

SAUGATUCK TOWNSHIP

WWW.SAUGATUCKTOWNSHIP.ORG

3461 BLUE STAR HIGHWAY
SAUGATUCK, MI 49453

PHONE (269) 857-7721
FAX (269) 857-4542

Approved MINUTES

The Saugatuck Township Planning Commission met on September 23, 2019 at the Township Hall on Blue Star Highway Saugatuck, Michigan

1) Call to Order at 7:00 p.m. by chairperson Prietz.

2) Roll call and Pledge of Allegiance

Present: Prietz, Helmrich, Ihle, Israels, Rowe, Welk.

Absent: C. Lozano

Also present: Lynee Wells Zoning Adm.

3) Approval of Agenda-

Israels requested to add a brief conference update to #9 Board discussion

Motion by Rowe to accept the agenda as amended and seconded by Israels. Motion passes by unanimous voice vote.

4) Approval of July 22, 2019 Planning Commission draft minutes

A correction noted by Prietz on page 4, second paragraph of 20" easement to 20' easement. A correction noted by Prietz on page 5, first bullet point, to delete the word 'Fennville' and add 'bringing services to Saugatuck Township south of the Kalamazoo River'.

Motion by Rowe to approve draft minutes of July 22, 2019 as amended and seconded by Helmrich. *Motion passed by unanimous voice vote.*

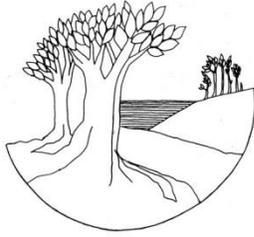
5) Public Comment: None

6) New business

a) Update of Recreational Marijuana as reported by from Lynee Wells

The State of Michigan has released its "Emergency Rules" for Recreational Marijuana. These rules are anticipated to be the 'official rules' which will be released later this year. Applicants for Recreational Marijuana facilities will be able to apply through the state on November 1. As you recall, Saugatuck Township opted out of Recreational Marijuana. At any time we can opt back in. We have received several calls and requests to discuss allowing recreational marijuana facilities in the Township. Staff would like to invite our attorney ~~to be~~ present for any further discussion of this. Once we have the official rules staff would like to bring this to the November PC meeting, or perhaps schedule a special meeting for this topic.

Discussion: Rowe suggests we schedule a separate meeting or have this conversation in November if there is nothing else on the agenda. ~~Andy~~ Prietz suggested December or



SAUGATUCK TOWNSHIP

WWW.SAUGATUCKTOWNSHIP.ORG

3461 BLUE STAR HIGHWAY
SAUGATUCK, MI 49453

PHONE (269) 857-7721
FAX (269) 857-4542

January in order to have time to review the official rules and Lynee offered to getting us a copy of the Emergency rules now. She confirmed that our attorney is available to attend our November meeting for the discussion. She also reminded us that only current qualified Medical Marijuana providers are eligible to apply for a recreational license. After discussion, it was agreed that the November 25, 2019 meeting date will be optimal for this discussion.

b) Discussion and propose zoning amendments as reported by Lynee Wells.

Lynee is requesting to cleanup some of the language in our current zoning regulations. She would like to schedule a public hearing at the October or November meeting to consider some text amendments to the Zoning Ordinance. She provided the following background for discussion:

- **Private Roads: 40-658, b, 2:** This section is confusing as it lists standards for more than 4 lots and less than 4 lots, but not 4 lots. She suggests modifying section 2a to read "4 or more lots."
- **Private Roads: 40-658,e:** The Township Board reinstated its support for the International Fire Code, which was acted upon by the Township Board at their August meeting. Lynee suggests to amend the section of the Zoning Ordinance to be consistent with the Fire Code and add the following to item "e" at the end of the sentence: "...in conformance with the International Fire Code as adopted by the Township, and as amended from time to time."
- **Private Roads:** Lynee also proposed to remove the remainder of the standards because the International Fire Code will now prevail, and we will no longer be able to subjectively review/consider *a* second means of access because we will ~~adhering~~ *adhere* to the International Fire Code which requires a second access when there are 30 or more lots.
- **Passing Lanes: 40-663, c:** Wells explained this section does not comply with the International Fire Code. She did speak to the Fire Chief last week and he would like us to completely remove this section. Passing lanes are not required in the Fire Code. He does not want to require more than what is in the Fire Code, therefore preserving the integrity of the Fire Code.
- **Lot Area in A-2 Dimensional Standards, Inconsistency: 40-185, c,:** This section details lot requirement for the A-2 Zoning district and contradicts previous items by stating there is no lot area or width requirement in A-2, (item C), for Parcels or Lots. It seems to be very confusing. The recommendation is to remove item C and keep the lot area of 2 ½ acres, and frontage of 150' in items A and B.
- **Noticing for Site Plan Review:** Section 40-812 b: Within the 'Noticing of Site Plan' paragraph, we require public notice to all properties within 300 feet within 15 days prior to the meeting but not more than 30 days in advance of



