

**PLANNING COMMISSION
REGULAR MEETING**

January 13, 2020

4884 W. Curtis St.

MEMBERS PRESENT:

Kathy Noel
Arthur Brood
John Kane
Bob Jones

MEMBERS ABSENT:

Barb Hampton

Also in attendance: Judy Wright.

Chairman Brood called the meeting to order at 6:38 PM.

MOTION #1: by John Kane, second by Bob Jones, to approve the agenda. Motion carried.

MOTION #2: by Kathy Noel, second by John Kane to approve the minutes of December 9, 2019, as written. Motion carried.

NEW BUSINESS: None

OLD BUSINESS:

Care by Design: Several points relative to the presentation documentation were discussed by the commissioners. Some of the items of concern were:

1. When Ms. Compo spoke to the commissioners it was understood that the goal of the company was to grow medical marijuana, but the printed materials seem to focus on marijuana in general.
2. Youth activities were the focus of their proposed philanthropic activities.
3. A class B grow operation would require more law enforcement protection than is currently available in the township.
4. The adjacent property is zoned secondary rural residential density.
5. The Michigan Medical Marihuana Act, Initiated Law 1 of 2008, did not permit dispensaries and grow operations were limited to registered caregivers for up to 5 registered patients.
6. Our Ordinance #1.135 states that a growing facility cannot be within 1,000 feet of a residential area in Section 5.1. and that any operations established after adoption of the ordinance on July 1, 2013, must meet all zoning requirements in Section 9.
7. Ordinance #1.141 prohibits all marihuana establishments within the township.
8. A statement on the site of the Barone Defense Firm said that someone applying for a Class B license must have had 2 years' experience as a registered caregiver.

It was decided that further research must be done before any decision is rendered.

Meeting adjourned at 7:30 PM.

John Kane, Secretary

Minutes taken and typed by Judy Wright

**PLANNING COMMISSION
REGULAR MEETING**

February 10, 2020

4884 W. Curtis St.

MEMBERS PRESENT:

Kathy Noel
Arthur Brood
John Kane
Bob Jones

MEMBERS ABSENT:

Barb Hampton

Also in attendance: Brad Burnham, Herman Calkins, and Judy Wright.

Chairman Brood called the meeting to order at 6:30 PM.

MOTION #1: by John Kane, second by Kathy Noel, to approve the agenda. Motion carried.

MOTION #2: by Kathy Noel, second by John Kane to approve the minutes of January 13, 2020, as written. Motion carried.

NEW BUSINESS:

Burnham Rental Properties, LLC: Brad Burnham presented a drawing of the change in use that he would like to make to his property at 16779 S. Meehan. As the property is zoned commercial, section 12.02, item 17, shows “boarding & rooming houses” as a permitted use, there would be no conflict between the ordinance and the planned use.

OLD BUSINESS:

Care by Design: Commissioners had done much research regarding the location of a class B grow operation at their location, 2775 W. M-80. Several factors were found that would be prohibitive.

1. Youth activities were the focus of their proposed philanthropic activities-as explained by Lee Chatfield’s office: “Rules 52 of the Adult Use Marihuana Establishments Emergency Rules touches on this issue. Part five states, ‘A marihuana product must not be marketed or advertised to individuals under 21 years of age. Sponsorships targeted to members under 21 years of age are prohibited.’ I will be sure to look deeper into this as we move forward in the 2020 legislative year.”
2. A class B grow operation-as detailed in the Medical Marihuana Facilities Licensing Act (Act 281 of 2016) MCL 333.27501, item 9, the area where the grow area must be located needs to be zoned industrial or agricultural, or unzoned. This address is zoned Corridor Mixed Use.
3. Our Ordinance #1.135 states that a growing facility cannot be within 1,000 feet of a residential area in Section 5.1. and that any operations established after adoption of the ordinance on July 1, 2013, must meet all zoning requirements in Section 9.
4. Ordinance #1.141 prohibits all marihuana establishments within the township.
5. A statement on the site of the Barone Defense Firm said that someone applying for a Class B license must have had 2 years’ experience as a registered caregiver.

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MOTION #3: by Arthur Brood, second by Kathy Noel, to deny the request for a Class B medical marihuana growing operation at Care By Design, 2775 W. M-80, Kinross, MI 49752. Motion carried.

Meeting adjourned at 7:41 PM.

