

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 marihuana 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