

WHITEWATER TOWNSHIP PLANNING COMMISSION  
MINUTES FOR SPECIAL MEETING via ZOOM  
March 24, 2021

Call to Order at 7:00 p.m.

Roll Call: Via Zoom: Mangus in East Bay Twp, MI; Dean in Williamsburg, MI; Wroubel in Williamsburg, MI

In person: Jacobson

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: Mangus: Made a statement regarding the zoning approval process.

In person:

Mike Corcoran, attorney representing Northpoint Farms: and Two Peninsulas to purchase the property, noting the process to this point. The Police power ordinance is law, the zoning ordinance is to determine where in the Ag and Industrial districts and the special use permit. The Police power ordinance is very thorough. An overlay district would be very similar to the one created for adult book stores. This is a pretty simple deal and should not take seven months as the PC Chair has noted. A decision needs to be made on whether the Board or the PC will make the decision on the permit. The township lawyers added a section on caregivers. That should not hold up the police powers. Right now there is no referendum. The township must abide by its own law. The referendum would only apply to recreational marihuana. My clients have a right to use their property at its highest and best use. Make the changes that need to be made and put it up for public hearing at the next regularly scheduled PC meeting. Concerned that township officials are dragging their feet. Concerned about the influence of the township Supervisor, who has been at every one of these meetings and that is inappropriate. It is clear how he feels about this. I am here to ask you to take action.

Mangus: The Board adopts or rejects the zoning ordinance that the PC presents to them.

Corcoran: The Board has passed two police power ordinances so they have to pass something.

Zoom:

Rodney Rebants, 648 Island View Drive. Thank you for your explanation of the process. I believe the attorney is also an investor, please be accurate your interest in this issue. While this review is being done there have been other elements of the PC activities that have been side lined. The PC is trying to do it right. The issues in front of the PC, we have 5 acres, now we have marihuana ordinances. The township attorney has pushed this hard. I think that is wrong. I would like the discussion of this be part of an open meeting, having an open house. The general voters in Whitewater Township need to have a voice. Would like to have an open meeting with the PC and the board.

Linda Slopsema, 9693 Miami Beach Rd., Want to make sure everyone is aware of things happening in the township. A group of concerned citizens put through a petition to put the recreational marihuana question to a vote. Petitions were submitted and rejected for formatting issues. People have legitimate concerns. Be aware that people have concerns about property value, environmental impact, odor, crime, costly litigation. The ordinances passed in December seem pretty thorough. Suggest you focus on specific requirements in the zoning ordinance and special use permits.

John Mater, 464 Island View Dr., the township board is represented by five members, only three are pushing it through. One member has a conflict of interest. I do not understand about what is stated about Popp attending meetings. He has not been voicing an opinion, he has strictly been in attendance. The petitions were whitewashed by those same three votes. They seem to do anything to stall to make things go their way. That is the way the township seems to run. The PC is being thorough. People have been brought to the PC and three people do not accept them.

Brandon Hubbell, 8365 Park Rd. Someone mentioned the Corcoran has an investment interest and that is completely untrue. No interest in this other than being our attorney. Don't understand why the petitions are being talked about. This is about zoning. That has nothing to do with the zoning or this meeting.

In person:

Chris Hubbell, 8055 Angell Rd., Mr. Corcoran is not a vested party. Keep hearing people want a referendum to stop recreational marihuana. You cannot stop recreational marijuana from the township. It is legal in the state of Michigan. People can smoke it and there is nothing the township can do about it. Don't know why we are trying to fool each other, it is the law, anyone can smoke recreational marihuana. I am looking out for my property rights. I always thought the chair was for property rights too. I would like mine also.

Public Hearing: None

Special Meeting Business:

1. Article 25, 22.c. Annual review standards for major home occupations. The Zoning Administrator (ZA) noted an issue with line seven that requires an annual review of the special use. The special use runs with the property. The recommendation is that we strike that line item from the special use permit requirements. The ZA will make a draft of the change and bring it back for review at the next regular meeting and address at our next public hearing.
2. Marihuana Ordinance zoning standards. Discussion: Mangus: Provided information for review. February the PC had a consensus to not use an over-lay / spot zoning but to address special use standards. Where is this going to be located in the ordinance? Do want special use addressed in each district? In Article 6? And various locations throughout the ordinance? Or, we could use Article 26, keeping it all in one location. Consensus to keep it all in one place in the ordinance. Use the term Establishment or Facility? Be consistent. Article 3, Definitions, create a section of Marihuana related definitions. The Michigan law has all of the definitions. Do we need to add anymore? Do we need to remove any? Consensus to go with as presented.

Residential cultivation, personal use and caregiver standards. Deal with them now, later or not at all. Jacobson: We don't have a problem with it in the community. Leave it alone. That is not what we are working on. We can come back to it if necessary.

Mangus: Is a caregiver considered an establishment? Do we need to address caregiver standards? If we don't have standards does that mean primary caregivers are automatically illegal because they do not have a permit from the township? Will need input from the attorney. Mangus: Not change the practices of home grow. Residential cultivation is not regulated by the ordinance but is regulated by the MMA. Note that it is not regulated by the rest of this ordinance. Call it out by the uniqueness and let it be covered by the state. Mangus: One question is the number of plants per house. Jacobson notes that only one person in a household can be a caregiver, 72 plant max plus 12 for personal. Mangus: Is this a conflict with the Board approved opt in ordinance? We can get clarification from the attorney. Consensus to get clarification.

