

DRAFT
WHITEWATER TOWNSHIP PLANNING COMMISSION
MINUTES OF JULY 6, 2011 REGULAR MEETING

Call to Order by Zakrajsek at 7:00 pm

Roll Call: Lyons, Boyd, Mangus, & Zakrajsek, Recording Secretary-MacLean, Zoning Admin.-Meyers, Intern-Sullivan + 4 audience
Absent: Miller, Courtade, Dean

Set/Adjust Agenda: Meyers request to add Simerson letter to New Business

Approval of Minutes of 6/1/2011 Special Meeting: Motion to approve by Lyons, seconded by Mangus; all in favor. Motion Carried.

Conflict of Interest: None declared

Public Comment: None

Public Hearing: Notice of Public Hearing was published June 16, 2011.

Medical Marijuana Ordinance Amendment: Open at 7:07: Proposal is a definition of collective, where they will allowed to be located (in the industrial area) and the home occupation of caregivers.

No public comment. Close at 7:09

Home Occupations Ordinance Amendment: Open at 7:10: Meyers: To adequately address medical marijuana it was appropriate to address home occupations. Major and minor home occupations.

From the audience: Steve Mangus: what is the difference between a major and a minor home occupation? Meyers read the definition. Steve Manus: what changes? Are there any grandfathering? Zoning ordinances allow for grandfathering, general ordinances do not. This does not affect people who are operating now. Zakrajsek: People who are operating a major home occupation are okay? Meyers: They will need to come in and get a permit consistent with the new rules if approved. Steve Mangus: don't want to see this hurt any business. Zakrajsek: this is making things more lienient. Kim Mangus: non-resident employees, add "on-site" to non-resident verbiage. Dean: is the business being conducted there? Are we increasing traffic? Meyers: Vehicle issues create a burden. Meyers: PC agreed to look at each case, and add special conditions. Farms are exempt. Zakrajsek: how about no more than two employees at a time. Meyers: Example: Distillery: while the idea is great, do you really want the party buses to pull up next to your house. Dean: business out of the home without employees showing up is not a problem. Meyers: 20 vehicles are a problem. Mangus: rather address it in the special use permit make a statement in the ordinance. Meyers: "non resident employees may be allowed" (taking out the limit of 2) Zakrajsek: would like to see a limit. Mangus: covered in the special use permit provisions. Meyers: would like to consider a provision D in major home occupation to state that it must be the principals residence. Consensus on adding provision D. Close at 7:31.

Temporary Signs Ordinance Amendment: Open at 7:31: request by the Township Board to allow civic and charity temporary signs. Just a difference in the approval process. Public comment: Steve Mangus: This sign ordinance should not be an ordinance at all. Sees it as a

property rights issue. It is a victim-less sign (crime), technically garage sale signs are illegal. Why was the ordinance put in place, years ago, in the first place? Are you trying to prevent littering? Is it a road way distance issue? Zakrajsek: what about the size? Steve Mangus: why make it all so illegal? Meyers: this section of the ordinance is fairly new, we've allowed lots of signs. Kim Mangus: we can address garage sale signs next time we address signs. Meyers: this was a request from the Board so they are not the governing body regarding temporary civic and charity temporary signs. Steve Mangus: making small signs for directionals, garage sales, house for sales, etc., should be allowed. Zakrajsek: tonight's issue is "can we turn this over to the ZA". Mangus: Add the word sign.
Close at 7:42

Reports:

Correspondence: Planning Summit: The County is planning to update their Master Plan, a policy approach. They have a special request. They are planning a summit for the 5th Thursday of September (29th) and would like as many PC members as possible to attend. Encourage your participation. NWMCOG planning Citizen Planner event if anyone is interested. Is anyone interested? Dean said maybe.

ZA Report: May Report. Have had more code enforcement issues this spring than any other time.

Township Board Rep: Boyd: There is some information coming forward regarding the septage treatment plant about how bankrupt it is going to be. Doug Mansfield is concerned that non-committed communities will be dragged into it. Board meeting discussion regarding the Battalion Chief, separation of ambulance and fire. We still do not have the ambulance in service. Could be at least 3 weeks based on information from the Battalion Chief. The Board is working on a vehicle policy, discussion to be at the next meeting. The Tribe, via Chuck Stewart, has made a proposal to consider a joint venture for emergency services, management plan, intergovernmental agreement and facility. It's all in the works, a wide open book – cost of running the facility is under discussion. Interesting proposal, don't know if it will have public support. Will need public education for the public to support it.

Chair: No report.

