

St. James Planning Commission Meeting

Tuesday, April 4, 2023

Minutes

- I. Meeting called to Order at 6:00 PM, Quorum Established, Pledge of Allegiance
Roll Call of Commissioners:
 - a. Present: Lori Taylor-Blitz, Mark Engelsman, Julie Runberg, Vic Van Deventer, Paul Cole
 - b. Absent: Beth Crosswhite: Excused
 - c. Empty seats on Commission (1)
- II. Motion to accept and approve 4/4/23 agenda made by Cole and 2nd by Engelsman. Approved.
- III. Discussion of 2/7/23 Meeting Minutes between Engelsman and Zoning Administrator Rick Speck concerning permit S-1902 as to what type of permit it was regarding the structure/building, to which was answered that the structure is described as a “trailer”.
Motion to approve 2/7/23 minutes made by Runberg and 2nd by Van Deventer.
Yes: 4 | Abstain: 1 Taylor-Blitz Abstains. Approved.
- IV. New Business
 - a. The St. James Township Planning Commission recognizes the resignation of Planning Commission and Secretary Robert Cole, stating an appreciation for the work he has done and announcing an open seat and secretarial position now open on the Commission.
Commission and Zoning Administrator discuss the possibility of a separately paid secretary not on the Commission as this action has been done in the past.
The Commission decides the open seat and position will be posted and updates will be made at the next meeting in May.
 - b. S-1906 Timothy Turner permit application comes before the Commission with comments from Contractor Preston Herren concerning Article VI Section 6.13, Harbor District and in relation to building height restrictions of accessory buildings and questions concerning separate lots/parcels. Herren shares that currently this permit is for a non-dwelling, finished garage with storage area above of a total height of 24' located on a separate, adjacent lot/parcel from a dwelling structure of the same owner. Hessen states that he is open to changing the height to the 20' limit of an accessory building but asks first if this structure would be considered an accessory building being that it is on its own lot/parcel and complies with all required setbacks.
Commissioner Engelsman poses the question “What if these parcels were to be combined in the future and this garage would then become an accessory building that does not follow the Zoning?”.
Commissioner Taylor-Blitz suggest perhaps bringing this issue before the Township Attorney for review and tabling this permit until next meeting.
Commissioner Cole shares that he views this issue as a variance issue of 4' to which Van Deventer agrees.

Zoning Administrator Speck recommends the Commission to approve this permit based on the grounds that the structure is on a separate lot/parcel and complies to all required setbacks and zoning.

Motion to approve Timothy Turner Garage Permit S-1906 as presented due to building being on its own lot and not an accessory building made by Engelsman and 2nd by Van Deventer. Approved.

- c. S-1907 Rezoning Application from St. James Township is presented to the Planning Commission followed by discussion of the process of rezoning. Motion to begin the process of rezoning with a tentative date of May 2, 2023 for a Public Hearing at the St. James Township Hall at 5:30PM made by Runberg and 2nd by Engelsman. Approved.

The Commission also agrees that Planning Assistant Shelby Harris will draft letters of information and a public notice for the Public Hearing before the deadline date of April 14, 2023 in the absence of a Commission Secretary.

- d. S-1908 Welke permit application is presented to the Commission with comments from Roberta Welke concerning the recent revisions to the Covenant of the Karnes Property that will allow for this structure design and most likely be the first home within the Karnes Property area. Zoning Administrator Speck comments that with these revisions and Harbor District Zoning this application is in compliance and follows suit. Motion to accept permit application S-1908 made by Cole and 2nd by Engelsman with comments of excitement for this progress. Approved.

V. Old Business

- a. Chair Taylor-Blitz shares updates to the Master Plan including that the newest final draft is to be shared this week and will be available for comments and edits by the Joint Planning Commission. Taylor-Blitz also shares that the Joint Planning Commission was highly recommended to utilize the 63-day Public Comment Period due to the many changes within the Master Plan Update and thus expresses an urgency to review this document and have it available for public review to begin the final process of the update. Discussion of the next steps after the Master Plan Update followed which include St. James Township and Peaine Township updating their Zoning Ordinance. Comments were made by Commissioners and the Zoning Administrator of a preference to hire a consultant company [for the Zoning Ordinance update] that has experience in remote zoning, to which all agree. Planning Assistant Harris asks the Commissioners that while they are reviewing the final draft of the Master Plan Update to begin to consider how to zone the outer islands based on the future land use map.
- b. In substitution for Commissioner Crosswhite, Commissioner Runberg who is also on the ETIPP Core Team, updates the Planning Commission on the Island's ETIPP Scope of Work (shared with Commissioners) is completed with the next step being to gather all necessary data to be analyzed by the Pacific Northwest National Laboratory as part of the ETIPP assessment process. The Commission thanks Runberg for the update and looks forward to hear more progress.

VI. Correspondence

- a. Planning Assistant Harris brings to the Commission concerns regarding the recent approval of a "food trailer" stating that "Based on past statements, events, lawyers' opinions and our current Zoning Ordinance (ZO) it would

appear Permit Application S-1902 is not a legal permit to approve. This in turn opens the Township to potential legal backlash, future incidents of similar issue and represents an inconsistency in the [St. James Township] Planning Commission's and Zoning Administrator's interpretation of the [St. James Township] Zoning Ordinance. Several factors point to issues of legality for this permit including no language within the Zoning Ordinance to refer to this structure in a clear way, thus no clear way for this process to be repeated and if a language of similar relation were chosen such as "restaurant" or "drive-in" the structure does not meet Zoning requirements still. Further concerns are that a lawyer was not utilized for any review, consideration of this "hot topic" seems to be overlooked, contradicting statements have now been made in regards to "mobile food units" that do not fit our current language and high concern for setting a precedence not wanted by the Planning Commission or the Zoning Administrator." Harris' suggestions to resolve this issue include to attach a condition with the motion of approval or withdraw the approval of the permit, to move forward with updating this section of the Zoning Ordinance now or to make this a high priority in the Zoning Ordinance Update to come. Zoning Administrator Speck advises the Commission they are not able to withdraw their approval due to the number of days since its approval and potential legal backlash but agrees there is a need to address the issue as a whole for the future.

A discussion of what is currently stated in the Zoning Ordinance and how it is interpreted followed, with an agreement to focus on the Zoning Ordinance Update as soon as the Master Plan is completed, which is scheduled to be sometime in June 2023.

Commission Chair recommended any further action in regards to the questions should be directed to a St. James Township Zoning Board of Appeals.

VII. Board Member & Public Comment

- a. Commissioner Cole comments that moving towards stronger [township] structures and having clear priorities for the future, needs to be the ultimate goal of the Planning Commission and Township Board.
- b. St. James Township resident Cynthia Pryor shares a concern for the "food truck" issue to the Planning Commission, requesting that the Planning Commission does not wait but rather move forward on this issue as soon as possible due to the high interest of mobile food units on the Island.

VIII. Adjournment

- a. Motion to adjourn made by Taylor-Blitz and 2nd by Engelsman. Approved. Adjourned at 7:23PM.

Next SJPC Meeting is scheduled for 5/2/23