

PENINSULA TOWNSHIP
PLANNING COMMISSION MINUTES
13235 Center Road Traverse City, MI 49686
December 19, 2016 7:00 PM Township Hall

Motion by Hornberger / Serocki to have **Peters** act as chair (in Leak/Couture's absence). **Motion passed.**

Meeting called to order at 7:05 by Peters.

Present: Peters, Serocki, Hornberger, Wunsch, Gordon Hayward, Nicole Essad and Rachel Mavis (recording secretary).

Absent: Leak, Couture.

Request to add year-end report to agenda by **Serocki**. Also, if the new PC members will be appointed by early January, new officers could be approved at the January PC meeting. These two agenda items were added as E and F.

Motion by Hornberger / Wunsch to approve agenda as amended. **Motion passed.**

Brief Citizen Comments - for items not on the Agenda

none

Conflict of Interest

Serocki - SUP #127 (Vineyard Ridge)

Consent Agenda

- a. Reports and Announcements
- b. Correspondence
- c. Meeting minutes

- *11/17 rewrite MP committee meeting* - GAAMPs spelled incorrectly. On pg. 2, under Edmonson... "reins" need to be tightened (instead of "reigns").
- *11/30 7 pm meeting* - On pg 3, line 5, beginning with Serocki... should be "would we go through sections" instead of covers. Under section d - should be "with the exception of a holiday." On page 6, where Peters is speaking - should read "Leak and Hornberger were interviewed to be reappointed. The process is that members are appointed..." Additionally on page 6, where Laura Serocki is speaking - second sentence should read "if the park board knows..."

Motion by Hornberger / Serocki to approve consent agenda. **Motion passed.**

Business

- a. SUP #127 - Vineyard Ridge - Consider scheduling a public hearing for January 16.

Serocki recused herself.

Motion by Hornberger / Wunsch to move to item G. **Motion passed.**

Dusty Christensen - Mansfield Land Use Consultants, representing Vineyard Ridge (proposed PUD). Gordon had asked that in addition to being present to request a public hearing, that he give brief update regarding engineering, planning, and legal work. They're addressing all of the standards and looking at the revised site plan. They're working on roadways, utilities, and storm water design (addressing township engineer's comments as they look at it). They are looking to get a set of plans to Gordon by end of this week or the beginning of next week for his review. They'll also be providing an updated submission binder. They're investigating what it would take to run a gravity sewer line along Center Road to the south to the existing sewer main (about 3000 feet). It looks feasible, barring any major roadblocks. Their project attorney is also working on trail easement language as part of the new proposed site plan. They hope to have as much information as possible to the board ASAP.

Gordon pointed out that since Nicole is working directly on this project with them, information can go directly to her as well.

Peters: At last meeting we recommended an escrow. The minutes say "a reasonable amount to be determined by the planner; can be ratified by next meeting."

Gordon: There's no requirement that the PC ratify it in the ordinance. The planner can recommend an escrow amount. It's going to be minimal because they've covered most of the bases.

Peters: You will get materials to Gordon in time to review them so that we can have all of the information ahead of the public hearing, correct?

Christensen: Yes. He will have information to Gordon to review to see if there's anything that they've missed. Then he will have copied info to Gordon in time to distribute the packet to the entire board.

Peters: I'd recommend that you put it into a format that can easily be added to the website - that way the public can see it prior to the hearing. Specifically regarding the maps - it would be helpful to have them be larger than 8.5" x 11", if possible.

Christensen: The goal is 2 weeks prior to meeting to have all information to Gordon - they'll have 11"x17" maps in a PDF so that they can be uploaded to the website.

Peters: It's important if we're having a public hearing to have all the information ahead of time. Our next meeting is the 23rd.

Christensen: Michelle had always requested information 2 weeks ahead of time, then the information is posted one week ahead.

Wunsch: Can January 4th be a possible deadline for the tentative plan to be in Gordon's hands? That gives time to post it to the website in plenty of time before the meeting on the 23rd.

Christensen said that is definitely reasonable.

Motion by Wunsch / Hornberger to bring Serocki back. Motion passed.

b. Zoning Rewrite Committee report

Serocki, Couture, and Peters met on the 13th with Gordon. Meeting notes are in packet (don't need to be approved since they're committee notes). They decided to start at the beginning and are doing some wordsmithing and idea clarification. They got through section 1 and partway through section 2. They found 3 areas where they'll need to bring an issue back to the full planning commission. They will be meeting again on January 4th at 5 pm.

Serocki: They have looked over the zoning ordinance and have found grammatical errors and run-on sentences. They're looking at taking out some "legalese" to make it read more easily. They want the public to be able to read it and understand what's required.

Gordon: There are some items (in the definitions) where there's nothing in the ordinance. We're pointing those out as we go, too. As you're reading it, if you see anything like that, let the committee know.

Peters: They should be able to get through section 2 and maybe move into section 3 at the next meeting. The board is invited to participate from afar as they look at things that are coming up. The committee was slow as they moved through it, but had a very useful discussion about language. This took up a bit of time, so the next sections should move a little faster.

