

Eureka Charter Township Planning Commission
Regular Meeting Minutes - Approved
September 21, 2011

Agenda Items 1 & 2: Meeting Convene & Roll Call

Chairman Lee Gilman called the September 21, 2011 regular meeting of the Eureka Charter Township Planning Commission (PC) to order at 7:00 pm.

Roll call found the following PC members in attendance: Chairman Lee Gilman, Vice Chairman Duane Putnam, Commissioners Michele Bigelow, Mike Blanding, Rod Roy, Joyce Sage and Mark Wilkin.

Township Zoning Administrator Thomas Faussett and Township Secretary Renee Fountain were in attendance. One resident was also in attendance.

Agenda Items 3 & 4: August Minutes & Correspondence Received by Secretary

A motion was made by Blanding and supported by Roy to approve the August PC Meeting Minutes as submitted, with the following revision:

- Change spelling of Dan Palmer to Dan Painter (page 2).

No correspondence was received by the secretary.

Agenda Item 5: Audience Comments on Non-Agenda Items

Wilkin would like to put an addition on his pole barn. He has 3.5 acres and would like to expand an existing pole barn 400 square feet. He currently has 2 buildings (a 32' x 40' pole barn next to his garage, and a 12' x 10' Big L barn-type building). He can only add 200 square feet before he meets the 1600 square foot limitation. As a resident of the community, he can understand the frustration other residents feel about this constraint and would like the board to consider expanding the 1600 square foot limitation.

Blanding suggested an intermediate step between 3/4 and 5 acres, such as 2 1/2 acres, for expanding the 1600 square foot limitation. Blanding motioned to put this item on agenda for next meeting. Roy supported. Motion passed 7-0.

Gilman opened meeting to public comment. Upon hearing none, Gilman closed public comment at 7:18 pm.

Old Business

Agenda Item 6: Medical Marihuana

Wilkin presented a draft of *Section 18.9 Medical Marihuana* to consider adding to Ordinance 80. (Commissioners will review and discuss in more detail after the October public hearing.)

Faussett presented the Law Weathers legal interpretation of a few local marihuana ordinances.

Faussett also presented the following to be added to Zoning Ordinance 79:

- New definition - *Compassion Club or Medical Marihuana Dispensary* - to add to Section 2.3
- Revision to existing section - *Section 3.18, Home Occupations*

Sage expressed her concern about who is going to enforce the rules. Fountain suggested inviting the Sheriff to provide input on this topic.

Putnam motioned to hold a public hearing for adding the new definition (*Compassion Club or Medical Marihuana Dispensary*) to *Section 2.3* and for revising *Section 3.18 Home Occupations* with a preventative note related to dispensary and compassion clubs. Wilkin supported the motion. Motion carried 7-0.

Agenda Item 7: CE Zoning and Mining – Township Board suggested updating *Chapter 11, Section J – Mining and Related Activity* to be in compliance with new law HB 4746 signed by Governor Snyder

Faussett presented the Law Weathers legal interpretation of Special Land Use Requirements for Mining Operations.

Putnam suggested taking out what isn't valid in Ordinance 79, asking Township Board to make a police power regulation in a separate ordinance, and making CE zoning and mining a special use permit. Putnam commented that according to the legal interpretation, zoning cannot affect mining but police action can.

Faussett agreed to prepare a recommended revision to *Section 11-7, Section J* to present at the October PC meeting. The PC discussed adding a statement that indicates a special land use permit is required, and then adding a reference to the new regulatory ordinance that deals with mining and related activities.

Agenda Item 8: Land Conservancy

The Law Weathers legal interpretation of Conservation Easements states the following: "typically a township would not formally recognize a conservation easement for zoning purposes."

Blanding motioned we do not change zoning for this land conservancy. Putnam supported. Motion carried 7-0. Gilman will call Linda Stafford and explain our decision.

Committee Reports

Zoning Administrator – Faussett:

- A resident on Harlow Road put an attachment on an existing accessory building without obtaining a permit. Faussett suggested that the resident go to ZBA for a permit because the building now exceeds 1600 square feet.
- A resident called to complain about someone putting a building on a portion of his property. The person constructing the building did not obtain a building permit; he will be charged \$30 plus a \$200 fine, and he will need to move his building.
- A resident on the south side of town wants to put an addition on an existing house. The resident filed a permit one year ago. He now wants to take down the building, leave a portion of it, and put in a double-wide. Faussett told him you can't put in a double-wide without footings.
Putnam and Faussett have conflicting ideas about double-wide footing requirements. Putnam will call Scott for confirmation on what is required for a double-wide (such as footings, cement slabs, piers, etc.)

Annexation Committee – Faussett and Putnam:

Nothing to discuss.

Township Board – Roy:

- Determined 30 chickens are too excessive. TB is still reviewing.
- Reviewing Anti-Trust Policy at next meeting.
- Gave resident more time to clean up property on Berridge Road. Faussett gave her 10 days to get back to him.
- Settled with Delivery, Inc. They paid \$18,000; the Township will get roughly \$3,000.
- Installation of dry hydrants has been completed. TB received approval to paint them with red UV paint for protection.
- Layout and proposal for installing a playground behind the Township Hall is still being prepared by Wilkin.
- Reviewing Disaster Plan as required by regulation.
- Planning to take down dead oak tree in cemetery.
- Approved millage levy to stay same as this year.
- Conducting remonumentation of section corners.
- Approved PA116 to change Richard Karnatz's property to agricultural.

Road Commission – Blanding:

No report. Paving has not yet been finalized.

Zoning Board – Putnam: Nothing to report.

Comments and Concerns

- Recycling center - Bigelow asked why we don't have one in our township.
- Demolition permit – Building north of town obtained a demolition permit.
- Barn Cats - Wilkin asked how it was coming along. Faussett commented they have one year to meet goals.
- Doggy Daycare - Wilkin was impressed with the building and business.
- Wind Farm in Breckenridge is having tour.
- Wilkin thanked board for allowing him to attend his Township Government Academy (TGA) classes.
- Audience member explained how a homeowner's insurance policy covers trees and their limbs.

At 8:50 pm, Blanding made a motion to adjourn the meeting. Wilkin supported the motion.

Next meeting will take place on October 19, 2011 at 7 pm.

Respectfully submitted,

Michele Bigelow

Planning Commission Secretary