Whitewater Zoom is inviting you to a scheduled Zoom meeting.

Topic: Planning Commission Meeting
Time: Aug 4, 2021 07:00 PM Eastern Time (US and Canada)

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WHITEWATER TOWNSHIP PLANNING COMMISSION
AGENDA FOR REGULAR MEETING *August 4, 2021*
7:00 p.m., Whitewater Township Hall
Via ZOOM and in person
5777 Vinton Road, Williamsburg, MI 49690
Phone 231-267-5141/Fax 231-267-9020

1. Call to Order/Pledge Allegiance
2. Roll Call of Commission Members
3. Set/Adjust Meeting Agenda
4. Declaration of Conflict of Interest

5. **Public Comment:** Any person shall be permitted to address a meeting of the Planning Commission. Public comments shall be carried out in accordance with the following rules and procedures:
    a. Comments shall be directed to the Commission, with questions directed to the Chair.
    b. Any person wishing to address the Commission shall speak from the lectern and state his/her name and address.
    c. Persons may address the commission on matters that are relevant to township planning and zoning issues.
    d. No person shall be allowed to speak more than once on the same matter, excluding the time needed to answer Commission members' questions.
    e. Public comment shall be limited to 3 minutes.

6. Public Hearing:
    a. Amendment #79, Medical Marihuana
    b. Amendment #80, Recreational Marihuana
    c. Amendment #81, Major Home Occupations

7. Approval of minutes of July 7, 2021
8. Correspondence:
9. Reports/Presentations/Announcements/Comments
   a. Zoning Administrator, Hall
   b. Chair, Mangus
   c. Township Board Representative, Not Available
   d. ZBA Representative, Not Available

10. Unfinished Business:
    a. Master Plan update

11. New Business:
    None

12. Next Meeting September 1, 2021
13. Public Comment
14. Commission Discussion/Comments
15. Continuing Education items included in packet
16. Adjournment

Tabled Items: RC District, Event Barns

Whitewater Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities who are planning to attend. Contact the township clerk at 231-267-5141.

Proposed Zoning Ordinance Amendment No. 79

WHITEWATER TOWNSHIP
GRAND TRAVERSE COUNTY, MICHIGAN
MARIHUANA BUSINESS ZONING ORDINANCE AMENDMENT

An Ordinance to amend the Whitewater Township Zoning Ordinance, as amended, to provide for the regulation of Commercial Medical Marihuana Facilities, and Primary Caregiver operations; and designate such Facilities, Establishments, and Operations as permitted or special *uses; in order to maintain the public health, safety and welfare of the residents and visitors to Whitewater Township.*

THE TOWNSHIP OF WHITEWATER ORDAINS:

Section 1. Amendment of Article III, Definitions: The Whitewater Township Zoning Ordinance, Article III, Definitions, shall be amended to add the following definitions:

RESIDENTIAL DEVELOPMENTS shall include subdivisions, condominium developments, and Planned Unit Developments (PUD) intended for residential use.

MARIHUANA RELATED DEFINITIONS:

MMFLA: Medical Marihuana Facilities Licensing Act

MRTMA: Michigan Regulation and Taxation of Marihuana Act

MARIHUANA CAREGIVER OPERATION: is the cultivation, storage, or distribution of medical marihuana by a Primary Caregiver in accordance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008 ("MMMA"), See Article 37.60."

Marihuana - CONSUMPTION ESTABLISHMENT: as that term is defined by the Department of Licensing and Regulatory Affairs being a commercial space that is licensed by LARA or the MRA and authorized to permit adults 21 years of age and older to consume marihuana products at the location indicated on the state license or as may be defined in the MRTMA.

EXCESS MARIHUANA GROWER: as that term is defined by the Department of Licensing and Regulatory Affairs, being a grower authorized to grow additional marihuana plants in increments of2,000 or as may be defined in the MRTMA.

