

PLANNING COMMISSION MEETING

JULY 16, 2019

Commission members present; Jim Funke (Chair), Susan Wilson, Joe Wooding, Georgette Peterson

Other attendees: Brian Knotek (Township Attorney), John O'Connell, Annie Davidson Funke (50977 24th Ave, Bangor, Mi. 49013), Stephen Sweeney (address not given), Carmelita Beeching & Tom Beeching (both of 48511 40th Ave. Lawrence, Mi. 49064), Pamela Hutchins-Dorstewitz (48890 44th Ave., Lawrence, Mi 49064), Tina Posey (48395 28th, Bangor, Mi. 49013), Margeret Wanders (54754 28th Ave. Bangor, Mi. 49013), Judith Daniel & Charles Daniel (both of 47603 48th St., Lawrence, Mi. 49064), Cheryl Duncan (48584 48th Ave. Lawrence, Mi. 49064), Dan Higgs (712 W Walnut St. Kalamazoo, Mi. 49007, Michael Bingen (3018 Oakland Ste A2, Kalamazoo, Mi. 49008), Rose Root (50842 CR 663 Paw Paw, Mi. 49079), John Lanphear (48860 48th Ave. Lawrence, Mi. 49064), Susan Walsh (52920 38th Ave.), Charles Daubert, Sarah Stockman, Jason Blaauw, Walter Schroeter, Mark Putnik, David Romero, Braxton Davis, Matt Steele, Charlie Dorr, Dennis McGrew

Jim Funke called the meeting to order at 6:30 PM

The Pledge of Allegiance was recited

Acceptance of the minutes of the June 18, 2019: Motion by Susan, supported by Joe; all in favor

Acceptance of the minutes of the July 2, 2019: Motion by Georgette, supported by Susan: all in favor

Jim explained that MMA applications of 4 parcels were to be reviewed at this meeting. He explained the process of filling out a card with your name and address if you had a question and to mark which presentation if that was appropriate. He added that this should be the last meeting for licenses to be issued and that a 2 year moratorium for MM licenses in the AG zone is in effect and the next PC meeting is tentatively scheduled for September.

A motion to adjourn to a Public Hearing was made by Georgette, supported by Susan and passed unanimously.

The first MMA application discussed was Left Coast on 28th Ave near 48th Street and was represented by Charles Daubert and Sarah Stockman. Charles stated he gave the site plan to John O'Connell who stated he does not have it. He went on to present without the site plan stating that there will be 7 green houses and a barn; there will be 8 foot fences and it is for one Class C license. Brian explained that the site plan would show the places of the structures, security, cameras and so on. Charles said it is about 400 feet from the road and 30 feet from other properties. Charles asked what his next steps are and Jim replied that Ken Detloff has to see and ok the site plan or explain why it is not ok. Tina Posey asked about the cameras and 8 foot fences and if there will be somebody on site; the response was "yes" and Susan asked if it would be 24/7 and the response to that was also "yes". Susan asked what kind of landscaping there will be and Charles said a line of trees in front of the proposed site. Brian asked Charles to explain the security cameras and Charles responded that cameras will be inside the green houses, inside the barn and at the gate. Brian asked if he understood the privacy of neighbors and if he had chosen the type of cameras. Charles said he understood the privacy and that he has not decided on

the type of cameras yet. Brian asked about structures on the property and was told there is a garage, a barn and a house. Brian inquired as to whether the house is occupied, and the response was "Yes". Brian then asked about adjacent properties and was told 1 in wetlands and others are residents. Brian asked if the site plan indicates drainage and Charles responded there is a drain on the property. Brian asked if he understood that the Drain Commission's approval is required, and he said he did. Brian asked what the greenhouses will be made of and if there will be any lights. The response was steel and no lights at this time. Charles said the starting year, there will be him and 2 others working there and they will hire security at night. Brian asked about traffic flow and Charles said he anticipates a few times per year with licensed transport; at harvest times which will be staggered to 3 or 4 starting in August and going through October. Brian asked about increased traffic at those times to which Charles said no because he is using technology instead of bodies. Brian asked about any intended trenching or digging and Charles said in the future. Brian asked about pedestrian traffic and Charles said there shouldn't be any. Brian asked if Charles has made his application to the State and Charles said yes but no preapproval yet. Susan asked if after the site plan is approved and with any changes that he wants to make, he will have to come back to the Committee and Charles said he will be working on getting the whole plan.

