

## PLANNING COMMISSION MEETING

JULY 2, 2019

Commissioners present: Jim Funke (Chair). Susan Wilson, Joe Wooding, Georgette Peterson

Other attendees: Brian Knotek (Township Attorney), John O'Connell, Ken Dettloff, Annie Davidson Funke (5097 24<sup>th</sup> Ave. Bangor, Mi), Joni Petersheim and Orla A Mast (both of 56395 CR 376, Bangor, Mi), Chad Pierce, Tammy Eisbrenner (33440 56<sup>th</sup> St. Bangor, Mi), Anthony Caruso (53789 28<sup>th</sup> Ave. Bangor, Mi), Linda Garrison (56500 28<sup>th</sup> Ave., Bangor, Mi), Kerri Zantello and Dan Zantello (both of 52561 38<sup>th</sup> Bangor, Mi), Matt Scharl (42893 52<sup>nd</sup> Lawrence, Mi), Bob Emmert (56500 28<sup>th</sup> Ave. Bangor, Mi), Dan Healy (Van Buren Sportsmen's Club) 108 S State St. Gobles, Mi 49055, Cheryl Duncan (48584 48<sup>th</sup> Ave, Lawrence, Mi), Fred Day, Tim Woodhams, Dan Higgs, Matt Steele

Jim Funke called the meeting to order at 6:36 PM

The Pledge of Allegiance was recited.

Jim asked for a motion to table the reading of the minutes from the June 18, 2019 PC meeting to the July 16, 2019 meeting. Susan made the motion and Georgette seconded. Passed unanimously.

Jim explained the purpose of this meeting was to present 4 applications for SUP. He stated the PC has 3 types of meetings: Regular, Special and Quarterly. He added the Township is mostly Ag and in order to do a different activity, you need a SUP and that some things have already been approved. The issues for this meeting are Manufacturing in the Ag district and 3 MM operations.

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

The first presentation was made by Joni Petersheim and Orla Mast regarding the Manufacturing of trusses in the Ag district. The site plan was approved by Ken Dettloff. Orla explained the process was that someone orders a truss and they make it. They have a small hydraulic press with 2 people operating it. Chad created the site plan and stated the Road Commission approved the driveway and the plan and the building inspector was out and told him what he needed to get. The building plan is ready to be approved. Brian asked how often semis were expected and Orla responded twice a month and maybe two at a time. Brian asked where the lumber will be stored and Orla stated "inside". The response to Brian's question as to whether the Road Commission has been contacted was "yes". Brian asked what road it is on and how far from the intersection. Orla responded "CR 376 and ½ mile; he added semis will come off 681. Brian asked Joni if he owned the property and he responded in the affirmative. Brian asked about the second house on the property and what the plan was. Orla responded the plan was to add onto the house in a couple years. Brian asked if it is being used as a residence and if it has facilities to which Orla responded "Yes". Tammy Eisbrenner commented that she and Orla had spoken a lot. Georgette asked how she was related in this manner and her response was that she is their accountant, tax preparer and go between for the county. Annie Davidson Funke stated that she is on the Board of Review and when Mr. Petersheim bought the property they were notified about a cabin; the 2018 overhead survey also shows a cabin. She stated it was put in without a permit and it doesn't meet the square footage for the township regulations. Orla stated it is a 2 story. Annie state that is has been there for 18 months. Orla stated he had talked to John O'Connell and Chuck Moore (building inspector) who

told him to go ahead with it. Ken Dettloff stated that in his opinion the cabin is a nonconforming structure and the status of the SUP should not depend on the status of the cabin. He added the nonconforming structures may expand providing they do not expand the conformity.

A motion was made to close the Public Hearing on the truss factory and open the meeting on High Power LLC by Joe, supported by Susan and passed unanimously.

