



ACME TOWNSHIP PLANNING COMMISSION MEETING
Acme Township Hall
6042 Acme Road, Williamsburg, Michigan
7:00 p.m. Monday, February 11, 2008

Meeting called to Order with the Pledge of Allegiance at 7:02 p.m.

Members present: M. Vermetten (Chair), B. Carstens (Vice Chair), C. David, R. Hardin, D. Krause, L. Wikle, J. Zollinger
Members excused: D. White, P. Yamaguchi
Staff Present: S. Vreeland, Township Manager/Recording Secretary
J. Hull, Zoning Administrator
M. Grant, Legal Counsel

INQUIRY AS TO CONFLICT OF INTEREST: None noted.

APPROVAL OF AGENDA: Motion by Krause, support by Zollinger to approve the agenda as presented. Motion carried unanimously.

1. Consent Calendar:

**Receive and File:
Action**

a) Approve minutes of the 01/28/08 regular Commission meeting

2. Correspondence: None

3. Limited Public Comment: None

4. Preliminary Hearings: None

5. Public Hearings: None

6. Old Business:

a) **Proposed Zoning Ordinance Amendment #142 – Mobile Home Park Developments:** Grant stated that the township's current mobile home park development ordinances are not in line with current state law. His proposal would amend Section 6.5 and to remove the existing Section 8.2 and add a new Article VIII C to the ordinance. Currently this use requires a special use permit, but he does not believe the State permits townships this level of discretion. The amendments to Section 6.5 would make manufactured housing communities (the current terminology for what used to be called a "mobile home park") a use by right. Grant's draft Article VIII C is based on the State's model ordinance for manufactured housing communities and includes some key components of the existing ordinance. He believes that some or all of these components may not gain approval from the state. John Iacoangeli from Beckett & Raeder went through this process for a different community and the State Manufactured Housing Commission (part of the Department of Economics, Labor and Growth) removed nearly everything that wasn't in their model ordinance. Krause clarified that the proposed ordinance is the State's model except for areas surrounded by boxes. Grant noted that the model ordinance comes with a list of items from the state that are not part of their rules but which they have approved for other communities and may approve in additional

communities. Grant stated that the rules are clear that manufactured housing is required to have permanent foundations and there are standards for the foundations, in answer to earlier questions regarding whether or not there can be a requirement for such versus blocks. David believes that a foundation can be a slab on which wheels rest versus block walls; then there would be an issue with skirting around the base of the home between the home and the pad.

Hull noted the definition of “mobile home” in state law as having a chassis. Anything built and moved on a chassis, whether it’s a plain rectangle or a Cape Cod-style home, is a “mobile home” or a “manufactured home” and is regulated to one standard. What we are talking about here in terms of the ordinance is regulating not singular manufactured homes on a parcel of land or a lot, but instead entire neighborhoods consisting only of manufactured housing. Hardin asked these questions of mobile home park retailers and was told there is substantially no difference between housing moved and remaining on a chassis (which only means that there is an I-beam running down the middle and is built to HUD standards) or whether it is transported and lifted off a chassis and complies with BOCA or MHSDA standards. Other than some dimensions for fittings the actual construction is identical. Hull noted that he quoted a definition and not a rule; the definition says that a manufactured home can be with or without a permanent foundation, but state law then separately requires a permanent foundation for any manufactured home.

Krause asked if the township has a choice over the kind of manufactured housing community it has. He would not favor a development like Kings Court here. Grant replied that the township cannot legally exclude any use from the township for which there is a demonstrated need in the township or surrounding area.

Hardin has lived in the past in a trailer park. He pulled in a trailer he owned and rented a lot. When it was time to leave he could either sell the trailer on the lot or move it. He believes that it is now illegal to move a pre-1975 home; they have to be dismantled to be removed. He believes this is why there are so many that sit abandoned in open fields now – they were moved just before the cut-off date when they couldn’t be moved anymore and stripped for parts. Wickle read from regulations for HUD mobile homes, including the fact that for mobile homes HUD regulations supercede any local building standards. BOCA is a term that is no longer in use; when she sold insurance before one classification was considered a mobile home and insurable as a home; the other insurable as a vehicle.