SAUGATUCK TOWNSHIP

WWW.SAUGATUCKTOWNSHIP.ORG

3461 BLUE STAR HIGHWAY
SAUGATUCK, MI 49453

PHONE (269) 857-7721
FAX (269) 857-4542

the meeting, and notification in the newspaper for any site plan review. This standard is not required by state law, is staff intensive, and costly. It is recommended to amend the section to continue to require site plan review, and only require public noticing for items that require such noticing per the Michigan Zoning Enabling Act. These requirements are typical for rezoning, special approval use, PUD's, etc.

- **Discussion:**

Rowe expressed agreement of all the amendment changes, especially from a ZBA perspective. Jon emphasized the labor and costs involved with the noticing. If we agree with the changes, Lynee will prepare draft language that amends the current zoning ordinance(s), present it at the October meeting for approval then it will go to the Board in November. The discussion did not require a motion.

7. Old Business: None

8. Public Comments:

- Aaron Smith: Aaron offered question resource support to the PC regarding recreational marijuana. He emphasized that the Emergency Rules will be the final rules in place Nov. 1, 2019. He also stated that municipalities will receive a small portion of financial reimbursement from recreational marijuana sales.
- Tammy Jacobi: Reminded us that Prop 1 includes an initiative option for municipalities who don't listen to the 'will of the people' and even if we don't approve recreational for the Township, there exists an option for the voters to seek it by ballot initiative. Rowe noted that, surprisingly, it has failed to pass in two communities in Michigan when it was put to a vote.

9. Board Discussion from Lynee Wells

- Recording meetings: Lynee reported that all meetings will be video recorded, public, and available for review on U-tube.
- Updated zoning maps: Lynee was pleased to announce the availability of updated zoning maps and we will all receive one soon. The County has been very helpful and the color scheme is more user friendly and easier to read.
- Renewed contract with Muni-Code: They host all the general law and zoning ordinances on their WEB site. It's a good site, very searchable and user friendly. It's a good service to our residents.
- October 28, 2019 Meeting Topics
 - A Housing presentation by Ryan Kilpatrick may include tiny housing, affordability, availability, supply and demand, types of housing, etc. Ryan requests to speak at 6:00 p.m. at our October meeting. The Commission



SAUGATUCK TOWNSHIP

WWW.SAUGATUCKTOWNSHIP.ORG

3461 BLUE STAR HIGHWAY
SAUGATUCK, MI 49453

PHONE (269) 857-7721
FAX (269) 857-4542

agreed to start at 6:00 p.m. and set aside approximately one hour to that presentation.

- Also at the October meeting there will be a public hearing regarding the zoning text amendments, possibly a public hearing for a medical marijuana provisioning center, possibly a ~~medial~~ *medical* marijuana grow facility application, and a site plan review for a wood shop warehouse building in the Industrial area.

- Conference update: see handout HOT TOPICS IN PLANNING/ZONING 08/2019
Israels thanked the Township for the opportunity to attend a presentation by Buchman Sparks PC in Kalamazoo Aug. 14 2019, addressing Hot Topics in Planning and Zoning. She presented an overview of the conference and conference handout beginning with zoning and legal framework for common laws, legislative preemptions from township zoning authority including the Right to Farm act, small cell towers, public schools, County facilities, Primary Caregiver Marihuana MMMA 2008, and State Prison exemptions from zoning. There was discussion of short term rentals and associated issues communities are facing with fire codes and hotel/motel rules. She noted that Townships should avoid getting involved with neighborhood ordinances that define neighborhood rentals. There is more on STR on pages 5,6,7,8 of the handout. Israels referred to the Right to Farm Act in pages 8 through 16. It cites case law for things associated with farming, from adding structures, driveways, noise, sales on property, change in agriculture, products, irrigation, etc. Page 16-23 addresses Township zoning for Marihuana, which has been trending over Federal law. Also interesting that Township zoning ordinances prohibiting outside grow were preempted by the MMMA. There are no zoning regs that apply to caregivers and now it in the MI Supreme Court and set for an October conclusion. Also noted was once recreational is passed, the first two years of licenses will only be available to current Medical providers.