MARIHUANA BUSINESS: means any of the following marihuana-related businesses licensed under the MMFLA or MRTMA:

MARIHUANA EVENT ORGANIZER: as that term is defined by the Department of Licensing and Regulatory Affairs, being a person authorized to hold a temporary marihuana event or as may be defined in the MRTMA.

MARIHUANA GROWER is a commercial entity licensed to cultivate, dry, trim, or cure and package marihuana for sale to a processor or provisioning center.

MARIHUANA MICROBUSINESS: as that term is defined in the MRTMA, being a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

Marihuana - PRIMARY CAREGIVER means a person who has agreed to assist a patient with the medical use of marihuana and has a valid state license to do so. See Article 37.60.

MARIHUANA PROCESSER is a commercial entity licensed to purchase marihuana from a grower and extract resin, package, create marijuana-infused products, or similarly prepare marihuana substances for sale.

MARIHUANA RETAILER: as that term is defined in the MRTMA, being a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

MARIHUANA SAFETY COMPLIANCE FACILITY: as that term is defined in the MRTMA, being a person licensed to test marihuana, including certification for potency and the presence of contaminants.

Marihuana - SECURE TRANSPORTER is a commercial entity licensed to store and/or transport marihuana between facilities.

TEMPORARY MARIHUANA EVENT: as that term is defined by the Department of Licensing and Regulatory Affairs being a state license held by a marihuana event organizer under the MRTMA, for an event where the onsite sale or consumption of marihuana products, or both, are authorized at the location indicated on the state license or as may be defined in the MRTMA.

Marihuana - QUALIFYING PATIENT is a person who had been diagnosed by a physician as having a debilitating medical condition being treated by marihuana. See Article 37.60

OTHER MARIHUANA RELATED DEFINITIONS: other marihuana related terms undefined by this Township Zoning Ordinance will be given their meaning assigned by the Whitewater Township Ordinance Authorizing and Permitting Adult-Use Marihuana Establishments or the Whitewater Township Ordinance Authorizing and Permitting Commercial Medical Marihuana Facilities. Any other marihuana related terms undefined by other Whitewater Township ordinances shall be assigned their meaning contained in the Michigan Medical Marihuana Act (MMMA), Initiated Law 1 of 2008; the Medical Marihuana Facilities Licensing Act (MMFLA), Public Act 281 of 2016; the Michigan Regulation & Taxation of Marihuana Act (MRTMA), Initiated Law 1 of 2018; by the Marijuana Regulatory Agency (MRA); and by applicable Michigan Department of Licensing and Regulatory Affairs (LARA) Rules and Regulations.

Section 2. Amendment of Article 6, Section 6.10, Permitted Uses: The Whitewater Township Zoning Ordinance, Article 6 Residential R-1, Section 6.10, Permitted Uses, shall be amended to include the following:

I. Caregiver Operations

Section 3. Amendment of Article 8, Section 8.11, Uses Permitted by Special Use Permit: The Whitewater Township Zoning Ordinance, Article 8 Commercial District C Section 8.11, Uses Permitted by Special Use Permit in the Commercial District, shall be amended to include the following:

R. Medical Marihuana Grow Facility subject to the standards of Article 25.22.E.
S. Medical Marihuana Processor Facility subject to the standards of Article 25.22.E.
Renumber balance of section, 8.11, without change to text.

Section 4. Amendment of Article 9, Section 9.11, Uses Permitted by Special Use Permit: The Whitewater Township Zoning Ordinance, Article 9 Industrial District N, Section 9.11, Uses Permitted by Special Use Permit, shall be amended to include the following:

E. Medical Marihuana Grow Facility subject to the standards of Article 25.22.E.
F. Medical Marihuana Processor Facility subject to the standards of Article 25.22.E.
Renumber balance of section, 9.11, without change to text.

