations in ordinance format for the next meeting.

Chair's Report, Mangus: Intended to be in person. Thankfully we can still participate via Zoom,
Township Board Rep., Not Available
ZBA Representative, Not Available
Committee Reports: None.
Additional Items: None.

Unfinished Business:

1. Major Home Occupation – minor adjustment to 25.22D. Text will be available at the next regular meeting and we will schedule it with the next planned public hearing.
2. Township Master Plan – postponed to next month.
3. Draft Marihuana Ordinance discussion: Did we receive anything from the attorney regarding home grow indicating if we will have to address in the ordinance? Bob indicates that he did not hear from them. The attorney did put it in their draft. In the township general ordinance it doesn't include or exclude caregivers. The two general ordinances are specific. Will get input from the attorney.

Article 3 definitions

Residential District R1: Left in residential district if the care giver part needs to be dealt with.

Commercial District, special use permitted.

Village: A 500' setback would leave about 100 feet on the north of the district, the eastern portion and between M72 and Old M72 available. Jacobson indicates to drop the Village, Dean also, Wroubel also. Consensus to drop the Village District.

Industrial, special use permitted.

Special Use Permit (SUP) standards – Marihuana Grow and Process Establishments discussion: These are in addition to the general special use permits, specific to marihuana establishments.

Hours of operation has to be approved by the PC. If they want to make a change in established hours they would need to come back to the township for approval.

Off street parking and loading standards in Article 34 to be included in the site plan.

Landscape buffer, Article 33, Landscape Standards guidelines in the Commercial or Industrial as a distinction between properties of different uses. Each property's SUP would be unique. For instance Ginop put in a row of trees between their new building and the neighboring property. Does the buffer zone language apply to a large parcel with large setbacks? Does the current language account for setback differences? Change from shall provide a buffer to may be required. (Consensus) But reference the most restrictive buffer zone requirements. Existing buildings and structures can be dealt with individually.

Lighting, Article 29, change to may be required. Leave the details with the SUP but reference the most restrictive regulations. Security lighting is addressed by the state and in the general ordinance. Artificial lighting and all lighting as addressed and agreed to at the last meeting.

Location: Keep the wording the same as in the general ordinances. Set backs would apply to dissimilar uses. A house in the ag district is still ag. A buffer would be part of the setback. Discussion of the 150' setback. Could have different size setbacks in the different districts. Set setback requirements. Exceptions to the setback would be considered for existing structures. Important to remember that all of the operations are inside the building. It is a commercial use. We must balance. People like the open space and agriculture. We need to keep as much agricultural as possible. Hemp is an agricultural product that will likely increase in the township. Setbacks will be for homes that exist before the establishment. Homes that build where these are already located will not be affected. Consensus at 200' but can come back to it. What are you accomplishing with the setback or buffer? These are tools to address issues.

Underlying zoning for that district.

Structure size standards, up to 40% of the total property size.

10 and 11 as previously decided and discussed.

Discussion of #12, principal use only. Bob and Kim will look at the verbiage also. Customary and incidental uses. Simple statement that any bona fide agricultural use would also be allowed. Primary and secondary uses need to be addressed.

Residential Cultivation, 37.60, is in here if we need to have a permitting procedure for caregivers. The general population does not know that there are basic standards that already exist. Consensus to include residential

cultivation. Reference in #6. Residential cultivation in definitions and point them in the right direction.
Reference in SUP pointing to 37.60.

Consensus to do a special meeting to keep this moving.

New Business

1. Master Plan Review presentation - postponed.

Next meeting: April 22, 2021, Agenda item: Marihuana ordinance.

Next Regular Meeting is scheduled for May 5, 2021

Agenda: Master Plan Review; Marihuana ordinances

Tabled items: RC District review and Event Barns review

Public Comment:. Chris Hubbell 8055 Park Rd., doing a thorough job – thank you. Might want to consider using the term greenbelt instead of a buffer zone. State of Michigan dictates security and fencing.

Michelle Mueller: How many processing facilities are we talking about? (open discussion with commissioners) Five medical and five recreational establishments are allowed per the general ordinances. All grow is indoors. Is ethanol used in the processing? Processing is more complicated than the grow. There can be odor issues with grow and processing. Would it be possible to require a certain amount of acreage? The PC is recommending percentage based size standard rather than the parcel size. Process and grow goes hand in hand. Space, setbacks do not necessarily match to the parcel size. State allows medical in Ag. We have chosen to address recreation and medical the same since they are the same from the outside looking in. We were given the task of addressing the “where and how” in the zoning ordinance. Restrict the processing. Brief discussion regarding hemp waste. The state regulates odor and the zoning administrator will have the authority to address problems.