Also included in the Regulation MRTMA (MI regulation and taxation of marijuana act) of 2018 is 4 additional types of businesses:

- 1 Excess grower
- 2 Designated Consumer Establishment
- 3 Marijuana Event Organizer
- 4 Temporary Marijuana Event

Page 21 describes the opt in /opt out issue and what is required if you opt in, and what a Township can control.

Page 24-25 reviews the regulations for sand mining and what a township can responsibly regulate. There was very little discussion regarding small home projects.

Israels mentioned a conference she attended in Grand Rapids last year that offered considerable information about small housing projects, and one can email



SAUGATUCK TOWNSHIP

WWW.SAUGATUCKTOWNSHIP.ORG

3461 BLUE STAR HIGHWAY
SAUGATUCK, MI 49453

PHONE (269) 857-7721
FAX (269) 857-4542

Rgibbs@gibbspanning.com or go to the Robert Gibbs website to gain more small housing information. Gibbs strongly promotes creating neighborhoods with a variety of housing and typologies. Today's successful neighborhood includes a mix of residential, civic area, parks and commercial space. Again, the challenge has been meeting fire codes.

Gibbs says today's small homes work beginning at 800 square feet. Today's millennial wants walk-able urban housing which is said to increase home values. Ideal neighborhoods begin at 300' by 300'.

Helmrich thanked Israel for the information and requested that ~~Griffen~~ *Manager Graham* receive the handout. Wells will provide one to him.

10. Board Update from Jon Helmrich

September Board meeting update:

The Township was formally invited to join the Kalamazoo Lake Harbor Authority, something that has been discussed over the years. Our legal counsel is preparing a resolution of intent, and if the board chooses to join and the two government councils (Douglas and Saugatuck) approve, the Township will have voting privilege and two appointments on the Authority. There is no commitment to costs.

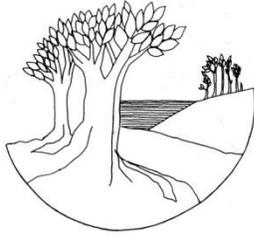
It was realized that we do not have an active Construction Board of Appeals and three appointments were made to those positions, Chuck Carlson, Robert Firmiss and Jason Dedic. It is a requirement to have this Board in place.

We are moving forward to rejoin the Emergency Services Committee in Fennville, which operates the AMR contract for properties in the Township South of the Kalamazoo River. It was part of a millage voted on in the 80's, then suspended. There will be a public hearing at the next Board meeting in October. The next step would be to reinstate the millage on the winter tax bills and the typical cost is estimated to be 3-6 dollars per household/per year.

~~Griffen~~ *Graham* has been working diligently on updating and revising personnel policies and revising financial policies. They will be discussed at the next Board meeting.

There has been public concern expressed that the Allegan Co. Road Commission has been using the pesticide ~~round-up~~ 'Round Up'. ~~Griffen~~ *Graham* with the input of two board members, has submitted a letter of concern to the ACRC addressing this issue. The Board approved additional small changes to the Medical Marijuana ordinance, which were previously discussed at the PC meeting relative to the 500 foot requirement. It was requested that a speed study be done at 62nd Street and 131st Avenue, south of Old Allegan Road. It will be done by the Road Commission and the Michigan State Police. The Township has renewed its Cemetery Services Agreement with the Village of Douglas but not with the City of Saugatuck at this time.

Welk questioned where the Township is with the litigation process. Prietz and Helmrich replied they have no additional updates to provide on the subject.



SAUGATUCK TOWNSHIP

WWW.SAUGATUCKTOWNSHIP.ORG

3461 BLUE STAR HIGHWAY
SAUGATUCK, MI 49453

PHONE (269) 857-7721
FAX (269) 857-4542

11. Adjourn Motion to adjourn by Welk, seconded by Rowe at 7:56 p.m. Motion passes by unanimous voice vote.

Next meeting: October 28, 2019 **6:00p.m**

Respectfully,
R. Israels, P.C. Sec.

Motions: 9/23/2019

1. **Motion** by Rowe to accept the agenda as amended and seconded by Israels. Motion passes by unanimous voice vote.
2. **Motion** by Rowe to approve draft minutes of July 22, 2019 as amended and seconded by Helmrich. Motion passes by unanimous voice vote.
3. **Motion** to adjourn by Welk, and seconded by Rowe. Motion passes by unanimous voice vote.