

TYRONE TOWNSHIP PLANNING COMMISSION
APPROVED REGULAR MEETING MINUTES
February 8, 2022 7:00 PM

This meeting was held at the Tyrone Township Hall with remote access via Zoom videoconferencing

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

ABSENT: Bill Wood and Garrett Ladd

OTHERS PRESENT: Ross Nicholson and Zach Michels

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

PLEDGE OF ALLEGIANCE:

CALL TO THE PUBLIC:

Chairman Erickson opened the floor to receive public comments.

No public comments were received.

APPROVAL OF THE AGENDA:

Kurt Schulze made a motion to approve the agenda as presented. Steve Krause supported the motion. Motion carried by unanimous voice vote.

APPROVAL OF MINUTES:

The item was deferred.

OLD BUSINESS #1: Sultani Caregiver Special Land Use:

Chairman Erickson introduced the topic and asked Zach Michels if he had comments to go through based on his review of the application. Zach Michels stated recommended that the applicants revise the site plan to include technical specifications for the equipment to be used on the site associated with the special land use request. He recommended that any outdoor lighting associated with the proposed operation should comply with the Zoning Ordinance standards for outdoor lighting inclusive of cut off angles and color temperature. He stated that the fencing proposed on the site plan exceeds the maximum height requirement for front yard locations. He recommended reducing the height of fencing in the front yard location from six (6) feet to no more than forty-two (42) inches to comply with the Zoning Ordinance standards for fencing or relocate the fencing so the 6-foot portions of fence is located within side and/or rear yards only. He noted that the residential address sign is shown to be posted visibly at the driveway. He also noted that a revised use statement had been submitted which addresses most of the previous deficiencies.

The Planning Commission briefly discussed the latest site plan drawings and use statement that was submitted. Chairman Erickson stated that the revised use statement makes reference to outside employees being brought to the site during certain times when additional help is needed for trimming and similar work. He asked Zach Michels how the outside employees could be permitted since they are prohibited by the Zoning ordinance Special Land Use specific standards.

Zach Michels indicated that it is difficult to determine because the use is regulated by local zoning as well as the Michigan Medical Marihuana Act (MMMA/Initiated Law #1 of 2008). He cited the definition of “caregiver” from the MMMA and elaborated on the specific language of the Act relating to limitation for the number of caregivers per permitted operation. He stated that the Act is not specific when it comes to outside employees working directly under the supervision of the licensed caregiver. He recommended deferring the question to the Township Attorney for clarification on whether or not temporary outside employees could be permitted. The Planning Commission briefly discussed. Kurt Schulze asked Zach Michels for clarification on whether or not someone who needed to perform installation or repairs of electrical equipment in/at the structure where the proposed operation would be located could do so and, if so, would it be required that the are under the direct supervision of the licensed caregiver. Zach Michels indicated that, based on the Zoning Ordinance language indicates that the only person permitted within the grow facility is the licensed caregiver and any additional person(s) who would need to access the grow facility for installation, repair, or maintenance of equipment would need to be under the direct supervision of the licensed caregiver. He stated that if someone is hired to do work on the property not associated with the actual grow facility, such as lawn maintenance/landscaping, where no access is granted to the actual grow area, that would be permitted without requiring direct supervision by the caregiver. Jon Ward asked for clarification/confirmation that the grow operation would be limited to the detached accessory structure noted on the site plan drawings and referenced in the use statement. Zach Michels confirmed.

Chairman Erickson asked Zach Michels if the filtration equipment noted in the use statement is adequate on its own or if the details should also be incorporated onto the site plan drawings. Zach Michels indicated that he would recommend that the information is incorporated into the site plan drawings as well as the use statement.

Kurt Schulze stated that we have received comments from the public regarding upkeep and maintenance of the lawn and vegetation on the subject property. He asked Zach Michels if it would be possible to require that the lawn and landscaping be maintained as a condition for the special land use permit. Zach Michels indicated that, as a special land use, lawn maintenance may be required if deemed necessary. He suggested several options for landscaping and screening that may be appropriate for the proposed use including plastic slats or fabric over the chain link fence to reduce visibility of the site from adjacent properties. He also recommended that a “Knox Box” be installed to allow for emergency vehicle access to the site if the property owner is not present during an emergency. The Planning Commission briefly discussed landscaping, screening, and fencing.