Section 5. Amendment of Article 10, Section 10.11, Uses Permitted by Special Use Permit: The Whitewater Township Zoning Ordinance, Article 10 Agricultural A-1, Section 10.11, Uses Permitted by Special Use Permit, shall be amended to include the following:

C. Medical Marihuana Grow Facility subject to the standards of Article 25.22.E.
D. Medical Marihuana Processor Facility subject to the standards of Article 25.22.E.
Renumber balance of section, 10.11, without change to text.

Section 6. Amendment of Article 25, Section 25.22, Additional Conditions of Special Uses: The Whitewater Township Zoning Ordinance, Article 25 Site Plan Review and Special Land Uses, Section 25.22, Additional Conditions of Special Uses, shall be amended to include the following:

E. S.U.P. STANDARDS GOVERNING LOCATION AND OPERATION.

Grower and Processer Businesses: Any S.U.P. application in the Commercial C, Industrial (N), or Agricultural (Ag) district and shall comply with the following standards and shall include the following information in addition to the existing requirement for site plan and SUP.

A. SUP applicants shall provide the following:

1. Whether the Marihuana Business will be a principle or accessory use on the property:

   a. An SUP for a Marihuana Business may be granted as a principal or accessory use in the Agricultural District (Ag).
   b. An SUP for a Marihuana Business may be granted as a principal use in the Commercial (C-1) or Industrial (N) districts.

2. A waste disposal plan shall be included with all applications detailing plans for solid, liquid, chemical, plant, and byproduct disposal or processing which does not include on site incineration.

3. A security plan that details compliance with the following requirements:

   a. Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the Permitted Premises; and

b. Robbery and burglary alarm systems that are professionally monitored and operated 24 hours a day, 7 days a week; and

c. A locking vault permanently affixed to the Permitted Premises that shall store cash or product as required by Michigan State law.

d. All Marihuana in whatever form stored at the Permitted Premises shall be kept in a secure manner, and it shall not be exchanged, displayed or dispensed outside the Permitted Premises; and

e. All security recordings and documentation shall be preserved for at least seven (7) days by the Permit Holder and made available to any law enforcement agency upon request for inspection.

4. Lighting Plans detailing compliance with the following standards and those detailed in Article 29, External Lighting Regulations:

   a. A Security Lighting Plan which takes into consideration neighboring properties.

   b. Any artificial lighting must be shielded to prevent glare and light trespass and must not be visible from neighboring properties, adjacent streets or public right of ways.

   c. All lighting, and associated equipment, such as but not limited to lamps, lights, ballasts, switches, controllers, computers, and any and all other equipment used on the premises must meet and fully comply with all applicable rules as required by the Federal Communications Commission. Further, there must be no harmful and/or interfering electromagnetic emissions to any one-way or two-way radio communications, on or off the premises. Compliance with FCC Rules and Regulations is a condition of licensure by the Township.

5. Proposed hours of operation shall be specified in the application and are subject to Planning Commission approvals.

B. SUP permit holders for Marihuana Businesses are subject to the following conditions:

1. No Marihuana Business shall be located within one thousand (1000) feet of any licensed educational institution or school, college or university, church or house of worship or other religious facility, or public or private park, if such uses are in existence at the time the Marihuana Business is issued an initial permit, with the minimum distance between uses measured horizontally between the closest edge of any such building or use on the property**.**

2. Any structure housing a Marihuana Businesses in any district shall maintain a total footprint of all buildings equal to or less than a 40% maximum coverage of the property.

3. Signage shall not indicate the nature of the location as a Marihuana Business. A Marihuana Business can only have a sign if approved by the Township Planning Commission by SUP or under the Additional Signage by Special Use process defined in Article 30.

4. A Marihuana Business's operations shall create no disturbance detectable to the normal senses at or beyond its property line, including but not limited to processes that create noise, dust, vibration, glare, fumes, odor or electrical interference.