Fred Day stated he represents the High Power LLC which is situated on 6.2 acres in an "L" shaped piece of property situated on 28<sup>th</sup> across from the cemetery. A small grow Class A license of 500 plants is requested. He stated they will leave the blueberries that are there intact. He said he and his family are moving here and will be living on site. There will not be any employees, there will be 2 people on the property at all times. Brian asked about conforming to State regulations and Fred responded that water and air will be monitored, and they will have the proper ventilation system. He said they will be hiring about 10 contract people for about a week 4 times a year. Required fencing will be in place. Cheryl Duncan asked about the blueberries and why he doesn't grow there. Fred's response was that he wants to grow 4 times a year. Linda Garrison asked if separate approval is needed to sell from the site. Fred responded with "It will never happen". Bob Emmert asked if the blueberries are staying permanently and Fred responded they may be removed in a couple years. Bob inquired about the color of the proposed building and Fred said he is thinking tan. Brian asked if Fred understood that if he plans to disc the blueberries in or to do anything different than what is on the site plan that he would need to come back to the PC and Fred said he understood.

Georgette made a motion, supported by Susan to close the High Power LLC and open the Arlington Landholdings which passed unanimously.

Tim Woodhams said he is seeking a Class C (up to 1500 plants) license at 5570 38<sup>th</sup> Ave. The plan is to remove the orchard and replace it with a barn and hoop houses. He said there will be 2 or 3 employees every day in the fall and 10 employees for about a week at harvest. He stated the setbacks are large and the Drain Commission has approved. He said he has contacted the Road Commission several times with no response. Jim asked if the site plan shows the drive and Tim said yes and Derek Babcock (Fire Chief) has been out. Brian asked about wetlands and Tim said that there are some due to an unfixed culvert otherwise it is high and not near wetlands. Brian asked how far back, and Tim replied the hoop houses will be 100 feet from the edge of the road. He said a variety of trees will be 3 deep and 6-8 feet tall and there will be a fence and the standard privacy screen. Matt Scharl asked what kind of lights there will be and Tim responded they will be motion censored so on only if someone is inside the fence. Dan Zantello asked if animals will cause the lights to go on and Tim responded not small animals. Matt asked about the types of lighting and Tim said just normal pole barn lights with 0 lumens at property line. Kerry Zantello asked how far from the road will there be growing, and the response was 270 feet. Dan asked if the cameras will be filming him and Tim said they will be facing into the property. Dan voiced concern about the culvert draining out into his property and Matt responded he had talked to the Drain Commission and the runoff will be no different than it currently is. Dan asked what this was going to do to his drinking water and the response was the chemicals used must be safer than what is used for other crops. Dan asked if it will all be fenced in and the response was the 7 acres growing and it will be screened with pine trees. Dan asked if there will be an odor and Tim said "Yes". Dan asked about traffic and what kind of people will come down there to steal and about property values. Matt said property values will increase.

Susan made a motion to close the Public Meeting on Arlington Landholdings and open on Black River Botanicals which was supported by Georgette and passed unanimously.

Dan Higgs explained that the property on 28<sup>th</sup> and 215, surrounded by an empty lot and a fertilizer plant has been his since 2011. There is approximately a one acre fenced area surrounded by an 8-foot fence with a green privacy screen and a 30 x 100-foot building. The barn and residence on the property are not involved. They have applied for a Class A, outdoor grow permit and plan to grow indoors in February and March but the main crop will be outdoors. There will be an early October harvest. The driveway will be widened to 20 feet per the fire code and the culvert will have to be widened. Dan said he anticipates 1 commercial vehicle per week during the early period and some cars during the summer months. There is a security plan in place and operations will only take place in daylight. They did put an option in for motion lights. Susan asked what the relationship between this and the cider they now produce, and Dan responded that that the cider and blueberries are a separate business. Jim asked if they are currently growing marijuana and Matt Steele replied that they have 80 plants for caregiver. Susan asked if they will be processing there. Matt said they are not licensed to do so. Jim asked if they have any intent to ever combine the businesses and Dan responded in the negative. Brian asked if they are familiar with adjoining properties and that the area is zoned Ag but there are single family homes as well. Matt said they are starting small to see what the odor will be like and that odor is produced for 8-10 weeks during the flowering period. He said if the odor is bad, they can alter growing periods so they are not all flowering at the same time. He said, in addition, they can change areas of growing. Brian asked if he understood that any change would require a return to the Commission and Matt said yes.

Dan Healy from the Van Buren Sportsmen Club stated he was present to see what the traffic will be and to say the odor is a concern; especially on a shooting range.