Hornberger: What's the best method of sending feedback? Should we send it to Gordon?

Gordon: Yes, a note to him would be best.

Peters: We invite the public to comment on the draft, too.

c. Consider appointing a member to the ZBA

Hornberger recommended that this be done at the January meeting. (**Serocki** clarified that there is no ZBA meeting in January - that is correct). With 3 positions still uncertain, the board should wait. **Motion by Hornberger / Wunsch** to table this until January 23rd meeting. **Wunsch** also added that he would encourage anyone who is interested in participating to do it - he found it to be a great experience. **Motion passed.**

d. Ordinance for Marihuana per act 281 of 2016.

Gordon: This is a law that was passed (in 2008 a medical marihuana act was passed).

Essad - it's a completely new act, not an amendment to the medical, just to be clear. It's in effect starting 12/20. It focuses on the commercialized aspects - a facility with grow operations. If the township wants that kind of commercial facility within their boundaries, they can pass an police power ordinance allowing those commercialized facilities. If they don't, they don't have to create an ordinance regarding that.

Hornberger: At this point, we don't have an ordinance, so it's illegal?

Essad: Correct. You can't have commercial operation because there's not an ordinance authorizing the commercialized operation. Township doesn't have any zoning requirements under 2008 medical marihuana act, either. Under the act, it's more commercialized than the medical marihuana act (more patients, etc.)

Peters: It's like having a home-based business. What you're saying, is that the act specifically requires a township to address this with their own ordinance, before the bigger operation can happen.

Essad: Yes. Our firm has done a memorandum regarding this, which I can give to the board. I can give that to Gordon to give to you. If you have any questions you can contact our office.

Peters: Gordon, what other resources can we look at to understand the whole issue?

Gordon: Conceptually it's like the liquor control laws - they regulate everything from the grower, to how the grower gets the marihuana to the processor, then all the way through to the client/patient. There are different licenses for each of those steps. Other states have had some form of growing marihuana like this, so they have information available. Nicole has materials available as well. His goal is to keep the board informed. His understanding is that no one can apply for a grower's license until 360 days after the effective day of the act, so the township has almost a full year to decide. They may want to look at the 2008 act as well and see if there's anything we need to look at there. Everything he's given out so far is for informational purposes.

Wunsch: Basically we have a year to research what ordinances we want?

Gordon: We have as long as we want, but it's almost a year until they can even apply.

Hornberger: If we decided we wanted to, we'd create it and the town board would vote on it, correct?

Gordon: yes - the town board turned it over to the PC for input.

Serocki - When it's a police power ordinances, hasn't the lawyer usually done that?

Essad: Generally we would draft a police power ordinance. The township board does have the authority to pass that off to the PC to rework. They could have also been thinking about the medical marihuana '08 act, where you can regulate land use - if you're reworking the zoning ordinance, that could be added in.

Peters: How do we better determine what the township wants?

Essad: Discuss that within the PC - the township board has given this to the PC to address. You can come up with options and then give it back to the TB.

Peters: Mr. Wunsch, since you're a part of the TB, what is our task?

Wunsch: We need to decide if the public wants us to do anything with this at all, first. It's a strange item to throw into the zoning ordinance rewrite process, but we've engaged the public on the zoning ordinance rewrite. We could look at doing a special meeting to gauge the sense of the public and from there decide whether we want to do anything with this or not. The most conservative approach would be to do nothing and see how other townships around the state respond and pass that as a recommendation back to the TB. If we wanted to try to gather public input as part of ordinance rewrite process, we have a couple of appropriate venues to gather public input and test the waters on what the general public's sentiment is.

Peters: I believe I've heard that you/we are doing newsletter.

Wunsch: Yes. Should we include that in the newsletter?

Peters: I wonder if we should do a little bit of thinking in terms of getting a little bit of citizen input on this. Maybe let's tell them that this act has passed, what it means, and ask what we should be doing in our township?

Wunsch: What do we see as steps? Look at public input from newsletter? We can definitely take some time on this issue.

Essad: If you'd like, I can provide the PC with some background info (and on medical marijuana act) that we've provided to other municipal clients. You could even put that info in the newsletter.

Gordon: We're meeting next week with someone who may be interested or has info, but I don't know the details.

Serocki - We are doing a survey in the future ('18, maybe questions in '17) and it could be included in that. It could be addressed in the newsletter or on the website and you could see how much feedback you get, then determine if it needs to be included in the survey.

Peters: Any feeling when this newsletter is coming out?

Wunsch: I think early next year... January / February. The supervisor, clerk, and treasurer are working on their pieces.

Gordon: As a minimum, we could put that the PC is aware of this and are looking into options.

Wunsch: We just approved the budget for newsletter at our last regularly scheduled meeting. It will be either biannually or quarterly next year.

Gordon: The only thing we know in the law is that if we don't pass an ordinance, nothing changes.

Peters: I wonder if we could have something that could be two paragraphs that say this was passed (one or two sentences about what it is), that the PC is beginning to look at this as an issue, and that we invite public comment.

Essad: Do you want me to draft something? What she already has could be condensed.