Hull spoke with township assessors Dawn Plude and Amy Jenema. They said that manufactured homes have a lower building standard, which is why they are less expensive whether they look like an old mobile home or seems more like a stick-built home in appearance. They said a mobile home park is a place where one entity owns all the land and the residents own only the structure. Their experience is that these days there are few developments that look like and truly are mobile home parks; most people don’t want the ongoing operating and maintenance responsibility. Nowadays they are conventional subdivisions or condominium subdivisions where the occupants own the land and the structure, and a choice was simply made to deploy manufactured houses rather than stick-built homes. In WoodCreek on South Airport Road the occupants own the structures but rent the lots.

Vermetten believes that Krause has expressed an opinion that perhaps the township does not need to do anything in terms of having a manufactured housing ordinance. Perhaps developments in surrounding townships suffice to serve the need for this housing option in our area. Grant stated that he perceives problems with the existing

terms of the ordinance, but they would not arise until someone came to the township and wanted to use it. He cautioned the township that its existing ordinance is likely unenforceable, because it gives the township discretionary powers the state seems to have taken away. Hull stated that the question of whether there is a need for this type of housing can be dealt with through the zoning map and where places for such uses are located. It seems to him it would be well to have an ordinance that is usable and enforceable when and if the time comes that someone wants to use it. David agreed that simply updating the ordinance is not going to create an overnight demand for its use, but having a usable one ready would be wise.

Carstens asked if the township can demand a larger setback than the minimum from sensitive environmental features such as surface waters. Grant believes that under an SUP scenario this would be possible, because SUPs allow the imposition of reasonable protective measures. Under the proposed amendment manufactured housing would not be an SUP and it would be difficult to impose larger setbacks. Attempting to do so might invite a legal challenge that we might not be able to win. Carstens concluded that this makes the zoning map very important – that places where this use can be instituted must be selected carefully to protect sensitive natural features.

Wikle believes the township is attempting to create a “stellar” set of rules to guide the community, and leaving in place some regulations that are likely not enforceable would fly in the face of this effort. She also asked what would happen if the ordinance were amended to remove any manufactured home regulation rather than replacing the language. Vreeland asked how this would affect the properties currently zoned R-1MH, and on which no other allowable use currently exists.

Hardin noted that the current ordinance contains a building height restriction of 15’, and asked if we would really want to prohibit two-story manufactured homes. Krause noted that two-story manufactured homes that look like stick-built are currently available, and he believes they should be allowed. Vermetten stated that there is a home on Hardwood Drive in Holiday Hills that was brought in and put on a foundation years ago when he lived there, and you basically couldn’t tell the difference in external appearance from stick-built.

Vermetten asked if the township can continue to limit locations of manufactured housing developments within the township. Grant stated that if we don’t provide an allowed place we could use discretion over where it goes. Defining some places where this type of development can occur provides a greater likelihood of control.

Hull offered three options: adopt the text of the State model ordinance without embellishment; adopt the text of the State model with italicized text subject to State approval of the italicized text; or adopt the text of the State model with the italicized and boxed items subject to State approval of the italicized and boxed items. Vermetten suggested that there is no harm in asking for the additional provisions – the township cannot receive that for which it does not ask. Grant agreed the latter is an option, but asked that there be detailed discussion about the boxed and italicized options so that a record of the discussions exists in minutes.

Krause has some problems with some of the boxed items in the draft. He was concerned about requirements for two access points to a neighborhood for fire safety. Vreeland has spoken to Metro Fire about a particular parcel of land that has only one available access point to South Bates Road, and was told that as long as there are multiple routes through the development to the access point it would be approvable.

He also agreed with Hardin that there should not be a one-story height limitation.

Zollinger looked at the state law, which talks about a requirement for one smoke detector and one fire extinguisher per manufactured housing unit, but talking to Metro Fire Inspector Brian Belcher he heard that there should be one smoke detector per bedroom. He believes we should try to obtain this standard. Hardin, who works for Northern Fire, stated that we would be imposing requirements beyond other codes that would require a change in the standard way that the manufactured home is wired; this might not be feasible.