5. Incineration shall not be permitted at any marihuana business location.

6. Marihuana Businesses located in the Agricultural District shall subject to the following additional standards:

   a. Any Marihuana Business shall be held to the Exterior Lighting Regulations for Commercial and Industrial Zones as listed in Article 29.
   b. Any Marihuana Business may be required to include a landscape buffer adhering to the Industrial District Standards as defined in Landscape Standards, Article 33.
   c. Any Marihuana Business shall be held to the Industrial standards in Article 34, Off Street Parking and Loading.
   d. All Marihuana Business structures and operations shall maintain a two hundred (200) foot setback measured horizontally between the closest edge of any building or operation and the property line of any existing residential development, residential zoning district, or a district in which Commercial Medical Marihuana Facilities or Marihuana Establishments are not permitted.
   e. All Marihuana Business structures and operations shall maintain a three hundred (300) foot setback measured horizontally between the closest edge of any building or operation and any existing residential dwelling not held in like ownership.
   f. A variance may be sought as provided for in the zoning ordinance and where the Marihuana Business would operate from a structure previously used for commercial purposes.

7. In additions to these requirements a Marihuana Business shall comply with all state and local laws, regulations, and Ordinances, including without limitation other sections of the Township Zoning Ordinance, the MMFLA and the MRTMA to the extent such ordinances do not create obligations in conflict with this Ordinance.

8. Any Marihuana Establishments shall comply with the underlying zoning in that district.

Section 7. Amendment of Article 37, Supplementary Provisions: The Whitewater Township Zoning Ordinance, Article 37 Temporary Buildings and Uses, shall be amended to include the following:

37.60 Marihuana Caregiver Operations

A. Caregiver Operations by a Primary Caregiver shall be governed by the following standards:

1. 1. A Caregiver Operation shall comply with the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq. ("MMMA").

2. 2. A Caregiver Operations shall be an Accessory Use of the premises.

3. There shall be no more than one Primary Caregiver Operation per premises.

4. All medical marihuana must be contained within a separate enclosed, locked facility for medical marihuana patients for which the medical marihuana caregiver is lawfully connected, in accordance with the MMMA. The

enclosed, locked facility shall have secure windows and doors where applicable and the medical marihuana caregiver shall implement security measures to prevent theft of stored marihuana.

5. Distribution, growth or cultivation of medical marihuana, and all other related activity, must occur indoors.

6. The Qualifying Patient or Primary Caregiver must possess and maintain a valid registry identification card by the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or their successors.

7. Caregiver Operations shall obtain all necessary building, electrical, plumbing, and mechanical permits for any part of the structure in which electrical, wiring, lighting, or watering devices that support the cultivation, growing, or harvesting of marihuana occurs.

8. All lighting, and associated equipment, such as but not limited to lamps, lights, ballasts, switches, controllers, computers, and any and all other electrical, electromechanical, or electronic devices employed on the premises must meet and fully comply with all applicable rules as required by the Federal Communications Commission ("FCC") Further, there must be no harmful and/or interfering electromagnetic emissions to any one-way or two-way radio communications, on or off the premises. Compliance with FCC Rules and Regulations is a condition of licensure by the Township.

9. Caregiver Operations shall control any odor from the premises by regularly maintaining and operating an air scrubbing and carbon filtration system or other reasonably available odor control technology so that no odor from the acquisition, possession, cultivation, processing, transfer, or sale of marihuana is detectable at the property line of the parcel.

10. A Caregiver Operation shall be operated in a manner that does not create excessive noise, dust, vibrations, glare, fumes, electrical interference, or odors that are detectible to a reasonable person of normal sensitivities beyond the parcel on which the use occurs. There shall be no external evidence, signage, or lighting related to the Caregiver Cultivation Operation detectable from the exterior of the property.

11. There shall be no external evidence, signage, or lighting related to the Caregiver Operation detectable from the exterior of the premises.