Chairman Erickson asked the applicants in attendance if they would like to make any comments pertaining to the latest site plan drawings and use statement that was submitted. Scott Brock (agent for the applicants) stated that he feels the latest site plan drawings and use statement should sufficiently address the items requested by the Planning Commission during the previous review of the application. He stated that most of the items discussed during the present meeting should be acceptable to his clients. He stated that, in his opinion, incorporating slats into the proposed chain link fence would potentially draw more attention to the subject property than a fence without slats. He stated that his clients are fully compliant with Michigan law and local ordinances. He stated that he hopes that approval can be granted during the present meeting. He stated that he would be happy to answer any questions the Planning Commission may have. The Planning Commission briefly discussed fencing and screening with Scott Brock. They briefly discussed site plan information including equipment technical specifications with Zach Michels.

Kurt Schulze noted that he had noticed a number of vehicles being stored on the property which appear to be unused/inoperable. He stated that the vehicles as well as unmaintained yard may give the outward appearance that the property is abandoned. He suggested including language as a condition for the special land use that requires that no inoperable/unlicensed vehicles are stored outdoors on the premises. Scott Brock stated that the storage of vehicles is typical in the Rural Estates (RE) and Farming Residential (FR) zoning districts. Kurt Schulze stated that the Planning Commission’s objective in reviewing special land use applications is to mitigate potential nuisance factors inclusive of attempting to minimize the likelihood that someone would assume the property is abandoned and trespass to strip parts from the inoperable/unlicensed vehicles. Scott Brock stated that he understands. Jon Ward asked Ross Nicholson for clarification on the ordinance requirements regarding the keeping of unlicensed/inoperable vehicles. Ross Nicholson explained that unlicensed/inoperable vehicles are considered “junk vehicles” and are prohibited from being stored

outdoors in residential zoning districts. Jon Ward suggested that the use statement be revised to include a statement that the use must comply with all applicable Township ordinances.

Chet Shultz asked Scott Brock if the applicants would be proposing any barbed wire on the fencing around the grow facility or any additional security measures. Chairman Erickson noted that the use statement specifies additional security measures including security cameras and an alarm system. The Planning Commission briefly discussed the use of barbed wire as an added security measure. It was determined that barbed wire could potentially draw additional attention to the property, be unnecessary when considering the additional proposed security measures, and would not comply with the Township's residential fencing standards. Scott Brock stated that he believes the applicants are going far above and beyond what is typical for caregiver operations. The Planning Commission briefly discussed security requirements relating to the Zoning Ordinance and the MMMA.

Steve Krause brought up several comments that were received during the previous meeting in which the application was discussed regarding potential odor from the grow facility and general maintenance of the property. He stated that he feels the sealing of the structure and filtration equipment may be sufficient to mitigate nuisance odors. He stated that the property can definitely use some maintenance in terms of junk removal, lawn maintenance, and landscaping. The Planning Commission briefly discussed options for incorporating property maintenance requirements in the application documents.

Kurt Schulze stated that he has not heard anything regarding whether or not a fire suppression system would be required to be installed within the grow facility. He asked if any fire suppression is proposed. Calvin Shunia (agent for the applicants) indicated that they are proposing fire extinguishers and they are working with the Livingston County Building Department (LCBD) to confirm that the proposed facility complies with Michigan building and fire codes. Kurt Schulze stated that they will need to obtain confirmation from the fire department having jurisdiction will approve the use of the structure with or without fire suppression.

Chairman Erickson asked for clarification on the number of plants that would be grown within the facility based on the plans provided. Calvin Shunia stated that the plans will not show each individual plant because they will need to be moved around to different areas during the grow cycle. He elaborated on specific details regarding plant containment and configuration during the various stages of the grow cycle. He stated that they would have no more than the maximum number of plants permitted for a single caregiver in compliance with the MMMA and the Zoning Ordinance.

The Planning Commission discussed and began compiling a list of items to be addressed in the site plan drawings and use statement. Zach Michels explained the procedural aspects of the review process to the applicants and agents in attendance. Chairman Erickson asked Zach Michels whether it makes any difference that the facility was improved to accommodate a grow operation prior to obtaining special land use approval from the Township. Zach Michels cited a hypothetical example where a party installs a residential deck prior to obtaining land use and building approvals. He indicated that the procedure is generally to send a notification of a violation and require that the party obtains the necessary permits and approvals to become compliant with the zoning and building requirements as opposed to requiring the deck be demolished/removed. He explained that it is generally a similar process in this case where there was growing that occurred prior to approval, received notification of violation and ceased operation, and is currently in the process of trying to obtain the necessary approvals for the operation to be permitted.

Jannette Ropeta (resident) asked the Planning Commission if they would be willing to accept public comments regarding the application prior to taking action on the application. The Planning Commission continued to work on compiling a list of items that would need to be addressed within the application documents prior to making a recommendation to the Township Board.

