

PLANNING COMMISSION

SPECIAL MEETING

OCTOBER 7, 2019

Commissioners present: Derek Babcock (Interim Chair), Mike Koshar, Joe Wooding, Georgette Peterson

Other attendees: Brian Knotek (Township Attorney), Annie Davidson-Funke (50977 24th Ave., Bangor, Mi); Margaret Wanders (53754 28th Ave. Bangor, Mi.); Braxton Davis (Purple Valley 53930 28th Ave., Bangor, Mi.); Pamela Dorstewitz (48890 44th Ave., Lawrence, Mi.); David Holmes (No address given); Mike DeLora (Purple Valley Attorney); Ron Henry (10011 53rd St., Grand Junction, Mi.)

Meeting Called to order by Derek Babcock at 6:00 pm.

The Pledge of Allegiance was recited.

Review of minutes from September 4, 2019 Regular Meeting. Georgette noted that there were two omissions. The first was the Pledge of Allegiance was not in the minutes and it was recited. The second was the omission of a motion made by Georgette Peterson and seconded by Joe Wooding to appoint Derek Babcock as the Interim Chair in Jim Funke's absence. All approved. Motion carried. Joe made a motion, seconded by Mike that the September 4, 2019 minutes be approved with these additions. All in favor. Motion carried.

A motion was made by Georgette, supported by Mike to adjourn the regular meeting and open the Public Hearing. All voted in favor. Motion carried.

PUBLIC HEARING

Derek explained the discussion would be about Purple Valley. Braxton Davis was present to give information and answer questions. He explained that starting, there will be 3 indoor and 1 outdoor growing areas; then 4,000 sq. ft. buildings and 10 outdoor plots. He said his Class B license will allow for 1,000 plants and he is putting 600 outside. Marge Wanders asked him how many people will be employed and his response was during the first phase there will be 4 and with the outdoor there will be 10. Marge stated that with indoor grow, there is no smell but with outdoor grow, what about air control. Braxton said "Cannabis does have a smell. For 1 ½ to 2 months there will be a smell. Mike asked him to explain the time frame of an increased smell. Braxton said it is from Late June to early July and extends to the end of October. Due to the weather here, it is a shorter season. Marge said she counted 10 in her area. Derek said there will be a smell. Marge said there is one on top of another and the Township needs to take it into consideration. Derek said that's why there is a moratorium. Marge asked if the Township was going to give allowances in taxes for the moths that she can't enjoy the outdoors.

Derek asked Braxton if he saw Ken's memo and he replied in the affirmative. Brian asked Braxton to explain the security cameras he has referenced on the plan. Braxton said security cameras cannot go across property lines and all the cannabis must be included. He added the lights are motion sensed and some of the cameras are thermal. Brian asked what access law enforcement has and Braxton said they have keys to the property. Derek added that the State has access as well.

Pam offered that "The comments made are not directed at a person. The thing is these growers are choosing a crop and if all standards are followed there is no choice but to approve. Your committee and

the Board are supposed to represent all the people. In another township, they are harvesting, and the smell is horrendous. Where is our advocate?" Marge asked "Who do we complain to?"

Derek responded by saying that we live in an Ag Community and this is a zoned community. The PC is charged with making sure it fits into the zoning. He asked "Is the product offensive because you never smelled it before?" He added the smell issue is 1 ½ months out of the year. As to an advocate, he said, I don't have that answer. He also said it is a commercial AG crop. Pam responded by saying that she understood that and that everyone in the Township has a duty to keep the Township in a clean way. She said a side effect is an increase in marijuana use. Derek told Pam that she is right and that has to be dealt with by the law, fire department and EMS.

David Holmes stated that he appreciated that when this was being considered, before the decision was made, the people were asked. But he wanted to know if there is any recourse after the fact. Derek responded by saying that there is; a SUP is only for 1 year. There is nothing in the ordinance about odor. Every year, they must reapply and we must look at everything and there must be a violation of the ordinance to deny. Brian said the criteria is on the web site and we must go by the ordinance. Anytime a neighbor is unsatisfied, even if it's about the smell, we will hear it. He encouraged everyone to be familiar with the ordinance.

Marge asked why not make it all indoor since the indoor doesn't have a smell. Derek replied it was complicated.

Annie asked Braxton if he will be using public utilities or generators and he said they will be using Consumers Power.

A question was asked if our regulations are going to be like smokers that all the authorities are putting regulations on.

Joe made a motion to close the Public Hearing. Mike seconded and all were in favor. Motion carried.

SPECIAL MEETING REOPENED

OLD BUSINESS

Pending Applications

Regarding Left Coast: 48233 28th Ave Brian said he understood that this has been postponed until December.

Derek commented that we need a Special Meeting in November which was then set for November 4, 2019 @ 6:00 pm.

Regarding Quality Cannabis: 48th Street Brian reported that the primary issue is related to the driveway and pond. He recommended keeping in on the December 4th agenda and it will be a Public Hearing.

Re: Henry's Heritage Winery: 35375 CR 215 Brian reported we do have the revised site plan and we are waiting for Ken to respond. This will be on the November 4, 2019 agenda.

