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ACME TOWNSHIP PLANNING COMMISSION MEETING
Acme Township Hall
6042 Acme Road, Williamsburg, Michigan
7:00 p.m. Monday, December 17, 2007

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

Members present: B. Carstens (Vice Chair), C. David, R. Hardin, D. Krause, D. White, L. Wikle, P. Yamaguchi, J. Zollinger
Members excused: M. Vermetten
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 Wikle, support by White to approve the agenda as presented. Motion carried unanimously.

- Consent Calendar:**
Motion by David, support by Yamaguchi to approve the Consent Calendar as presented, including:

Receive and File:

- Draft Unapproved Minutes of:
 - 12/04/07 Board meeting
 - Planning & Zoning News November 2007

Action:

1. Approve minutes of the 11/26/07 regular Commission meeting.

Motion carried unanimously.

- Correspondence:** None

- Limited Public Comment:**

Edith Ziebart expressed concern about the Cherries R US rezoning request. She believes that there was a previous attempt to rezone the subject property that was successfully defeated by the Grand Traverse Resort. Carstens indicated that this matter will be discussed elsewhere on the agenda.

Noelle Knopf, 5795 US 31 N asked if the public will be allowed to speak during the rezoning request preliminary hearing; Carstens intends to permit this.

- Preliminary Hearings:**

- Application by Cherries R Us to rezone from A-1 Agricultural R-1MH Mobile Home 67.5 acres on the north-east corner of Brackett and Lautner Roads:** Nels Veliquette of Cherries R. Us was present to answer questions. He said that after reviewing the property and housing densities allowed by state statute, Cherries R. Us plans to develop only the westerly 40 acres of the property. The easterly 27.5 acres would be excluded. They are amending their rezoning request to cover only the west 40 acres.

Krause asked about their intentions for the property. Mr. Veliquette replied that there has been much discussion about the need for more affordable housing in the township, and

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they would like to meet this need. The subject property is near existing public infrastructure, which they feel makes it desirable for the purpose.

Yamaguchi asked if there has been thought given to the layout of any such development. Mr. Veliquette stated that there is no design yet, and that they will follow state and township regulations (amendment of which are on the agenda for discussion later).

Carstens is concerned about considering a request to increase zoning density in an area of the township that is currently zoned for agriculture. Mr. Veliquette again noted that there is nearby sewer infrastructure that could serve the project. He also directed attention to an aerial photograph he provided, which he feels demonstrates that the land use character in that area is largely residential rather than active agricultural production.

Zollinger asked how far away the sewer line currently is from the subject property. Vreeland stated that the line comes to within approximately 1,600 ft; she knows that it come to the south line of the 40 acre parcel formerly owned by Danny and Gene Hanna that was the subject of a rezoning request several years ago.

David asked whether use of the sanitary sewer would require an amendment to the existing sewer district. Vreeland stated it would; the sewer district outline follows the boundaries of the Resort and its R-3 zoning. Hull stated that it would be possible to create an on-site system on the subject property if it is developed. Mr. Veliquette hopes that the township would be willing to allow a district expansion to the property, as it is only about 1,500 ft. outside of the current district.

Carstens asked about the soils on the property; they are generally sandy with a rising topography. The low point of the property is on the eastern side (now to be excluded from the project) near Yuba Creek. The water table is not particularly high. The excluded acreage would provide a buffer from the creek for an on-site system if needed.

Hardin asked why the applicant is seeking R-1MH designation rather than a different high-density residential designation. Mr. Veliquette stated that their site is level and seems suitable for such a project, as opposed to the site the Planning Commission recommended being rezoned away from R-1MH at Bates which has steep slopes and significant topographical change.

Yamaguchi noted that the Future Land Use Map (FLUM) calls for this property to be "rural residential." She read from the FLUM description of this designation, which includes land areas in transition from historic agricultural use to residential uses.