Chairman Erickson asked the applicants how they intend to dispose of waste from the site. Calvin Shunia indicated that they have contacted with a company for waste removal who they can call to remove waste as necessary. He stated that all waste materials would be stored indoors except for when it is scheduled to be removed by the waste removal company.

Chairman Erickson asked if the waste removal details were included in any of the application documents. Calvin Shunia indicated that it is currently not specified but they can add the information to the site plan and/or use statement as requested by the Planning Commission. Chairman Erickson requested that the waste disposal details be incorporated within the use statement.

The Planning Commission continued compiling a list of items to be addressed.

Several members of the public spoke out and requested that the Planning Commission accept public comments on the application. Chairman Erickson asked Ross Nicholson if it would be appropriate to accept public comments at the present time. Ross Nicholson indicated that the Planning Commission may but it is not required since there will be an opportunity to speak during the second call to the public scheduled for later during the meeting and the public hearing that was required for the special land use application had already been held. Zach Michels confirmed that the required public hearing had been held and that it is not required that the Planning Commission accept public comments pertaining to the application at the present time but may if they choose to do so. Chairman Erickson asked the Planning Commission if they would be amicable to accept public comments pertaining to the application at the present time. He addressed the public in attendance and indicated that the Planning Commission is required to make recommendations based on the Zoning Ordinance standards and cannot make decisions based on personal beliefs, feelings, or ideas. The Planning Commission briefly discussed. They agreed to accept comments from the public in attendance.

Jannette Ropeta (resident) thanked the Planning Commission for making the exception to accept public comments at the present time. She stated that she was going to ask what the application and review process is and where it currently stands but she now has a better understanding. She asked the Planning Commission if they will be asking the applicants to specify how they would be managing pests. She asked how the sprayers would be cleaned and stored. She asked if there would be any chemicals used for pest control and how any contaminated materials/liquids would be disposed of. She asked if all processing of plants would occur within the facility or if they would be processed off-site. She asked how liquids would be contained. She stated that the application indicates that water would drain from the plants onto trays and asked where the water would ultimately go. She stated that the application references a "sub pump". She asked if the applicants meant to say "sump pump" and, if not, what do they mean by "sub pump". She asked, if it is a sump pump, does the Planning Commission know where it is located, what waterways are there, and where the waterways go. She stated that she understands that the fire department is very strict when it comes to fire safety precautions and asked which fire department has jurisdiction over the subject property and when exactly they would be inspecting the facility. She stated that she believes the fire department should be involved. She stated that she wonders how the equipment was ever installed in the barn but she guesses she understands that it could be used for growing tomatoes. She asked if the proposed caregiver operation could ever be expanded to grow plants for more than six (6) patients. She stated that fire suppression was discussed and it was stated that fire extinguishers would be utilized. She stated that she is unaware of how much the applicants know about fire suppression but she believes it should be required because it was required for a wedding barn located within the Township. She stated that the fire suppression system installed in the wedding barn cost around one hundred thousand dollars (\$100,000.00). She stated that the applicants had previously indicated that they plan on holding family reunions on the site. She stated that she is uncertain whether or not she is not comfortable with what may or may not be going on at the subject property but believes the Planning Commission should ask about chemicals that would be used associated with the proposed operation.

Daisy Borreson (resident) stated that she is concerned that the applicants indicate that all drainage would flow into the sump pump. She stated that there are a lot of wetland areas on and nearby the subject property, a lot of which are protected federally. She stated that she is wondering what kinds of aquatic negative effects are going have on the environment and livestock. She stated that there is a nearby farm and water systems that are connected. She stated that in the initial application documents it was stated that most well and septic systems are strained by marijuana grow operations. She stated that the listing from 2005 for the property indicated that the house was abandoned so any existing well and septic on the site should be inspected and repaired/replaced as necessary.

