



ACME TOWNSHIP PLANNING COMMISSION MEETING
Acme Township Hall
6042 Acme Road, Williamsburg, Michigan
7:00 p.m. Monday, January 25, 2010

Meeting called to Order with the Pledge of Allegiance at 7:00 p.m.

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

INQUIRY AS TO CONFLICTS OF INTEREST: None noted.

APPROVAL OF AGENDA: Motion by Krause, support by Hardin to approve the agenda as amended to add Clare David as New Business item C Motion carried unanimously.

1. Consent Calendar:

Motion by Yamaguchi, support by Feringa to approve the Consent Calendar as presented, including:

Receive and File:

- a) Draft Unapproved Minutes of:
 1. 01-05-10 Board Meeting
- b) Planning & Zoning News December 2009
- c) Status Update – VGT-Phase I SUP Application #2009-01P
- d) New Michigan Department of Agriculture GAAMPS – Farm Markets

Action:

- e) Approve 12-21-09 Planning Commission meeting minutes

Motion carried unanimously.

2. Correspondence:

- a) 01-06-10 Dorance & Julia Amos letter offering 2 parcels of land to future round 2 of the township Farmland Purchase of Development Rights (PDR) program: received and filed.
- b) 01-18-10 Kladder response to Amos Letter: received and filed.

3. Limited Public Comment - 7:06 p.m.: None

4. Presentation - Mark Breederland, MSU Extension Educator-Sea Grant, re: Waterfront Smart Growth Readiness Assessment Tool: Mr. Breederland provided some background information about the Michigan Sea Grant Program and the Michigan Clean Marina Program. Sea Grant is a federally-funded program linking 30 university-based programs in coastal states nationwide that is administered by NOAA. Michigan's program is 40 years old and began at the University of Michigan but now includes Michigan State in partnership.

The Clean Marina program works with the private sector as well as governments with municipal marinas. It is a voluntary, peer-reviewed, best practices program. The Michigan Boating Industry Association is also involved. Elk Rapids just earned its Clean Marina

designation in 2009, and other certified marinas include Bay Harbor, and Straits State Harbor in Mackinaw City. Mr. Breederland displayed some schematics and photos of the latter facility, which was upgraded using \$14 million in State funding. There are 132 slips made with 100% recycled materials. The floating docks were made with certified sustainable wood, and one new tree was planted for each one used. 8 wind turbines provide up to 40% of the electricity needed for ice suppression in the winter and for providing power to docked boats. Installation costs should be recouped in approximately 5 years. The fueling station has absorption pads where the hose couples to the pump housing and around the fueling nozzle to capture spills. Drains in the parking lot are marked and painted to remind people not to dump waste in them because they discharge directly to the water. David asked what the additional cost is for Clean Marina construction versus average construction; Mr. Breederland was not certain

The Smart Growth Readiness Assessment Tool (SGRAT) was released in 2007 and is based on the original 10 Smart Growth tenets. Over 30 communities have completed the assessment to date. There are 20-25 questions per tenet in the on-line survey, and users can read case studies and compare their communities to others. There is a fee to use the tool. The Coastal Zone Management Grant program gave funding to the Land Policy Institute at MSU to develop a SGRAT geared specifically to waterfront communities such as Acme. Preservation of assets, providing public access, preserving waterfront heritage and providing economic development opportunities in the New Economy are key goals. NOAA and other stakeholders developed a book of *10 Elements of Coastal and Waterfront Smart Growth* last year. There is a website that went live in September with the information. The tool takes the basic 10 Smart Growth principles and tweaks them to include planning for waterfront resources, meeting both seasonal and full-time residential needs, and providing for both land and water-dependent transportation opportunities.

Target communities for the WSGRAT are cities, villages and townships on navigable bodies of water, whether or not they have completed the SGRAT, and focusing on “working waterfronts” as defined on the local level and preservation of waterfront assets. Local plans, ordinances and policies are evaluated according to the 10 waterfront tenets. The tool will be ready for initial testing in Spring 2010 with release in February. News about the release will be at www.pzcenter.msu.edu and the entire January edition of the Planning & Zoning News will be devoted to waterfront issues in support of the roll-out.

Zollinger asked if a community has to have done the SGRAT to do the WSGRAT; the Land Use Policy Institute is actually looking for communities that have not done the SGRAT to do the WSGRAT. They are initially looking for 30 communities to use the tool. David asked if the agency would provide advice for improvement based on the scoring; after each question there is feedback on the best answers and links to additional helpful information for moving towards implementing the Smart Growth tenets.

Rachelle Babcock, 4162 Bartlett Road asked if a printout is available for people who would like to become self-educated; a PDF file containing the 60-page document is available at the Coastal Smart Growth website: <http://coastalsmartgrowth.noaa.gov>, and Vreeland has a copy.

