

**TYRONE TOWNSHIP PLANNING COMMISSION
APPROVED REGULAR MEETING & PUBLIC HEARING MINUTES
January 11, 2022 7:00 p.m.**

PRESENT: Rich Erickson, Kurt Schulze, Steve Krause, and Jon Ward

ABSENT: Bill Wood, Chet Schultz, and Garrett Ladd

OTHERS PRESENT: Ross Nicholson and Zach Michels

CALL TO ORDER: The meeting was called to order at 7:00 by Chairman Erickson.

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC: Several public comments were received.

APPROVAL OF THE AGENDA:

Vice-Chairman Kurt Schulze moved to approve the agenda as presented Commissioner Steve Krause seconded. The motion carried.

APPROVAL OF THE MINUTES:

- 1) 08/10/2021 Regular Meeting & Public Hearing Minutes: Approved as amended.
- 2) 08/18/2021 Regular Meeting Minutes: Approved as presented.

OLD BUSINESS:

1) Niemi Shared Private Driveway

Zach Michels summarized the application and read through the review letter. He said that even though there is a revised shared driveway easement he didn't think it was in recordable form. The things they want in it are there, but they are particular about the size of the font, margins, etc.

Ross Nicholson stated that the applicant was not present. Commissioner Jon Ward asked why they wait to have the public hearing portion at 7:30, and why they don't just have them at 7:00 and the rest of the meeting at 7:30. Schulze explained that they're set up that way to allow for the meeting to get started and then the public hearing is a part of the meeting after it gets started. He said he wasn't sure what the reason behind it was, but with township rules, you want to keep them standardized. They discussed moving New Business #2 ahead of Old Business #1. Ward made a motion to move New Business #2 on the agenda before Old Business #1. Chairman Erickson supported. The motion carried.

1)Private Road Standards

Nicholson explained that Runyan Lake Heights Association approached the township stating they wanted to pave a portion of their private roads for safety purposes. There is a subsection in Article 24 of our ordinance which says you can do upkeep, maintenance, and repairs to an existing unpaved road but if you go to pave it then you need to bring the road into compliance with current private road standards. In that particular instance, it's very difficult because the right-of-ways were platted back in the 1940s and 50s as a cottage community so the road easements are only about 40-feet wide as opposed to the current standard of 66-feet. Because it was a cottage community, the lots are very small and most of the homes that are on there are a number of lots that have been combined; between three and five lots combined for one single-family home. Based on the pattern of development it would be very difficult for them to bring the entire road system into conformity with the current standards. This is why it's up for discussion. He said that Michels may have identified something which may allow the Planning Commission some discretion whereas an amendment would not be necessary, and he would let Michels speak on that.

Michels explained that he found language in the front of Section 24.04 on non-conforming roads. He said it's very similar language to what is for new roads. It states that the Planning Commission may recommend approval of a modified standard for a non-conforming private road in a particular application where it can be demonstrated that the modified standard meets safety and sound engineering requirements. Modifications to these design standards shall be considered and recommended for approval or denial by the Planning Commission. The Township Board shall consider the recommendation of the Planning Commission and take final action on the request for a modified design standard. The modification, if granted, shall be based on a practical difficulty associated with the request but as such not limited to pre-existing development, natural features, and topography or protection of the health, safety, and welfare of township residents.

Also, in the section on non-conforming roads, there are very specific things about the number of units and the dry hydrants. Michels said he would recommend they should identify all the modifications they're asking for such as lot width, the right of way being 40-feet instead of 66-feet, etc. They need to reference their practical difficulty similar to when determining a variance. He recommends the Planning Commission makes findings based on that, that they believe this is safe and believe all the items listed and make a recommendation to the Township Board, then they can modify the standards for that application. The way it's set up is similar to variances, it's not necessarily presidential because you grant it in this case but it doesn't mean you have to grant it in the future because you're looking very specifically at this application.

The Planning Commission continued the discussion. They said there had been some ponding issues and people were slipping, so there are likely drainage issues that need to be fixed first. The Planning Commission felt they should address that. They agreed that it would be tough to make them meet the 66-foot-wide requirement since it was platted years ago and there isn't any room to increase the width. Nicholson asked the Planning Commission to confirm that they'd like to request additional information with more details. They'd like drainage details as well as an application to come before the Planning Commission formally to make a determination as to whether they believe it's sound planning and sound design to make the modification. Ward stated that a site visit would be important and a rough drawing with topo details. He said they're talking about paving an unpaved road, which means increasing the impervious area and has other implications so most likely they'd want to have the township engineer look at it.