David feels that this could be an appropriate use of the land. Wikle asked how many housing units could be placed on the site. Hull and Mr. Veliquette stated that no calculations have been performed, and it will depend on the ordinance used to govern the project. Legal counsel has advised that our current mobile home park development standards ordinance needs to be amended, so this question is an open one. Any regulations we have that may surpass state regulation might or might not be open to challenge. A citizen group could challenge the legitimacy of the permit, and the applicant could challenge some of the requirements.

Hull stated that the picture of the property in the packet may provide useful information. Just south of the subject property are six five-acre lots. If they were multiple family housing units as requested several years ago, this request might not be in front of the Commission today. Agricultural land is a resource. Resources are worthless if not used.

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Hardin recalls the Resort seeking to put in mobile homes on their property for their workers some years ago. At that time the Hanna family spoke against the request due to problems with trespassing, trash and people scaring their horses. Mr. Veliquette noted that people have a visceral reaction to discussion of mobile home parks. People address him on the subject by calling it a “trailer park.” He does not wish to create a negative situation for the community, but to enhance it by adding affordable housing and allowing his family to maintain productive use and control of the property rather than having to sell it. A good ordinance that is respectful of state regulation can help create a good character for any future development.

Krause believes that the character might be impacted by whether or not foundations are required for the homes. Hull observed that regardless of the zoning of a property, any sort of construction could be proposed. The Bates Crossings owners could construct a housing community consisting of Quonset Huts.

Krause noted that if the rezoning takes effect a mobile home park use would still be a special use subject to a public review process.

Carstens asked if mobile home park regulations generally set up a high density housing situation; they do. He asked again what the density of a project on the site might be, and noted that the Master Plan calls for concentrating high density housing into central areas of the township. He needs more information before moving on. Hull stated that the question for this evening is whether or not to set a public hearing. Tonight’s discussion is useful for bringing out questions to be answered later in the process.

There was discussion about the concept that elimination of the one viable R-1MH zoned property in the township could open the door to an application for a mobile home park anywhere in the community if no other area were specifically zoned for the purpose. David does not believe it has been decided whether or not the township needs to zone another piece of property to this category. The Planning Commission recommended rezoning the Bates property from R-1MH to R-3 because the site was unsuitable physically for a mobile home park.

Krause noted that the township needs affordable housing. Land prices are so high that in his opinion it is only possible to create affordable housing in agricultural areas. This particular agricultural piece is very close to our core high-density area. Taken together, these factors indicate that the request should be considered seriously.

Yamaguchi noted that a regional study shows that Acme Township does not provide an incentive to affordable housing currently. She feels the rezoning would go a long way in this regard, and that support for the idea can be found in the Master Plan.

Grant stated that the township’s current zoning ordinance and some model language he provided for discussion about amending the ordinance share some similarities.

Carstens opened the floor to public comment at 7:40 p.m.

Andy Andres Jr., Traverse City, noted that the Bates property has not yet been formally rezoned. The Planning Commission has recommended rezoning, but the process has not yet reached its conclusion. Mr. Andres believes that it would be possible to use the Bates property creatively for affordable housing if they really took a look at it. Perhaps development of affordable homes could occur in some areas, with other areas used for homes in different price ranges and all of the homes being served by their suggested retail area. Mr. Andres believes that the township needs to stay focused on the bigger picture.

Hull stated that townships should not consider a specific plan for a property when considering whether it should be rezoned. This principle could be expanded to say that one should not consider the plans for other properties when considering whether a property is properly zoned or should be rezoned.

Mark Lewis, Scenic Hills Drive, is the Infrastructure Advisory Chair. The subject property, if connected to the regional system, would be in service district 4. District 4 flows through District 6. District 6 has some increasingly critical concerns with pump and pipe size for handling additional flows.

Ms. Knopf stated that when the RV Park was first reviewed there were a number of people concerned about the idea of a trailer park. The project has turned out very well. She would be interested in a potential site plan for a project on the Cherries R Us property and that it would enhance living options for area workers.

