

PLANNING COMMISSION MEETING

APRIL 1, 2020

OPEN MEETING HELD ELECTRONICALLY DUE TO COVID 19 RECOMMENDATIONS

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

Other Attendees: Ken Dettloff, Phil Pitts, Hal Manning, Troy McLaughlin, Dan Higgs, Carmine Pistolessi, Jude Samson

Meeting was called to order at 6:00 PM by Derek Babcock

Roll call was taken-all Commissioners attending

A motion was made by Joe and supported by Donna

To approve the minutes of the March 4, 2020

Discussion: Georgette informed of changes needed. On page 5 Regarding 27035 CR 215/Dragonfly Kitchen II Inc.; the words (Dragonfly Kitchen II Inc.) are to be removed. On page 6 Regarding 26980 CR 215, the words (Dragonfly Kitchen II Inc.) should be added. On page 7 Regarding the Motion on the Review of 24685 CR 681/C. Pistolessi, the motion was supported by Georgette (not Mike).

A second motion was made by Donna and supported by Mike:

To approve the minutes of the March 4, 2020 with the corrections as noted.

All in favor. Motion carried.

A motion was made by Georgette, supported by Donna:

To accept the minutes of the March 18, 2020 meeting as read.

All in favor. Motion carried.

Derek reported that the rezoning request noted on the March 18, 2020 minutes has been withdrawn by the owner.

OLD BUSINESS

There was no Old Business to attend to.

NEW BUSINESS

Re: Special Use Permit Renewal, UP High, LLC (29300 50th Street)

Derek put the Site Plan on the screen for the Commissioners to see. This property was originally approved on April 17, 2019 and, to this date, no construction has been done. The owners plan was to start this year. The fence has been moved back to inside the berm and one pole barn will be a little bigger. Going through the Criteria as set, there is nothing that needs to be done at this time. Derek told Troy McLaughlin (owner) that he would like to see construction being done within 12 months. Troy replied that some of the greenhouses wouldn't be done in Phase 1. Brian asked Troy about permits and

he said he has 2 Class C Permits. He said that in the 1st Phase, he will build closest to the house, do the fences, the berm and the water. He added that he tried to get the DEQ in but they stopped the meeting. Ken said that he thought moving the fence inside the berm was positive and the addition of adding 3,000 sq ft. to the pole barn was not sufficient to hold another hearing. Troy said they moved the fence because that appears to be the way the Township wants it. Derek said his recommendation would be to renew the permit with the usual conditions of: Generators will be used only during construction and only during daylight hours and then for emergency back up only. The hours of operation will be from sunup to 10:00 PM. Putting a dust control plan in place. Having a noise control plan. Obtaining a Commercial Driveway permit. Obtaining permits from EGLE, the Energy Company and the Building Department. Adequate screening with vegetation. A Certificate of Occupancy will be needed from the Township. A filtration system will be in place to alleviate odors from greenhouses. Mike asked what will be on the berm and Troy responded grass and some pine trees. Derek noted that architectural drawings will come and will be attached to the Site Plan. Mike made a motion, supported by Donna:

To recommend approval to the Township Board with the conditions and with Ken's Memo for 29300 50th Street.

All in favor. Motion carried.

PROPOSING ORDINANCE PROVISION TO THE Township Board re: ADULT USE MARIJUANA

Brian explained that what this Ordinance does is encompasses Medical and Adult Use marijuana so there will be only one Ordinance. He went on to say that 2 things need to happen. One is a Police Power Ordinance which has to do with the authority of the Township to adopt ordinances and what happens is an Ordinance needs to be adopted first. Second is the zoning issues which is a separate Ordinance. He explained the verbiage of a facility referring to Medical Marijuana and Establishment referring to Adult Use Marijuana (not to mean a building as the word establishment is typically used). Ken said one of the recommendations he will make is to satisfy conditions of setbacks and density. He said he was waiting for conversation on set-backs, zoning etc. and Brian responded that would require a Public Hearing and suggested a Public Hearing be scheduled for the May meeting if the PC recommends to the Board and the Board moves forward with the Ordinance being discussed.

Brian reminded the Commission that we can interact with suggestions but not as a committee until the next PC meeting.

Ken asked what will happen with the Committee mentioned in this Ordinance if the Board chooses not to adopt it. The response was it would dissolve. Derek noted that this gets the Township started in making 1 Ordinance. Mike asked why the committee would advise the Board and not the PC and Brian replied that his thought was the Board would be receiving recommendations from 2 separate entities. Brian said, this could be changed in the wording of the Ordinance if the PC so desired. Regarding the membership of the committee, Derek said he did not think anyone from the PC should be on it and Mike responded that a member of the Board shouldn't be on it either. Brian explained that the committee is not a Public Body and no minutes will be taken; it is an Advisory Committee. There was more discussion on the makeup of the Committee.