CJ Callaghan (resident) stated that he could barely hear the Planning Commission, Ross Nicholson, or Zach Michels. He suggested that they should make it easier for residents to hear them. Ross Nicholson indicated that there are microphones and speakers that project throughout the room. CJ Callaghan asked if the speakers could be turned up. Ross Nicholson indicated that he was not sure how the volume is controlled. CJ Callaghan stated that they should be turned up to allow the residents in attendance to hear more clearly. He asked the Planning Commission if they would volunteer that they consume marijuana and would be customers of the proposed operation. He stated that if any members of the Planning Commission is going to benefit from the proposed operation they should recuse themselves from discussion on the application. He asked the Planning Commission if any members owned property near the subject property. He stated that the subject property has not been nice since 1975. He stated that he helped build the accessory structure that is proposed to be utilized as the grow facility sometime around late 1969 or early 1970. He stated that the property is an accident waiting to happen. He stated that Consumers Energy does not need the additional drain on the system that would result from the proposed operation. He stated that his property lost power just the other day and the power should be reserved for residents in the area. He stated that he is sixty-nine (69) years old and has been a resident of Tyrone Township his whole life. He asked the Planning Commission if they know what “4-H” stands for. He stated that it stands for “head, heart, hands, and health”. He stated that they are supposed to be teaching their kids 4-H values. He stated that everyone wants to move into the Township and change it to something different. He stated that he hopes the Planning Commission does not have to look at the subject property on a daily basis. He stated that the previous owners of the property would not even drive down Faussett Road because it was too painful for them to see the property in the condition it is in. He asked if the applicants lived in the Township. He stated that if the applicants do not live in the Township the special land use application should not be considered. He asked if the applicants had ever been involved with a grow operation in other communities. He stated that it does not appear that the applicants know what they are doing. He stated that he feels we deserve better. He asked what the applicants would do if the if the Planning Commission does not approve the special land use application. He stated that the well and septic systems on the property were in poor condition prior to the sale of the property in 1975.

Steve Atkinson (resident) asked if the application documents were available to the public for review. Jon Ward indicated that the documents are included in the meeting packet which is available on the Township webpage. Steve Atkinson asked if a caregiver as defined in the application is referring to one person. He stated that he noticed that the maximum number of plants permitted would be seventy-two (72). He asked if additional plants could be grown when some of the plants reach maturity. He stated that he feels the language in any approval documents should state that there is a maximum number of 72 plants permitted at any time.

Gabe Borreson (resident) stated that he had spoken during the last meeting and that it is his first time dealing with this type of issue. He stated that he was told during the last meeting that the Township doesn’t enforce anything and that residents are responsible for enforcements. He stated that if no one had reported the grow operation the applicants would still be operating without the necessary approvals. He stated that the applicants do not care about the rules. He stated that he does not take issue with the growing of medical marijuana but has an issue with the applicants for not following the rules. He stated that the applicants were blatantly not following rules and got shut down because they got caught. He stated that the Planning Commission can make up all of the conditions they would like to but it doesn’t matter because residents are responsible for enforcement. He stated that he has concerns regarding the electrical equipment associated with the operation. He stated that they would be running around two-hundred (200) amps to support the operation. He stated that if the electrical system has not been updated in thirty (30) years, then he can guarantee it cannot support the electrical equipment necessary to run the operation. He stated that once the applicants turn the lights on in the grow facility all of the neighbors will lose power. He stated that the lighting proposed are six hundred and fifty (650) watts per piece which is the equivalent of six and a half (6.5) hundred-watt light bulbs. He stated that when you add up all of the proposed lighting equipment it will be the equivalent of three hundred (300) hundred-watt light bulbs. He stated that there are frequently stories in the news where grow facilities burn down whether it is from the gas they use or electrical issues. He stated that his home is nearby and could potentially catch fire if the grow facility catches fire. He stated that he had noticed people coming and going from the property which is nearby a bus stop for school busses. He stated that it is unsafe for the children to walk down their driveway to the bus stop because they are uncertain what kinds of people will be at the subject property. He stated that he has confidence that the Livingston County Building Department (LCBD) will

inspect the grow facility and shut it down if found to be noncompliant with building code. He stated that if the Township denies the special land use permit application, the applicants will continue to operate the grow facility.

Robert Kerr (resident) stated that he has questions regarding the nuisance mitigation aspects of the proposal. He stated that the scrubbers described in the application documents say that they will help to dissipate odors but not eliminate all odors. He stated that the application documents indicate that there will be no fresh air intake or outtake. He stated that he doesn't understand how plants can be grown without fresh air intake. He stated that there was previously mechanical ventilation systems at the facility which was pressurized and would bring fresh air in and pump odors outdoors. He stated that to say there will be no fresh air intake or outtake is a completely unrealistic statement. He stated that if you walk through the door of the facility air will come in and go out which creates big concerns in terms of potential odor being released. He suggested that the Planning Commission ask the applicants to further elaborate on nuisance mitigation equipment and practices.

CJ Callaghan (resident) asked to have an additional three (3) minutes to speak on behalf of his wife who would prefer not to speak herself. Chairman Erickson requested that the public comments remain limited to 3 minutes per person.