Old Business:

1. Simerson Letter: Letter received by the Township Board members. Lake requested the PC review the request. Boyd, Board liaison, will pass on the recommendation from the PC of this request. Mrs. Simerson realizes there are a few inconsistencies in her letter. Lake felt it appropriate to allow the PC to comment. Zakrajsek: the original livestock housing set back was 100 feet, we reduced that to 40 feet and eliminated the 2.5 acre minimum. He likes it the way it is. Mangus: would like to see consent of adjacent property owners – if you have the consent of the neighbors it doesn't hurt anyone. Boyd: two property owners want to put the chicken coops together or close to the property line, could be an issue when trying to sell. Mangus: Property rights for existing owners. Zakrajsek: Potential buyers and sellers have rights too. Mangus: looking at flexibility. Boyd: based on property owner's permission, is a problem for me. Mangus: We cannot protect people from themselves. There's no social or public welfare. Boyd: we are being considerate of the Simerson issue. As representative of the Board would like a very clear response. Lyons: Feels what

the PC came up with is good. Zakrajsek: Has experience with some situations like this, it can be a problem. Meyers stated that Boyd needs a consensus, is a consensus that we need to work on it or is it okay the way it is. Boyd: memo to Larry Lake, consensus, not unanimous but majority says to leave it alone and not be sent back to the PC for review. Mangus: The set back was the specific issue that she had, that was why she was the dissenting vote last time. Simerson comment: It was brought to our attention that this is going to affect everyone and it was for that reason we submitted the letter.

2. Medical Marijuana Ordinance Amendment Recommendation: **Motion to recommend to the County Planning Commission and the Township Board to approve the definition of collective / dispensary, the allowance for medical marijuana collectives as special uses in the industrial district and special provisions, by Lyons, seconded by Mangus. Roll Call: Boyd-yes, Lyons-yes, Mangus-yes, Dean-yes, Zakrajsek-yes. All in favor. Motion Carried.**
3. Home Occupations Ordinance Amendment Recommendation: **Motion to recommend to the County Planning Commission and then the Township Board of the definition as presented and under the supplementary section, major and minor, and under B the amendment that non-resident employees may be allowed and the addition of 25.21, special provisions for major home occupations with the inclusion with the provision of principal occupancy by Mangus to adopt as amended, Lyons seconded by. Roll Call vote: Lyons-yes, Mangus-yes, Dean-yes, Zakrajsek-yes, Boyd-yes. All in favor. Motion carried.**
4. Temporary Signs Ordinance Amendment Recommendation. **Motion to recommend to the County Planning Commission and the Township Board to modify article 30.19 C to allow for the Zoning Administrator to authorize civic and charity event signage by Dean, seconded by Lyons. Roll Call vote: Lyons-yes, Mangus-yes, Dean-yes, Zakrajsek-yes, Boyd-yes. All in favor. Motion Carried**
5. Slalom Course Update: The board voted 3 to 2 to allow permission. The DNR will review. Another approval was made in Leland where it is adjacent to township property. Permits are issued for 1 year, then if it is okay, two years and then in three year increments after that. It is now in the hands of the DNR. Boyd's only concern was the boat wake on the shoreline. The DNR will be able to look at that.
6. Master Plan: Meyers: Census data is still to be coming. Added for discussion: facilities and services that need to be listed, we can get specific if we want but the main thing is: "did I miss anything?" Color maps, Dylan put some excellent maps together. The 2009 map showing the average daily trips is interesting. It looks like a lot of the M72 traffic is going to The Casino. Perhaps look at more of the roads. US31 between Acme and Elk Rapids is supposed to being upgraded

and they say they will be upgrading Angel Road as a turn off. Boyd: Would rather have roads fixed than have more testing and surveys. Discussion: Good road information, for future planning. Meyers: Reworked the public participation section. Took the survey summary word for word and included, maybe the PC wants it in the background, maybe you want it right in there. Mangus: Identify that we did the survey but not include the whole summary. Wants this as reference information. Meyers: Move Part 4 to the appendix section. Mangus: Make it part of a “long form Master Plan” not in the main one available to everyone. Boyd and Lyons: It is a reference and is good information for the appendix. Mangus: Are we going to put the other references from the small group forums and other events that we gathered information from? Lyons: References available with the Master Plan, not necessarily in the Master Plan. Boyd: The survey is considered a major finding with more people participating. Mangus: If it is included it should be the whole thing not a summary. One of our original intents was to keep it a simple document. Meyer: Will look into summaries of the other events. Boyd: Include summary and let them know that the actual survey is available if people are interested? Mangus: Summaries become very interpretive. Meyers: We are reminded regularly to NOT forget about the survey. Boyd: I think the summary should be part of the appendix, then it is available. Then if people want more information they can see the whole thing. Meyers: It is nice to see the goals in form! Please re-read the goals every time the Master Plan is up for discussion. Please re-read the survey or survey summary and keep it in mind.

New Business:

None

Public Comment: **Harshfield:** Many of us were on that survey committee. The survey has valid information. If you do not like the response, don't knock the survey. Don't knock the survey, good, bad or indifferent. **Steve Mangus:** Five acre issue, Whitewater Watch fall 2007 survey came out the opposite of the Township's survey. The Master Plan regulates even though it is stated that it does not. Feels the whole survey needs to be in there or not at all. When something is going to affect people, those people need to be contacted. The 5 acres happened because of a law suit. The Master Plan is what the courts use. People need to be informed, people need to know how their property rights were taken away with the 5 acre minimums. **Harshfield:** I have heard various versions of what happened. The Planning Commission needs to get all the exact information together.

Zakrajsek: The Master Plan has to be a “meet in the middle”. Steve Mangus: it is a political issue.

Motion to adjourn by Boyd, seconded by Lyons.

MOTION CARRIED, meeting adjourned at 9:07.

Continuing Education: None

Tabled Items: Non-conformities; Definitions-Fences; Permitted and Special Uses