The second MMA application discussed was Green Mitten on CR 681 and presented by Jason Blaauw and Walter Schroeter. They are applying for a Class C license in 2 phases. Jason explained Phase 1 will be outdoor with a processing building, it will use the existing driveway and leave the natural landscaping. He said that both the North and South sides are Ag fields at this time. The blueberries will be removed and the site is 300 feet from the road. He will have 6 to 8 employees in the first phase. Jim noted that there is no data on the security cameras and they are required by the State. Walter said he has talked with other growers and the State always changes the camera locations. He added that for an outdoor grow they will need about 50 cameras. Jim asked if the Drain Commission had been out which was answered in the affirmative. Charles said they have an existing driveway and John O'Connell told him the Road Commission will have to approve because it will become commercial. Jim asked if the Fire Chief has been contacted and was told it will be done. Carmelita Beeching commented on there being enough room in case of fire. Charles added there will be a lock box. Pam Hutchins Doristeotz inquired about the amount of employees and was told that during Phase 1 there will be 6 to 8 and more in Phase 2. Carmelita asked if there is any guarantee of a second license and Jim responded in the negative. Mark Putnik asked if there is any provision for a privacy fence and Charles said yes. Cheryl Duncan noted that Tremont Holdings is the name the property is under. Jim asked when the anticipated start date is and was told in the fall. Brian asked about the odor and its interference with the neighbors. Charles commented that there is no odor addressed in the ordinance and that there will be an odor from mid-September to mid-October. Pam noted that in some previous applications there was a covering during the flowering period and asked if this could be a condition and Brian responded that it could but that the PC only recommends and does not approve. Michael Bingen asked how much odor there will be and Charles replied that you can smell it a couple hundred yards away. Steven Sweeney commented that the odor typically doesn't extend beyond the fields.

The third MMA application discussed was Purple Valley at 28th and CR 215 and was presented by David Romero and Braxton Davis. David explained they have 18 acres but are only using about 4 of those in the best location away from residents. They are planning an outdoor grow with a specific type of product for a certain market. Jim asked about a building on the property and David responded that the front of the property is zoned commercial and they will be growing on the AG part. He said their plans

were adjusted today because they only became aware of the commercial zoning on Thursday. Jim asked how many licenses they were applying for and the response was 1 for 1,000 units. Jim asked about security and the Drain Commission. Braxton responded that the Drain Commission was in process. Jim asked about driveways and said the Road Commission will need to approve what is there. John O'Connell noted that if there are any alterations to the property, it needs to be indicated. Jim asked about the Fire Department. Matt Steele noted that he lives near there and asked if David plans to live there to which David responded that they both will live there. Matt asked about light pollution and was told they don't anticipate lights 24/7 and can use motion detector lighting. Margaret Wanders said she is a next-door neighbor and wants to know if they are really talking about barbed or razor wire. David said he did not know where that came from and that what they did was move everything from the side of the property to the back of the property. He said they prefer an indoor grow and fencing will be what the State allows. Margaret asked if they planned to sell from there and the response was "No". To Margaret's question about someone living there, Braxton replied there will be security 24/7. Georgette asked about traffic flow and was told it will increase for about 1 week 3-4 times a year. To Margaret's question about odor, Braxton replied there will be a ventilation system. Pam Hutchings Dorstewitz asked why the site plan was not what he thought, and David said there were corrections from Ken. Matt asked why indoor is preferred and Braxton said because of the type of products they plan; it is a controlled environment. Tina Posey asked what is so attractive about here and David said it is a good community and a desirable area to live. Jim asked if they own the property and Brian asked who Property Patrons LLC is and David responded that Ron Henry owns the property and there is an agreement.

The fourth MMA application discussed was Quality Cannabis on 48th St near 48th Ave. and it was presented by William Steele who said they have 20 acres and are using 5 and they are not using any on 48th Ave. He said they have over variances on all sides to make it less visible and want to accommodate the residents. He said there will be 3 Phases. Georgette inquired about traffic and was told there will be 3 or 4 trucks about 3 times a year. They plan to grow 500 inside and 4500 outside. Charles Daniel said the property is ¼ mile from 48th Ave and it's 40 acres, not 20. Charles said his letter from the township said 20.1. Judith Daniel said she has concerns about a house directly across and a piece of property and then another home. She said they have two handicapped people, both mental and physical who live directly across the street. She voiced concern about when they are out in wheelchairs and traffic and with all the meds they are on and the lights. The response was the lights will be facing inside. Joe Wooding asked about employees and the response was there will be 6-8 employees during the 1st Phase and up to 15 during the final Phase. Judith asked about armed guards and Brian stated they do not need to be armed but the security must be 24/7 as imposed by the State. Jim asked about security cameras and was told they are waiting to hear back from the State. Charles Daniel asked when they plan to start and was told the Spring of 2021, Tom Beeching voiced concern about thieves and was told there will be people staying on site during peak times. Judith asked about the type of building and was told it will be prefab. Cheryl Duncan stated that this proposed operation is surrounded by 7 family homes and the ordinance says it will retain the character of the neighborhood. She added it is AG and no other crop requires all this security and the value of our property will decrease. She said you can make money now but it will decrease. She also said she has a concern about the health and safety of the people and that in every state, there are lawsuits regarding the odor. She added that per an article she read, the chemicals emitted are dangerous. Charlie Dorr said there is a water retaining area left off the map and asked how they will keep chemicals out and what will they use for irrigation. The response was "We will do what we need to do and we will do whatever is needed to protect the water supply". Pam stated her

