

WHITEWATER TOWNSHIP PLANNING COMMISSION
MINUTES FOR REGULAR MEETING
December 5, 2018

Call to Order at 7:04 p.m.

Roll Call: Dean, Hooper, Jacobson, Mangus, Savage

Absent: Lawson, Render

Also in attendance: Recording Secretary MacLean + 5 in audience

Set / Adjust Agenda: Set

Declaration of Conflict of Interest: None

Public Comment: None.

Approval of Minutes:

Motion to approve the October 3, 2018, meeting minutes by Hooper, second by Savage. All in favor. Motion carried.

Correspondence: Acme Township Master Plan review. Elk Rapids Village and Township combined Master Plan

Reports:

Zoning Administrator Report: N/A. Mangus notes the township has hired a full time Zoning Administrator, Lindsey Wolf. Has previous experience in other local townships.

Chair's Report, Mangus: Same as ZA

Township Board Rep., Lawson: N/A.

ZBA Representative, Hooper: November 29, meeting on a request for a variance on Miami Beach. The building was already in the set back and they are going up, not adding to the foot print in the setback. The variance was approved.

Committee Reports: None.

Additional Items: None.

Old Business:

1. Discussion of Joint meeting of November 7, 2018: Dean: reading through part of the draft minutes, page 3257, "Popp expressed that, for some of the items listed in the letter, we have not done a good job of informing the public of changes. . . ." Mangus notes that she thinks the Board's problem was that by the time the public was aware it was in "the Board's front yard" so they got the input prior to us. Dean notes that we did have a meeting here. Hooper notes that there was some misunderstanding of what the PC is doing and what the Board perceives we are doing. There is no such thing as a " cursory review" of our ordinance.
Discussion of community outreach ideas. One idea is to create a section of the Township website dedicated to topics of the Planning Commission.
Comment from the audience: Sue McCraven, 9435 Fairview Rd., feels there was a lack of communications regarding the subject of the event barns. Mangus: Event Barns had been on the PC agenda for almost a year. There had been no proposal or application presented to the PC.
Dean notes that the PC makes proposals to the Board.
Hooper notes that the notes from the attorney make it clear that we need to be sending this out for recodification. The attorneys have recommended sending it out for recodification. We want an ordinance that is understandable by the average person. There is a ripple effect to changes throughout the ordinance.
Dean: There appears to be a lack of appreciation for what we have done. We have done a substantial amount of work cleaning things up throughout the ordinance.
2. Attorney's report on Articles 6, 7 and 14 (Amendments 73 and 74). Attorney is supplying a brief rationale for the changes that they propose. This is the first time we have gotten through the whole process including information back from the attorney with the rationale for the proposed changes. Some of the changes have come through simplifying areas, eliminating repetition. That is a good thing.
Discussion:
Mangus feels the attorney review was respectful and right in line with what we were trying to do and meet the necessities of the law. Suggests we recommend to the Board that they adopt it the way the attorney has proposed.
Hooper: Feels the Board did not understand what we have been attempting to do, clarify, clean up and simplify.
Mangus: The goal is to clarify, align, and create consistency.
Jacobson: Use the attorney proposed amendment changes. We don't want the Board to think we are just pushing this through. Recodification will make our job much easier. We will know the areas that need to be addressed.

Mangus: The consensus at the last meeting to set this aside was based on the fact that we did not have the attorney's changes. With that information it is realistic to move forward on this. Let the attorney prepare the document with the changes they have proposed.

Hooper: This is something that will go right through recodification because this part will already be cleaned up before being sent out.

Dean: What is the township going to send out? What we have worked on over the past year or what is in the official zoning ordinance in the Clerk's office?

Mangus: The Clerk is looking into recodification companies. It seems reasonable to process the amendments we have worked on before it goes to recodification because these are areas that will need to be addressed now or later. This will make it easier on the recodification process. There will be plenty that needs to be addressed after recodification.

Dean: Articles 6, 7, 14 and 17 are ready to go. What is the clerk going to send out?

Mangus: The original ordinance, every amendment, notice and posting that is in the clerk's office is what the clerk's plan is to send off. The Board will do some research and speak with firms who do the recodification. The companies contacted previously charge by the page.

Dean: The new ZA will be using the working copy as is posted on the website. We have made changes in the last two years that do make it more functional.

Mangus: The working copy has been cleaned up significantly and with the proposed changes that are before the Board, the ZA working copy will be much better even before going to recodification.

Dean: We, the PC, will be the receivers of the recodified ordinance and will have to address the issues that are raised. The working copy is what needs to go out for recodification.

Mangus: Recodification will point out the areas of problem. It is the PC that needs to go through and address the areas of problem when it comes back.