Diana Callaghan (resident) stated that last year when she was mowing her lawn all she could smell is skunk, which is an unpleasant odor to people who do not smoke marijuana. She stated that she understands that people may use marijuana for medical reasons but she believes it should be grown in a business district and not in residential areas where families with children reside. She stated that it is easy for children to climb fences and she believes that, if approved, children will find a way to access the grow facility. She stated that she is concerned that the water systems in the area will become contaminated if the grow facility is approved which could pollute the drinking water that is consumed by people and animals in the area. She stated that they have raised cows for nearly forty (40) years and was never informed by the Township that growing was occurring at the subject property. She asked the Planning Commission if they would like to have the applicants as neighbors.

Steve Bissell (resident) asked if there is a reason that the grow operation is limited to a certain number of plants. The Planning Commission and Zach Michels explained that it would be the maximum number of plants permitted under the MMMA/ Initiated Law #1 of 2008.

Sara Dollman-Jersey (resident) stated that she believes she heard that grow operations are licensed through the state of Michigan. She asked who would be responsible for the checks and balances. She asked at which level enforcement would occur.

Chairman Erickson asked if there were any additional public comments regarding the application. None were received. Chairman Erickson closed public comments.

Chairman Erickson stated that in the Special Land Use standards within the Zoning Ordinance there is a requirement for an annual report. He asked if Ross Nicholson could provide details on the annual report requirement. Ross Nicholson indicated that the Township may require an annual report for all special land uses if deemed necessary. He stated that the Planning Commission may determine what the content of the report should include, if required. If an annual report is required, the applicants must submit the requested information to the Township for review on an annual basis.

Zach Michels stated that he would like to address some of the questions received pertaining to the MMMA. He stated that the Act is also referred to as Initiated Law #1 of 2008 and includes definitions for a number of terms and definitions. He stated that the Act defines caregivers and qualified patients. He stated that, under the law, there is a maximum number of seventy-two (72) plants based on the maximum number of qualifying patients per permitted caregiver grow operation. He stated that both caregivers and qualifying patients must have licenses through the state of Michigan. He stated that it is evolving law because it was voted on at the ballot box, it takes a supermajority of the state legislature to amend the law. He stated that the courts are continuously changing what the law means. He provided an example referencing the Tyrone Township Zoning Ordinance requirements for caregiver operations. He stated that the Zoning Ordinance currently allows for caregiver grow operations in specific zoning districts including FR and RE. He stated that the Act was not clear on

whether or not municipalities could regulate caregiver operations by zoning district until about one and a half (1.5) years ago. He stated that the standards in the Zoning Ordinance were actually fairly aggressive at the time they were adopted. He referenced a court case involving Byron Township where they restricted caregiver operations to be located only within specific industrial zoning districts. He stated that the court determined the restrictions to be reasonable because they allow for the use in some areas and did not completely prohibit it. He stated that prior to that decision, most lower courts were ruling that you could not limit caregiver operations to specific zoning districts and they could essentially be located anywhere. He stated that the Act does not specify how far caregivers and qualifying patients must be in relation to one another, just that they are both located within the state of Michigan. He stated that, based on his understanding of fire code, the structure in which the proposed grow operation would be located is likely not large enough to require a fire suppression system. He stated that if any members of the Planning Commission or Township Board were direct neighbors to the subject property, that would generally disqualify them from participating in discussion on the application because they would have a different impact from the rest of the community. He stated that his understanding is that a conflict of interest does not exist with any member of the Planning Commission or Township Board. He recommended that the Planning Commission include as a condition for a favorable recommendation that they require all water from the site must be disposed of in the on-site sewage system that is regulated by the Livingston County Health Department (LCHD). He stated that he does not believe that the LCHD requires a time of sale inspection for septic fields so he recommended that the Planning Commission also include a condition requiring that the septic system at the site is inspected and approved by the LCHD.

Zach Michels asked if there were any additional questions that he missed. Chairman Erickson stated that he believes that the LCBD only performs inspections on the structural and electrical aspects of the structure. He asked Ross Nicholson for clarification. Ross Nicholson indicated that the on-site septic system would not be inspected by the LCBD and would need to be evaluated by the LCHD, Environmental Health division. Zach Michels realized that he had not addressed a question regarding odor control. He stated that the structure originally utilized an open ventilation system so air came in and went out. He stated that the structure was recently spray-foam insulated which is a very efficient method for preventing odors and air movement. He stated that his understanding that there are no longer vents connecting the inside of the structure to the outside so there would no longer be air intake or outtake. He stated that carbon dioxide for the plants is proposed to be provided from propane tanks, based on his understanding from reviewing the provided specification sheets in the application documents.

