

**ROSE TOWNSHIP PLANNING MEETING
REGULAR MEETING
September 2, 2021**

DATE: Thursday, September 2, 2021
TIME: 7:03 p.m.
PLACE: 9080 Mason St, Holly, MI 48442

PRESENT: Darlene Stanczyk Jim Holton
 Mark Bolan Glen Noble, Trustee
 Maura Jung Theresa Lynn, Co-Chair

ABSENT: Michael Brooks, Chair (excused)

OTHER(S) PRESENT AND GUESTS SIGNED IN:

Brian Borden (Township Planner) Dave Plewes (Zoning Administrator)
Debbie Miller (Township Clerk) Renee Kraft (Recording Secretary)
Dianne Scheib-Snider (Supervisor) Irish Watters

1. CALL TO ORDER:

Co-Chair Lynn called a regular meeting of the Rose Township Planning Commission to order at 7:03 p.m.

2. ROLL CALL:

Board Members Present: Stanczyk, Holton, Bolan, Noble, Jung, Lynn
Board Members Absent: Brooks (excused)

3. APPROVAL OF AGENDA:

Motion by Noble to approve the agenda as submitted. Seconded by Stanczyk.

VOTE: **YES:** Jung, Lynn, Holton, Noble, Stanczyk, Bolan
 NO: None
 ABSENT: Brooks

4. APPROVAL OF MINUTES:

Motion by Jung to approve the minutes as submitted. Seconded by Stanczyk.

VOTE: **YES:** Lynn, Holton, Noble, Stanczyk, Bolan, Jung
 NO: None
 ABSENT: Brooks

5. BRIEF PUBLIC COMMENTS – AGENDA ITEMS ONLY: (limit comments to 3 minutes)

None

6. COMMUNICATIONS:

None

7. COMMITTEE REPORTS:

None

8. PUBLIC HEARINGS: (Notification as required by State law)

None

9. NEW BUSINESS:

A. Introduction of Jim Holton, newest Planning Commission member.

He moved to Rose Township in 2019. He is a health and safety representative for UAW.

B. Caregiver Ordinance

Dave Plewes: Legal decisions have been made to allow local jurisdictions to set specific standards on the regulations of Caregivers in their community, dealing mostly with zoning. There have been several inquiries for Caregiver Ordinances. Planning Commission will set up standards so they know what rules to follow. They will be enforceable. Application fee, process to follow and set up with DTE and will have to approve for appropriate electrical. There will be inspections.

Brian Borden: Only focusing on Primary Caregivers, home occupation permit. Home occupation was upheld by the Michigan Supreme Court. They have to be licensed by the State of Michigan to be a Primary Caregiver, then get the local permit. This ordinance can add a local permit. Section 38.403 - Home occupation. Section (a) will be for subsection stands alone for all other home occupations and will not apply to Section (b). Section (b) will be for Medical Marijuana/Primary Caregiver home occupation permits. This is the starting point. He discussed 1) intent; 2) definitions; 3) remainder of article-effect of permit approval; 4) regulations. These are drafted right now to allow this only in the AG/RP zoning district, but it can be expanded beyond that if that is what the commission wants and township board. There is no minimum acreage added at this time confined to AG/RP districts. Exclusion for non-conforming properties can be considered.

Spacing requirements were added (schools, parks, etc.). Suggestions open to buildings other than single family homes. Could amend to include detached accessory buildings. 150 sq. ft. maximum allowance for space occupied grow/processing room. Power supply is a big issue in other Townships. Suggested they must get authorization from the energy provider to show sufficient capacity before a permit would be given.

Plewes discussed AG/RP 10 acre minimum, RP 5 acre minimum, setbacks, safety, nonconforming provisions. 72 plants are maximum.

The discussion below pertains to future caregivers, not those grandfathered in.

38-403: Line-Item Discussion:

- (1) INTENT: There are at least two home caregivers in Rose Twp that Dave Plewes is aware of. He will contact the State of Michigan to find out all the home caregivers. Paragraph 2: Jung discussion on if it should state "owner occupied." Borden suggests speaking with Attorney Mulvihill to answer that. Borden states the person with the caregiver license must live there in order to get the permit from Rose Township was the intent. Questions if Owners should be aware if leaser has the license. Must show driver's license and voter registration. Borden stated they will clean up paragraph 2.