A resident spoke via Zoom. He said they have a quote for the road, and he wanted the Planning Commission to know that it's not a drainage issue. Ward asked Nicholson if the original issue was that there was ponding water and people were slipping. Chairman Erickson said they'd know once they see the application. The resident on Zoom said that the ponding was not due to water but to ice in the winter. Ward said he still considers that a drainage issue that could just be fixed by paving the road. The other commissioners concurred.

Chairman Erickson asked Nicholson if the process was just to repave and not take up the roadbed. Nicholson said the only information he had was the email he sent over, which is very vague. He said he will request as much detail as possible to get the ball rolling and come before the Planning Commission. Ward said he recommends that the applicants review the current standards for the ordinances and then they can determine which of those they feel are practical difficulties. If they're just trying to pave the surface because that's all they can afford, that going to be tough without showing the practical difficulty. Krause said they're adding quite a bit of aggregate to the roadbed which would result in a finished surface significantly higher than the current grade. Ward stated that he would be in favor of waiving some of the requirements because of the unique circumstances but suggested that more details should be provided for review so that the Planning Commission may determine what specific requirements can be waived or modified.

Erickson asked Nicholson if this would require a public hearing. Nicholson said it would not be required if the request can be evaluated based on the existing Zoning Ordinance standards without requiring a text amendment. Nicholson said the Planning Commission can tell the applicant what you deem necessary to make a determination in accordance with the subsection on modification of a private road.

Krause asked if they needed to have Livingston County Road Commission approval. Nicholson stated that if they were modifying the approach they might need a permit waiver, but it doesn't sound like they are intending on widening it or making any significant changes. He said he will still run it past them to see if it is required.

PUBLIC HEARING #1:

1) Niemi Shared Private Driveway: Chairman Erickson read aloud the public hearing notice. Michels gave a quick version of the request. He said it is a request for a shared private driveway that can provide access for up to four single-family lots with a maximum length of 1,200 feet. In this case, the proposed shared private driveway would be for two properties which is less than the maximum length and it would allow for land divisions putting a current property into two parcels. He said they had discussed previously that the maximum length for a shared private driveway, the 1,200 feet, is measured not just for the shared private driveway but the entire road where it connects with the public road.

The township checked with the fire chief regarding dry hydrants and they were told there was nowhere to put dry hydrants but they said it's not an issue because Indian View is very easy to get in and they can turn around and do their jobs.

Immediately to the south of this property is an existing shared private drive that could be expanded. The applicant said they had asked, but that it was easier to do it this way and didn't want to ruffle any feathers. The reason the zoning ordinance wants to first try to use an existing driveway is to reduce the number of curb cuts. In this case, there's not a real issue with the number of curb cuts because it's a dead-end street as opposed to a through-street where there's a lot of traffic and a lot of turning movements.

They received additional information including contours and a revised maintenance agreement, which is consistent with the zoning ordinance. The actual form will need some amending before being recorded at the Register of Deeds. If the Planning Commission feels that the other elements are to their liking, they could approve it contingent upon receiving a copy of the recorded document, and then it will be up to the applicant to work to get it into recordable form.

Michels quickly reviewed his report showing that there were no issues with the proposed shared private driveway. All the requirements have been met. They just need to get clarification from the Register of Deeds on what format they want the maintenance agreement in so they can record it.

A member of the public spoke (inaudible) regarding a maintenance agreement.

A recommendation can be made after the public hearing.

PUBLIC HEARING #2:

Sultani Caregiver Special Land Use: Chairman Erickson asked if the applicant would like to speak before Michels gives his review. The applicant stated that the other applicant for this was

on Zoom and would be able to answer any questions regarding the plans and how the operation will be set up and anything operational. He said that everything is laid out in the use statement that they provided.