Ross Nicholson stated that he would like to address the questions and comments regarding enforcement. He stated that the Township policy is complaint-based enforcement which means that the Township does enforce violations of Township Ordinances and special land uses, but the enforcements are generally initiated following receipt of a formal complaint. He stated that the policy basically means that the Township does not actively search for violations but instead relies on potential violations being reported by residents and/or other who may observe them. Jannette Ropeta asked how the Township can enforce if violations cannot be seen. Ross Nicholson indicated that neighbors or other observers should report any nuisance factors that are observed to the Township so that they can investigate the complaint and enforce as necessary. He stated that the Township unfortunately does not have a full-time ordinance enforcement staff that can actively drive around the Township and search for potential violations.

Jannette Ropeta stated that the question regarding the use of pesticides and chemicals had not been addressed. Jon Ward stated that the application documents indicate that all plants would be organically grown. Jannette Ropeta stated that organically grown can mean a lot of things and that they need to know what the applicants will be using for pest control. She asked how they control pests and what chemicals they would be using that could flow into the drain trays to the sump pump. CJ Callaghan stated that it is important to know where any chemicals would ultimately end up. Chairman Erickson asked the applicant/agents if they would be willing to elaborate on what methods they intend to use for pest control and if any chemicals or pesticides would be used. He stated that he understands that the carbon dioxide (CO₂) is proposed to be provided by propane tanks but asked if they could elaborate further on how the proposed system would work. Scott Brock elaborated on the proposed method for air circulation and management. He explained that the tanks provide CO₂ for the plants to consume, and the plants release oxygen. He stated that there are no vents to allow the air to escape from the structure, and they propose to use scrubbers and insulation to prevent air leakage to the outside. He stated

that the system is intended to keep everything isolated within the structure, so no air or odors are released outside of the structure. He stated that he fails to see how the oxygen and CO2 and oxygen levels within the structure are relevant to the discussion. He stated that the proposed system is the same as those utilized in marijuana grow facilities throughout the country to mitigate nuisance odors, so it is a standard practice.

Kurt Schulze suggested that an annual report requirement and inspection and approval of the on-site septic system from the LCHD should be added to the list of conditions if there is a favorable recommendation.

Jon Ward asked the applicants/agents if the intent is that the plants would consume all the water provided or if excess water would need to be disposed of. Calvin Shunia stated that they are proposing that all plants are grown organically which would include the nutrients and the water. He stated that there is a three (3) stage water filtration system. He stated that the water would flow through a pre-filter and two filters before the water reaches the reservoir. Once the water reaches the reservoir it would be mixed with organic nutrients which would be fed to the plants which would absorb all the water and nutrients so there would be very minimal runoff. He stated that if there is any runoff, it would be vacuumed or mopped up from the drain trays but there will likely be no runoff. He stated that the plants would be automatically fed, and any potential runoff would be caught by the drain trays so there would be no seepage into the ground that could flow into bodies of water. Jon Ward asked if there are any existing or proposed flood drains in the structure. Calvin Shunia indicated that there are not any existing or proposed floor drains. The Planning Commission briefly discussed the sump pump and proposed water management system. Zach Michels suggested that the Planning Commission request clarification from the applicants on what the purpose of the sump pump in the grow facility is. Jon Ward stated that he doesn't have any experience with growing marijuana but has started garden plants indoors. He stated that, in his experience, the plants that he has grown absorbed all the water he provided them. He asked the applicants if the marijuana plants are expected to absorb all the water provided as well. Calvin Shunia confirmed that the intent is that all water and nutrients are absorbed by the plants. Jon Ward asked for clarification on the purpose of the sump pump. He indicated that he noticed that there were dehumidifiers installed and that he expects that they would drain into the sump pump. Calvin Shunia stated that the sump pump drains groundwater to the outside of the structure. Scott Brock stated that there would be very little discharge from water used for the plants and no wastewater would be discharged into the sump pump. He stated that the intent is that the water system is as efficient as possible and the sump pump would be utilized to drain groundwater if the water level rises high enough, in the same way they are used in typical dwellings. He stated that, ideally, the sump pump will never be needed but it is installed as a safeguard. He reiterated that any drainage from the plants would not be discharged into the sump pump.