Motion to recommend that the board review the attorney letter and approve the continuation of the process of adoption of Amendments 73 and 74 with the adjustments the attorney recommended and that the attorney provide the final draft for reevaluation by the PC by Savage, second by Jacobson. On voice vote, all in favor. Motion carried.

This will come back to the PC for public hearing.

Dean: It is best to not have things hanging in limbo before it goes out for recodification.

New Business:

1. Planning going forward: We can utilize the time we have now to look at items that need to be clarified. Tune up as much as possible before it goes out.
2. Recodification/amendment outreach planning. It will likely take several months for the Board to complete finding and hiring a recodification firm.

Take advantage of the April Newsletter with lots of information of what is happening with the PC, how the PC is working with the Board and what the process of recodification is. Include a short introduction of each PC member. Have more than one question and answer session.

Have the PC have a town hall type meeting explaining what the recodification process is before the recodified document is adopted. Present the letter of recommendations from the recodification company.

Comment from the public: Heidi Young: 6388 Bebe Court, TC, 49696: Explanation of things is a good idea. Clarifying, for example, what 6, 7 and 8 are is helpful. The meeting where everyone showed up here was FaceBook (FB) driven by the page Williamsburg, Michigan, that posted a picture of the letter that people reacted to. When you want to get things to the masses use social media. I don't know if you have a FB page, I don't know if you can even do that. I think it is a good idea to get things out to people in layman's terms and offer a question and answer session on the recodification.

Wait for the recodification to be completed so we have answers. Recodification does not change anything. They make suggestions so the PC still needs to make changes. There will be some contentious areas.

Everything related to Article 11, the RC District, minimum lot size, the legality issue, will be reviewed before it goes to recodification. The records the township has on hand regarding the RC District lot size will be sent to the attorney for a historical analysis. The first thing is to always know what you are starting with.

Mangus will verify with the Clerk who is up for re-appointment and contact so notification can be given to the Supervisor.

Next meeting: January 2, 2019, Agenda: Review of by-laws, election of officers and the 2019/2020 calendar.

Public Comment: Ron Bachi, 6987 Cook Rd.: Wasn't sure if I can respond anytime outside of the public comment. (The Chair has the option to allow comment outside of the two mandatory, designated, public comment opportunities)

Respond to the 100 people that showed up for a meeting regarding event barns. Information may have been shared on FB. The public outpour was based on a draft of the special use amendment language that was shared. No one wants an event barn in this community. The next time it comes up it won't be a 100 people it will be 1000. None of you are a fan of opposition. Try to be open-minded when making decisions, not narrow minded. Think about what is best for everyone in the community. Think of the peoples' position. You are going to push anything forward that you want. Be open-minded and able to change your decision as I did after hearing Jacobson's information on farming hemp. I have a good, hard working friend, Tony Dean, who said that it (event barns) would be a great thing for him. Tony said that it wouldn't happen, there cannot be concerts seven days a week, there is a time and a place and that is not the place. The hard working people in the community do not get catered to. People come in from outside the community and get catered to. Keep an open mind. Have a debate, have a conversation and be able to change your mind.

Mangus notes that there was no request for an event barn. Event barns was on the PC to do list, we did not rush in. The Board discussed doing a community survey. We have not seen or heard about the survey since then. This does need to be revisited because currently we have no rules for event barns. If someone were to come in to do it and fight for it in court, they would win. We are very vulnerable with no rules or standards.

Regarding the property on Cook Road, there was never anything going on with that "project" but there was something going on on that property. The DEQ was notified by multiple people. When the people first came and asked what ducks they would need to get in a row they were told that an event barn project would not be allowed on Cook Road. We are still very vulnerable because there are no rules.

People are not supposed to be on that property.

Back and forth conversation between Jacobson and Bachi.

Things got a little loud and Mangus called the meeting to order.

Commission Discussion/Comments: Hooper indicates that everyone, we and you (speaking to Bachi), need to be open minded. We, the PC, have to address things that are allowed by state and federal law. State law requires things and we have to make them work and fit into our township. The letter that went out to the people that came in for that meeting was incorrect.

Dean: Jacobson was checking on something, fact finding, as a community member.

Hooper: We all listen, we all may have preconceived notions and, like you, our minds can be changed when we have additional information. We want to save large parcels of property not necessarily generate tax revenue for the township. How do we facilitate that? We have to consider everything because we are all neighbors.

Savage: An example, I was opposed to sending a letter to the attorney. After getting more information and understanding, I am the one who made the motion to send the letter to the attorney. We can all have our minds changed.

Continuing Education: None.

Adjournment: 8:58 p.m.

Respectfully Submitted
Lois MacLean,
Recording Secretary