Rod Rebant, 648 Island View Dr. Pleased with the steps you are taking. Have the most restrictive set of zoning directives to make sure the homes, neighborhoods and members of the community are protected and have a feeling of voice in the township. However, I don't really see where there is a minimum parcel size being addressed. It sounds like anything in Ag is open to having these facilities. Do not see an attempt to manage it. I am also concerned about the impact on the environment, wetland, rivers, streams, marshes, etc. We should want someone to address from the environmental standpoint. We can say the state is taking care of, or the county but we do we know if they will address it? There will be a lot of community backlash as people have no idea what is coming down the pipe. Thank you. There are a lot of questions that need to be addressed.

This zoning ordinance will be run through the attorney after the ZA looks at it then the Board will make the final decision.

Commission Discussion/Comments: none.

Continuing Education:

Adjournment: 9:00 p.m.

Respectfully Submitted
Lois MacLean,
Recording Secretary

WHITEWATER TOWNSHIP PLANNING COMMISSION
MINUTES FOR SPECIAL MEETING via ZOOM
April 22, 2021

Call to Order at 7:00 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: None.

Public Comment: Longview Ranch – Kim Elliott, Crisp Rd.: Mangus read through letter: no problem with marihuana, have a problem with the manner in which the township is proceeding. Need to slow down. Listen to the public. Need a vote of the people.

Linda Slopsema, 9693 Miami Beach Rd., The current draft allows for grow and process in the Ag District. Ag is intermixed with many residences. Some ways to address issues would be to use larger setbacks. Why not use the 500' setback. Structures allowed without a primary residence. We love where we live. The zoning will make a substantial change. It is about protecting all property owners. Concerned about property values. Strike an equitable balance between business and individuals.

Chris Hubbell 8055 Angel Rd., I keep hearing that inside growing will impact property values. It will not. I don't need a vote of the people to tell me what I am going to do with my property. Many farmers feel the same way. (In Ag)A farmer can build a building without having a house.

Bob Hall: Just wanted to let the commission know that Kim is putting this together in order so it will be easier for the attorney to go through it. The attorney will add some specific legal language type things. There will be a severability clause. There is official language needed to become an ordinance.

Public Hearing: None

Special Meeting Business:

1. Marihuana zoning ordinance standards: (Referring to the draft) Items in red are things changed previously, per our discussion. 25 will be 25.22 E, following the layout of the ordinance.

Definitions: okay

District Amendments: Bob notes that under each district it should indicate both the grower and processor, separated, having four under each district. Renumbering will also occur.

Ag District indicates additional requirements.

Ag District #11, send the question to the attorney regarding co-location. Discussion of carving out pieces of property and taxes. Is it required by state law? Bob indicates, per discussion with other assessors, an Ag exemption will be lost for at least part of the property. Do we have additional questions for the attorney? Why is this context coming up when it is not an issue in other circumstances?

Let Bob know if you have any additional questions and he can contact the attorney.

Move #5, which is specific to Ag, to the end since the rest of the standards are for all districts, commercial, industrial and ag.

Discussion of setback from residential property boundary vs. the residence. Different setbacks for grow and for processing? (no)

What are the hazards people bring up? Not understanding the thinking that processing is more of a problem than growing where both things are happening within a building. The state regulates the nuisance issues. The concern is if the state will actually regulate and keep up with problems?

Could be a concern that a big business coming in with lots of money may come in and make something look very different than we think. The market will dictate and it will self-regulate. The growers and processors do not want visibility. This does allow farmers to keep farm land open, as current residents and people who move to this area indicate they want.

Add/change the wording to “existing residential dwelling. . .” in the current #5 d.

What do we consider the establishment? The building? The fence? The light line? The driveway?, The buffer? 500' setback cannot be met with a 50'x100' on a square forty acre parcel. Need to define marijuana establishment.

500' from schools, parks, etc., is established by the state.

Could make it a number of feet from the residence and not the property line.

What setback do we want to utilize to send to the attorney? Compromise: 300 from the residence or property line? Use the language as in the current #6 "Establishment is issued an initial permit..." Include a lot line restriction and a residential dwelling. 300' from an existing residential dwelling. 200' from the property line of an established (existing) residential district, established residential development, or district in which the use is not permitted property line.

