

PLANNING COMMISSION MEETING

JUNE 18, 2019

Commission members present Jim Funke (Chair) Mike Koshar, Joe Wooding, Susan Wilson, Georgette Peterson,

Other attendees, Brian Knotek, (Township Attorney) John O'Connell, Ken Detloff, Annie Davidson Funke, Susan Bell, Charles Hill, Kristine Brando, Pam Hutchins Dorstewitz, Christopher Passmore, Tim Woodhams, David Holmes, Cheryl Duncan

Jim Funke called the meeting to order at 6:30 PM.

The Pledge of Allegiance was recited.

The minutes of the last meeting were read by the Commissioners. A motion was made to approve the minutes by Susan and seconded by Mike. Motion passed unanimously.

Brian asked who is responsible for putting the minutes on the Township web site and Jim answered that is it Will Pugsley's responsibility.

Jim reported there are 3 SUP's up for renewal. It was reported that Todd Small Engine Repair is no longer interested as reported to a Commissioner by the owner. A letter to terminate the SUP will be sent.

Regarding the Smith Gravel Pit SUP, John O'Connell was requested to speak for them by the owner and he stated their intent was to open this year but due to the weather, this may not happen until next year. The initial SUP was in 2014 and it has been renewed annually. A motion was made by Georgette to recommend renewal of this SUP and supported by Mike. Motion passed unanimously.

Regarding the Engel Farms SUP, Susan Bell (39940 CR 673, Lawrence, MI) stated there have been no changes on the use since the first permit for her in 2015. She reported the house is rented with the grounds. An advertisement with the pricing was discussed and the wording was unclear as to whether the house could be rented separately. Jim informed Susan that if the house rented as a separate entity, it would need it's own SUP. Annie Davidson Funke (50975 24th Avenue, Bangor, Mi.) asked if the machine shed on the property is used for small parties and whether the fire department ok'd it for occupancy. Jim asked about undated fire inspections, road commission inspections etc. have been done. Susan reported that all inspections were done in 2014. Charles Hill said there have been no changes as far as updates, just required repairs. Susan Wilson asked if any of these needed to be re-inspected for a renewal of the SUP. Brian responded that it is not a Township requirement but it is up to the Planning Commission if inspections are required or not. David Holmes (39515 CR 673, Bangor, Mi.) said it is a very pristine property. A motion was made by Joe to renew the Engel Farm SUP with the same wording but clarifying the house is rented by itself. There was no support. A second motion was made by Georgette and supported by Susan to recommend renewal of the Engel Farms SUP with the condition that the house on the premises not be rented in and of itself. Passed unanimously.

Public Comments (Jim requested they be limited to 2 minutes each):

Pam Hutchins Dorstewitz (48890 49th Ave, Lawrence) asked if this would be the only time they would be able to speak and Jim replied in the affirmative.

Kristine Brando (48375 44th Ave, Lawrence, Mi) inquired as to why there was no cap set on the number of MM licenses that can be issued stating she understands the money but it would be nice to see a cap set.

Pam Hutchins Dorstewitz stated that she thinks that since this is such a new phenomenon, we haven't done a whole cycle to evaluate the side effects. She said she would like to see it slow down and inquired if a SUP can be terminated if all conditions are met and she urged the board to slow down.

Christopher Passmore (130 Hastings Court) said that he participates in this industry and historically he is a proponent for small folks; it integrates better into the community and this should be made available to the small person. He said we should be talking about acreage size and offered the following suggestions: Class A – 10 acres & Class C – 20 acres. Chris went on to say that he grows 500 plants that get up to 6-8' wide and 10' tall and he has a buffer around them. He said small acres interfere with neighbors. He explained that it is impossible not to have aromas within 60 feet. He added that experience is gained through mistakes and that in 6 months we will see the entire cycle.

John O'Connell stated that we are here to discuss a moratorium tonight.

Chris Passmore said this rash has happened and it takes a lot to bring the land back. Chris Brando asked him to explain this and Chris Passmore said the potential to destroy the land is here. Tim Woodhams (1503 E. Centre Ave., Portage, Mi) reported that he has a SUP application in the works and is on board with Chris Passmore about being good stewards of the land. He added there are strains of MM that are much smaller. He said barns can be reused and you end up with deer fence around the property and the chemicals are less intense than with corn or soy.

David Holmes reported that he was on the PC when the MM matter was first brought to the Township. He said the State has rules which must be followed, and he would agree with a moratorium. He said when this was first talked about, all the information wasn't available and now, we have a brief history.

Chris Brandon said that she understood that if the applicants check all the boxes, then even if the neighbors don't want it, it won't matter. Brian Dettloff explained that even if a neighbor doesn't want something, that isn't enough citing the "Not in my backyard issue". If a neighbor comes in stating they don't want a MM operation they should have reasons. He said there are 3 ordinances that must be complied with and if the neighbor were to come in he must have the information and facts based on the same criteria. If nobody but the applicant comes forth with facts, the Planning Commission has no choice and they must have a factual basis to deny.

Pam Hutchins inquired as to how many permits have been issued and Brian said about 20 but that only 3 have been approved by the State. He added that if they don't get permission from the State, they cannot proceed with the SUP. He said 85-90% of the rules they have to comply with come from the State but in order to get approval from the State, Arlington Township must ok it.

David Holmes said the 20 that have been approved will be lucky to break ground by next Spring awaiting State approval.

Mike Koshar informed the group that the PC had started on a moratorium but the Township Board sent it back.

Jim read some excerpts from letters he received.

Annie Davidson Funke (50975 24th Ave., Bangor, Mi) stated she agrees that we need a moratorium or cessation as it will take some time for the PC to catch up with the requests. She explained that when a person applies for a SUP, the PC has 60 days in which to address a completed SUP application. She stated the problem is everybody shows up now and there is a meeting every 3rd Wednesday of the month at 7:00 PM which is published. She asked people to please come to the meetings and added there are various boards and the election that people can be involved in.

Brian Detloff said he created a resolution for a moratorium which the PC can recommend if they chose and the Board can adopt. Points to consider are how long do we want the moratorium to last; and the reason for the moratorium. 1) The setback of property. Often times there are residences in the Ag district. 2) Possibility of posing a cap. We have reached our limit on processors. He added that a moratorium cannot legally affect applications in process and that existing license holders wishing to have more licenses on the same property be addressed.

Ken Detloff stated that a moratorium is justified simply on the basis that the number of applications has outstripped the Townships ability to handle it well and more time is needed.

Cheryl Duncan (48584 48th Ave., Lawrence, Mi) said that at the last meeting someone on the board said "Look everybody's here. The word is out". She said a bigger effort should be made to inform the people. She added there needs to be a balance between making money and preserving the livelihood and welfare of longtime residents.

Annie Davidson Funke said all minutes are on the web site; it make take a couple months to get them on there. All notices are posted. Joe Wooding asked Cheryl if she gets the reminder and she said she is out of the delivery area.

Ken Dettloff said he has heard a lot about the infrastructure and it's common for industries that alter the land to file a reclamation plan and deposit money into an escrow account for this.

Mike motioned for a 24 month moratorium recommendation; Georgette seconded. Yes votes: Georgette, Mike, Susan and Jim. No votes: Joe

Meeting was adjourned at 8:00 pm

Respectfully submitted by

Georgette Peterson