

Mike Koshar, Supervisor  
Douglas De Leo, Clerk  
Darcy Miller, Treasurer  
Office ph. 269 427 7300

Arlington Township  
Van Buren County, MI.  
52022 34<sup>th</sup> Ave.  
Bangor MI 49013

Georgette Peterson, Trustee  
Ted Swanson, Trustee

May 25, 2022

Call meeting to order: Supervisor Koshar called meeting to order at 06:00pm

Pledge: Was recited.

Roll Call: De Leo, Peterson, Swanson, Koshar, Miller

Public Comment: Attorney Seth Arthur representing marijuana operation, 50405 28<sup>th</sup> Ave LLC or 50504 28<sup>th</sup> LLC, Bangor MI. Attorney needs to clarify the name or operation and who the owners are. Attorney Arthur would like to have some changes in the Finding of Facts, he would like it to read alleged violation instead of violations.

Motion by Swanson to accept Finding of Facts with correction made by Arlington Township Attorney Scott Graham, support by Koshar: Motion as follows:

**New Business:** ARLINGTON TOWNSHIP MARIJUANA BUSINESS LICENSE AND SUP RENEWAL REQUESTS FINDINGS OF FACT May 22, 2022 50504 28th AVE., INC. 1. 50504 28TH AVE, INC. ("50504") requests the renewal of its SUP, its 2 medical class C grow licenses, its 5 class C adult use licenses, and its one excess grow license. 2. These licenses would allow 50504 to grow 15,000 marijuana plants. 3. 50504 timely filed an application for renewal of its SUP and its licenses in November of 2021. 4. No action was taken on the application while the Township handled the first 12 MBL renewal applications. 5. The 50504 request was placed on the agenda for a special meeting on April 6, 2022. 6. On March 30, 31, April 1, and April 4, the Township received new information from both EGLE and 50504 regarding the renewal application. 7. Specifically, the Township received information about the

EGLE property evaluation of 50405 28th Ave., the property on which the licenses would

**Minutes of Arlington Township meeting on May 22,2022**

be used. 8. The Township learned that EGLE referred its investigation to the Attorney General's office for accelerated enforcement. 9. The Township contacted the AG's office and obtained additional facts. 10. On December 8, 2021, EGLE conducted its most recent inspection of the property. 11. EGLE then notified 50504 that it was using land in violation of the Wetlands Protection Act ("WPA"). 12. 50504 has not cured the WPA violations. 13. It appears that 50504 has offered to enter into an administrative consent order that would require correction of all EGLE concerns. 14. The EGLE violations have been ongoing since 2019. 15. This is the case not only because of the natural condition of the land, but because of a number of actions by 50504. 16. The Township adopts the EGLE findings regarding such actions. 17. 50504 has submitted the following documents: a. Site Plan (approved by the Interim Township Engineer)(see H below); b. Site Plan Certification; c. Letters of Approval from the Fire Department and Road Commission; d. License Renewal Application and Supporting Documents; e. SUP Renewal Application and Supporting Documents; f. Prequalification Application for 50504 and Supporting Materials; g. State Licenses; h. Statement Regarding the Lack of Physical Changes to the Property other than the Construction of Previously Approved Structures; i. Estimate of Production for 2021 and 2022; j. Insurance Documents; k. Background Information; l. Inspection Reports; m. Prior Renewal Documents; n. Prior Renewal Correspondence; o. Financial Statements; and p. Prior Township Correspondence. 18. 50504 has not have provided accurate information regarding its current owners. 19. 50504 grew 3,000 plants in 2021 and estimates that it will grow 15,000 plants in 2022. 20. It is impossible to determine whether there will be changes to the property based on EGLE requirements. 21. There may be changes to the operation based on new ownership. 22. The site plan complies with Article V of the Township Zoning Ordinance. If changes are required by EGLE, the site plan may need modification. 23. The Township has received complaints regarding the businesses during the past year relating to the general condition of the land. EGLE is handling issues that relate to the complaints. 24. On October 15,

2021, EGLE served a Violation Notice on Jeffrey Yatooma for the property. The Notice identified the following general issues on the property: a. The placement of

### **Minutes of Arlington Township meeting on May 22,2022**

fill material in a wetland without a permit; b. The removal of soil from a wetland; and c. The construction of a culvert and a pond within 500 feet of the Wright County Drain. 25. EGLE asked Yatooma for information describing what work had been performed on the property. 26. An undated written response was filed with EGLE explaining the basis for the work and describing the work. 27. The response noted that the land contract vendee of the property was Arlington Development Group, LLC. 28. On December 8, 2021, EGLE inspected the property in order to evaluate compliance with provisions of the Wetlands Protection Act. 29. EGLE noted the following violations: a. The placement of fill material impacting 10 acres of wetlands; b. The placement of structures within wetlands; and c. The construction of a storm water pond within 500 feet of the Wright County Drain, and other dredging. 30. EGLE noted that, “the WRD has determined that a permit would not have been approved for this project.” 31. EGLE told 50504 that it is willing to work on the entry of an administrative consent agreement that would detail how 50504 would cure the violations that existed on the property. 32. 50504 responded that it was interested in trying to negotiate such an agreement. 33. As of April 1, 2022, EGLE, through the attorney general’s office, told the Township that discussions regarding an administrative consent agreement have not started. 34. Therefore, as of now, 50504 has requested the renewal of an SUP for property that is being maintained in violation of specific EGLE regulations. 35. Article XIII of the Township Zoning Ordinance provides that an SUP request may be denied by the Township for a number of reasons. 36. If 50504 is allowed to grow marijuana on land that is maintained in violation of the WPA, the Township and its residents will be damaged. 37. Township businesses like 50504 should be required to comply with the WPA. 38. 50504 has failed to demonstrate that has acted in good faith in attempting to remedy EGLE violations. 39. In order to protect the Township and its residents, the Board has determined that 50504 shall not be allowed to grow marijuana plants either indoors or outdoors until it has received clearance from

EGLE regarding EGLE violations and WPA violations. 40. 50504's application is conditionally granted, based on the condition that 50504 shall not grow marijuana until EGLE finds that 50504 is not violating any provision of the WPA or other state statute. Roll Call: De Leo yea, Miller yea, Swanson yea, Peterson yea, Koshar yea.