The Planning Commission briefly discussed the sump pump and water management system. Chairman Erickson asked Zach Michels for his thoughts on the sump pump and proposed water management system. Zach Michels stated that the intent for special land uses is that they are thoroughly reviewed because they have the potential to generate greater negative impacts than principal permitted uses. He stated that if there is a significant discharge of water from a use, such as a powerplant, there is generally a need to extensively review the potential impacts that could be caused by the water discharge. He stated that in the case of this applications, the applicants have indicated that there would be little to no water discharge because any water being utilized would result in losing money because the water is being filtered and fortified with nutrients. He stated that though no water is anticipated to be discharged, there is still a potential for water seepage in the event of power outages and freezing. He stated that the Planning Commission should balance how likely there is to be volumes of water discharge greater than that of a typical residential use. The Planning Commission briefly discussed the potential for excessive water discharge. The general consensus was that the proposal would not likely generate a volume of water discharge greater than that of a typical residential use.

Chairman Erickson asked the Planning Commission if they wanted to discuss the potential requirements for an annual report for the proposed special land use. Jon Ward asked how the state licensing required for the caregiver operation would be verified. Ross Nicholson indicated that the Planning Commission could require proof of current licensing as part of the annual report. Jon Ward asked how long a caregiver license is valid. Calvin Shunia indicated that the licenses are valid for two (2) years. The Planning Commission briefly discussed potential requirements for an annual report.

CJ Callaghan stated that he does not believe the applicants could make enough money to justify the costs associated with the grow facility if they are only allowed to have a maximum of seventy-two (72) plants growing at a time. Jon Ward indicated that the amount of profit the applicants could make is not relevant to the Planning Commission's discussion.

The Planning Commission continued discussion on potential requirements for an annual report. Zach Michels explained that the maximum number of 72 plants can only be grown if the caregiver has the maximum number of qualifying patients, which is six (6). He stated that if the caregiver only has three (3) qualifying patients, the maximum number of plants permitted would be reduced to thirty-six (36). The Planning Commission briefly discussed the state requirements for caregiver operations with Zach Michels and continued discussion on potential requirements for an annual report. Kurt Schulze asked Zach Michels if he felt the Planning Commission should include any additional requirements in the draft list of requirements for an annual report. Zach Michels stated that he feels the draft list is fairly robust and should be sufficient for the time being. He stated that because the Act requires that local units of government permit caregiver operations and prescribe specific standards, it is difficult for local units of government to regulate beyond what the Act specifies. He stated that every municipality in the state of Michigan is required to allow up to 72 plants per permitted caregiver operation. He stated that Tyrone Township is more restrictive than most municipalities regarding caregiver operations because they limit where they can be permitted and require special land use approval. CJ Callaghan stated that the Planning Commission should consult with Rose Township on requirements for caregiver operations because he knows that they are wrong in believing caregiver operations cannot be prohibited. The Planning Commission continued discussing requirements prescribed by the MMMA with Zach Michels. Zach Michels stated that because the Township treats caregiver operations as special land uses, they have a greater ability to place conditions on the use to mitigate potential negative impacts.

The Planning Commission continued discussion on potential conditions to place on the application for a favorable recommendation and whether or not it would be best to recommended conditional approval at the present time or table the application pending fulfillment of the list of conditions.

Scott Brock stated that he feels the Planning Commission should make a motion to conditionally approve the application instead of tabling it until the conditions are fulfilled because they are equipped with all of the necessary information and are charged with making a decision.

Chet Shultz made a motion to table the application pending fulfillment of the items included in the list of conditions (list of conditions included below for reference). Steve Krause supported the motion. Motion carried by unanimous voice vote.

List of Conditions:

- 1. Site Plan fence location needs to be changed to show surrounding the barn only*
- 2. Ventilation and Filtration system needs to be documented on the Site Plan*
- 3. Outdoor lighting needs to be documented on the site plan with a maximum of 3000K*
- 4. Employees shall only enter facility and perform work under direct supervision of the Caregiver*
- 5. No residential use is permitted inside the grow facility*
- 6. Property shall be improved and maintained in a residential condition including but not limited to, exposed wood or metal on structures, dead brush or trees, grass, junk vehicles, rubbish, and other waste materials.*
- 7. Disposal process and location of any waste or bi products shall be stored inside the grow facility until removed from the site. This shall be documented on the Site Plan and Use Statement*
- 8. Annual Report Provided yearly upon date of Approval – Caregiver and Patient License Provided to Township / Number of plants harvested and delivered / Number of Qualified Patients / Number of Complaints*
- 9. Building Department and other agency approvals*

OLD BUSINESS #2: Master Plan:

Chairman Erickson introduced the topic and stated that it was previously discussed at the previous workshop meeting. Zach Michels indicated that he had been provided with different ideas for survey questions and he is working on preparing a draft survey and probable cost estimate for the Master Plan process which he hopes to have available for review prior to the discussion on the topic at the next workshop meeting. Kurt Schulze stated that Ross Nicholson had also sent out information prepared by the Planning Commission in 2019 regarding potential items to include in the next Master Plan. Zach Michels confirmed that he had received the list and would be incorporating the information into the documents he prepares. Ross Nicholson stated that the notice of intent to plan letter had been sent out to adjacent municipalities and relevant agencies/entities.