Motion to adjourn and return to the regular meeting made by Susan and supported by Georgette. Passed unanimously.

#### DISCUSSION AND DECISIONS ON SITE PLANS AND SPECIAL USE PERMITS

Regarding Joni Petersheim/Orla Mast-manufacturing on parcel in Agricultural District: Brian read the criteria and the commissioners discussed them. Motion made by Joe, supported by Susan and passed unanimously that the special use criteria have been met. Regarding the site plan criteria, Ken Dettloff said he had a question about noise level but after seeing that the machine is only 6'x3' and all assembly will be indoors, he feels this is not an issue. Joe made a motion, supported by Susan that the site plan criteria have been met; passed unanimously. Joe made a motion to submit the site plan and SUP for recommendation to the board; supported by Susan; passed unanimously.

Regarding High Power LLC-to permit MMA grow operation: Brian read criteria and the commissioners discussed security cameras and floor space. Motion made by Georgette and seconded by Joe that these conditions have been met; passed unanimously. Article 13 criteria was read by Brian and discussed by the commissioners. A motion to accept was made by Joe and supported by Georgette; passed unanimously. Article 5, section 5.04 was discussed. Ken stated the original site plan had a sign and asked if this sign had been removed and the response was "Yes. There will be no sign". Motion to accept made by Joe, supported by Susan and passed unanimously. A motion to recommend to the Township Board that the SUP be approved made by Joe, supported by Georgette and passed unanimously.

Regarding Arlington Land Holdings-to permit MMA grow operation: Brian read the criteria for Article 2018-02 and the commissioners discussed. Joe made a motion to accept, Susan seconded and it was passed unanimously. Brian read the criteria for Article 13 and it was discussed. Susan made a motion to accept which was supported by Georgette and passed unanimously. Brian discussed the criteria for Article 5 (5.04), it was discussed and Joe made a motion to accept, supported by Susan and passed unanimously. Susan made a motion which Joe seconded to recommend to the Township Board that the Site plan and SUP be accepted; passed unanimously.

Regarding Black River Botanicals-to permit MMA grow operation: Brian read the criteria for Article 2018-02, which the commissioners discussed. A motion to accept was made by Joe, supported by Georgette and passed unanimously. Brian read the criteria for Article 13 and it was discussed. Susan voiced a concern about the possibility of this becoming a dispensary with the coexisting business on the property that has sales on site. She asked about the sales to caregivers and Matt explained there is a lease. He said LARA is okaying growers to sell to caregivers. Brian stated everything they have been doing is ok by the law. Susan asked what happens to their patients when they become a grow facility and Matt responded they will have to stop growing for them. A motion was made by Joe, and supported by Georgette to accept that the criteria in Article 13 has been met; passed unanimously. Brian read the criteria for Article 5 which was discussed. A motion was made to approve by Georgette, seconded by Susan and passed unanimously. Joe made a motion which Susan supported to recommend to the Township Board that the Site plan and SUP be accepted; passed unanimously.

#### PUBLIC COMMENT

Cheryl Duncan stated that according to something online regarding applying for a loan that Quality Cannabis is in violation of this law. She stated she moves that the hearing for July 16 for them be cancelled. Brian replied that she is correct but there is an "or". He said the statute requires that they can apply if existing owner gives agreement which would be in the form of a buy/sell agreement or affidavit. He stated it is a binding contract. He said he will look into under what basis they applied, etc.

Matt said the materials they provide has to do with security cameras, it is public record, and anyone can look at it. Brian said the Township will allow for viewing what the State law allows. Matt commented that it is productive for them to grow outdoors and suggested for low plant density, ie 150 plants per acre max. He said the ordinance does not say types of processing and Joe asked what they will do. Matt said there will be a lot of solvents and he suggested looking into that. Brian explained that the Township Board voted for a 2 year moratorium and they are expected to look at that.

Chin Ho said the city of Grand Rapids visited both of his farms and invited all to visit his farms on the last weekend in July. He said there will be a regulatory meeting with up to 52 people and 80% are local.

Joe made a motion to adjourn, seconded by Susan, unanimously supported.

Meeting closed at 8:46 PM

Respectfully submitted,

Georgette Peterson