Bob Garvey, 7490 Lautner Road, owns property adjacent to the Ziebart property, which in turn is adjacent to the proposed rezoning parcel. Lautner Road north of Brackett is their driveway and is adjacent to the subject site. All of their properties extend east to Yuba Creek. A neighbor, Deb Stepke, just west of the parcel, agrees with him that potential density on the site is a key concern. Many people chose to purchase where they did based on existing land use character and density. He has looked at the existing and model ordinances, which allow for one unit per either 5,000 or 4,400 sq. ft. Although some land area would be needed and subtracted for roads and amenities, he believes that the gross density could approach 400 homes on the site. This seems like a large number. Mr. Garvey cited a section of the Master Plan and FLUM that indicates that land near sensitive natural features such as the creek should be used for lower housing densities and treated carefully, preferably using innovative housing layout. Studies indicate that Yuba Creek has been significantly degraded in quality as a cold-water trout stream. The township and some private landowners have instituted remediation steps. A fisheries biologist examined the creek about seven years ago when a group of landowners was proposing a sanitary treatment plan in the area. He feels a high-density use is being requested for an area the FLUM calls for to be low-density.

Mrs. Ziebart stated that Mr. Garvey's comments reflect concerns she and her husband Kurt share. Potential number of housing units is a concern and could have a negative impact on the creek. She stated that Yuba Creek began dying when the Resort came into being due to pollution. The question should be considered very carefully and she hopes the rezoning request will be denied.

Gene Hanna, Brackett Road lives across from the property under consideration. There was an attempt to rezone the south side of Brackett Road west of Lautner to R-3, Urban Residential that was defeated by the voters, which is important to know. Mr. Garvey stated that in the earlier situation the Commission recommended against the rezoning, the Board of Trustees approved it, and it was defeated in referendum.

Mr. Veliquette stated that one reason the eastern 27.5 acres have been excluded from the request is to address expected concerns about Yuba Creek. He feels that the possible 400 unit density number was planted in the audience as a scare tactic. During the earlier rezoning request the number floated in the public was that about 300 housing units could occur. Cherries R Us is looking at the need and lack for affordable housing and the availability of public infrastructure.

Paul Brink, Winter Road, agrees that having affordable housing is desirable. He feels that

a sample plan should be displayed to help the public understand the request more fully. Hull called for a point of privilege. He stated that the Commission should not look at a specific plan; when communities do this they sometimes “get burnt.” We can certainly look at what the possible maximum densities on the property could be. In the earlier rezoning multiple family housing could have occurred; which with this request would not be possible. Hull noted discussion last month by former Commissioner Pat Salathiel that at her first meeting they considered a rezoning request based on a specific development plan. The rezoning was granted, but the specific development never occurred.

Mr. Garvey offered to defend his density calculations. With a sq. ft. to acres conversion table, which he provided for the record. Carstens and Hull both observed that mobile home parks tend to be, practically by definition, high-density living situations. Hull stated that even before homes and required open space he believes the maximum number of units would be more along the order of 320 units.

Motion by Wikle, support by David to set a public hearing on the Cherries R Us rezoning request, Zoning Ordinance Amendment #142, at which hearing the questions raised this evening can be discussed and addressed. Motion carried by a vote of 7 in favor (David, Hardin, Krause, White, Wikle, Yamaguchi, Zollinger) and 1 opposed (Carstens).

5. Public Hearings:

- a) **Continuation of Public hearing on SUP/Site Plan Application #2007-05P, a planned shopping center located on E M-72 west of Bates Road:** Doug Mansfield presented on behalf of the applicant. He has received the comments provided by township consultant, John Iacoangeli, and Mr. Mansfield has provided a response to the Commission in memo form this evening. He will be meeting with Iacoangeli and Hull on Wednesday this week to discuss several issues.