Peters: How do we report back to the TB that we want space in the newsletter?

Wunsch will mention it at next board meeting. He thinks this is a good approach - it can be brought to the public's attention and if there's strong public input, they can be aware of it.

Essad will provide memos that she discussed as well - those will help keep the board educated on it.

Peters: Are there things from not only other townships, but other states?

Essad is not sure on other states, but knows other townships have zoning ordinances on medical marijuana act of 2008. She may have a sample ordinance available based on other townships. There are some townships in MI who regulate medical marijuana in their zoning ordinance.

More information will come from Nicole and **Wunsch** will let the town board know that they'd like a couple paragraphs in upcoming newsletter.

Peters: Let's keep this on the agenda for the next couple of meetings as we get more up to speed on the issue.

e. year-end report

Serocki: It's in the bylaws that a report be prepared and given to the TB. It wasn't done last year and it got lost in the shuffle. She wanted to mention it now so that the PC or Gordon could prepare this. **Peters** thinks it sounds use-

ful. **Serocki**: It's good when you can see it year after year and see the changes. She just wanted to bring it to the board's attention.

Peters: Can I get a volunteer to take a stab at it? **Wunsch** is willing to take a stab at it. He thinks keeping it at a high level would be useful, given the turnover on the board - he will pull some highlights from the minutes. **Serocki** - you can look at past ones, too, as well as ordinance amendments, SUPs, etc.

Gordon - They like to know what the PC is still working on so that they can form budgets, too. If you're going to do a survey, there might be a budget request. They like to know what you have done, what are you planning on doing, etc.

Peters: Wunsch has volunteered to do a first draft, then he can circulate it.

Hornberger: If we have a meeting on the 4th to authorize the public hearing, can you have it done by then? **Wunsch** - yes. He will pull together something this week and pass along to **Peters** and **Serocki** for input.

f. Committee Nominations

Hornberger - We usually have a 2 or 3 person nominating committee. She and Leak shouldn't be on that committee. Serocki, Wunsch, and Peters volunteered to be on it.

Serocki - After the new PC people are appointed, the nominating committee can meet.

Motion by Hornberger/Serocki that Peters, Wunsch, and Serocki be on nominating committee. **Motion passed.**

There will be a special meeting at 4:30 pm on January 4th to schedule a public hearing and approve year-end report. Committee meeting will follow at 5:00 pm.

9. Citizen Comments

Nancy Heller -3091 Bluewater Rd. In your discussion on appointing a ZBA representative and concern about new members, I attend those meetings and I don't think that's a position for a new member. You need to have a lot of knowledge - I'd be cautious who you place on that. Question on the marijuana act - what are the consequences if you don't do anything? In the ag community, we're restricted with a minimum of 5 acres... is that a possibility to be incorporated in anything as you move forward? I'd be concerned having a medical marijuana facility that close.

Also, there's a possible lack of communication - I've asked someone on one commission about something with another commission and they don't know about what I'm talking about. It's important for the PC to communicate some of their thoughts with the TB. I learn a lot when the supervisor gives his report at the TB meeting - maybe that would be sufficient. Maybe you could be included in some of that. We have a lot of new people and a lot of new things coming up. It's going to be important to have good communication between the commission boards. I'd be careful - I don't think scheduling a meeting at 4:30 pm allows enough time. You're missing key people tonight.

You'd have to bring them up to speed ahead of time so that they know what they're voting on. That takes time, if you're trying to vote at the meeting. You need time to get the absentee people up to speed with what they're voting on. Be careful about burnout, too, if you have three people going on to a 5:00 meeting following that. I've been looking at the zoning rewrite and it's a lot of information. Keep in mind about burnout and people's sharpness.

10. Board Comments

Serocki - Just a reminder that per diems are due by 12/28 at 9 am.

Peters: At our last meeting, we talked about the baseline environmental assessment. I thought we were going to actually get something at this meeting. I think it was in Peter's lap.

Gordon - We were looking at a couple of options... create ordinance or enter it into requirements on application.

We've had a form for a number of years (an environmental review). It probably can be added to that.

Serocki - there was a motion from 11/30 on it - but no timeline was put on it. It just said it would be developed for an ordinance.

Wunsch - The key is that we have the right environmental assessment in place. There's some ambiguity because there are several environmental assessment tools that can be used.

Peters doesn't want this to dribble away. Gordon will put it on the agenda for the 23rd to have an update. **Peters** remembers when it was discussed that the size of the project could possibly trigger something, so if Gordon could also include a report that would refresh the board's memories, that would be helpful.

Wunsch: It would be interesting to look at what other communities use. Some townships have a standard in place where they look at risk factors as well. They look at size, but also other triggers. They had a baseline, but also looked at possible contaminants and used those as triggers for stepped up environmental assessments as well. If it's relatively easy to research that, that might be worth looking at.

Peters: Gordon, can you write a little something for us next time? Gordon - yes. He'll work with the attorneys on that as well.

Motion by Hornberger / Serocki to adjourn. Motion passed. Meeting adjourned at 8:29 p.m.