Create a definition for a residential development which would include subdivision, condominium development intended for residential use and PUD for Article 3.

#11 is a question for the attorney.

37.60 Residential Cultivation – question to the attorney as previously discussed regarding how it fits with the General Ordinances 59 & 60. Commission would prefer minor language and not regulate as it has not been an issue previously.

Use both terms, establishments and facilities or create a term that means both. Let the attorney address.

Kim will edit and get it to Bob.

Motion by Dean, second by Jacobson to forward the edited draft to Zoning Administrator Hall to forward to the attorney for review and consultation.

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

Next Regular Meeting is scheduled for May 5, 2021. Grobbel will be joining us regarding the Master Plan review; address the draft zoning ordinance, if appropriate.

Public Comment: Michelle Mueller, 7482 Cook Rd. When you say you do not know what the processing is, that concerns me. That information is available on-line. These are 24 hour processes. You have the opportunity to do this right and protect all people involved. Cover the "what ifs" as much as possible.

Dean notes that the reference to not knowing is regarding the fact that not all processing is going to be the same. We don't know what any particular establishment may possibly do. We are trying to strike a balance.

Zoom: Vern Gutknecht 6880 Bunkerhill Rd., very impressed with the open dialog and how well you are doing working on this. We need to do what we can to keep self serving out of the township (as the politicians in DC seem to do).

Linda Slopsema: appreciate the thoughtful work. You have probably 30 days to dig in and get more information for some of the issues of property values and the nuisances and compliance problems. Encourage you to come out of the gate conservatively to avoid the problems. Don't want residents or businesses stuck.

Commission Discussion/Comments: We need to discuss retail. We will need to be informed regarding provisioning centers / dispensaries. Grow and Processing are more farming type related. People will need to know that we are not dealing with the retail sales.

Pros and cons are subject to a referendum. People can make a referendum to open a dispensary which has not been approved by the board, just as they can do a referendum to stop the recreational grow and process that has been approved by the board.

Adjournment: 8:58 p.m.

Respectfully Submitted
Lois MacLean,
Recording Secretary

DRAFT

Grobbel Environmental & Planning Associates

PO Box 58

Lake Leelanau

Michigan

49653



April 5, 2021

Whitewater Township Planning Commission
5777 Vinton Rd.
P.O. Box 159
Williamsburg, MI 49690

RE: Evaluation and Recommendations for Whitewater Township Master Plan 2021 Update, Whitewater Township, Grand Traverse County, Michigan.

Dear Whitewater Township Planning Commission,

Per your request, please find this evaluation and summary of recommendations for the Whitewater Township Master Plan update.

A. REQUIRED UPDATES

1) Zoning Plan. It is required that a zoning plan be included within the Master Plan that identifies zoning districts and their purposes, as well as the basic standards or “schedule of regulations” proposed to control the height, area, bulk, location, and use of buildings and parcels. The zoning plan must also consider the likely zoning designation of transition zones between zoning districts. This section of the updated Master Plan must relate these and other Master Plan recommendations to specific regulations within the Whitewater Township Zoning Ordinance.¹ The zoning plan must be based on an inventory of current conditions relevant to established Whitewater Township zoning districts, and the purposes for which zoning was adopted.²

¹ Whitewater Township Zoning Ordinance, Township Ordinance #6, Adopted and Effective December 23, 1972, as amended.

² The existing 2015 Whitewater Township Master Plan does not possess a zoning plan and includes an undated zoning map. The Michigan Planning Enabling Act, P.A. 33 of 2008, as amended, Section 33(2)(d), M.C.L. 125.3833(2) (d), requires that a Master Plan serve as the basis for the zoning plan, and the Michigan Zoning Enabling Act, P.A. 33 of 2008, as amended, Section 305, M.C.L. 125.3305, requires a zoning plan be prepared as the basis for the zoning ordinance. This requirement must be in any plan adopted or amended after September 1, 2008.

2) **Economic Development Plan³/Placemaking.** Pursuant to the Michigan Planning Enabling Act, the Master Plan must address economic development, the “new/global economy,” and emerging economies and technologies. “Placemaking” should also be highlighted as an important tool for planning for future community economic development. Placemaking is a planning approach to economic development that typically results in the revision of zoning techniques to consider and plan for the “old” and “new” economies within a community and its region. The overarching goal is to retain businesses that a community now possesses, i.e., the “old economy,” and to plan for and remove barriers to emerging businesses, communication technologies, and industries, i.e., the “new” economy.” Past economic development strategy was often focused on attracting new industry, businesses and manufacturing.

