



SAUGATUCK TOWNSHIP

WWW.SAUGATUCKTOWNSHIP.ORG

3461 BLUE STAR HIGHWAY
P.O. BOX 100
SAUGATUCK, MI 49453

PHONE (269) 857-7721
FAX (269) 857-4542

Saugatuck Township Regular Planning Commission Meeting March 26, 2018

APPROVED MINUTES

The Saugatuck Township Planning Commission met on March 26, 2018 at the Township Hall on Blue Star Highway, Saugatuck, Michigan

Present: **Rowe, Lozano, Conklin, Prietz,**
Absent: Welk
Also Present: **ZA Kushion, Nick Curcio**

Call to Order At 7:00 p.m. by Chairperson Conklin.

Pledge of Allegiance

Approval of Agenda- Motion by Rowe to add an agenda item regarding December 18th PC decision regarding Top Grade Aggregate, LLC under new Business point B; Prietz seconds. Motion passes by unanimous voice vote.

Motion to approve the amended agenda of the March 28, 2018 Planning Commission meeting. Rowe motioned, Prietz seconded. Motion approved unanimous voice vote.

Discussion of February 5, 2018 meeting minutes. Correction at very bottom-should be 1, 2, 3 not 1, 2, 4. Rowe motions to approve February 5, 2018 meeting minutes as amended; Second by Prietz; approved unanimously.

Motion by Prietz to approve December 17th meeting minutes with corrections: 1st page- Jacobi name is misspelled twice. Remove Rudich as “absent” he was no longer on the board. Page 4- 2nd to last paragraph “telling us what we want to hear.” Bottom line – Take an “E” out of Steeve Hickock. 2nd by Rowe. Approved unanimous voice vote.

Public Comment –

Terry Burns- 2933 65th Street- Seeking appointment to Township Supervisor. Former Township Supervisor & County Commissioner. Currently he is in drug and alcohol- mental health field. Mr. Burns wanted to introduce himself.

Public Correspondence- One e-mail was received and entered into the record.

Unfinished Business-

Proposed Amendment to the Zoning Ordinance Section 40-657- Stays of Zoning Decision. Tabled August 2017. Attorney Nick Curcio explains this relates to when this board makes a decision and that decision is appealed to the ZBA and / or a higher court. Current ordinance does not allow the land owner to do anything on the land until all appeals are finished. It appears this conflicts with State Law. Curcio suggested that the Township Ordinance be amended to state “decisions appealed to another administrative body or to State Circuit Court can be stayed only in accordance with State Law.” Board clarified this is not removing the right to ask for a stay. A motion made by this commission would be asking the Township Board to consider this change. Rowe makes a Motion to take the

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recommendation of the Township ZA's memo dated August 22, 2017 and recommend the Township Board make the change to Zoning Ordinance Section 40-657 as stated: "When a decision is made under this chapter is appealed to another administrative body or to State Circuit Court, that the decision be stayed in accordance to applicable provisions of state law." Prietz Seconds. Motion approved by unanimous voice vote.

New Business- Discussion of Medical Marijuana Ordinance with Township Legal Counsel. Attorney Curcio- Gives a background on the Medical Marijuana Act. MMMA was the original act in 2008. MMMFLA passed in 2016 and it took about a year to implement. Act authorizes 5 categories of businesses. Municipalities can opt into any, all or none of business types. It does create a bit of a revenue stream for the Township. Excise taxes are collected and 25% go back to Municipalities. Municipalities can charge an assessment to defray the costs.

1. **Growers** (3 classes –A , B and C)
2. **Processors**- Take marijuana and turns it into a usable form.
3. **Provisioning Centers**- Retail Centers that sell directly to patients.
4. **Secured Transporters**- Transport from growers to processors to provisioning centers.
5. **Safety Compliance Facilities**- Labs for testing quality and contaminants.

State Licensing Process- State has a \$6,000 application fee, plus background checks and facility specific application. Municipal zoning becomes applicable during second stage of the application process.

Municipalities- Can authorize any number of the above categories and can limit the number of each type of facility through either a hard cap, zoning areas or buffers. Municipality can impose an annual fee of up to \$5000 for administration and enforcement costs. Can impose land use regulations if they don't conflict with State requirements.

Questions to consider: What facilities should be allowed? What type of limits, if any? What should the applicant have to submit to the Township? What if Township has more applicants than is allowed via a hard cap?

Zoning perspective- Where should they be allowed and not allowed? Clustered Together? Buffered from one another? Different licenses on same property? (State does allow that). Buffer zones for churches, schools, day care etc. Permitted by right or by land use? Any special regulations for signs, site security or other regulations?

Recreational marijuana is likely to be on the ballot in 2018. This comes with its own law. It would create 2 new types of businesses- *Marijuana Retailers* and *Marijuana Micro Businesses*- that do growing, processing and selling.

Recreational marijuana businesses are not automatically allowed in the Municipality that currently allows medical marijuana businesses. Municipality would have to opt into the recreational businesses.

