

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