Michels gave a quick version of his review. He explained that the special land use was a medical marijuana caregiver operation. These types of uses potentially have a greater impact on the area of the community so they require this extra review of the public hearing. He explained the limitations such as the number of plants that can be grown. The proposed special land use at 9165 Fausset Road is calling for using an existing accessory building at the back of the property. There will be no physical changes to the outside. It has to have a site plan, and all structures must be on it. The site plan is missing some information that needs to be added such as the setback from the accessory building to the water body. This would be a good place for the Planning Commission to provide guidance to the applicant as to what other things they want on the site plan.

For access and circulation, it's going to use the existing driveway. He said he recommends the address be visibly posted there. There are no issues with parking or loading. For essential services, he recommends adding the existing utilities to the site plan. No additional landscaping or screening will be required. There will be no outdoor lighting except for some security with motion-activated lights. There will be no outdoor advertising or signs.

He said that for the audience he wanted to mention the many conditions that will be placed on this special land use. There will be a limit to the number of caregivers and the number of plants that can be grown. There can't be transfers taking place on the property. Those things were addressed in the use statement.

Chairman Erickson asked the applicant about the construction there and whether members of the Planning Commission would be able to visit the site. The applicant stated that they would be able to visit the site. He also said they have been working with the Livingston County Building Department trying to get compliant.

PUBLIC COMMENTS:

Resident C.J. Callaghan said that the property is just houses away from him and he is against any drugs being manufactured there for whoever; it doesn't matter if it's for medical or not. His understanding is that they've been growing this stuff without a permit already. Nicholson confirmed that they have been growing, and that is what brought this to light. Mr. Callaghan said they've already broken the law by planting the stuff without a permit. He said the place looks like (expletive). He said that ever since the property was stolen in 1975 nobody has taken care of it. He said he doesn't want drugs in Tyrone Township, and he expects them to vote against it. Ward asked him if he was okay with the applicants going to a township that has an ordinance that allows it. Mr. Callaghan said yes, in a city. They're rural and they don't want

that. It's okay to grow corn or raise cattle, but they don't want marijuana. He continued to talk about how bad the property looked.

Gabe Borreson of 9147 Faussett Road spoke next. He said they live directly behind this property. They have an easement alongside the property. They moved out there about four years ago and met the previous owner, who has since passed away. About two years ago they started noticing activity at the residence while they were down at the bus stop. It's a multi-family bus stop right there so there are a lot of kids. They want to keep an eye on what and who is around there. They have a 1,200-foot driveway, and they'd like their kids to be able to walk up it but with all the unknown traffic and the unknown occupants or whoever is there, they don't feel safe allowing the kids to walk up the driveway. He said there are weird smells and noises. There are different vehicles and people there at all hours of the day and night and it is very concerning to them. They don't know if whoever is going there is doing so legally; if they are the caregiver or the patient or just out of jail or off the street or if they are there with bad intentions. He looked through the township's ordinances and he said there are many that are not being followed. It may be legal at the state level, but he believes there is probably a reason why Tyrone Township does not have experience with this type of special land use permit. He asked if there was any other caregiver operation in the township. Nicholson said that there is not currently another caregiver operation. He said they've received several applications over the years. Mr. Borreson asked why they were denied. Nicholson said one was approved and it was later revoked due to non-compliance. The others were withdrawn. Mr. Borreson asked who monitors the operation and who oversees determining compliance or non-compliance. Would it be Livingston County or the police who will be monitoring? They went for a year or two before anything was done officially. Had it not been for local citizens saying something, they'd still be doing this. He said he researched the name on the application, and he has a Class A grower's license which is far beyond what a caregiver is allowed to do. He asked if they planned on following the guidelines of the Township or do they plan on going beyond that and doing what they want.

Daisy Borreson of 9147 Faussett Road spoke. She said that back in March of 2020 is the first time she had had a conversation with Halim Sultani. He told her at the time that he was going to make a machinery shop in that building and that was going to be a place of business. She said her concern was customers coming and going. March 23, 2021, was the first time that they opened their front door and walked outside and all they could smell was marijuana. Their neighbors had also been complaining for the past two weeks about the smell. At that point, there had already been a large operation happening. On March 24, 2021, the State Police were called, and the County was on the scene. At that time, a comment was made by the renter of that property that was growing marijuana that said that he was getting his commercial license to expand that operation. Her concern is not only the people coming and going but the fact that for a couple of years they had been doing this illegally with no building permits, no permits for anything. Now that the Township is aware of it, they are going to suddenly abide by the laws when for two years nobody's done anything?