John Kane, Secretary

Minutes taken and typed by Judy Wright

**KINROSS CHARTER TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING**

March 9, 2020

4884 W. Curtis St.

MEMBERS PRESENT:

Arthur Brood
Barb Hampton
Robert Jones
Kathy Noel

MEMBERS ABSENT:

John Kane

ALSO PRESENT:

Annette Compo, Trevor Medema & Chris Rosema representing Care by Design

CALL TO ORDER:

Chairman Brood called the meeting to order at 6:32 P.M.

MOTION #1: by Bob Jones, seconded by John Kane, to approve the agenda for the March 9, 2020 meeting as presented. Motion carried.

MOTION #2: by Kathy Noel, second by Bob Jones, to accept minutes of February 10, 2020 as written. Motion carried.

CHAIRMAN'S REMARKS: None

PUBLIC COMMENTS: Annette Compo, President, Care by Design indicated she had reviewed the January and February Planning Commission minutes, and that she was very "disappointed" as the minutes contained some false statements; and she asked that the situation be remedied.

NEW BUSINESS:

- **MOTION #3**, made by Kathy Noel, seconded by Barb Hampton, clarification that:
 - Care by Design's one and only business is CBD;
 - That marijuana materials had been provided to the Commission for informational purposes, exclusively;
 - That Care by Design is not proposing to sell or grow marijuana;
 - That Item #2 from the January 13th Planning minutes and Item #1 from the February 10th Planning minutes be rescinded.
- Motion carried

There being no further business before the Commission, the meeting was adjourned at 7:20 P.M.

John A. Kane, Secretary

**PLANNING COMMISSION
REGULAR MEETING**

June 8, 2020

4884 W. Curtis St.

MEMBERS PRESENT:

Kathy Noel
Arthur Brood
John Kane
Nate Beery

MEMBERS ABSENT:

Barb Hampton

Also in attendance: Patrick Sliger, Diane Sliger, and Katie Murray.

Chairman Brood called the meeting to order at 6:30 PM.

MOTION #1: by John Kane, second by Kathy Noel, to approve the agenda. Motion carried.

MOTION #2: by Kathy Noel, second by John Kane, to accept minutes of March 9th 2020, with an amendment to reflect that John Kane was present. Motion carried.

CHAIRMAN'S REMARKS:

On behalf of the commission, Arthur Brood welcomed new faces at the meeting: Nate Beery, who is replacing Bob Jones on the planning commission; and Katie Murray, who is replacing Judy Wright as the commission's liaison to the Township office.

NEW BUSINESS:

MOTION #3: by Arthur Brood, second by Kathy Noel, to re-elect the current slate of officers. Motion carried.

Chevereaux Farm and Orchard: Patrick and Diane Sliger explained their plan to start a veteran-owned business farming lavender. Their initial plan is to see how lavender grows in the first year, and to begin selling to third-party vendors once they have a successful crop. They would eventually expand into other herbs like sage and rosemary, as well as fruit and nut trees. Ultimately they would like to put up a barn and have their farm act as a tourist destination for weddings and other events, but this would be far in the future.

While they would eventually return to the planning commission for approval of these later projects, their primary concern right now is to make sure they are zoned correctly to begin planting. They have been receiving conflicting information from different parties about the zoning on their lot, and don't want to waste time and money on planting if they are not actually zoned for agriculture or commercial use.

Noel retrieved the larger zoning map, and Brood confirmed that they were zoned for agricultural use. Because the official zoning map is the ultimate authority on zoning, conflicting information was incorrect, and possibly the result of a miscommunication with online sources.

Kane cited the permitted uses and structures for agricultural zoning, and observed that a roadside stand would be allowable under current ordinances. Therefore, the Sligers would be permitted

not only to plant, but to sell some of their successful crop without requiring any special permit. The Sligers requested clarification as to whether they would require any kind of legal documentation to begin. The commission agreed that they would not, though they would need to return later once they'd begun operating as a business in earnest in order to register with the clerk.

Commission agreed that with zoning and ordinances being what they are, no motion is required, and the Sligers are free to begin this year's planting.

OLD BUSINESS:

Ordinances: A lawyer was contracted to review the previously updated ordinances, with the understanding that this lawyer would be cheaper than the Township's usual contract lawyer. The initial payment for services was \$400. However, the bill for only the first two sections was \$4,600, far exceeding the allotted budget. The lawyer's office has been contacted for clarification on this invoice, and payment is being held until the situation is resolved. However, the lawyer's office has not returned emails on the subject. Furthermore, the work done was unsatisfactory in many aspects, including the reintroduction of confusing language previously removed. Further updates of ordinances must be put on hold until a solution for satisfactory legal review is found within a reasonable budget.

Meeting adjourned at 7:12 PM.