Discussion then took place on the numbers of each class of Adult Use Marijuana. Carmine said he did not think the same classifications were used but the highest amount allowable is 2,000 plants. It was

noted that the PC can make it more restrictive. Mike asked if we could limit Classes for Medical and then Adult Use and Brian's response was that if the PC wants to limit growers, everything recommended would apply to new growers. Georgette asked if it was necessary to decide during this meeting and Brian responded that he would recommend it. Derek asked why there was an unlimited grow amount in the very first MM Ordinance and Joe replied they never thought it would grow so much. Brian added it was treated as an AG process. Georgette stated she did not think anymore were needed and Mike stated that only pertains to MM. Brian said there are 2 parts, the Moratorium relates to MM including grower applications. He noted that MM growers will be the first ones to apply to the State for Adult Use. Ken asked if there was something different about the two and Derek responded they are the same. Dan said the testing is different. Mike said MM has stricter regulations. Derek asked how many MM licenses are there now. Annie replied 63 grow were issued and 2 of these were withdrawn. Microbusinesses were discussed briefly. Dan said he did not think we would end up with any in the Township. Dan said he thought 6 licenses would not be approved and Annie said it must be a year before anything can happen. Brian said if no steps at all are taken, and they apply for renewal, it is up to the PC to decide if it should be renewed. Dan added that by Judith and Cheryl there are some that have not done anything. Annie reminded the PC is recommending renewal for SUP's and the Board is responsible for renewing licenses. Dan asked if someone could not do anything for 5 years and Brian said it can be a basis for denial or revocation and he recommends a 12-month period for acting on their SUP.

Discussion then took place on numbers. Brian said he understood that the PC wanted the existing MM licenses to be final and no more would be approved. Joe asked where the Provisioning Center gets it and was told they buy directly from growers. Joe asked if they could sell to dispensaries and Dan said the dispensary must buy MM and convert it. Carmine said the process of getting the product to the Provisioning Center or Adult Facility will change. Brian noted the Township's role in everything described is what will the Township allow. A Public Hearing will not be required unless the Site Plan changes or expands. Derek said the Adult Use allows for more plants. Derek said that he thought the PC was on the same page and will only recommend current license holders (prior to 6/19/19) be available for Adult Use market. Georgette asked if density could be discussed and Derek said it depends on the plants. Mike added that we need to figure out how to control that. Annie said that she thought what Georgette and Mike are referring to is the number of licenses per acre. Derek said we can't take them away and Annie said she meant for future. Donna said she thought the language said the licenses can be stacked. Derek said the State does allow stacking, but we can control the numbers. He asked what number we would put out there. Brian said the Township can say that any application of additional licenses can be an expansion of the use so it would require a new SUP and Public Hearing and it can be heard on a case by case basis. Derek thought it is a great solution and can help us streamline. Mike asked if we did that, would that allow us to control density? Brian said if we change the definition of stacking and it is an expanded use. Derek asked Brian if it would be best for him to modify the Ordinance he has written, and we could have a Special Meeting next week. Dan said if the PC is uncomfortable with basing things on plant count, we could do it on lot coverage. Brian said that would be correct. Dan said he encouraged the PC to have a separate Adult Use Ordinance to avoid grandfathering in. Mike asked why and Dan replied it would start with a clean slate.

The Committee make-up was discussed.

Ken asked regarding lot coverage would it apply to hemp? He said he has to think this through and see if it's reasonable. Mike said he was talking about growers surrounding a place. Ken said not if you put a number on Adult Growers. Derek said we aren't going to allow anymore Growers. Mike said there are areas that are populated by grow sites and we are hearing about density from the public, Derek told Mike that he thought he had brought this up before. Brian said he will provide the PC with information on this. Brian reminded the PC that the Board has the option to pass or to send back. Derek said the Board has had 3 Public Meetings and has had the MTA lawyer in.

A Special Meeting will be held electronically on Thursday, April 9, 2020.

PUBLIC COMMENT

Dan said in relation to concerns about a rush in relation to us (growers), we can still sell product. He said he encourages the PC to take the time and make it right. Jude Samson said his question is related to density and there are farms that have more than he does. Derek responded that question was answered earlier. Brian said if the PC recommends and the Board adopts, upon receipt of any existing MM applications for Adult Use, it will be considered an expanded use and heard on a case by case basis. Carmine said he agrees with Dan that it's important to get it right. He added for the growers, it is time sensitive and delaying 1 or 2 months is actually delaying 1 or 2 years for them. He added another topic touching on Jude's question and Brian's response, discussing density, subjective judgement should be avoided and something more concrete should be in place. Mike asked Carmine what the timeline is to make it happen for this year; Carmine said the standard licensing time period from the State would put them in June. Dan added it depends on how badly the State is back logged. Mike said even if we get it through and the Board passes on the 16th, it would avoid a grow this year and Carmine replied if there were no changes, it would expedite the process.

Meeting adjourned at 8:15 PM.