Scott Dietrich from White Lake Road spoke next. He said he was aware of another neighbor on Faussett Road who was very concerned about this. She'd asked him what was going on and he said he didn't know yet. He finds it troubling that the Township keeps getting these issues with people coming here, asking to do business on their property, but they send their nephew or somebody else to do their bidding. He wants to hear from the applicant; where is the uncle, is he here? He is the one who is responsible and hasn't complied. Why does the Township reward people that don't comply? They show what they are: lawbreakers. He said he'd dealt with this down the road from his house. He said if you give them an inch, they take a mile. He said the people growing the marijuana should have been thrown in jail and put away for a long time. He said he is not anti-marijuana and he's not anti-beer but there is a proper procedure for doing things. These people don't and they won't. He said we've seen it like what's going on down on 23 – the storage place. He said they're not going to comply and who will babysit them? He asked if Ross had time to babysit. He said the police won't have time. He said the neighbors have to police it; he has it across the street from his house. They are putting drugs, addicts, and alcoholics in there and he says he couldn't fight it because the state overrode it.

C.J. Callaghan spoke again. He reiterated how bad the property looked and asked if there were any procedures in place to clean it up. He asked if they can't have a nice neighborhood because of one bad egg that wants to grow drugs and let his place look like hell. He feels they need to do a whole lot of work on that property before they even think about the marijuana. He said he expects the Planning Commission to back him up.

John & Donna raised their hand on Zoom. John said he wanted to know the best way to contact Ross Nicholson to provide more information for the Runyan Lake thing... Chairman Erickson said that this is a public hearing for this application at the moment, so please contact Ross outside of this meeting.

Robert (last name not given) spoke via Zoom. He asked who would be responsible for the legality of the number of plants being grown. He said they can often smell the strong odor of marijuana several times a year during harvest season. He said he doesn't think anything can be done to address that. He said he didn't believe the applicant can make promises that they'll monitor the air quality or whatever they do to prevent that odor from escaping, but it does permeate the area. He said he understands what others are saying in the area, he's experienced it, too.

Schulze asked Michels if he could specifically address the obligations of the Township under the Medical Marijuana Act for caregivers when he goes over his review. Michels said that he would give the short version. The law was adopted in 2008 and it's still unsettled. Someone from the audience said "but there are specific laws", and Michels said that there were, but the courts were still deciding what the laws mean. The people write the laws, and the courts tell you what it actually means later. This law was written by a group that passed the amendment, so it was not left up to the legislature to make a determination but now the courts are still fighting about the

specifics of the information that we voted on. The medical marijuana act was voter-approved in 2008 and it allows people to have medical marijuana and allows caregivers to grow plants for up to six qualified patients. Those patients need a card from a doctor. You need to be registered with the state for both caregiver and patient. The act allows you to grow up to twelve plants for up to six caregivers.

Michels continued to read through his review. He explained that the review that is done by this board is to ensure the special land use will not cause an impact and not whether they like someone or don't like someone. They have criteria they have to follow. To answer the question about who monitors the operation, the township does not have a policy where the staff drives around looking for violations, so they will act when they receive a complaint. They are complaint-based. The very first action is the neighbors. As far as the condition of the property, it could be something that could be addressed as conditions that the grass is maintained, and the shrubs are done.

He continued to say the Planning Commission and the Township Board have the opportunity to place more conditions on it. There were concerns about who might be coming onto the property. If the Planning Commission finds there are concerns with that they could say they approve with the condition that a 6-foot fence is placed along the property line, or they put landscaping or a berm.

He continued to review the marijuana use standards, which can be found in Tyrone Township's Zoning Ordinance, section 21.55.

Someone (unidentified) in the audience asked if this application was online and he was told it was on the website. He also asked Michels to reiterate some of the points in his report, specifically odors. Michels said it's different from community to community.

Another audience member (unidentified) said that their driveway is 1,200 feet long, which is almost ¼ mile, and they can't open doors or windows without smelling the odor. Their kids didn't want to go outside because it smelled so bad. They have over nine acres and the odor can be smelled all over their yard. She said her biggest issue was that they were doing this illegally and she doesn't believe they will just suddenly obey the law.