One of the issues has to do with “Parcel D,” a small triangular area with frontage on Bates Road for which no development is planned. Iacoangeli stated that he could not evaluate building heights because he was not provided with dimensioned elevation drawings, but Mr. Mansfield states that they were provided. Iacoangeli expressed a concern about encroachment into a required buffer from neighboring zoning districts but Mr. Mansfield believes it is a legitimate under the ordinance to have parking within the buffer areas. Sidewalks and deceleration lanes on M-72 have been provided as required.

Yamaguchi asked about the environmental assessment, and an indication that headwaters for Yuba Creek are on the property. Dr. Grobbel also noted that a significant amount of wetlands fill would be required. Mr. Mansfield noted that Dr. Grobbel also noted that there was a layer in the CAD program inadvertently turned off that created this mistaken impression which has been corrected.

An additional issue to be addressed is Iacoangeli’s recommendation that there be parking immediately in front of buildings, but Metro Fire is requiring that these areas be kept clear as fire lanes.

Zollinger asked if we are making progress towards an amendment to the parking space section of the Zoning Ordinance, as numerous times it has been noted that our requirements are excessive. Hull replied that this is on the list for upcoming revisions.

Public Hearing opened at 8:15 p.m.

Ken Engle, Yuba Road, asked if a left-turn lane will be provided on M-72, and how far it

would go. Mr. Mansfield stated that MDOT is requiring one. It may extend to the North Bates intersection. Mr. Mansfield stated that the applicant is prepared to do whatever MDOT requires in this regard. Mr. Engle noted that it would be beneficial for the horse sports park and the industrial park on North Bates. The applicant, township, MDOT and Road Commission are working together on this issue, particularly in light of difficulties with the railroad company.

Pat Salathiel, 4888 Five Mile, suggested that it would be helpful to have the plan displayed for the public during discussion, as not everyone has been to all the meetings on the subject. She also asked about the wisdom of a potential requirement that if a building becomes vacant for a certain period of time it must be removed to prevent it from becoming derelict.

Gene Veliquette asked how the relationship with township consultants is managed and who pays for it. How many looks at the plan do they get?

Chuck Walter, 6584 Bates Road feels that the township should pressure MDOT and the Road Commission to address issues at the Bates/M-72 intersection, particularly with all the new development in the area. He used to prohibit his daughter from turning left onto M-72, and had a car totaled at that location. He would not support any development there until the intersection is addressed.

Mr. Andres feels we should be looking at a plan for the entire M-72 corridor.

Public Hearing closed at 8:21 p.m.

Motion by Krause, support by Wikle to continue the Public Hearing on Application #2007-5P to the January meeting. Motion. carried unanimously

6. New Business:

a) Approve 2008 Planning Commission Meeting Schedule :

Motion by Wikle, support by Yamaguchi to adopt the 2008 Planning Commission meeting schedule as presented. Motion carried unanimously.

b) Amendment replacing Mobile Home and Manufactured Housing developments ordinance: Hull stated that our legal counsel recommends review and replacement of our existing mobile home park development ordinance. It is outdated in terms of the state laws which it references. Also, if a local ordinance contains requirements above and beyond state regulations (“a higher standard”), it must be reviewed and approved by the state – a step which never occurred with the existing ordinance. The model ordinance provided comes from the state and contains examples of sections that could be included that would not require additional state review.

Hull originally suggested that a public hearing on the proposed ordinance be set for January; however, he and Grant now feel that the Commission should take a month to review the materials and that the next discussion should be among the Commissioners and can be detailed as to things like density and setbacks.