Come back to districts and move on to special use permit standards.

Does Ordinance 59 or 60 specifically state Ag and Industrial? There was discussion at the Board level but don't know if specific district language made it into the ordinances. Some in Ag, everywhere in industrial and possibly commercial district.

Do we treat grow and process separately? Do we want to treat medical and recreational separately? Dean: Marihuana is marihuana, keep it all together. Industrial yes to all, grow, process, medical and recreational. Hall, it was initially limited to Ag and Industrial, I think, to avoid residential districts. There have been many changes. Mangus: The attorney can do a line item to address.

Industrial: medical and recreational, grow and process. Consensus. Do we need to address any additional standards like building sizes and setbacks? Consensus, no extra rules.

Agricultural: Much of our Ag is actually residential use, waterfront, wetland, etc. Medical grow and process is allowed per state law. Do we go with the same with the recreational? Dean: Grow and process is allowed for medical. What is the difference between medical and recreational as far as impact? Consensus to go grow and process medical and recreational in Ag as they may merge the two

laws.

Special Use standards for roads? Consensus for no additional road standards.

Visibility issue? Consensus-no.

Distance requirements from other facilities/establishments? Consensus-no.

Property size minimum? Or distance from x number of homes by x number of feet.

Maximum facility size? There are no building size limits in Ag at this time. Jacobson does not want to see limitations on farmers. Wroubel does feel building size may need to be addressed. Mangus: Could go with a percent of the size of the land. Dean: Trust the market that it will be self-regulating. Mangus will look into other area ordinances to see what they do/say about building sizes. Jacobson: if we put a building size limit what is the difference between multiple small vs one large. A farmer may want to grow and expand. Mangus: percentage of land, big land=big building, small land=small building.

Neighboring uses. Distances from schools, parks, etc., are covered in the General police ordinance. Do we want to limit near residential home(s) or a neighborhood like Wintergreen Heights for example. Some facilities are already in use, it would be a different use. Dean: We need to keep distance in context. There are a lot of road front homes. 500 ft. is going to be very restrictive. Jacobson: We already have zoning restrictions regarding building location. Dean notes that there will be a site plan review for each one and it can be addressed individually. Mangus: Cannot enforce standards that are not in the special use standards. Dean: Noise abatement and odor impact to neighboring properties. Feet are arbitrary because every situation will be different. Mangus: Call it a buffer instead of a setback with any standards. Standard lot line distance is 15'. A buffer would be between uses not necessarily property lines. Jacobson notes that the operation is in a building. Consensus to require a buffering plan between uses but not alter the setbacks for these uses. For purposes of buffering, lighting and parking would be like the commercial district or require a buffering zone plan with no specific additional distance.

Commercial would be the same standards as Ag – Consensus. Utilize the same standards of buffer zone, no additional distance, building size, etc.

The Village District is very small. It has residential and the park. Jacobson says maybe we should just stay away from the Village or if they meet the standards they meet the standards. There are some structures and land available in the area. Wroubel is not in favor of having it in the village district, we are accommodating in other districts. We will leave it out for now and look at the map and bring it back next month.

Special Use Permit standards: We cannot require anything we do not ask for. Gathered information from our zoning ordinance regarding special uses in other areas and in other township zoning ordinances. We do not know if the township will do the special use permit or the license first but they will need it. Need to address chemical and plant waste disposal, odor, security, lighting, hours of operation can be part of the plan, distance as is in the general ordinance such as distance from parks, distance from schools, etc. Drop the definition of the hours of operation to be approved by the PC. Eliminate building distances or put in the standards that are in the general ordinance. A previously used building may be considered as distances are not being addressed.

Look over the standards applicable to licensed marihuana in all districts.

Will bring back the updated information for review at the next meeting.

Next Regular Meeting is scheduled for April 7, 2021.

Public Comment:

Zoom:

Linda Slopsema: Everyone knows marihuana is legal. The issue is regarding the people being able to vote because of the items you have been talking about and how they affect property value, environment, etc.

In person:

Chris Hubbell: In reference to the comment just made, my property is not around any of these properties being talked about. This is my property and my property rights. You are taking up a petition to take away my rights and tell me what to do with my land.

Commission Discussion/Comments: Dean: Are the general ordinances available on the website? Would like to see them available on the township website.

Hall: Regarding public comment, zoning never has been or is it intended to promote or allow the highest and best use of property. Zoning is about segregated land uses into specific areas. Have an individual section regarding marihuana, and reference in the individual districts. State made it very clear that marihuana is not a farm product. Marihuana is not covered under Right to Farm or GAAMPS.

Dean: Tentative schedule, IF we can get to a final in April, what then? We can send it to the attorneys. We could possibly have it back in May and create a final draft then we could hold a public hearing in June, send to the Board and they would look at it in July. Dean: Would an additional meeting be beneficial? We can discuss at the April meeting.

Hall: We are a little behind with the PC not having had communication regarding the ordinance previously. The Board liaison would normally be sharing information back and forth to make the timeline more efficient.

An extra meeting could help. The board could schedule their meeting before the PC is completed by putting it on their agenda for June 8 after our June 2 meeting.

Adjournment: 9:01p.m.

Respectfully Submitted  
Lois MacLean,  
Recording Secretary