Ward asked Michels how the smell comes into play with our ordinances. Would it go under a nuisance? How can that be measured? Michels said that is a challenge, and that he recommends that the approval can be conditional upon it not creating a noticeable odor off the property. Krause said that was nearly impossible. He said he's been near a couple of those and they are intense. He said they could deny this special land use because of the smell impacting the welfare of residents. Michels said that if the Planning Commission believes it creates a substantial negative impact on the use and enjoyment of neighboring properties, then yes, it could be denied.

Nicholson clarified that the township only permits this in a few residential districts; he thinks only FR and RE, so the higher density zoning district is not permitted. It is permitted in some commercial districts and industrial districts, as well as FR & RE which are our lowest density zoning districts.

C.J. Callaghan asked what the amount of property a resident has to have in order to have a medical marijuana place. Chairman Erickson reiterated what Nicholson had said, that it could only be in FR & RE. Mr. Callaghan said he is still asking how much property. Nicholson said he didn't believe they have standards for that. Mr. Callaghan asked if someone could buy a lot in Lake Shannon and the township would be good with the growing of marijuana. Nicholson said that was not a permitted special land use in that zoning district. That would be in the R-1 district, and marijuana operations are only permitted in FR & RE. Mr. Callaghan asked how a neighbor just one house away from him can have a different zoning classification. Nicholson said that it's based on the zoning map. Mr. Callaghan said that didn't make any sense to him. He asked why that was. Michels said that nobody knows, but at some point in time the township decided you have to draw a line between zoning districts. There are lots of elements that go into determining that map. Michels and some of the commissioners continued to explain the various ways they make decisions on the zoning map. Chairman Erickson told Mr. Callaghan that they understood his question and comment. Mr. Callaghan said he appreciates that, but he didn't think he got anywhere with them.

Scott Dietrich said that the smell of these places is nauseating. Ward asked the applicant to address the odors. The applicant said that he wants to assure everyone that they're there in good faith. He said they know they've had issues in the past but now they are here to do things legally. He said they're investing a lot of money into the place to fix it up and do it right. He assured everyone that they were making the necessary investments to do everything that the city and the county requires. He said they will bring everything up to code including a state-of-the-art filtration system so that any odors that are released from the plants are dissipated. They are adding 6-inches of foam all around the building, as well as foam boards. They're doing everything the industry requires to keep the odor secure, so he wants the neighbors to rest assured that they're not there to hurt them or their children, they just want to grow medicine for their patients legally.

A member of the audience began shouting out questions to the applicant, and the Chairman asked that he direct his questions to the Planning Commission and not to the applicant.

Ward asked the applicant if he'd had this odor system in place back in March of 2021. The applicant stated that they had not, that they just recently invested in the barn to make sure it was revamped. He apologized that he hadn't gone through the necessary steps of getting the permits but there's been new ownership in the property since last summer. There were issues with the old owner and now they're starting fresh. They want to do everything legally with respect to the neighbors and the community and abide by the law regarding caregivers.

Schulze asked the applicant if they were currently growing plants. The applicant said they are waiting until everything is legal, and they get all of their approvals.

Janette Ropetta of Fuller Drive asked what the name and address were of the person who was speaking and what his relationship to this endeavor was. The applicant gave that information.

Another member of the audience (unidentified) said that there is no operation there currently because they were found in violation of what...

Nicholson explained that they were required to have a special land use in order to operate a caregiver operation. The same audience member said that "it just goes with the fact that not following rules only when caught". He said they should know what the police came up with when they investigated. Nicholson said he could try to obtain the police report but as far he knew they were found to be in compliance with all state regulations but were in violation of township regulations which is why the enforcement fell on us. The audience member asked if it was under county regulations, as well. Nicholson said it was under state and the county is only involved when it comes to structural building permits. The Livingston County Sheriff could potentially enforce but they're enforcing the laws of the state. The audience member asked where he would file a FOIA (freedom of information act) to find the police report. Nicholson stated that the Supervisor has all the information and if he contacts the township the next day they can get him that information.