Pat Salathiel, Shoreline Advisory Co-Chair asked if the Waterways Commission funded the Straits harbor; they funded it 100%. The state already owned the land. Funding is available for grant writing to communities involved in similar projects.

Carstens asked if the LEED standard designing adds cost; it does to some extent but Mr. Breederland does not have firm statistics on how much. He would be glad to take people on a tour with the Harbormaster in the spring. Clean Marina and LEED certifications are two

separate independent designations, both of which were earned by the Straits harbor.

5. **Public Hearings:** None

6. **Old Business:**

- a) **Ordinance Amendment to §7.4 Signs:** Hull indicated that as requested, staff has compiled the existing signage standards into a re-drafted sign ordinance. As discussed the maximum sign height was lowered from 20' to 12'. Hull took pictures of various signs already existing in the township with an 11' tall telescoping pole leaning against them to help people understand how tall many of our existing signs are. Most appear to be at or under 12' tall. Hull recommends that a public hearing be set regarding the ordinance.

Carstens opened the floor to public comment and noted that Ms. Salathiel who is in the audience this evening was heavily involved in creation of the existing sign standards. She has not thoroughly reviewed the proposed new draft yet, but would recommend lowering the maximum sign height even further, perhaps to 8'. She noted that signs in Traverse City are now much shorter than they used to be. Carstens noted that the Commission was concerned about going too low and potentially having signs obscured or damaged by snow thrown by the plows. Hardin noted that the AmericInn sign in East Bay Township is plow-damaged, and Feringa stated that the 8' tall sign at the new Eyaawing Museum in Peshawbestown was shattered within 2 weeks of erection and has yet to be replaced.

Zollinger drew attention to the section regarding political signs and feels that the term "immediate" relative to removal after an election should be changed to a specific timeframe. There was additional discussion about regulation regarding appropriate sign size and number of signs to be allowed per property. Additional discussion revolved around separating regulation of political signs – non-election related statements of personal point of view – and election campaign signs – specifically election issue or candidate-related. The Commission generally recommended that 3 days be granted to remove political signs. There was also discussion about whether violations would be enforced on the landowner where the sign is located or the owner of the sign; Zollinger recommended that it be the owner of the sign.

Ms. Babcock observed that yard sale signs are often left up until they decay. She asked what the standard for removal of such signs is; currently they are supposed to be removed immediately after the conclusion of the sale or after a period not to exceed 10 days.

Motion by David, support by Yamaguchi to set a public hearing regarding the proposed sign ordinance amendment with changes discussed this evening for the February 22 regular meeting.

Jocks stated that he has a trial downstate and will not be present at the next meeting. The staff will provide clean copy of the proposed sign ordinance amendment to the Commission earlier than the rest of the packet materials for the next meeting so that there will be plenty of time to ask Jocks questions before the hearing.

Zollinger stated that he does not want to inhibit to prevent free speech but doesn't understand why we need to permit non-election political signs. He suggests that we remain silent on the issue. Vreeland stated that it would be helpful to the staff. If someone erects a large sign on their property and/or one with an opinion that irritates

others in the community, they will call the township and ask whether it is legal and how long it can be there. While over-regulation is not desirable, It's difficult for the staff when there is little by way of published guidelines they can use to assist the community with such questions.

Motion carried unanimously.

- b) **Acme Township Capital Improvements Plan:** Vreeland summarized the memo and materials provided regarding capital improvements planning. The township is required to create a 6-year minimum year time period CIP and to update it annually. At present this effort is the responsibility of the Planning Commission. The CIP should be based on accomplishing the goals in the Master Plan, and serves as a basis for annual budgeting. A committee to assist the Planning Commission in preparing the CIP for consideration at the March meeting was suggested, to include several Planning Commissioners to be named. Feringa, David and Carstens all expressed interest in participating. It was felt that Feringa should definitely participate. Carstens deferred to David if he would like to be the other official participant, but said he likely would participate as a member of the public for his own education.

Motion by Zollinger, support by Yamaguchi that the Planning Commission appoint a CIP Advisory Committee consisting of the individuals named in the Township Manager's January 19 memo, with Feringa and David to serve on the committee on behalf of the Planning Commission. Motion carried unanimously.

- c) **Consider resolution to amend recommendation to Board of Trustees regarding Personal Wireless Services Ordinance Amendment:** The staff has held off on presenting the amended cell tower ordinance language to the Board of Trustees so that dimensional questions that might be settled one way in the wind ordinance just now being prepared for the Board be settled similarly in the cell tower ordinance.