Public Comment- Devin Loker Attorney representing Ken Jacobi - Portage MI- Objective is to keep all medicine out of the hands of the kids. Caregiver patient model has been problematic; the new licensing and regulatory structure will allow people who know what they are doing to do it safely. Spoke about the tax income for the Township and banking to be available.

Board Discussion- Which, if any, of the 5 categories would we want in our Township and where would they be located? Do we want to move forward with an ordinance? Why do we need it? Why do we want it? What do we gain? Is the need being filled elsewhere? Concern about bringing the wrong element into the area- some provisioning centers are selling out the back door.

What is the need? Some believe it is large contingent in our community. It's an important discussion we should have.

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Would we need this ordinance if recreational passed? If we don't allow the medical use provisioning centers in the Township then it's two years before we can have recreational here, unless a provisioning center, already operating in another part of the state, wants to open here. Would the zoning ordinances we have in place for the medical transition to recreational if we wanted that? Yes. How can Townships opt out if we have to "allow every legal use" under the Zoning Enabling Act? The state statute allows for Townships to opt out, so no legal challenge there.

Would we want growers or processors? Step one is to allow provisioning centers where our citizens can get what they need. We can opt into the other areas after we see if recreational passes in November.

Next step is to identify places in the Township to allow this and discuss other additional regulations. Township has three commercial zones and one industrial zone. C3 is what's being looked at for the provisioning center location. ZA Kushion states provisioning center needs to be in a commercial zone.

Do we want/need a subcommittee? Do we want a hard cap limit? If buffers are in place, the small size of the commercial zone will limit itself. Curcio agrees that not setting hard cap limits is the safest way to avoid a legal challenge. Should Curcio get us a draft ordinance to look at?

Could the Township require a site plan approval? *Site plan* is more limited review than *special use*. Subject all new marijuana businesses to site plan review. Adjoining owner can address their concerns through the site plan review. Some municipalities are limiting signage- ex: no marijuana leaves etc. If we grant medical marijuana provisioning center via a site plan, recreational would have to be approved as well, correct? Yes that is correct.

Motion by Rowe to have Curcio present a proposed ordinance for provisioning centers in commercial centers with site plan review. Lozano seconds. 3 in favor; Prietz opposed. Motion Passes.

Top Grade Aggregate, LLC- ZA Kushion asked Curcio to review the action since applicant is appealing. The planning commission will take another look at it providing Curcio can attend. Curcio cannot make the April 23rd meeting, but if we can move the meeting to April 30th that will work.

Prietz makes a Motion "To rescind the Planning Commission's decision of December 18, 2017, denying a special use permit to Top Grade Aggregate, LLC for a proposed sand mining operation based on new information from the Township Attorney regarding the heightened standard for the judicial review of the mining regulation under the Michigan Zoning Enabling Act MCL 125.3205 3-5. A new public hearing on the application shall be scheduled and noticed for the Planning Commissions regularly scheduled April 30 planning commission meeting." Second by Rowe. Unanimous voice vote.

Public Comment- None

Board Discussion- 2 open positions- One filled by Becky Israels and one remaining position. ZA Kushion states they are planning to fill it on Wednesday. There are numerous applications for the position.

Next Planning Commission Meeting- April 30, 2018

Motion to Adjourn by Rowe with Prietz seconding is unanimously approved. Adjourned 8:17 PM

Brenda Williams, Recording Secretary

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1. Motion by Rowe to add a discussion point Top Grade Aggregate, LLC from Dec meeting under new Business point B; Prietz seconded. Motion approved unanimous voice vote.
2. Motion to approve the agenda as amended of the March 28, 2018 Planning Commission meeting. Rowe motioned, Prietz seconded. Motion approved unanimous voice vote.
3. Motion by Rowe to approve February 5, 2018 meeting minutes as amended; Second by Prietz. Approved by unanimous voice vote
4. Motion by Rowe to approve the amended minutes of the December 17, 2017 Planning Commission meeting. Prietz seconded. Motion approved by unanimous voice vote.
5. Motion by Prietz to recommend to the Township Board this change to Zoning Ordinance Section 40-657: "When a decision is made under this chapter is appealed to another administrative body or State Circuit Court, that the decision be stayed in accordance to applicable provisions of State Law." Second by Rowe. Motion approved by unanimous voice vote.
6. Motion by Rowe to have Curcio present a proposed ordinance for provisioning centers in commercial centers with site plan review. Lozano seconds. 3 in favor; Prietz opposed. Motion Passed.
7. Motion by Prietz "To rescind the Planning Commission's decision of December 18, 2017, denying a special use permit to Top Grade Aggregate, LLC for a proposed sand mining operation based on new information from the Township Attorney regarding the heightened standard for the judicial review of mining regulation under the Michigan Zoning Enabling Act MCL 125.3205 3-5 A new public hearing on the application shall be scheduled and noticed for the Planning Commissions regularly scheduled April 30 planning commission meeting." Second by Rowe. Motion approved by unanimous voice vote.
8. Motion to adjourn at 8:21 pm. Rowe motioned, Prietz seconded. Motion approved unanimously.