3) **Transportation/Complete Streets.** The Michigan Planning Enabling Act⁴ requires Master Plans to include a transportation plan (and/or “street plan”) inventorying the extent of all transportation system components, and coordinating and planning regionally for “roadways....to provide appropriate access to all legal users...whether by car, truck, transit, assistive device, foot or bicycle.” In other words, it is required that master plans consider and plan for pedestrian-based and well as vehicular travel (i.e., “complete streets”). Master Plan update should re-inventory and plan for transportation networks, facilities, and public transportation, and must consider and plan for “multi-modal” transportation including non-motorized and pedestrian travel within each.

4) **Blighted Areas.** As required by Michigan law, Whitewater Township’s updated Master Plan must evaluate blighted areas, and make recommendations for their redevelopment and/or rehabilitation.⁵

5) **Rezoning Criteria.** Updating the rezoning criteria utilized in Whitewater Township is also required by Michigan law.⁶

6) **Update Demographics/Housing Data** - Using available 2015-2019 Census projections, it is also required that the Mater Plan update population/population projections (see Population, p. 8), housing (see Housing and Households, p. 10), human/social services (missing), education (missing, see Education p.

³ Michigan Planning Enabling Act, P.A. 33 of 2008, as amended, Section 33(2)(d), M.C.L. 125.3833(2) (d), requires that a Master Plan serve as the basis for the zoning plan, and the Michigan Zoning Enabling Act, P.A. 33 of 2008, as amended, Section 305, M.C.L. 125.3305, requires a zoning plan be prepared as the basis for the zoning ordinance. This requirement must be in any plan adopted or amended after September 1, 2008.

⁴ Michigan Planning Enabling Act, P.A. 33 of 2008, as amended by Public Acts 134 and 135 of 2010, Section 33(3), M.C.L. 125.3833(3). This requirement must be in any plan adopted or amended 90 days after December 17, 2010.

⁵ Michigan Planning Enabling Act, P.A. 33 of 2008, as amended, Section 33(2)(c), M.C.L. 125.3833(2)(c).

⁶ Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, Section 202(1), M.C.L. 125.3202(1).

13), employment (missing), economic measures (see Economic Base, p. 10), etc. to inform an updated vision, goals and actions. Infrastructure measures, i.e., roads, bridges, trails, rail, public transit, transportation/traffic, drains, sewer and water, community facilities and services, parks and recreation, cemeteries, utilities, communications/mail, emergency services, etc. (within pp. 11- 13) should also be updated.

7) **Update Vision, Goals and Actions, and Future Land Use Map** - Update the 2015 Master Plan's Part 2: Master Plan Goals and Policies based on Whitewater Township Planning Commission input, public input sessions and 2021 survey results. Public notice, public hearing, and publication pursuant to the Michigan Planning Enabling Act, P.A. 33 of 2008, as amended. The Future Land Use Map (page 32) must be evaluated and updated if needed based on the above.

8) **Land Use/Land Cover.** Existing land use in 2015 as described and depicted in the pie chart on p. 11 must be updated, and should be contrasted with land cover, i.e., forest, herbaceous/grassland, shrubland, developed, agriculture, wetlands, and other categories (which includes ice/snow, barren areas, and open water).

B. RECOMMENDED

1) **Public Participation/Opinion Survey and Analysis.** The current Master Plan relies upon the results of a 2009 public opinion survey and two (2) open houses to inform the 2015 Maser Plan's goals and policies.⁷ It is highly recommended that the updated Master Plan include a 2021 web-based opinion survey including press releases/public notices and a detailed report of findings, and four (4) professionally facilitated public input/visioning sessions. The results should be used to update the 2015 Master Plan goals and policies within a 2021 community vision, goals and actions

If you have any questions regarding this summary, please do not hesitate contact me at 231-499-7165 or grobbelenvironmental@gmail.com. Thank you.

Sincerely,
Grobbel Environmental & Planning Associates



Christopher P. Grobbel, Ph.D.
Sr. Community Planner/Project Manager

⁷ See 2015 Whitewater Township Master Plan, Part 2: Goals and Policies, pp. 3-4.