Grant examined this issue at Vreeland’s request. Just because the ordinance is old and outdated does not make it necessarily indefensible, but it is of concern. He spoke to some people at the Department of Labor and Growth, which regulates mobile homes and manufactured housing. They said that it can be difficult for a community to navigate their rules and determine whether a local ordinance needs state review. In

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the model ordinance, non-italicized sections are automatically allowed by the state. Italicized sections have been brought to the Manufactured Housing Commission by other municipalities and would likely be approved. Grant stated that the current and model ordinances have substantial similarities, but there are notable differences. For instance, we currently require two entrances to a mobile home park, but this may be something the state would have to review. Minimum lot sizes are not described in the state regulations or their model ordinance. His contacts at the state said that the densities could be “reverse engineered,” perhaps in terms of number of units permitted. If the township inserts a minimum lot size it should certainly be sent to the state for approval and there is no way to know if any given size would be approved or not.

Carstens asked if there are many alternatives, or if most of the choices are made by the state for us. Grant stated that most basic things (maximum setbacks, road and sidewalk widths) are firmly prescribed by the state.

Yamaguchi asked where the rules referenced in the model ordinance occur. They are state rules created to “flesh out” the state statute. The rules regulate mobile home parks in detail.

Wikle asked if the public hearing on the Cherries R. Us rezoning request needs to be delayed. Vreeland stated that the zoning ordinance amendment does not affect the rezoning request, and was proposed for independent reasons relating to a discussion about the Bates Crossings rezoning with a neighboring property owner. It is important to look at these regulations now as the rezoning request indicates that we may need to use this ordinance soon.

Hardin asked about the words “mobile home” and “manufactured home” and whether the different terms imply differences in treatment or project layout. Grant stated that the rules indicate that the terminology has changed universally from “mobile home” to “manufactured home.” Krause would prefer to prohibit any housing not permanently attached to a foundation. David noted that mobile homes are built on a chassis. Vreeland observed that homes on a chassis and wheels are titled as vehicles and not subject to property taxes, whereas homes on wheels are titled and taxed as real property.

David observed that there could be a time pressure in considering the proposed zoning ordinance amendment. If someone were to make application for a mobile home park permit before a new ordinance is adopted, what would happen? Grant stated that without exhaustive discussion of potential township liability in open session, most of the ordinance is probably fine with only a few areas potentially open to challenge. It would still be prudent to move ahead with the amendment reasonably quickly. Krause asked who would prepare changes to the document; legal and zoning staff would do this. The Commission would appreciate some materials that compare and contrast the provisions we currently have with the state model ordinance for the next meeting.

Carstens realizes that the level of state regulation in the situation is high, but he would favor provisions to the extent possible that allow for creativity in mobile home park layout. He would like to see ordinances from other areas in the state that have mobile home parks, presuming that this means those ordinances are state-approved. Grant pointed out that this would be unwise, as the developments might predate existing state requirements or have been built pursuant to local ordinances that could have been challenged but were not.

By consensus, there will be continued discussion regarding proposed mobile home park ordinance amendments at the January meeting.

Mr. Mansfield is the local Michigan Townships Association (MTA) representative. After years of debate, MTA has taken the debate about local vs. state regulation of manufactured housing off its priority list. The Manufactured Housing industry has a very strong lobbying organization. Woodcreek is a manufactured housing project in East Bay Township at the corner of Three Mile Road and S. Airport Road that has won awards on a national level. It respects the piece of property on which it sits. Long Lake Township has a good ordinance. Requiring curved roads can keep road speeds down.

Mr. Garvey expressed concerns about the lot sizes in the model ordinance, which are italicized. The current ordinance allows for 5,000 sq. ft. minimum lot sizes. He suggested again that having a site plan to review would help people understand the request. Vreeland related the history of the Herberger rezoning of a piece of property across from Tom's shopping center from R-3 to B-2. During the process they presented a plan for a garden center, and this plan was the basis for the decision to rezone. The garden center was never built. If a plan is presented for a rezoning people tend to believe that is what will be built, and we can't compel it to be built.