Re: 27035 CR 215 Mr., DeLora, the applicant's attorney, stated these plans were dropped off in July and he can be present at a November 4, 2019 meeting. Derek said he will verify with Ken that he has the plans. Brian suggested that as this property, the property at 52000 M 43, Ventures 50680 28th Ave, the

property at 54347 28th Ave and the property at 50504 8th Ave are all represented by Mr. DeLora, that they might be held on the same day. Mike said these properties have lacked information from the beginning. Mr. DeLora said he would like to see the properties at 27035 and Henry's Heritage Winery heard in November. Brian said there may be some that won't require a Public Hearing. Mr. DeLora said 27035 CR 215 and 52000 M 43 are in conjunction with each other and are on the same track A November 4, 2019 date has been set.

Re: Ventures 50680 28th Ave Brian stated it was approved last fall but prior to the moratorium, there was an additional 9 grows added. He will check with Ken to see if a Public Hearing is required.

Re: 54347 28th Ave and 50504 28th Ave, Public hearing were held on September 4, 2019. The applicants were not present, and questions could not be answered. Therefore, they were tabled. A date of December 4, 2019 was set to hear both of these.

Re: Arlington Grow on 28th Ave, Brian talked to the Board about an administrative fix; the grow process is on one parcel and the word "Processor" was not used with the approval.

Renewal Application Deadlines

Brian explained that the SUP date is the date the board approved the Special Use. It must be renewed within 60 days of the one-year date. A Provisional license is given and there is no full license until the State approves and that becomes the renewal date for the license. The SUP and the License, therefore, have two different renewal dates. Derek said for the SUP, there is an application that must be submitted with a \$100 fee.

NEW BUSINESS

PURPLE VALLEY

Re: Ordinance 2018-02. Purple Valley 53930 28th Ave, Per Ken's memorandum, the minimum lot size complies as well as are the property setbacks. Indoor Production is NA. Maximum floor space complies, Security cameras are regulated by the State.

Motion by Mike, seconded by Joe; The requirements set forth in Ordinance No. 2018-02 have been met based upon the Memorandum of Ken Detloff. All in favor. Motion carried.

Re: Article 13. The growing is to be done in the Ag Zone and the offices will be on the Commercial part of the property. Brian remarked that we have heard comments and concerns and said the courts will not address if they are speculation. Derek said you have to consider 12 months out of the year and not just the harvesting months. Georgette noted that as odor was not addressed in the Ordinance, we cannot take it under consideration. Fencing and screening are regulated by the State. Regarding hours of operation, cannabis cultivation is not covered by the right to farm act. Derek recommended hours of operation from sunrise to sunset for outdoor grows. Regarding traffic, Derek said there will be traffic during the construction phase. He noted the turn for emergency vehicles will need to be changed. The electric and gas are already there. Lights must be facing inward and most are motion centered and infrared. There are no windows in the buildings. Brian explained that fumes are different than odors.

Georgette made a motion, supported by Joe that the special use permit requirements set forth in Article 13 of the zoning ordinance have been met based upon the findings of fact we made tonight. All in favor. Motion carried.

Re: Article 5. Joe noted this is a condition imposed on all site plans. There will be no changes made to the topography and it received Ken's approval. Derek recommended they leave the natural landscape between them and the neighbor as much as possible. Brian stated the site plan shows vegetative lines. Mike asked if there is any vegetation between the road and the trees and how close is the fence to the road. The response was there is vegetation there and 50-60 feet from the middle of CR 215. Georgette asked what kind of vegetation was there and was told bushes and cat tails. There will be no pedestrian traffic. There are no streets proposed and the driveways and road cuts will be addressed by the Road Commission. This is not a residential area. It was noted that the Health Department will need to inspect the septic and bathrooms will probably need to be added. Brian said that for all SUP's the State has regulations with indoor noxious and odorous matter. Derek commented that this refers to man made and the DEQ regulates it.

Joe made a motion, supported by Mike that the site plan requirements set forth in Article 5 of the Zoning Ordinance have been met based upon the findings of fact we made tonight. All were in favor. Motion carried.

Georgette made a motion, supported by Mark that we recommend approval of the special use permit and site plan to the Township Board subject to the following conditions with hours of operation for outdoor grow being from sunrise to sunset. All agreed. Motion carried.

PUBLIC COMMENT

Ron Henry (10011 53rd St. Grand Junction, Mi) stated he would like to see some of the review dates changed. After discussion, it was decided that the SUP for 52000 M 43 be moved to the December meeting and the SUP for 50504 28th Ave be moved to the November meeting.

Pam said that with the public notices posted on the internet, she would like to have them expand to include what will be discussed. She said when a renewal comes up, people should bring proof of adverse effects. She was advised that these should be in writing.

Marge asked where she can get a copy of the Ordinances and Brian told her they are on the website. She then asked who she would voice a complaint to and was told by Brian that would be the Zoning Enforcer. Marge said when she contacted him, she was basically told "tough". It was recommended that she write complaints or concerns down.

Meeting adjourned at 8:00 pm

Respectfully submitted,

Georgette Peterson