Grant asked for formalization of the procedure to be used for further discussion.

Motion by Krause, support by Carstens to forward to the State Manufactured Housing Commission for approval the state model manufactured housing development ordinance with addition of items that are italicized and boxed in the draft provided by legal counsel, subject to the following changes suggested through discussion of the motion:

- **Proposed Section 450 remains as suggested, limiting community buildings to one (1) per development;**
- **Current Section 8.2.3(25), requiring emergency shelter was removed;**
- **Current Section 8.3.2(15), prohibition on floodlighting was removed and replaced with a requirement that the township Dark Sky Lighting Ordinance be followed as Section 1100e;**
- **Current Section 8.2.3(8) requiring a minimum 5,000 sq. ft. lot size per home exclusive of easements with a minimum 50' lot width was removed, as the State version in Section 1200 is more restrictive (5,500 sq. ft. average lot size), italicized portions retained;**
- **Current Section 8.2.3(4) requiring a minimum land area of 15 acres and a maximum of the area required for 250 homes plus common facilities was removed (market forces should dictate the size of the development, the minimum can be a barrier to affordable housing development and the maximum can be easily circumvented through land division and multiple "different" developments that function as one);**
- **Current Sections 8.2.3(16) and 8.2.3(20) provide for minimum play and recreation areas less than a third of the State's minimum requirement and were removed;**
- **Section 1450, Building Height was removed;**
- **Section 1500, Screening, Fencing and Landscaping should be retained and amended to require use of all the supplemental regulations in Section 6.5.3 (landscaping, dark sky lighting, etc.);**
- **Current Section 8.2.3(5) Site Location requires that such developments be served directly from a major thoroughfare and Section 8.2.3(7) requires a minimum of two points of ingress/egress shall be provided were removed and the italicized language is to be included;**
- **Staff was asked to look into whether television dish sizes can be regulated, and whether or not the large-sized dishes of years ago are still even available;**
- **Current Section 8.2.3(18) Plumbing and Water Supply is redundant to Section 2170 and might actually prohibit connection to a regional sanitary sewer or water system and was removed.**

Wikle asked if the township should consider a restriction on weekly rentals in manufactured housing facilities, or having wood stoves, or junk. Vreeland stated that

there is no township-wide prohibition on weekly rentals per se, and asked that when and if one is considered there be substantial thought give to if and how it could be enforced. A similar concept was applied to wood stoves, and there is already a Junk Ordinance in place and enforced by the Sheriff's Department.

Motion carried by unanimous roll call vote.

The Chair declared a recess between 8:50 and 8:57 p.m.

- b) **Proposed Zoning Ordinance Amendment #144 – Sewer District Amendment:** Hull reviewed the list of materials regarding the current sewer district, current sewer ordinances and discussions at the Infrastructure Advisory, along with the proposed sewer district amendment map as requested by the Commission at an earlier meeting. Subsequently legal counsel found a police power ordinance regarding our sewer district from 1997 and recommends that the shape of the district be taken entirely out of the Zoning Ordinance, amending the map in the Master Plan and dealing with district matters in the 1997 Designation of Sewer and Water Districts Within the Township ordinance. Grant spoke with staff and with Michael Houlihan, legal counsel for the DPW. He also reviewed the map in the Master Plan, which is not consistent with the 1997 ordinance or the map currently in the Zoning Ordinance. An additional question exists that the Zoning Ordinance intends to require sewer hookups for properties within the defined sewer district, but it is silent as to whether it allows or excludes hookups from outside of the defined district. This seems to Grant to be a planning and zoning question the Commission should address.

Legal counsel and staff agree that the original question – the shape of the service district – needs to be addressed. There are additional questions which need to be addressed: should the map be removed from the Zoning Ordinance and placed in the Master Plan, which is where the sewer district definition ordinance says it should be, and replacing the existing map in the Master Plan with this map. Vreeland noted that the existing Master Plan map does not meet the requirements of the sewer district definition ordinance, which says it will show the current service district, and may additionally show areas the township intends to serve with sewer within 10 years. The current map shows an area where sewer lines existed when the map was drawn, plus some amorphous areas at Yuba and Bates outlined with a dotted line and described as future study areas, but not as areas where there is a firm intent to serve with sewer within 10 years.