2021.07.07 Zoning Ordinance Amendment, PH Medical

Proposed Zoning Ordinance Amendment No. 80

WHITEWATER TOWNSHIP
GRAND TRAVERSE COUNTY, MICHIGAN
MARIHUANA BUSINESS ZONING ORDINANCE AMENDMENT

An Ordinance to amend the Whitewater Township Zoning Ordinance, as amended, to provide for the regulation of Commercial Adult-Use Marihuana Establishments, and designate such Facilities, Establishments, and Operations as special *uses; in order to maintain the public health, safety and welfare of the residents and visitors to Whitewater Township.*

THE TOWNSHIP OF WHITEWATER ORDAINS:

Section 1. Amendment of Article 8, Section 8.11, Uses Permitted by Special Use Permit: The Whitewater Township Zoning Ordinance, Article 8 Commercial District C Section 8.11, Uses Permitted by Special Use Permit in the Commercial District, shall be amended to include the following:

T. Recreational Marihuana Grow Establishment subject to the standards of Article 25.22.E.
U. Recreational Marihuana Processor Establishment subject to the standards of Article 25.22.E
Renumber balance of section, 8.11, without change to text.

Section 2. Amendment of Article 9, Section 9.11, Uses Permitted by Special Use Permit: The Whitewater Township Zoning Ordinance, Article 9 Industrial District N, Section 9.11, Uses Permitted by Special Use Permit, shall be amended to include the following:

G. Recreational Marihuana Grow Establishment subject to the standards of Article 25.22.E.
H. Recreational Marihuana Processor Establishment subject to the standards of Article 25.22.E.
Renumber balance of section, 9.11, without change to text.

Section 3. Amendment of Article 10, Section 10.11, Uses Permitted by Special Use Permit: The Whitewater Township Zoning Ordinance, Article 10 Agricultural A-1, Section 10.11, Uses Permitted by Special Use Permit, shall be amended to include the following:

E. Recreational Marihuana Grow Establishment subject to the standards of Article 25.22.E.
F. Recreational Marihuana Processor Establishment subject to the standards of Article 25.22.E.
Renumber balance of section, 10.11, without change to text.

Proposed Zoning Ordinance Amendment No. 81

Whitewater Township
Grand Traverse County, Michigan

Ordinance No. _____

An Ordinance to amend the Whitewater Township Zoning Ordinance effective December 23, 1972 by amending the Special Use provisions pertaining to a Major Home Occupation and to repeal all ordinances in conflict herewith

The Township of Whitewater Ordains:

Section 1. Purpose

The purpose of this ordinance is to remove language from the text of the Whitewater Township zoning ordinance that may conflict with enabling statutes as well as the purpose and intent of the ordinance in its entirety …

Section 2. Amendment to Article XXV, Section 25.22, subsection C

Article XXV, Section 25.22, subsection C of the Whitewater Township Zoning Ordinance is hereby amended in its entirety, to read as follows:

25.22

(C) Special Use provisions for Major Home Occupations

Minimum Requirements:

1. At no time shall the number of vehicles on site impose a negative impact on adjacent uses. Frequent shipments or deliveries by vehicles having more than two drive axels are prohibited.
2. The occupation may offer for sale any article or service provided that the sale of any articles or services shall not have a negative impact on the surrounding areas with regard to noise, light, odors, etc.
3. Hours of operation shall be stipulated by the Planning Commission.
4. Signage size and number(s) shall be determined by the Planning Commission.
5. Home occupations shall only be permitted when endorsed by the property owner (if applicant is not the property owner). All application materials, site / plot plans, and final conditions shall be authorized by the property owner.
6. Such other conditions as may be determined by the Planning Commission.
7. ~~The occupation shall be required to submit an annual permit for administrative review. All annual permits shall be received by the Zoning Administrator by January 15.~~

~~In the event the Zoning Administrator determines that the occupation no longer complies with the original approval by the Planning Commission, the applicant will be required to submit a revised application for special use approval to the Planning Commission.~~

DRAFT LANGUAGE

Section 3: Severability: Should any provisions of this Ordinance or any part thereof be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions hereof or of any other provisions of the Whitewater Township Zoning Ordinance.

