

Riley Township Planning Commission

Special Meeting Minutes

Meeting Details

Date: March 29, 2021

Time: 7:00 p.m.

Located at Riley Township Hall, 13016 Belle River Road, Riley, MI 48041

Open

- Called to order at 7:00 p.m.
- Pledge of Allegiance

Roll Call

Present: Doug Pratt, Dave Rushing, Duane Hagle, Dawn Behem, Michele Daly-Brown

Absent: Jerry Fillion (excused), Brad Schuster (excused)

Agenda

- Changes to agenda: None
- *Motion to accept agenda as presented made by Dave Rushing, seconded by Duane Hagle. All in favor, motion approved.*

Regular Meeting Minutes – March 15th, 2021

- Changes made to Regular Meeting Minutes: Correction to motion to accept agenda: omit “with changes”; and correct name in Trustee Report from Mark Roberts to Marv Roberts.
- *Motion to accept minutes with changes noted made by Duane Hagle, seconded by Michele Dale-Brown. All in favor, motion approved.*

Public Hearing: to accept comments from the public on proposed text amendments on the following Riley Township Zoning Ordinances: Article XI, Section 1119 Home Occupations: to amend the numbering and add new Section 1119 II. Home Occupation Medical Marihuana Primary Caregivers and Facilities Ordinance – Special Approval; Article IV Agricultural – Rural Residential District (AR): Section 403 Uses Permitted on Special Approval to add new item Z; and Article V Residential District (R-1), Section 503 Uses Permitted Upon Special Approval to amend the numbering and add new item K.

- *Motion to open the public hearing at 7:02 p.m. made by Duane Hagle, seconded by Dave Rushing. All in favor, motion approved.*

Chairperson Doug Pratt presented on the purpose of this hearing on the proposed ordinance amendments and asked for comments from the public who are in attendance relating to this ordinance:

- Randy Mayer: Asked why can't this (marihuana) be stopped in our Township even though it is legal in the State. Michele Daly-Brown replied the Township has opted out of the Commercial growers who cannot operate here, but medical marihuana cannot be

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restricted out of operation but can be regulated by a township's ordinance(s). Randy asked if the yearly inspection is given a notice or is it unannounced. Dave Rushing stated it cannot be unannounced.

- Robert and Deana Gafken: Asked what is the difference between commercial and medical operations. Doug Pratt stated there are plant limits with medical marijuana and a caregiver can provide for up to 5 medical card holders at 12 plants per person up to a total of 72 plants, and are nonprofit operations; Commercial growers are for legal recreational purposes with an unlimited amount of plants, must be licensed by the State, and are for-profit operations; Under the State's regulation, townships were given the choice to either opt-in or out of having commercial growers in their areas; Riley Township has opted-out of having any commercial grow operations and cannot legally operate here. Deana asked if they (marijuana growers) can be monitored. Dave Rushing stated the commercial growers would be handled by the State or Sheriff departments; The (medical marijuana) ordinance will have an annual inspection of the site location, and if refused, a search warrant can be sought out by the Township's Ordinance Enforcement Officer to check for compliance.
- Kathleen Clinton: Stated she is considering an offer on selling her home, with a barn included, and found out buyers' intention of operating a medical facility; Knows persons with cancer and serious medical issues needing medical marijuana having to drive to either Detroit or Flint; Wants to help service our community with medical marijuana; Have the township make money by charging \$5000 per caregiving facility; And does not understand the stigma and fear over medical marijuana. Doug Pratt responded the Township cannot charge for this which is a charge only for registered commercial facilities; and this proposed ordinance is to regulate legitimate medical marijuana facilities who lives on the premise, cares for the property, and will know the neighbors. Kathleen asked when this ordinance will be completed. Doug Pratt explained the next steps of and process to be taken by the planning commission for the Township.
- Susanne Povinelli: Stated she is a Registered Nurse and sees how medical marijuana helps some people and also knows persons who drive to Flint to get it. She's concerned when a pole barn is built with 600-amp service along with 6 air conditioners, water issues with consumption and discharge, fire hazards with electrical usage, and have no residents living on the premises or in the community; Thanked the planning commission for a comprehensive ordinance that puts limits and a legal process in place to follow. Susanne asked how would someone know about the Township's 6-month moratorium if they are trying to put up a grow operation in the area. Doug Pratt commented the planning commission only makes recommendations of ordinances and does not enforce them and referred any enforcement concerns to the Township Supervisor until an Ordinance Enforcement Officer is hired. Susanne stated the pole barn on Griffin Road is stacking caregiver cards and running a commercial operation; and asked clarification on Section II.

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B. Permit Requirements, Item (b) regarding requirement of providing a current state registration card issued. Doug Pratt commented the State's website does not show caregiver registration card information.

- Jaxon Stark: Identified himself as a licensed caregiver for 5 patients living in Riley Township; Started a barn a year ago with rooms for his patients; Gave a plan a year ago to opt-in to adult (marihuana) use that would give all the control to the Township, will give specific plant information of the grow operation that is uploaded into the Statewide system, and can specify how many establishments the area will have in place; Will help the Township "opt-in", asked to consider putting it in place because it is a good idea, marihuana is here to stay, and the tax benefit would be huge. Doug Pratt stated it is the Riley Township Board's decision for consideration to opt-in to commercial grow operations. Jaxon stated he has done everything by the book and pulled permits for his pole barn, and asked what will happen to his place when this ordinance takes place. Doug Pratt replied it is unknown and need to have answered yet.

Dawn Behem commented the State allows townships to put regulations into place of how much or how little medical marihuana can be in their community which is the purpose of this ordinance. It is comprehensive, reflects what the community wants in an ordinance, what is the true intent of medical marihuana, will be less likely for anyone to take advantage of any loopholes for other purposes, and allows for the township to do what is legal.

- *Motion to close the public hearing at 7:36 p.m. made by Duane Hagle, seconded by Dave Rushing. All in favor, motion approved.*

New Business

- A. Review and consideration on Proposed Zoning Ordinance Sections 1119, 403 & 503:** Discussion held in favor of the proposed ordinance that it is comprehensive in all areas of concern to protect the public's health and safety, and was developed with help from attorney, Mr. Greg Stremmers.
- *Motion to make recommendation to approve proposed text amendments to Zoning Ordinance Sections 1119, 403 and 503 as presented to the Riley Township Board made by Dave Rushing, seconded by Duane Hagle. Further discussion: None. All in favor, motion approved.*
 - *Motion to send the proposed text amendments to Zoning Ordinance Sections 1119, 403 & 503 as presented to St. Clair County Metro Planning Commission for review and recommendation made by Dave Rushing, seconded by Doug Pratt. All in favor, motion approved.*

Communications Received – None

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Next Regular Meeting

Date: April 19th, 2021

Time: 7:00 p.m.

Location: Riley Township Hall

Adjournment

- *Motion to adjourn made by Dave Rushing, seconded by Duane Hagle at 7:43 p.m. All in favor, motion approved.*

Respectfully submitted by,

Dawn Behem, Recording Secretary

Doug Pratt, Chairperson

DRAFT