DEFINITIONS: Enclosed Locked Facility - Jung would like "not to be visible without the use of binoculars" added. Borden states if it is in the regulations it doesn't need to be added to the definition.

Noble skipped to page 4 with a question on ancillary products and a comment on a large (acres) hemp growing operation in Rose Township. Borden suggests defining what it means or getting rid of the sentence. Qualifying Patient - Lynn suggests clarification, possibly repeating words from "Primary Caregiver" and also processes a registry patient card under the act.

- (2) REMAINDER OF ARTICLE; EFFECT OF PERMIT APPROVAL.

- (3) REGULATIONS: 1) Medical Marihuana Home Occupation Permit Requirement - Bolan questions if permits only in AG/RP, if that would be discriminatory? Plewes stated no, because we allow it in our district but under State Rule and Regulation rule out the zone uses within certain areas.

Bolan went back to page 1 with question on 38-403 (a)(9). Borden and Plewes responded to the existing ordinance question.

1a) The cultivation - Questions regarding districting of land and permitted uses in AG/RP, with R1R not being included. Lynn questioned if it should be stipulated that nonconforming lots in this zoning district (AG/RP) would not be able to do this activity? Borden will clean up the wording.

1b) The requirement - #6 Noble suggests to delete word "wastewater." Rose Township does not have any sewer systems. Health department will have jurisdiction on certain aspects of this. #7 gives the Township Board the ability to add discretionary items to the ordinance.

1c) No application - Noble had questions regarding the application fee. Plewes stated the RT Board will deal with both the application and inspection fees.

1d) No comments

2) Requirements and Standards for Approval for Permit and for the Activity Permitted- Noble questioned "site condominium" and suggested it be removed. Borden will change it.

2a) Plewes suggests adding "and in addition to yourself" at end of sentence.

2b) Lot dimensions- #3 suggested bumping up from 500 feet to 1,500 feet.

2c) Allowance for an accessibility building will be added.

2e) Brooks (via email) questions 150 sq ft to 20% in 38-403(a)(1). Decided to stick with 150 sq. ft. for Medical Marihuana.

Will there be fire suppression? Plewes stated no.

2i) Brooks (via email) thinks this lighting requirement wouldn't be enforceable. We can't regulate what they are doing inside their house. Borden stated we can if the light shows to the outside. They will probably be violating State laws (visibility) if you can see the light from outside.

2h) Distribution of Ancillary products. Borden will research the phrase "ancillary product" and maybe just remove that statement. Bolan suggested leaving it in. Plewes says we can define as "provided only for patient."

2k) under first paragraph. DTE has been struggling with loads on their system; they will review property to make sure it doesn't impact other communities. Under paragraph "Furthermore..." suggestion it should state energy provider and not be limited to DTE and Consumers Energy. Discussion on Solar.

e. Disclaimer of Immunity- (bottom page 5) No comments

f. Exceptions- No comments

g. Enforcement- No comments

Holton discussed traffic volume increasing. Borden doesn't think it will be a problem. Questioned bringing in employees. Plewes stated he doesn't think State law allows employees.

Moving to Draft 3 revisions based on discussion and will be re-written.

10. Unfinished Business:

None

11. Tabled Items:

None

12. Discussion Items:

None

13. Announcements:

A. Rose Township Board Report-Glen Noble: None

B. Comments by Township Planner-Brian Borden: None

C. Next Regular Planning Commission Meeting: October 7, 2021, 7:00pm Rose Twp Offices

D. Next Regular N.O.C.F.A. Meeting: September 21, 2021, 3:00pm at Holly Twp offices

E. Next Regular Township Board Meeting: September 8, 2021, 7:00pm

F. Zoning Board of Appeals: Cancelled

14. Open the Meeting to the Public:

Resident – Questioned if we know a neighbor is not a resident but know they are growing marijuana, will they be made inactive or have to pay fees? Plewes responded that they will be allowed because they were set up before any regulations. She questioned upkeep standards? Plewes stated they can't violate ordinances. Questioned why do they get

privacy? HIPPA laws. Questioned random inspections and load sheets. Employees have no vested interest in community. Can they parcel out to add more plants? No.

15. Adjournment: 8:55pm

Motion to adjourn by Lynn. Seconded by Holton. All said aye.

A handwritten signature in black ink that reads "Debbie Miller". The signature is written in a cursive style and is positioned above a horizontal line.

Debbie Miller, MMC, MiPMC II
Rose Township Clerk

Approved/~~Corrected~~