Another unidentified audience member asked the Planning Commission to ask the applicant if the people coming to get the marijuana are Tyrone Township residents. Ward asked if that was a requirement of the special land use. The audience member asked them to ask the question that he just asked and then when he gets the answer that the majority of patients are not in Tyrone Township then the question is "go back to wherever you live and open it up in some area that's industrial and leave our little bedroom community alone". Chairman Erickson wanted to clarify that when they receive an application they have to review it impartially and cannot ask questions, like Ward mentioned, they have to review based on their ordinance. The ordinance states that they must be qualifying patients, it does not state that they have to be qualifying patients that live in Tyrone Township. The audience member said, "so they're going to wreck the area for their benefit and we're not going to get a (expletive) thing out of it".

Michels explained that the zoning ordinance, section 21.55, and the Medical Marijuana Act don't have residency built in about how far patients have to be from the facility but if the caregiver or if the patient lives there then that allows for them to consume it on-site because that's where they live. But in general, it doesn't specify they need to live anywhere specific. They just need to be a qualifying patient with the papers from a doctor.

The same audience member said the applicants talked about a fancy air filtration system and they can't even mow their grass. He asked how they expected him to believe they are going to expect him to take care of this property. He asked them if they intended to make the applicant take care of their property. Ward said that the applicants are expected to follow the ordinances. The audience member asked if there was an ordinance about having your place unkempt. Nicholson said there is no ordinance on mowing or maintaining lawns. He said there are ordinances prohibiting things like machinery, equipment, inoperable vehicles, sharp metal objects, anything hazardous. As far as the house, it just needs to be sealed up. If there are any openings they'd need to be boarded up. The audience member asked if it's okay that no one lives in it, and Nicholson said it just needs to be secure so there is no way for anyone to get in. The audience member asked about their "do not trespass" signs and would that be enough to keep people out? Nicholson said they are a complaint-based township, and they don't go around door to door to every single property. The audience member said he understood that but once someone like himself brings something to the township's attention he'd want them to inspect it. Nicholson said that they would check the property and check for violations if they received a formal, signed complaint.

Ward asked Nicholson if the caregiver operation be considered the entire parcel or just the barn where it's grown. Michels said he interpreted it as the entire site.

The same audience member asked if the rules change and they can grow more marijuana, how many barns can they put up on that property to grow marijuana. What if they want a thousand customers? Nicholson explained that at the township level they only allow medical marijuana which is based specifically on the State Act. Commercial operations are something totally different and that is something the township has opted out of. The audience member said what if they have a thousand people? Nicholson said they are limited to 72 plants maximum. The audience member said he understood that but was concerned if the rules changed. Nicholson stated that if the state laws changed, they would need to address them in the local ordinances and make changes as necessary. Michels explained that the very large growth facilities are done under the Medical Marijuana Facilities Act and are primarily directed towards recreational and they're large with thousands of plants. That is not a part of the Medical Marijuana Act.

Schulze said that he felt it important that people understand that they don't have the option to opt-out of medical marijuana, the caregiver part of it.

Michels said that one of the challenges with odors is people have different sensitivities. He said he thinks it reasonable that a condition of approval would be that no unreasonable odor is off the property.

Ward asked Nicholson if the township would investigate if a neighbor were to smell the odor and make a complaint. Nicholson said that it would depend on the specific conditions that were placed on the application, but if that's the way it's written that is possible the special land use

could be revoked if they noticed an odor. The specifications need to be as specific as possible when putting conditions on a special land use, similar to noise. Someone in the audience asked if there were meters to measure odor. Nicholson said not that he was aware. Another audience member asked if that would be on her driveway because if she walks down her driveway, she can smell it because the barn is about twenty feet away. Nicholson said it would be whatever the Planning Commission determines, however it is written if they recommend approval. The audience member reiterated that when they and other neighbors go to the bus stop which is right by the property, the smell is right there.

Another audience member asked if there would be a performance bond associated with this. Nicholson said that as a special land use, he believes the Township Board could require that, but it would need to be for something specifically... the audience member chimed in and said it would be an ordinance violation, they violate some kind of vested interest. Nicholson said he'd need to look into that. Michels stated that performance guarantees are generally related to some physical improvement as opposed to potential fines in anticipation that violations may occur. In this case, the penalty is if a complaint or violation of the condition of approval is documented and not corrected, the use stops.

Schulze moved to close the public hearing. Krause seconded. The public hearing was closed, and they returned to Old Business number one.