Mr. Andres asked how many homes are in the Woodcreek project; Mr. Mansfield stated there are about 250 homes on 90 acres, with 30% of the land being in wetlands. The lot sizes are about 6,500 sq. ft. Meadowlane has 5,000 sq. ft. lot sizes which basically accommodate a single-wide home and nobody generally uses that size anymore.

7. Old Business:

- a) **Discussion of Sewer District Amendment to include Bates Crossing property:** Hull is asking the Planning Commission to move forward by setting a public hearing on the question of expanding the sewer district to the Bates Crossing property. The Infrastructure Advisory has discussed some technical questions about the situation. Vreeland stated that some questions need to be answered for staff for a public hearing to be published about the shape of a proposed district amendment.

Mark Lewis stated that the Infrastructure Advisory has been looking at issues concerning the capacity of existing sewer lines and lift stations, as well as line capacity that we share with East Bay Township and regional treatment plant capacity. The entire Acme sanitary sewer system leads to a lift station in East Bay Township at the base of Four Mile Road. It is essentially divided into two regions, one of which flows through an older line along US 31 and the rest of which flows through a new sewer line constructed in 2003. Flows from Bates Crossing would come through Lift Station #6 which serves the northeastern portions of the system and brings flows uphill into Acme Village. This station can handle about 600 more benefits, 200 of which have already been optioned by the Village at Grand Traverse (VGT). Total benefits needed by the VGT as conceptualized are close to 2,000. The Meijer store would need about 200 benefits; the number needed by Bates Crossings has not been calculated.

Where the flows from this area enter East Bay Township we are allowed approximately 47% of the pump capacity; we are working to find out how much of that capacity we are currently using.

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Another component of the equation is that one sewer “benefit” or capacity/usage unit is currently set at a certain amount of wastewater presumed to be needed by a single family residence. This may or may not be accurate in terms of what the average residence actually generates. If this is examined and reassessed, perhaps it will develop that the existing infrastructure can handle more flows than currently believed.

Solutions to all of these issues can be engineered; it is a matter of planning for them and who will pay for them and carry them out.

There are philosophical issues to be examined that the Infrastructure Advisory is not designed to answer, including what areas does the township want to serve long-term; what future flows might be generated in those areas (because improvements should be sized for the long-term future rather than the present or immediate future.)

Carstens would like to understand the relationship of “benefits” to flow capacity, current volumes and anticipated future buildout volumes for all developments for which there are commitments. Lewis stated that this is not something his advisory will cover. They will point out potential problem areas, and perhaps the township may wish to either hire a consultant to perform a study or work with the applicant to answer those questions. They can provide a snapshot of the present: what portion of our capacity we are using now and what it would take to handle what we are being asked to add to our service area. Just for the VGT the existing liftstation and some existing gravity lines would need significant upsizing, and perhaps some of the facilities in East Bay township would as well, plus there would be contracts with them to renegotiate. Zollinger asked if any ballpark cost estimates have been done. The 2003 improvements cost around \$1 million. Lewis guessed that costs for the type of improvements we are discussing could cost \$1 – 2 million. Without a detailed study we don’t know what portions of the existing system can be modified and which would need total replacement.

Another interesting factor is that some of the gravity lines change size at different portions from 15” to 18” and back to 15”. The 15” lines at the slope they are set at can handle around 1,500 gallons per minute (gpm).

Lewis also stated that there could be some good opportunities to improve the system contained in the situation.

Gene Veliquette says his research indicate that not enough capacity is available for LochenHeath or for VGT. A study was done several years ago leading to defeasement of some bonds that would have completed some additional system improvements. Lewis stated that Gourdie Fraser performed a study for improvements for one half of a system that is separate from the portion of the system under discussion. The improvements that were discontinued would not have helped with the portion of the system under discussion. The Infrastructure Advisory recommended the defeasement based on a cash flow problem, and stated that there would be about a five-year window before upgrades on that other portion of the system would have to be performed. There is not enough capacity in that portion of the system to serve all of LochenHeath currently, but the entire development will not be built overnight which was part of the considerations.