David expressed a feeling that the location of wind towers and the location of cell towers relative to scenic features are different. He believes that there is more flexibility in locating cell towers than in locating wind towers, and that while he does not support the strict definition of scenic viewsheds he does believe we should retain some language that allows us some flexibility to ask an applicant to relocate a cell tower slightly to protect a scenic view. David and Zollinger both believe that cell towers do have more flexibility in functional location than wind towers, in part because cell towers generate signals but wind towers must work with the wind provided in a specific geographic and meteorologic condition. Cell towers can also be made taller or shorter to compensate for location issues. Hardin offered that while we are discussing location of tall structures such as cell and wind generation towers, we don't seem to regulate placement of tall buildings such as the tower at the Resort, or water towers. Consistency across the board is important. Jocks observed that he and Hull removed the reference to scenic viewsheds in the cell tower ordinance because the Commission chose to remove it from the wind tower ordinance. Hardin stated that if water towers become an issue in the township he believes we would need to treat them consistently with the way we treat cell towers and wind towers relative to viewsheds. Hull believes he is hearing that there is enough difference between various tall structures and the needs of siting them that some Commissioners believe it is reasonable, and that future issues such as water towers or tall buildings **will be addressed separately.**

Motion by David, support by Zollinger that Section 13.3.9, Scenic Viewshed of

the proposed personal wireless services facilities ordinance amendment be altered to provide the ability to the Planning Commission to consider the effect on scenic views of an installation.

Feringa agreed with the staff removing the language but agrees with David that there should be some consideration for viewsheds, even if enforcing a vision of a viewshed may be problematic. Would an alternate way of dealing with the question be to add viewsheds to the list of considerations in Section 13.3.5? David would like to provide the Commission flexibility to consider scenic views without heading back towards delineating specific scenic viewshed areas. David stated that his suggestion is intended to allow the Commission to consider siting changes to a cell tower installation that aren't strictly related to viewsheds. Jocks suggested adding an item to 13.5.3 as "i. effect on scenic views."

Motion withdrawn by David.

Motion by David, support by Zollinger to add item "13.5.3.i: aesthetic effect on views" to Section 13.5.3, Factors Considered in Granting Special Use Permits for Towers. Motion carried unanimously.

David stated that in Section 13.3.10 he believes Hull recommended that since the wind ordinance does not have landscaping requirements so the cell tower ordinance likewise should not. Carstens suggested that landscaping could be an aesthetic matter covered by the proposed Section 13.5.3.i. Hull noted that landscaping was proposed to be retained in the ordinance, so this issue was deemed resolved.

David stated that Section 13.3.11 deals with tower construction. He disagrees with Hull's suggestion that if wind towers are required to have monopoles, the language for cell towers could perhaps be changed from suggesting monopoles to requiring them. David stated that lattice work towers would be less expensive for cell towers and the stresses are different on the two. There is some confusion between suggested language drafts, but the staff proposal is for monopoles for cell towers remain preferred but not strictly required. The final question was regarding whether or not fencing would be required for cell towers; safety fencing would be required.

Zollinger asked a question about setbacks for cell towers and wind towers; the two ordinances coincidentally happened to match but be worded differently.

Carstens asked about page 7 of the newest proposed cell tower version and the section regarding cell tower height and suggested that the words "As well as" be removed from the beginning of the last sentence in the paragraph.

Zollinger asked what Hull was suggesting regarding bonding language between the two ordinances; staff is recommending that each remain unique.

Motion by Zollinger, support by Yamaguchi to adopt Resolution #R-2010-01PC. Motion carried unanimously.

7. New Business:

- a) **Review of Master Plan Goals & Policy Prescriptions:** Hull is asking for input from the Planning Commission as to how to go about working through the goals, policies and actions in the Master Plan and either amend them or set about accomplishing

them. He prepared a memo containing all of the goals and policies prescribed by the Master Plan which is approximately 6 pages long. Vreeland said that the memo grew out of a review of the Commission's goals and progress towards them with Kladder. Looking at the list, it appeared as though most of the goals were zoning-related, but that there might be more the Commission could be considering on the future land use planning front. She noted that the Master Plan is full of goals, policies and actions to achieve the goals and policies, and suggested that the staff compile a list for the Commission of all of them and to what extent we have addressed them. Her idea, which may be different from that of Hull who produced the memo, was that it would serve less as an immediate suggestion for work and more as a consciousness-raising or status checking tool. Vreeland would like to promote a goal for the township to budget for and engage in a new public opinion survey and Master Plan redrafting during the 2010-11 fiscal year which begins July 1, 2010. State law requires a thorough review of the Master Plan at least every 5 years whether or not changes are made. The plan has been reviewed and updated; over the past several years, with the last major review occurring in 2005. Public opinion surveying to inform the Master Plan and subsequent ordinances and actions last occurred in 1996, and she believes it is important to get an update. Perhaps we will find that the community vision is substantially the same as it was, or perhaps it will have changed to a lesser or greater degree. In any event the statistics could use updating and we could use 2010 Census data to be very current, and the formatting and language could perhaps be cleaned up. It would also ensure that we are in compliance with state law.