Motion by Carstens, support by Wikle to schedule a public hearing for the March meeting to consider a zoning ordinance amendment to remove Section 6.1.2, the sewer district definition and provisions, from the Zoning Ordinance. Motion carried by unanimous roll call vote.

The next step would be a Master Plan amendment, which falls under the planning enabling act rather than the zoning enabling act. Hull noted that this can be a parallel and concurrent process with the Zoning Ordinance amendment, but they will require differing timelines.

Motion by Wikle to begin a discussion of amending the sewer district map in the Master Plan. Motion failed for lack of support.

A notice of Intent to Plan can be sent to surrounding municipalities to start the process immediately. Discussions can follow immediately.

Motion by Carstens, support by Zollinger to begin the process of amending the Master Plan to replace the sewer district map. Motion carried by unanimous roll call vote.

The Commission would appreciate a presentation from Chris Buday at the DPW to help them understand current treatment plant capacity, what is being done to study future capacity needs and how to meet them, and what the timeline for needed improvements might be.

7. New Business:

- a) **Planning goals for 2008:** Vermetten would like to move the Commission from more of a reactive mode to a pro-active planning mode. He asked all Commissioners to come up with issues to work on. Vermetten would like to work on shoreline preservation, the M-72 Corridor (perhaps in cooperation with Whitewater Township and the Tribe), and a functional overhaul of the Zoning Ordinance. Hull's list includes a content-neutral rework of the Zoning Ordinance and substantive changes to the signage ordinance as well as the Sexually Oriented Business Ordinance. Vreeland reported that the content-neutral rework is already underway, and staff recommends that it be intentionally separated from any amendments to the substance of rules and regulations so that if there is a political fight over the substantive changes that the work designed to clarify the document without changing the substance of the rules is not in jeopardy along with changes in the intent of the regulations.

Hull also observed that the Commissioners need to clearly separate planning and zoning issues in their minds and to think about goals for each. Carstens believes that some of the priorities set at the County Planning Commission are also priorities for Acme Township.

Vermetten asked Commissioners and the public to forward lists and ideas for substantive change discussions to Hull and Vreeland for compilation and redistribution. He noted that perhaps a second look at Amendment #138 is in order. Hardin suggested a notation on the home page of the website soliciting ideas.

- b) **Meeting Schedule Change:** Normally the Commission meeting would have been on February 25 but was scheduled for February 18 due to a conflict with the expected election schedule. There will be no election on February 26 so the meeting could be moved back to February 25. **The Commission reached consensus to move the next meeting to February 25.**

8. Public Comment/Any other business that may come before the Commission:

Andy Andres, Jr., Traverse City, stated that on March 13 there is a workforce housing session. Vreeland had already forwarded fliers to the Commission. Krause, Zollinger, Vermetten, Wikle, Carstens, Hull and Dunville have all indicated an interest in attending and Vreeland has funding in the budget to pay their tuitions. He also encouraged consideration of the need to generate power as well as providing for water and sewers.

Nels Veliquette, Traverse City, stated that when communities "prepare" for power issues it's often to try to prevent something from happening. He also suggested that the Commission use sub-committees to divide up some of the planning and zoning goals.

Ken Engle, Sayler Road noted that the Winery Ordinance was drafted in subcommittee meetings that were open to the public. It requires multiple work sessions.

Margy Goss, 4105 Bay Valley Drive, likes the idea of being pro-active. She would appreciate

continued vigilance regarding infrastructure needs. Tonight at the Traverse City Area Public Schools Board meeting there is discussion about possibly addressing family needs for community schools and recreational facilities. These are issues the township needs to address effectively too.

Mr. Engle has participated in two of the Grand Vision sessions and found several other Acme citizens there. It is, at heart, a process about regional transportation, and the session at the Resort focused specifically on Acme Township. We will be seeing proposals come out of the process and we may or may not have much say in what they bring. How can we be pro-active in regards to those things through participation in the process.

Vreeland congratulated Carstens on his recent appointment to the County Planning Commission.

Meeting adjourned at 9:57 p.m.