Ms. Knopf said that phase 1 of the bonded project included installation of the 18” pipe. The idea was that this would handle any flows from the VGT and future districts such as in the Bates area. She feels the only thing that should require

upgrading is Lift Station 6; the pipe should be big enough according to what they were told. Lewis explained how the 2003 project redirected flows through new and existing lines and pumps. Flows in a gravity line were decreased, but with the number of units the developments proposed during the original studies and on which the improvements were based are significantly lower than the actual units now being proposed. A new analysis may be required based on the changed information.

Hull heard Lewis say that of 2,500 possible new benefits development would add to the system, only about 300 would be needed by Bates Crossing. This seems a relatively small portion of the whole. Hull also asked about timing of development and how costs should be shared between various developments. Mr. Mansfield agreed that this is a large and complex question, and believes that earlier township officials foresaw this when they helped increase the capacity of the treatment plant and purchase of land for a new plant. The City and the townships have been growing at a speed consistent with some earlier projections. Users ultimately pay for the system and townships have bonded for projects. New models for funding improvements need to be examined; East Bay nearly was broken by the costs of their water system. The township should be concerned with what the industrial park and other commercial users are putting into on-site septic systems. The township should realize that fears about unbroken development along the corridor are mitigated by the presence of wetlands.

Carstens noted that some of the pictures in the meeting packets were printed in black and white rather than in color, which made them difficult to read. If color versions could be available next week it would help in interpreting the material.

Vreeland asked for direction in how to add to the existing sewer district map an area demonstrating potential areas to be added to the district. The map will assist additional discussion and is subject to change through the process. Through discussion the direction was to add the entire area south of M-72 and north of the railroad tracks west of Bates Road, the entire Nielsen Enterprises (Bates Crossing) property north and south of the railroad tracks in Bates Road, the north side of M-72 east of the current district and west of Bates Road, areas on Deepwater Point surrounded by but not included in the current district, and the Cherries R Us property requesting rezoning plus any properties between it and the current district boundary.

Discussion will continue at the next meeting as discussion only and not as a public hearing.

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

Nels Veliquette thanked the Commission for discussion about the sewer district, particularly inclusion of the Peaceful Valley area not yet included. Sewer districts are not urban growth district boundaries. Sewer doesn't necessarily bring development; some unsewered areas are already developed. Also, at the last Board meeting there was discussion about nitrates reaching the bay, and the township Supervisor stated that the sources were golf course and agricultural chemicals. He takes exception to this; much of the contamination comes from fertilization at private residences and from improperly maintained residential septic tanks.

Ms. Knopf agreed with Mr. Veliquette. When the Deepwater Point sewer line, houses more than 200' from the line were not required to hook up. Their septic tanks represent a hazard, particularly those that are close to the shoreline and she believes they should have to hook up if the line passes by them at all and/or if they are on a waterfront property.

Gene Veliquette heard that as of late this afternoon the Circuit Court issued an order

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reinstating the VGT special use permit and resolving outstanding conflict of interest issues. He hopes that delays in processing the permit come to an end. He is uncertain how the township could have appealed the case to the state Supreme Court without public discussion or a voted motion. He doesn't know the cost of this action or how it was paid for. The current Board fired the former township attorney and hired one that previously worked for Concerned Citizens of Acme Township. He wonders if the attorney has a conflict of interest.

Margy Goss, 4105 Bay Valley Drive expressed pleasure that Judge Rodgers reinstated her group's SUP and is as excited about working with the township as Mr. Mansfield. She hopes everyone working for the township is as ready as they are, as they have waited a long time.

Hardin stated that several years ago National Geographic highlighted the Mitchell Creek watershed, and they highlighted aging septic systems as a key cause of waterway pollution and degradation. Krause has a 23-year old septic system 100' from the bay and he would like to hook to the regional sanitary system.

Meeting adjourned at 10:00 p.m.