

SPECIAL PLANNING COMMISSION MEETING

APRIL 9, 2020

MEETING HELD ELECTRONICALLY DUE TO COVID-19 RECOMMENDATIONS

Commissioners present: Derek Babcock (Chair), Donna Romanak, Joe Wooding, Mike Koshar, Georgette Peterson, Annie Davidson-Funke (alternate)

Other Attendees: Brian Knotek (Attorney), Ken Dettloff, John O'Connell, Phil Pitts, Doug DeLeo, Ted Swanson, Cheryl Duncan, Phil Sanborn, Dan Higgs, Chris Passmore

Meeting was called to order at 6:03 PM by Derek Babcock. All Commissioners were present

Derek's introductory was as follows "We are here tonight to review a draft of a new Adult Use Marijuana Ordinance. I wanted to address the process because there may be some confusion. The Township Board tasked the Planning Commission with drafting an adult use ordinance for their review. The Township attorney drafted the ordinance that will be reviewed tonight. He incorporated letters submitted by members of our community, comments made by members of the community over the past 5 months, as well as the best of ordinances created by other communities. The Planning Commission and Board have been listening carefully to what the community wants as we move forward.

Tonight, the PC will discuss the drafted ordinance, decide if any changes need to be made, and then vote on whether to send it to the Board for review and approval.

If the PC votes to send the ordinance to the Board, at that point, the draft will be available to the public.

The public is also encouraged to contact any of the Board members prior to the meeting either by phone or email (the contact information for each Board member is on the Township website)

We believe it is important to keep moving forward with business as best we can. We appreciate your participation in this difficult time."

Derek asked if there are any changes to the Agenda. Mike made a motion, supported by Georgette:

To add Public Comment to the beginning of the Agenda as well as at the end. All in favor. Motion carried.

PUBLIC COMMENTS

Annie said we should resolve some of the issues with the old ordinance and she would like the PC to have more authority and add more specifics. She added we should go forward in a consistent and timely manner.

Cheryl Duncan said that we have had residence and grower meetings and Dan has put our ideas on paper and she hopes these will be considered. Dan said he would like the Township to create separate ordinances which would give a clean slate and would resolve the "Grandfather" issues. He added most ordinances occur over a series of public meetings and urged the PC to take their time because they will never have this opportunity again. Mike said he thinks it is crazy to be rushing. He added the Township can opt into recreational and we have a lot of concerned taxpayers that we need to think about. Georgette asked why rush through this and Derek responded that we have been dealing with this since

November and asked how much time it takes to review and Ordinance and this is a Committee to review it.

Ted said he would correct that and added that he was at those meetings and there was nothing said about adult use. Phil Pitts said it was on the board and it was a question and answer period on Cannabis. He said there were questions and answers on both Adult and MM use and that was why the Supervisor addressed those meetings. Georgette said that she remembered saying we weren't referring to Adult use at those meetings.

Phil Sanborn said it seems to him the ordinance is being rushed and he agreed with Mike that we shouldn't rush forward but he disagreed with Mike about opting in.

Mike said when it's posted Q&A, it's an educational session and it was not meant to be on an ordinance. Ted said the way it was on the board was misleading.

Mike said the Township has nothing to gain by pushing through and only the growers can gain. He said we only have 7 up and running in the township and asked are we going to rush this through to make money.

Cheryl commented that it was hard for them to make comments on the ordinance when they haven't seen it. Derek said it's not the public's task to make this ordinance.

Brian said the only ordinance in play now is whether we will allow adult use. It is an ordinance establishing rules on how it allows to operate. There were no public hearings on Police Power for MM. The zoning ordinance is different; the police power ordinance has not been amended yet. The zoning ordinance will need to be changed because we currently don't allow it. In this case, the township residents are protected because this is the Police Power Ordinance, not the Zoning Ordinance. The reason there was not a public hearing was because of me, he added. Draft ordinances are not for the public. If it is approved tonight, then the Ordinance will be made public. It is up to the Commissioners if they want to send it on to the Board.

OLD BUSINESS

Proposed Ordinance for Adult Use Marijuana

Derek said you have all received it and it is clear that this only affect the MM.

Georgette said she thinks there is misunderstanding about not adding any more facilities.

Brian said there are 3 key provisions. The first is density. The second is the Creation of a Committee. When there are applications for licenses, the Committee will review them. The Committee will be made up of The Township Planner, The Township Attorney, Chair of the Construction Board of Appeals and 1 Township Elector. This will be an Advisory Committee and will report back to the Board and the PC. Brian added the rest of the document is definitions and it is designed as a single ordinance. He said he doesn't agree that separate ordinances would take care of the "Grandfather" clause.

Derek added this will also make us able to limit numbers of grow operations. He added everyone got Ken Detloff's MEMO. Derek went on to read Annie's e-mail which said: There are 66 Provisional licenses at 20 locations totaling 620 acres; there are 58 Provisional licenses with a SUP at 17 locations totaling

570 acres; 23 of these provisional licenses at 5 locations totaling 234 acres are licensed by the State and operating. The township is 36 square miles or 2,340 acres.