Old Business #1:

Niemi Shared Private Driveway

The Planning Commission determined that the only thing that needed to be done was checking with the register of deeds to ensure his maintenance agreement was in recordable format. They already had the fire chief's approval. The fire department said they need to have addresses for all the residents.

Ward made a motion to recommend conditional approval, the conditions being that the applicant provides a maintenance agreement in recordable format, and they meet the recommendations of the fire department as provided in the letter. Schulze seconded. The motion carried by unanimous vote.

Old Business #2:

Master Plan

Michels said the next big step is looking at the survey. He said he had sent some sample surveys from other communities and asked that they postpone sending them out because he wanted them to come up with their own general categories. What each community asks is what is most

important to them. Generally, the main categories are housing, questions about residential development, public services, transportation, recreational parks, or programs. Oftentimes, demographic questions are asked to find out who's answering the questions. Some will put their goals and policies in their questions, asking if these are important to the resident.

Getting feedback from the community can be done as part of a visioning session or a second follow-up survey. Schulze asked what the timeline was on this. They need to pick a date when the surveys would be due, as well as schedule visioning sessions. He said he'd like to see a rough timeline.

The Planning Commission continued its discussion regarding the Master Plan process. They discussed deciding the topics they wanted to be included in the survey, and which format they wanted the survey to be in, paper or electronic. They determined they need to focus on the Master Plan, and it needed to be on every meeting agenda. They agreed they had a lot of work to do on the Master Planning process.

New Business #1

Sultani Caregiver Special Land Use

Krause reiterated what he had said earlier about the odor being intense. He said if they're going to make this contingent upon the odor being controlled, they should have some way to measure it at the property line. He said it's their responsibility to look out for the township residents and with this special land use, they need to look at the welfare and health of the people who are directly impacted. Michels said he recommends the Planning Commission provide guidance to the applicant as to what needs to be addressed, such as the filtration system, more specific information about property maintenance, and screening from adjacent properties.

Chairman Erickson asked the applicant to indicate on the site plan the distance between the building and the neighboring properties. Ward asked about the architectural plans, specifically the CO2 in the ceilings and the scrubber. He asked if that was part of the odor elimination process. He asked if those items plus fully sealing the building would help with odor. The applicant explained that the scrubbers eliminate the odor. The CO2 was just a mechanism for the plants to eat. There is no ventilation for air to go in and out. Krause asked if there was a fire suppression system in the barn. It was confirmed there is not a fire suppression system. There is no vent to the outside. Krause asked if there were scrubbers in place back in March of 2020 when they had received complaints about the odors. The applicant said there were no scrubbers or any sort of filtration system at all back then. Ward asked if they had ever run an operation with this system before. The applicant stated that commercial operations are where they got this idea, to contain the odor. He said in the past, the vents would suck out the odor from the barn and release it outdoors, and now they've changed the whole operation and the odor will be contained within the barn. He explained that they changed all their lighting to LED green efficiency. There

will be no heat from the lights. They have air conditioning to keep the plants cool. They have 16 lights in each room which are three amps each. There are trays the plants will sit on to avoid any leakage when they are watered. Chairman Erickson asked them to label those on the site plan. Only one Caregiver will work at this operation. Schulze asked what type of security system they will have. The applicant said they will have a full-out security system with cameras throughout the facility and the outside, as well, as motion cameras that will alert them in real-time if there is any noise or activity when they're not there. They are going to install an alarm system and put a gate at the door so it's fully secure. They will internet wi-fi alarm cameras and are even planning to put up a fence on the property. Schulze asked if the fencing was proposed for just around the building, or for the entire property. The applicant said it would be the entire property. Schulze said that should be shown on the site plan. The architect for the applicant spoke via Zoom. He stated they intended to fence in the cluster of buildings and not the entire property.

Ward asked if anyone lived at the house. The applicant stated that at this time no one did, but it would be better to have someone live there for security purposes. The house needs to be fixed up to become livable. Once the property is fixed up, it will be a getaway for their family, and it will be only for family. Schulze said he would like to see a general statement included with their application with a timeline of when that will happen. Because it is a special land use, they need to know exactly what it's going to be used for. They need to know if anyone will or will not be living there.