The Planning Commission briefly discussed strategy and timing for preparing the Master Plan survey and Master Plan in general with Zach Michels and Ross Nicholson.

Chairman Erickson asked Zach Michels if he needed any additional information from the Planning Commission at the present time that would be pertinent in order for him to complete the draft survey and additional documents. Zach Michels indicated that no additional information is necessary at the present time. Chairman Erickson asked the Planning Commission if they had any questions or comments pertaining to the survey or Master Plan. No additional questions or comments were received.

CALL TO THE PUBLIC:

Chairman Erickson opened the floor to receive public comments.

CJ Callaghan stated that the Master Plan should have been set up a long time ago so that marijuana uses could be designated in specific areas along Old US-23. He stated that there is a plant located near him where there is concrete being hauled in and out but he has no problem with it because it is in an area designated for such uses. He stated that a storage facility is proposed nearby which he doesn't know if it will be approved or not but, if approved. He would have no problem with it as long as it is located along Old US-23. He stated that the Master Plan should prohibit marijuana uses in residential areas. He stated that the Township will face a lawsuit from himself and other residents if they approve the proposed caregiver special land use and it generates odor.

Kim Fracalossi (resident) stated that the Master Plan is very critical. She explained to the public in attendance that the Planning Commission and Township Board are bound by their ordinances, and she feels that the Master Plan update will allow for the residents to have a voice in determining which areas are best suited for certain uses so the ordinances can be amended to reflect the needs and preferences of residents expressed in the Master Plan. She indicated to the Planning Commission that it is difficult to make decisions that they are required to make when residents oppose them so it is important to improve the Master Plan so the ordinances can be made consistent with what the community wants.

Steve Bissell suggested to the Planning Commission that they should request that the applicants requesting the caregiver operation special land use provide a visual flowchart to describe the details of the medical marijuana growing and processing. He stated that he believes a flowchart would help to reduce the potential for confusion about how the operation would operate. He stated that the Livingston County Building Department has to have inspected the proposed caregiver grow facility to ensure it complies with state building code.

Jannette Ropeta stated that she would like the Planning Commission to request that the applicants requesting the caregiver operation special land use provide details on methods for pest control because she knows there are going to be pests. She stated that the application documents indicate that water would drain out of the drain trays. She stated that she grew up on a farm and currently grows garden plants and starts them indoors. She stated that water is not always completely consumed by plants. She stated that she would like to know how they propose to clean sprayers that will be used for pesticides because she believes contaminated water would drain from the structure and impact the environment.

Sara Dollman-Jersey (resident) asked if the Planning Commission, consultants, or staff are keeping a list of ordinances that need to be amended when deficiencies are identified.

Chairman Erickson asked if there were any additional public comments. None were received.

Chairman Erickson closed public comments.

Chairman Erickson stated, in response to the question from Sara Dollman-Jersey, that the Planning Commission keeps an action list to track and prioritize potential ordinance amendments. He asked Ross Nicholson and Zach Michels if they had any comments on the question. Ross Nicholson stated that the Planning Commission action list is the best way to keep track of and prioritize potential ordinance amendments. He stated that Township staff also keeps informal lists of potential ordinance amendments when deficiencies are identified. Zach Michels stated that a common practice amongst municipalities to track potential ordinance amendments is to pay attention to the number of variances requested for specific issues because it helps identify ordinance standards that could potentially be improved. He stated that municipalities also generally hold joint meetings to discuss potential ordinance deficiencies. He stated that the Master Plan is also a valuable tool to use to improve ordinances. He noted that the Master Plan is a policy document so it is not considered to be law like the Zoning Ordinance, but it can be used to model ordinance text after. He indicated that the current Zoning Ordinance is more complex than it needs to be and should be reviewed to simplify certain areas.

The Planning Commission briefly discussed building inspection processes and procedures in relation to the caregiver special land use applications. Zach Michels elaborated on the standards for special land uses and enforcement of violations for the public in attendance.

MISCELLANEOUS BUSINESS:

ADJOURNMENT:

Kurt Schulze made a motion to adjourn the meeting.

The meeting was adjourned at 9:31 by Chairman Erickson.