Derek said his recommendation on licenses is a total of 80 Grower combined Recreational and MM; 2 Provisioning Centers, 0 Safety Compliance Facilities, 0 Secure Transporter licenses and 0 Microbusinesses. Mike asked how we will determine who gets the additional 14 licenses and Georgette asked why add any more and not just allow conversions. Mike said if we go by just adding 14, we will penalize those who wanted to start out small. Dan said the State is allowing growers and not class specific. Georgette asked Derek why he would want two Provisioning Centers and his reply was that it is the only tax benefit the Township will receive. Mike said the issue that he has is the growers who have the financial backing are going to be able to apply for these licenses. Brian said by stacking licenses, they will have to have a Public Hearing and if the PC has a problem with density, they could recommend to the Board how these licenses would be applied for. Mike said the way it stands now is if a grower has 40 acres, they may not have the money to get more than 1 license. Brian said if someone gets all, they may not get approval. Derek commented that it should not be the PC's concern if they have the money. Mike said he does not like it this way and that Dan Higgs had a way of a percentage of lot coverage. Ken said that would be a zoning ordinance and it's a slippery slope to favor 1 property owner over another. Derek told Ken his Memo was very precise. Ken inquired of Brian saying that local communities have given preferential treatment to contractors that are local; would there be a possibility of doing this? Brian answered that he didn't believe so but stated he has not researched it. Georgette noted that on the form the number should be 14 and not 80 to make the difference between the present 66 and what the PC is proposing. Discussion ensued with the outcome being to reword it to say total licenses. Mike again stated that he didn't like it because of the small growers. Georgette asked Mike how he would do it and his reply was that the percentage would be the way to control density. Ken stated that his comment on the slippery slope was not meant to refer to density but to preference given to local folks but, he added that he thought density could be incorporated. Derek said when you use a percentage, there are some with wetlands which limits them. Derek reminded that we will have accomplished having no more establishments. Donna asked if we could say something like 100 total. Derek responded that he was originally at 100 but that is too many. Mike asked if there is a way we can control who gets these per density of their property right now? Derek responded that in the past, with stacked licenses, Ken has been involved. Ken said they would have to have a corresponding network of facilities and Derek said if the infrastructure won't support it, it can't be allowed. Mike said if one allows for 4 and a neighboring grower allows for 4 and each neighbor allows for 4 and so on and added that there has to be a way we can control this. Georgette agreed but stated it must be legal. Brian said we have the language and we can add 1, the existing MM license holders and 2, the lot coverage. Annie reminded that a Provisioning Center can't be within 500 feet of a church, school or residentially zoned property. Derek said it is a good idea that we will look at it in 1 year. Mike asked if this Ordinance would take effect before the Zoning Ordinance and Brian replied that it would take effect but it isn't allowed until the Zoning Ordinance is amended.

There was discussion about page 21 of the ordinance regarding penalties and Brian explained that one is a civil remedy by the Township and the other is imposed by the Court.

Derek asked if there are other issues. Brian said if the PC sends this to the Board, he is going to ask Phil Pitts to put this on the website and he is asking people to write their comments to the Board. He noted

that in the March Ordinance there was a comment on not allowing stacking and a correction was made from one draft to another.

Joe made a motion which was supported by Donna:

To approve the Ordinance as modified and pass it on to the Township Board for their consideration.

Discussion: Mike asked if the Township has to have this to opt in and Brian responded yes, if you opt in without this Police Power Ordinance, it would be meaningless.

Vote: Dona, Joe and Derek-Yes Mike and Georgette-No Motion passed.

PUBLIC COMMENT

Annie said we have 6 licenses in limbo, 2 are single licenses on single parcels and there were issues with the Site Plan on one in July 2019 and 1 that got licenses in June 2019 but have done nothing yet. She added that we do encourage speculation by allowing them to sit on them and then advertising for sale with the marijuana license. She said we need to review at least quarterly. She noted that on CR 215 from 28th to 24th is a big issue; they have good infrastructure. She said there are 3 large parcels there and she thinks we need to be very diligent about the people that don't do anything with their property.

Chris Passmore said we are a small Class A and we have been hoping the Township would opt in. We have been building our farms and don't have the money to buy a license now...is that right? Derek asked with the 1 Class A license you have, can you convert it? Chris said yes but we planned to grow our business by adding another Class A. Mike said the way I understand it, you are correct, Chris. Chris said we don't have the finances for this, so I don't have an opportunity to grow. Derek said that would be a great question to put into writing for the Board. Mike said we can review these numbers. Dan commented that by sitting on a cap of the total number of licenses, it punishes the people who were responsibly growing and allowing the others to grow. He said it would be better to not limit licenses but control density. He added that his intent was to start with 500 and add after checking with neighbors with each addition.

Ted Swanson reminded the PC that the Township Plan was adopted and noted that in a couple different spots it says we answer to the Public and it develops consistent with the values of the residents. He added that it's important that you listen to the residents because that is who you are serving.

Cheryl said to Derek that she has heard him say you've learned a lot but what about densities. She said I think we can all agree we would like more Dan's and Chris's but where are the things the people have brought up? Derek responded there will not be any more facilities coming in and set-backs are addressed in the zoning Ordinance.

Meeting adjourned at 8:05 PM

Respectfully Submitted,

Georgette Peterson

