

**APPROVED
EMPIRE TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES**

May 17, 2022

The Empire Township Planning Commission held a regular meeting on Tuesday, May 17, 2022. The meeting was held at the Empire Township Hall.

CALL TO ORDER: Dick Figura, Chair, called the meeting to order at 7:00 p.m.

ROLL CALL:

Members Present: Dick Figura, Larry Krawczak, Dale DeJager, Duane Shugart, Micah Deegan

Members Absent: None

Staff Present: Dana Boomer, Tim Cypher

APPROVAL OF AGENDA: Motion by Shugart, second by Krawczak to approve the agenda as presented. All in favor, motion carried.

ANY CONFLICT OF INTEREST – Figura stated that he and Mr. Cypher have talked to the Glen Lake Association and the Watershed Overlay Committee regarding zoning provisions and legal matters, as they have disclosed in the past.

APPROVAL OF MINUTES: Motion by DeJager, second by Shugart to approve the April 19, 2022 Meeting Minutes as presented. All in favor, motion carried.

COMMUNICATIONS: None

PUBLIC COMMENT: None

ZONING ADMINISTRATOR'S REPORT: Cypher had previously distributed his monthly reports for April 2022. The PC briefly discussed. **Motion by Deegan, second by Krawczak to acknowledge receipt of the April 2022 reports. All in favor, motion carried.**

OLD BUSINESS:

- A. **Watershed Overlay Amendment** – Bill Witler and Tony Groves presented from the Watershed Overlay Committee regarding the latest draft of the Watershed Overlay District proposed zoning amendment. In the new draft, the steep slopes definition, provisions, and section have been removed, due to the presence of steep slopes language already in the Empire Township Zoning Ordinance. In addition, language regarding hardened seawalls and phosphorous fertilizer have been removed, as those are already regulated by state law. Changes have also been made to language regarding natural vegetative coverage, and language related to general design and development standards has been removed. Groves and the committee hope that the Planning Commission will re-consider this amended proposal, either by setting up a subcommittee with the Watershed Overlay Committee, reviewing it as a full Planning Commission, or sending it to the Township Board for review.

Figura then opened the discussion to the public.

Jim Dutmers – Thanked the Planning Commission and the citizens who reside in the watershed for their work on this document, which has the potential to be a generational document when it comes to

protecting and improving the area. He thinks this is an important moment in the area's development, and it is important to protect the beauty and quality of life in the area. We can't wait until there is a bloom on the lake before putting regulation into place. A substantial portion of the water in the lakes comes from areas in the watershed that are away from the lakes that aren't on streams or rivers.

Rob Karner – He wants to continue building positive relationships with the four townships, and wants to make sure that this policy doesn't get in the way of that. It has been said in some places that it is better to educate rather than regulate, and he stated that in some cases this is true, and so the boards and watershed committee need to continue to work together, including to educate people on how to do the right thing. He thanked the township for helping to support the hiring of Mr. Groves to work on these issues.

Mike Litch – He wants to support what Mr. Karner stated – education is absolutely necessary, especially with the people who are coming into the area who don't know how to protect areas like this. The overlay district is a guidance document for this purpose.

Trisha Denton – She works on education in the watershed district. It's one thing for people who are already in the area, but education is absolutely needed for people moving into the area, and the watershed overlay district helps with this education.

The PC members then discussed. DeJager stated that the committee also added a provision in the proposed document referring to the grandfathering of properties. He sees this document as a mandate, not an education tool, and would feel better if this were passed by a vote of the people, rather than just by the PC and board. Krawczak thinks the committee has done a good job on the re-work of the proposed document, and approves of the current language. Deegan stated that a lot of changes have been made, and he feels that this is likely to be a much more palatable document. He would be willing to sit on a subcommittee to further explore this document. He is very happy to see the members of the committee and the public at the meeting tonight. Shugart feels this document has evolved and looks better with each evolution. He feels that a subcommittee to make additional small changes to the document has merit. While he understands what DeJager is saying, he doesn't think that the five years of work that the Watershed Overlay Committee has done can be distilled down into a meeting, and so he doesn't think a vote of the people is appropriate in this instance. He thanked the Committee for their work. Figura seconded Shugart's thanks to the Committee.

Figura stated that he has supported this document in the past, but is concerned that the Township Board has not been supportive of this issue in the past. He reminded the group that there was originally going to be a subcommittee set up with members of the PC, Township Board, and Committee, but the Township Board then stated that they were no longer interested in the Watershed Overlay District, and they passed a motion to this effect. He is reluctant to go further with work on this document until the Township Board shows additional interest in pursuing it. There were comments that the Township Board wanted to proceed along with the other three townships – Cleveland has already passed a version of the ordinance, Kasson has not taken up the issue, and Glen Arbor has a condensed version of the proposal but has not yet had a presentation by the Committee. Figura feels that this draft of the amendments needs to be brought to the attention of the Township Board before the PC spends additional time on this.

The PC, staff and public discussed the best next step for the proposal, given the Township Board's motion to not pursue this matter. Cypher and Groves discussed that it may also be worth making Soil Erosion Office control township-wide, as has been done in Solon and Leland Townships – this would ensure additional controls were being enforced on a township-wide basis that are already enforced around the lakes.

David Burton – He suggested sending a red-line document to the Township Board for consideration. He also suggested sending a packet containing this information to all township residents within the proposed district before anything is approved.

Figura summarized the community notices that are sent out before any public hearing on a proposal for a zoning ordinance amendment. He would like to see the Committee present to the Empire and Glen Arbor Township Boards, but a smaller step may be to form a sub-committee and see at that level whether the concerns of the Township Board have been addressed with the new draft. Further discussion was had by the PC and public on the best next step forward, and the history of the process. **Krawczak moved for Figura and Deegan to speak with the Township Board regarding their interest in pursuing the updated version of the Watershed Overlay District language. Shugart seconded. All in favor, motion carried.**

Denny Becker thanked the PC for their work on this issue. The water is the most valuable feature of the area, and affects many other issues. The discussion on these issues has raised awareness that there is additional pressure on the lakes, through tourism, additional/larger homes around the lake, and additional activity around the lakes. These are all threats to the lakes, and the real question is how to get in front of these threats so as to not see detrimental effects on the lakes.

Bill Witmer commented regarding the next agenda item, and supported all efforts to increase access to affordable housing in the region.

- B. **Master Plan Review** - Boomer had sent out a new red-line version of the Master Plan, with updates as discussed in April. The PC continued a final page-by-page review of the Master Plan. The PC discussed items related to density and future land uses. The forest corridor future land use section was removed, as those lands are mainly agriculture or residential, and forestry activities are governed by state law. The future land use map will be amended to change those areas to the “base layer” of agricultural/residential. The PC extensively discussed the Steep Slope Protection Corridor section of the Future Land Use chapter – this section will be removed, as the steep slopes in the township do not form a “corridor”. Boomer will draft more general language regarding steep slopes and ridgelines to be placed later in the document, which will cover all steep slopes and ridgelines in the township. The PC will continue the discussion on the Master Plan at the June meeting.

NEW BUSINESS:

- A. **Pleasure of the Board** – None

PUBLIC COMMENT: None

BOARD COMMENT: None

ADJOURNMENT: **Motion** by Krawczak to adjourn at 9:00 pm. With no objection, Deegan adjourned the meeting.

Respectfully Submitted,

Dana Boomer
Recording Secretary