Section 4: Repeal: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 5: Effective date: This Ordinance shall be effective at 12:01 a.m. on the 8th day following 94 its adoption and publication as required by law.

ZA DRAFT LANGUAGE

WHITEWATER TOWNSHIP PLANNING COMMISSION
MINUTES FOR REGULAR MEETING
In-person and via ZOOM
July 7, 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: Zoning Administrator Hall and Recording Secretary MacLean

Set / Adjust Agenda:

Declaration of Conflict of Interest: Wroubel: With full disclosure Wroubel notes that he was part of the group of people who sued Williamsburg Receiving years ago regarding an odor issue. Consensus of the members that it is not a conflict.

Public Comment: Renee Savage, 9833 Pineneedle. There is a lot of stuff in here. Who is going to pay for enforcement? My property line is within 50' of a property that can be included.

Public Hearing: None

Approval of Minutes:
MOTION by Dean, second by Jacobson to approve June 2, 2021, Meeting Minutes.
Roll call: Dean-yes; Jacobson-yes; Mangus-yes; Wroubel-yes; All in favor. Motion carried.

Correspondence: Information regarding fire department rules was sent in as correspondence, presented in packet as continuing education.
Reports:
Zoning Administrator Report, Hall: Building permits are not down even with the higher construction prices.
Even a perceived conflict of interest is important to acknowledge.
Calls with the supervisor and The Tribe regarding development growth pressure and future water and sewer. PC needs to keep growth in mind while working on the Master Plan.
One pre application conference regarding a development project.
Zoning department is staying busy.
Attorney supplied their versions of the draft marihuana ordinances and the confidential information (for your eyes only).
Chair's Report, Mangus: The Board will have everything they need so they can make a decision at the July Board meeting regarding hiring Grobbel for the Master Plan review.
Township Board Rep,. Not Available
ZBA Representative,: Not Available
Committee Reports: None.
Additional Items: None.

Unfinished Business:

1. Major Home Occupation amendment verbiage discussion: Simply a removal of Item 7. We have held off on this only because it is not a major item and can just be included with the next Public Hearing.
   Hall notes that zoning runs with the land. It is not subject to annual review.
   Consensus to address this at the next public hearing date.

2. Master Plan consultant: We are still looking at having Grobbel and it is on the Board agenda for their July meeting.

3. Marihuana amendment: Mangus offers explanation of the multiple versions of the draft ordinance. Feels there were no specific answers given or at least not given with reference to the questions.
   Dean does not feel the draft ordinance that came back from the attorney resembles anything that we sent them.
   Does not have a problem with working through the ZA through the attorney. It doesn't feel like the attorney is working with the PC rather, it seems like he is writing directly for the Board.

Mangus notes that we have a formal request from the board to present to the attorney however, we do not have to use the attorney version.
Hall notes that he has some of the same feelings as expressed by Dean. There is more progress that needs to be made with the Zoning Administrator communicating with the attorney and being a liaison to the PC.
This is not the first time this has happened.
It doesn't help us for tonight but, Matt Kuschel will make himself available for discussion during the meeting.
Mangus does not feel that would be beneficial at this point. Genuinely would like to work with an attorney who will work with what we have rather than completely rewrite it and then rewrite it again rather than answering questions.
Dean asks if we can have a five minute conversation with the attorney next time something has to go through them so we do not go through this again. This work product is that of the PC not the Board. This needs to be very clear.
This draft from the attorney is not what we wanted.
Worksheet represents a combination of the attorney version and the PC version.
Some townships let a Planner go through a zoning ordinance / amendment as a consultant. It would likely be more cost effective.
Hall, why are you paying attorney rates to do a planner job? The attorney should be looking at it being defensible rather than "dotting I's and crossing T's".