Carstens has long felt that the township has not made enough headway in bringing the provision of the Zoning Ordinance into compliance with the visions in the Master Plan. He agrees that a community survey would be an excellent first step, and then we can see how the survey matches with the current provisions of the Master Plan. Then we will know what may or may not need to be adjusted within a Master Plan update.

Zollinger and Yamaguchi both took the memo to be a recommendation that the Commission embark immediately on an amendment of the Master Plan. Zollinger feels that we still have much work to do to complete all of the items on the current Commission goal list, and expressed frustration that it has been several months since the Commission was led to expect results of an expected basic survey of Bates area landowners but there is no hint of this issue on this agenda or other recent agenda. He has no problem with updating the Master Plan in the future but feels we should finish checking off things on the current task list first. Vreeland personally was hoping that listing the goals, policies and actions from the Master Plan would serve as a reminder of the suggested actions for making the Master Plan a reality.

Hardin also agrees that at 14 years past our last community survey it is time for a new one. Yamaguchi observed that it has been five years since the last major amendment to the Master Plan and state law requires that the plan be thoroughly reviewed at least every five years, so it is time.

- b) **Grand Traverse County Land Bank:** There was some general discussion about the wide range of possibilities for providing for affordable housing or needed infrastructure or public improvements through cooperation with the County Land Bank. There is an unusually high number of potential tax foreclosure properties in Acme Township this year, including many lots at LochenHeath and most of the lots in Windward Ridge. Krause and Carstens attended the workshop specifically from the perspective of learning about it as a tool for promoting affordable housing. The

township will schedule time to meet with the workshop presenter in mid-February

- c) **Clare David:** David stated that he is providing the following information for general information in case anyone is interested, but he is not expressing a personal position. He referred to the book by Richard Florida, *The New Economy: The Rise of the Creative Class*. The writer engages in public speaking, stating that people can renew their towns, attract the creative class and attract the new economy: the talented, the tolerant and technology, if you provide features the young mobile people in this category favor. He is writing a new book called *The Great Reset*. This book reportedly takes the position that in some places decline cannot be fought, nor should it be. When communities are asked to invest in rebuilding as he suggests, there is also another viewpoint. The author's own tour manager calls him an "academic" and has made public statements that seem to question his philosophy. An article David read in a magazine *The American Prospect* indicated that the fellow has told people where he is that their place is great and could be the best if only they would follow his tenets, and saying that the place next door is not so great, but when he goes next door he reverses the message. David's understanding is that the new book will largely recant his earlier work. It seems to him that many ideas such as the "new economy" are challenging because attempts to resurrect blighted places such as Akron, Ohio are not likely to yield results truly competitive with already desirable communities.

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

Zollinger asked for an updates on the Bates Neighborhood Planning project; Hull indicated it will be forthcoming in February. Feringa stated that the hold-up is partially on his end, as on behalf of the Tribe he needs to prepare and deliver some information regarding the proposed Bates Road realignment. Carstens asked if the Tribe has any particular position on what should happen with the Consumers Energy property; Feringa stated that they do not beyond obtaining safe access to the "Hoxsie Property" portion of the Resort property.

Vreeland informed the Commission that about a week ago the Farmland Preservation Advisory met with representatives of most of the community farming families. We are seeking their input on our current agricultural zoning provisions. Several more meetings will be held between now and the end of March, with the goal being to work cooperatively to produce agricultural-community recommendations for potential ordinance amendments to the Planning Commission in a position paper, and for the Commission to pursue the amendments. So far it seems that participation is enthusiastic, and that our farmers and our more urban dwellers share a common goal of limiting development in the agricultural district. Vreeland felt one of the most profound observations was made by Ken Engle, who pointed out that on the list of uses allowed by right in the A-1 district, the first named is residential use and not an agricultural use. Similarly, in the intent statement that begins the section there is focus on mitigation of the challenging impacts of farming on residential land use, rather than on the mitigation of the challenging impacts of residential encroachment on farming. It is interesting how this language runs counter to the broadly expressed opinions that agriculture needs to be protected.. Carstens would appreciate input from the farm community about provision of locally-grown food to the local community.

Gene Veliquette, Elk Lake Road in Whitewater Township, supports the ability to sell local farm products locally. He noted that sometimes local farm product comes through national channels. His bees pollinate almond and citrus trees in Florida, so he has an interest in those products being supported. Meijer's sells produce from local farmers and orchardists as well. He hopes things are going well with the Village at Grand Traverse project, because this can be another great avenue of local product distribution.

Meeting adjourned at 9:46 p.m.