Schulze made a motion to table the application until they get the information and the corrected site plan, including the fencing and location of housing within the adjacent properties. Krause said he'd also like to see some information and specs on the scrubber system. Krause seconded. The motion carried by unanimous vote.

CALL TO THE PUBLIC:

Janette Ropetta said that there are people in the community that would like to help with the Master Planning and the survey. There is someone who took a long master planning course and is ready to help. She said they will work for free, and they just want to give their input. She also wanted to know what budget was being used to pay the planner to do the master plan stuff. Schulze said that the planning company is paid for their services, and the master planning is not separated out. Chairman Erickson said there probably is a budget for it and they aren't aware of it but what they know right now is it's not prohibiting them from moving forward with what they need to do. Ms. Ropetta said that she wants to know exactly what the planner will be paid for his services on the master plan. Chairman Erickson said he believed that would be a question for the Township Board. Schulze said they first must tell the planner what they want. He said he thinks they expect that it will cost a minimum of \$25,000. It could cost more; it depends on what they ask for, how many meetings they have, how big a survey they have, what type of analysis he's going to do, and how much editing and writing he's required to do. Krause said this was a 10-year document and that this is money well spent. Having been on the Planning Commission for

less than a year, he said he appreciates the professional help, and he thinks it's necessary. Ms. Ropetta said she would ask the Township Board about the budget. She then asked Chairman Erickson if he would enforce people coming up to the podium when they talk. She said she's doing Facebook live, and there's a reason she's doing that. People attending Zoom calls can't see who's talking, and they can't hear real well. It would be easier to have them come up to the podium. She then said that when the meeting schedule is changed the night of or during the meeting, she finds that very confusing. She also said she has an issue with the changing of documents on the website. She said she wouldn't get into right then, but that she'd be sending a letter to them to let them know what she observed. She thinks it should be duly noted when a document is replaced on the website in order to show clarity and transparency and let people know that things have changed.

C. J. Callaghan said the applicants mentioned that there may be an instance where they don't want to drive home. He said everyone has a job as a rule and they all drive home so that tells him that these people aren't from our area. He wanted to know if the county or the township issued an occupancy permit. Nicholson asked if he was referring to a certificate of occupancy, and Mr. Callaghan confirmed it was. Nicholson said that the Livingston County Building Department issues them. Mr. Callaghan asked if he were to contact Livingston County if they'd come out and check. Nicholson said he was not sure of their procedures, but Mr. Callaghan could try. Nicholson explained that if there were a complaint filed against the property, and the complaint alleged that there was a dangerous structure, then the township would pass that along the necessary channels, which include Livingston County Building Department.

Scott Dietrich of White Lake Road stated that he found it weird that the applicants said "we're going to be working out there" but then they said there would only be one caregiver. He doesn't think it's a good idea to combine a caregiver operation with residential. Mr. Dietrich said the applicant said he's going to bring the family out there for recreational pod parties. He is worried they will have 25-50 people there getting loud. He wanted to know who was going to police the property. He knows Ross won't and he knows Kurt won't, so the neighbors will be stuck doing it. They're going to have to call the police to say there's more than one caregiver there. He continued about how he thinks it should be either a caregiver operation or a residential property, not both.

Daisy Borreson wanted to reiterate what she'd said earlier. She said the first time she spoke with Halim Sultani in March of 2020 they claimed they'd just taken ownership. Halim had told her at that time that he was renting the property, so it has been them all along. He just purchased it legally now and is not renting it anymore. This is another thing he is lying about.

An audience member who didn't identify himself and didn't come up to the podium said that only landowners should get the survey for the master plan because renters come and go.

There were no more public comments. Chairman Erickson stated that regarding the public comment about input on the master plan, they'd definitely welcome someone. They can send them an email. They receive emails daily and that's an avenue where you can share information and input that you may have as well as these meetings. Krause said their next meeting is a workshop which starts at six o'clock. Chairman Erickson said master planning will be the miscellaneous business. They won't vote on anything, they'll just talk. Ward said he didn't think it was appropriate to reach out to certain citizens and ask for their help. He said if they're going to reach out to the community, they've got to reach out to everyone.

MISCELLANEOUS BUSINESS: None

ADJOURNMENT: The meeting was adjourned at 9:44 pm by Chairman Erickson.