Discussion of the draft ordinances:
Make marihuana definitions generic so they fit both the medical and recreational use.
Add the full spell out of the MMFLA and MRTMA.
Consensus on definition changes discussed.
Run through of the rest of the draft ordinance.
Mangus will put it together as discussed.
Final format should be presented to the board.
Go to public hearing or see again first? Set the public hearing for August 4. Does the PC want to have two separate amendments for the medical and adult-use? There would be three separate PH at the next regularly scheduled, two on marihuana and the major home occupation change.
MOTION by Jacobson, second by Wroubel to set three public hearings for the regular August 4, 2021, meeting on the Major Home Occupations, adult use marihuana and medical marihuana amendments.
Roll call: Jacobson-yes; Mangus-yes; Wroubel-yes; Dean-yes. All in favor. Motion carried.

New Business

1. Article 5, Zoning Districts discussion as related to the Industrial Development District as it is being presented at the Board meeting on the 13th. The Industrial District map / maps do not match. There are several parcels that are in question.
   We may need to address the Industrial District only for the Board to move forward.
   Hall can bring it together and call a public hearing to add to the August meeting.
   The board has not requested information or input from the PC at this time.
   Fast track this or wait for the Board to request? It is coming our way sooner or later.
   We do need to address maps and districts in the future for the Master Plan.
   ZA indicates that the state only recognizes maps so it must be addressed.
   There are discrepancies in the district / district maps.

Public Comment:
Ron Rebandt, 648 Island View Dr., Traverse City: Recognize Kim in defense of the PC at the board meeting. Appreciate the work Kim is doing. When you have the PH would like you to invite the board members to come for the comments. You will likely need a larger facility. People need to understand what will be changing.

Renee Savage, thank all of you. It has been a very difficult task. Thank you!
Zoom: Heidi Vollmuth, 8388 Winnie Lane, private citizen and board member. I will be voting no. The message we get out must be correct. You guys are doing a great job.

Continuing Education: Information in packet.

Commission Discussion/Comments: When we put our recommendation forward would it be appropriate that they back off the number of licenses? We can send a corresponding statement. We are required to hold a public hearing at the PC level and the Board can do a public hearing also.
What was the resolution on the Master Plan consultation? The Board has now been given all the information and steps taken to get to our decision of wanting to work with Grobbel.

Next Regular Meeting is scheduled for August 4, 2021.
Agenda: the three public hearings possibly four if the ZA brings forth the information for the Industrial District map.

Adjournment: 9:42 p.m.

Respectfully Submitted
Lois MacLean,
Recording Secretary

DRAFT

From: Matthew Kuschel <MKuschel@fsbrlaw.com>
Sent: Wednesday, July 14, 2021 4:29 PM
To: Robert Hall
Cc: Christopher Patterson
Subject: RE: PH & Att. question

Bob:

Home Occupations
Thank you for your question below. Yes, we agree that violations of the home occupation provision could be monitored via regular enforcement. As you note, Major Home Occupations already require a special use permit under Section 37.40(B). If they have serial violations, the township could even consider revoking the SUP. The annual permit does allow a closer watch over these "major" uses, but from the thrust of your question, I gather the practical value is very low.

If the Township has concerns about ongoing major home occupations, they could also limit the special use permits to a period of years (for example, five years) and re-evaluate neighborhood impact after that time, in addition to the normal enforcement you mention. They would not run with the land at that point and would be subject to some renewal review, but not the annual process.

Marihuana Caregivers
I also noticed that section 37.40(A) defines medical marijuana caregivers as a minor home occupation that does not require a permit. We would recommend removing that specific reference so there is no conflict with the proposed zoning amendment on commercial marihuana, which also regulates caregivers as well. It sounds like you have an ordinance already addressing these aspects; please let us know if you would like a draft ordinance for consideration and use by the PC.