### **Minutes of Arlington Township meeting on May 22, 2022**

2. Sterling Heights Technology DBA as Grown Arlington: Motion by Swanson, supported by Koshar to accept the fact of findings dated May 22, 2022. Motion as follows:

ARLINGTON TOWNSHIP MARIJUANA BUSINESS LICENSE AND SUP RENEWAL REQUESTS FINDINGS OF FACT May 22, 2022 STERLING HEIGHTS TECHNOLOGY, LLC, DBA GROW ARLINGTON 1. STERLING HEIGHTS TECHNOLOGY, LLC, DBA GROW ARLINGTON ("GA") requests the renewal of its SUP, its 4 medical class C grow licenses, and its 3 class C adult use licenses. 2. These licenses would allow GA to grow 12,000 marijuana plants. 3. GA timely filed an application for renewal of its SUP and its licenses in November of 2021. 4. No action was taken on the application while the Township handled the first 12 MBL renewal applications. 5. EGLE then notified GA that it was using land in violation of the Wetlands Protection Act ("WPA"). 6. GA has not cured the WPA violations. 7. GA has retained an environmental consultant who is actively engaged with EGLE regarding correction of EGLE and WPA violations. 8. GA has submitted the following documents: a. Site Plan (approved by the Interim Township Engineer); b. Site Plan Certification; 2 c. Letters of Approval from the Fire Department and Road Commission; d. License Renewal Application and Supporting Documents; e. SUP Renewal Application and Supporting Documents; f. Prequalification Application for GA and Supporting Materials; g. Statement Regarding the Lack of Physical Changes to the Property other than the Construction of Previously Approved Structures; h. Insurance Documents; i. Background Information; j. Inspection Reports; k. Prior Renewal Documents; l. Prior Renewal Correspondence; m. Financial Statements; and n. Prior Township Correspondence. 9. The site plan complies with Article V of the Township Zoning Ordinance. If changes are required by EGLE, the site plan may need modification. 10. The Township has received no complaints regarding GA during the past year relating to the general condition of the land. 11. Article XIII of the

*Township Zoning Ordinance provides that a SUP request may be denied by the Township for a number of reasons. 12. If GA is allowed to grow marijuana on land*

**Minutes of Arlington Township meeting on May 22,2022**

*that is maintained in violation of the WPA, the Township and its residents will be damaged. 13. Township businesses like GA should be required to comply with the WPA. 3 14. GA has failed to demonstrate that has acted in good faith in attempting to remedy EGLE violations. 15. In order to protect the Township and its residents, the Board has determined that GA shall not be allowed to grow marijuana plants either indoors or outdoors until it has received clearance from EGLE regarding EGLE violations and WPA violations. 16. GA's application is conditionally granted, based on the condition that GA shall not grow marijuana until EGLE finds that GA is not violating any provision of the WPA or other state statute.*

*Roll Call: Koshar yea, Miller yea, Peterson yea, Swanson yea, De Leo yea.*

3. Quality Cannabis DBA as WKS Land Holdings INC: Motion to enter into closed session by Peterson, supported by Swanson, at 08:00pm. Roll Call: De Leo yea, Miller yea, Koshar yea, Peterson yes, Swanson yea.

Return to Open Meeting: Mrs. Daniels was allowed to speak at this time.

The Daniels who own property across the street from Quality Cannabis have filed a complaint with Township and EGLE. Mrs. Daniels the bank of the water way on the north side of her yard has been eroding since Quality Cannabis has discharged water into it. Not eroded for the 50 years she has lived there.

Motion by Swanson to renew the SUP and issues three medial licenses to Quality Cannabis. Swanson amends motion to read renew SUP and three medical licenses with the offer from Quality for a fee of \$7500.00 or up to ½ the expense to repair the water way bank on Daniels property. Supported by Koshar: Roll call: De Leo

NO, Miller NO, Peterson yea, Swanson yea, Koshar yes. Motion carried 3 yeas to 2 nos.

**Minutes of Arlington Township meeting on May 22,2022**

Motion by Supervisor Koshar to have Attorney Graham to hold a meeting with Van Buren Road Commission and the Van Buren County Drain Commissioner to discuss the damage and repair to the Daniels property.

Swanson: Roll call: Peterson yea, Miller yea, De Leo yea, Koshar yea, Swanson yea.

Township Cell phone for Deputy: Motion by Peterson to pay up to \$50.00 a month and up to \$23.00 for startup expenses. This expense will be shared with Bangor Township. Roll Call: De Leo yea, Swanson yea, Miller yea, Koshar yea, Peterson yea.

Public comment: It was noted that broad band internet is much needed in our Township. The Board of Trustees agrees and will explore all options before making a decision.

Meeting adjourned: Supervisor Koshar adjourned meeting at 08:30p.m

Meeting submitted by Clerk Douglas De Leo.