

**WEST TRAVERSE TOWNSHIP  
REGULAR PLANNING COMMISSION MEETING  
JUNE 13, 2018**

Chairperson Mooradian called the meeting to order at 7:01 p.m.

Roll Call: Baiardi, Gorman, Kennard, Wallin, Repasky, Mooradian.  
Absent: Opfermann.

Visitors: Neil Ahrens, Joe Lavender, Sue Matsko.

The Pledge of Allegiance was recited by all.

Approve Agenda: **Wallin made a motion to approve the agenda as presented. Kennard seconded the motion.**

**Vote: All yes.**

Public Comment: None.

Approve Minutes: **Baiardi made a motion to approve the meeting minutes of May 9, 2018 as presented. Gorman seconded the motion.**

**Vote: All yes.**

OLD BUSINESS

Agricultural Use in Residential Districts: Lavender gave an update on his research into agricultural use in Residential districts. At this time, he stated that the Right to Farm Act is pretty broad as to overriding local zoning. There is a MTA seminar coming up in July which will cover the Right to Farm Act and how it impacts township zoning, and all the Planning Commissioners were invited to attend this meeting. Repasky asked where Lavender was getting his information regarding the GAAMPS and Right to Farm Act. Lavender responded that he has talked to a lot of people involved with these issues as well as researched articles, studies and opinions that led him to think that there is not much that the Township can do regarding agricultural activities in residential districts if they are approved through the GAAMPS process. Lavender said that at this time, it is his interpretation that there is not anything that he can do from a local zoning perspective if the property owner has the GAAMPS determination. He thinks that at this time, it is the Township's call to challenge the determination. Lavender proposed sending a letter to everyone in the R-1 districts notifying them of the ordinance and that agriculture is not allowed in that district. This way he would not be doing selective enforcement and everyone would know what is and what isn't allowed in R-1. He stated that if someone had a problem with this, he would recommend that they come to a Planning Commission meeting and voice their opinion. Kennard asked what the Township Board's reaction had been at their meeting the night before regarding the property owner who was given a GAAMPS approval for livestock in a residential district. Baiardi stated that the Township Board did not want to go forward against this property owner regarding the GAAMPS decision. Kennard said that he feels that the

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Township Board is saying that they are not very strong about challenging any farming in R-1, so this is becoming a moot point. Kennard stated that the Planning Commission wrote an Ordinance that was approved by the Township Board, and the PC needs to know that the Board is supporting them or they aren't. Kennard admitted that it is not the job of the Planning Commission to enforce the Ordinance, but it is part of the consequence of writing the Ordinance. He said that he didn't think that Lavender should send out any letters until the PC understands how the Ordinance will be enforced. Wallin asked who makes the GAAMP determination. Baiardi stated that the applicant submitted information to the State with statements that were not true. She said that within four days they had their determination. The State of Michigan requires a site visit and they are supposed to contact the Township through the Clerk's office when making a GAAMPS determination. The Clerk was not contacted and there is no reference to a site visit in the FOIA documents.

It was agreed not to send any letters at this time until after the MTA meeting where it is hoped that more information will be obtained regarding the RTFA.

Neil Ahrens pointed out that the Township does not have a Zoning Ordinance if it is not effective and enforced. He stated that the State is trying to take away local control with the RTFA and they should be made accountable for following their own process with the GAAMPS application.

Potential Zoning Amendments: There had been questions asked of Joe Lavender regarding outdoor air conditioning units and generators and where they could be placed on any property. He thought the current language was a little vague, but he has interpreted the ordinance to mean that these units need to be placed within the building envelope on the property, not within the setbacks. It is not specifically addressed in the Zoning Ordinance. It was agreed to not do anything further with this issue and to let Lavender make his interpretation as he has been.

There were questions brought up regarding setbacks in the commercial and industrial zones and how that affects the fire wall restrictions. There had been some discussion as to the return on a fire wall and if that needs to be fire rated, also. It was agreed that this question needs to be clarified in the Zoning Ordinance. Kennard felt that the Township Planner, Denise Cline, should be involved with re-writing that part of the Ordinance, so it is clearer as to what is needed. There was discussion about the fact that there is a building code and the Zoning Ordinance and which one of these would be applied to a relaxed setback area where the fire wall is required. Repasky stated that the fire walls are there for safety, not to cause dollar increases to the building. Lavender said that the Zoning Ordinance is more restrictive than the County building code. Repasky felt that the Zoning Ordinance was created with the requirements for a fire wall when the setbacks were relaxed, and that it was meant to have everything within that relaxed setback included in the fire wall which means everything within the return, also. It was agreed that Lavender should interpret the Zoning Ordinance as meaning that the return needs to meet the same requirements as the wall that falls within the setback.

NEW BUSINESS

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July Schedule and MTA Seminar: There is a possibility of a new Site Plan Review for the July meeting. If that is not the case, the July meeting will be cancelled. The Planning Commissioners will notify Baiardi of whether they will be attending the MTA meeting in Gaylord on July 12.

Zoning Administrator's Report: Joe Lavender presented his written report.

Township Board Representative Report: The Township Board decided not to go forward to take down the barns on Lake Road. The Township Board is discussing a new Township hall and will be sending out information to property owners to find out their thoughts.

Planning Commission Comments: None.

Public Comments: Neil Ahrens gave an update on the activities at the County.

Adjourn: The meeting was adjourned at 8:27 p.m.

Submitted by:

Paul Opfermann, Secretary

Transcribed by:  
Susan Matsko  
Township Secretary