Marihuana in the Commercial District
We agree that growers and processors can be permitted in your commercial district.

In our letter we said: Finally, we note that growers generally do not locate in "commercial" districts. Both the MMFLA and MRTMA have language indicating that the state license only authorizes growers in AG and Industrial. [*citations omitted.*] There is a risk that the commercial district would be viewed as conflicting with the statute, although we have not previously applied this prohibition based on zoning district. In reviewing the ordinance, the Commercial district permits fuel and oil service stations, assembly, manufacturing or packing of goods or materials, and rental storage buildings. Looking past the district label and at the actual uses, we would argue the zoning district complies with the statute.

It is our opinion that allowing growers and processors in your commercial district is permitted. Although growers do not generally locate in "commercial" districts, we do not believe it is expressly prohibited. However, based on the language in the Acts and the rules, a citizen or other party may take the opposite view. As noted, we are unaware of any application of this prohibition by the MRA or otherwise, but cannot rule out the possibility of a challenge.

Finally, I understand you have the public hearing notices taken care of.

Regards,

Matt

Matthew A. Kuschel
Associate • Fahey Schultz Burzych Rhodes

Direct: 517.381.3162 • Cell: 517.927.7300
Office: 517.381.0100 • Fax: 517.381.5051
fsbrlaw.com • mkuschel@fsbrlaw.com

4151 Okemos Road, Okemos, MI 48864 USA
▼ U.S. News & World Report Ranked Best Law Firm

From: Robert Hall <zoning@whitewatertownship.org>
Sent: Tuesday, July 13, 2021 9:58 AM
To: Christopher Patterson <cpatterson@fsbrlaw.com>
Subject: Fw: PH & Att. question

Chris -

I understand that you have your hands full at the time - quick question regarding the 'snip' below.
I recommended that the PC delete #7 (hi-lighted) and simply treat any violation as an enforcement issue - and also because the activity is not deemed as temporary in nature and that the approval / denial should run with the land and an applicant should NOT be require to apply annually.
Any issues with that way of thinking?

Also - I'm not 100% sure of what Kim Mangus is referring to but could you comment in her email text below?

Bob

(C) Special Use provisions for Major Home Occupations

Minimum Requirements:

1. At no time shall the number of vehicles on site impose a negative impact on adjacent uses. Frequent shipments or deliveries by vehicles having more than two drive axles are prohibited.
2. The occupation may offer for sale any article or service provided that the sale of any articles or services shall not have a negative impact on the surrounding areas with regard to noise, light, odors, etc.
3. Hours of operation shall be stipulated by the Planning Commission.
4. Signage size and number(s) shall be determined by the Planning Commission.
5. Home Occupations shall only be permitted when endorsed by the property owner (if applicant is not the property owner). All application materials, site/plot plans and final conditions shall be authorized by the property owner.
6. Such other conditions as may be determined by the Planning Commission.
7. The occupation shall be required to submit an annual permit for administrative review. All annual permits shall be received by the Zoning Administrator by January 15.

From: Kim Mangus <manguspc@yahoo.com>
Sent: Monday, July 12, 2021 5:11 PM
To: Robert Hall
Subject: PH & Att. question

Bob,

A couple of quick questions. Do we have our notices in the paper this weekend for the PH on the 4th?

Could you double check with the attorney about the legality of having Medical grow, processing, adult-use grow, and processing in our commercial district. The way I read his letter, all of the above are expressly prohibited. I am concerned that he is mistaken. I believe that they are not specified as allowed but I don't think that the township is prohibited from allowing this use anywhere it deems appropriate (as long as it is 500 ft. from a school etc.).

Could you check with the attorney about our amendment to Major Home Occupations, line 7? I don't think we submitted it to them and it would be a good idea to follow through. An opinion at public hearing should be sufficient.

Thanks,
Kim Mangus