property is surrounded with run off from Fisk Lake and there is water everywhere that seeps into the Paw Paw River. She asked how they can address a water issue that serves 100's of 1000's of people. The response was this is currently farmland and what is currently being used is more detrimental. Carmelita Beeching said "We understand you want to make money. We don't want you here". She said I work at a school and the enrollment is down. Joe said "Why?. Industry went away. Old people don't have kids in school". William said he will sit down with every family surrounding this property. Michael Bingen asked if he owned the property and the response was in the affirmative. Michael asked when he closed and was told 45 days ago. Michael asked if he had a license from the State and was told no; Michael asked if he had one from the township and was told no. Michael asked what type of fencing and William responded slat around the grow area. Michael asked if the site plan shows all and was told "Yes, phases". Michael asked about variance and how far the growth area is from the closest residence and was told 150-200 feet. Michael asked if he had heard about odor 200-300 yards and the answer was in the affirmative. Michael asked if he had understood William to say that he wouldn't want to be living next to it and the response was "Yes". He asked if there was any way the odor can be controlled and how many employees. The response was 15 maximum employees. Michael asked if he had done any type of analysis that he would have submitted to the PC regarding property values and was told it can't be determined. John Lanphear stated he lives next door to the Duncan's and within a range that will be affected. He said, "On my family farm, my kids and their friends walk. Do I want them walking beside this? All of a sudden, the community changes and there will be an increase in crime at peak season. Maybe throughout the year". He added that the thought will be there all year round that someone could enter from his property into the area.

Annie Davidson Funke stated that she was a realtor and is on the township board of review. She said the board met with the assessor that morning and values were discussed. She noted that in the last 3-4 years, the property values have increased and it has a lot to do with the Amish moving here.

Cheryl Duncan reiterated that there are legal issues and the ordinance says you must own the land.

Brian explained that when someone applies for a grow or operator MM license, they have to go through the process, first the Supervisor who issues a provisional license which is not a license to do anything except apply for a license. The State will not give a license until the Township approves. He went on to say there are 3 ordinances:

The first is 2018-02-MM criteria have to be established

The second is Article 13- special ordinance for any SUP

The third is Article 5-site plan approval

If all 3 of these are criteria have been established, the PC will vote whether to recommend to the Board to grant the SUP. Ownership or an affidavit of a buy/sell agreement must be shown.

Pam Hutchins Dorstewitz commented that she commended the Committee for encouraging the Board for a moratorium. She added that we have to understand the passion of the residents.

Joe stated licenses are only good for one year. He said, in 5 days, he has written a check (indicating one of the applicants) for more money than you have given this Township, addressing Mr. Daniel who responded with "So it's all about the money". Joe said, "You're darn right it is".

Susan Walsh stated the Drain and Road Commission have not been informed about Quality Cannabis and added that one is a dirt road and one is paved and asked about traffic. William Steele replied that it will not be semis. She asked about chemicals and the response is they are less invasive. She commented that a long-term grow is not good for the land and William said they will all be grown in pots. Susan then asked about crime saying we have enough crime now and William replied that their intent is not to sell anything locally and there will be security.

Joe made a motion to adjourn the Public Hearing, supported by Georgette and passed unanimously

The Committee took a break from 8:45 to 9:05

At 9:05, Jim stated that none of the proposals tonight included an adequate site plan: 1 had no plan, 2 need to be reviewed by Ken after the changes are made and 1 had a drawing not verified by scale and didn't show all the features of the property. A motion was made to reconvene on August 14, 2019 to allow time for these corrections and passed unanimously.

Dennis McGrew asked for an explanation on how the annual review of the MM licenses works. Brian said it is as if they are reapplying and they must submit another \$5000. Everything is reviewed to see if all the criteria are being met. He noted that all SUP requests have to come to the Committee. Brian said the process is the same at annual review. He said the PC can limit phases if it wishes. Brian also added that of the 18 or 19 that have been approved by the Township, only 3 have been approved by the State.

Carmelita Beeching asked if there was more work for the PC to do and if there could be more people and Tom Beeching asked why some of the money couldn't be used for the PC to get paid. Jim said we do get paid for meetings.

The question was raised about what would happen if a business doesn't succeed and will what they leave behind be considered blight. Dennis McGrew said it could be addressed in the SUP that money be set aside to return the land to original or to clean up the blight.

John Lanphear asked what happens during the 2 year moratorium and if it is found that changes should be made, will the current growers have to comply. Brian responded that is too complicated to discuss at this time.

Jim said the State of Michigan has stringent requirements.

Georgette made a motion to adjourn at 9:25, Susan seconded and the motion passed unanimously.

Respectfully submitted,

Georgette Peterson