John Kane, Secretary

Minutes taken and typed by Katie Murray

KINROSS CHARTER TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING

July 13, 2020

4884 W. Curtis St.

MEMBERS PRESENT:

Arthur Brood
Kathy Noel
Nate Beery
John A. Kane

MEMBERS ABSENT:

Barb Hampton

ALSO PRESENT: Katie Murray.

CALL TO ORDER:

Chairman Brood called the meeting to order at 6:30 p.m.

MOTION #1: By Kathy Noel, seconded by John Kane to approve the agenda for the July 13, 2020 meeting as presented. Motion carried.

MOTION #2: By Kathy Noel, seconded by John Kane, to accept minutes of June 8, 2020 as written. Motion carried.

CHAIRMAN'S REMARKS:

Chairman Brood told the members that there was a possibility of Judy Wright joining the Planning Commission. She would bring a great deal of experience to our group.

PUBLIC COMMENTS: None.

NEW BUSINESS:

1. Some residents of Kincheloe have complained that fences are being constructed with the finished face not facing the public. A discussion of this issue ensued.
 - 1.1. MOTION #1: By Nate Beery seconded by Kathy Noel. The following addition will be made to the Ordinance: "Fences are to be installed with the finished side out."
2. Members reviewed the Michigan Right to Farm Act to better understand any future requests to farm.
3. There is discussion in the Sault of building temporary housing in Kincheloe for workers constructing the new lock. At the moment this is just a concept but the contractor is anticipating a lease to start on Sep 1, 2020.

OLD BUSINESS:

1. Per Kathy Noel. The large bill for legal review of our draft ordinances has been reduced to \$900.00. Kathy will continue to research for a way to get the required legal review at a less costly price. Perhaps will can identify another township that has had their ordinances reviewed that we could model after.
2. Reference: Payne and Dolan asphalt plant. Numerous complaints have been received from Arbor Ridge residents that bad smells are emanating from the plant on morning start-up. Katy will notify the Zoning Administrator for action.

There being no further business before the Commission, the meeting adjourned at 7:10 p.m.

John A. Kane, Secretary

**PLANNING COMMISSION
REGULAR MEETING**

September 14, 2020

4884 W. Curtis St.

MEMBERS PRESENT:

Kathy Noel
Arthur Brood
Judy Wright

MEMBERS ABSENT:

Barb Hampton
John Kane
Nate Beery

Also in attendance: Katie Murray.

Chairman Brood called the meeting to order at 6:36 PM.

CHAIRMAN'S REMARKS:

Without at least four members present to form a quorum, no motions can be carried. The meeting may therefore be treated as an impromptu workshop for ordinance updates.

OLD BUSINESS:

Ordinances: Charles Palmer was contacted regarding the ordinances that needed updating, and his comments were reviewed by the present members of the board. Since the board members present already had some notes, these notes were compared to ensure all board members were working with the same notes. Many of the updates had to do with adding references to the Michigan Right to Farm Act and Michigan Zoning Enabling Act.

Based on Charles Palmer's comments, it was agreed that it would be prudent to update the ordinances around wind turbines and transmission towers to require a lot at least twice the size of the height of the structure.

Present members of the board also agreed to update the fence ordinances to require they be set back at least two feet from the lot line, so that construction and maintenance can be done without trespassing. Adjoining property owners who wish to construct a fence along the property line should therefore be required to jointly request a waiver, to ensure the cooperation of all parties.

Paragraph two of Section 18.03 was eliminated as extraneous.

Further workshop business was determined to require to input of other board members not present.

Meeting adjourned at 7:16 PM.

John Kane, Secretary

Minutes taken and typed by Katie Murray

**KINROSS CHARTER TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING**

Oct 12, 2020

4884 W. Curtis St.

MEMBERS PRESENT:

Kathy Noel
Arthur Brood
Judy Wright

Barb Hampton
John Kane
Nate Beery

ALSO IN ATTENDANCE: Katie Murray

CALL TO ORDER:

Chairman Brood called the meeting to order at 6:30 p.m.

MOTION #1: By Kathy Noel, seconded by Judy Wright to approve the agenda for the October 12, 2020 meeting as presented. Motion carried.

MOTION #2: By John Kane, seconded by Kathy Noel to accept minutes of Sep 14, 2020 as written. Motion carried.

CHAIRMAN'S REMARKS:

Chairman Brood told the members that it was time to place extra emphasis on enforcing our Junk Ordinance before winter sets in. He gave three examples of violations which he was aware.

PUBLIC COMMENTS: None.

NEW BUSINESS:

1. Members went over attorney Chuck Palmer's review of our Zoning Ordinance. Discussion ensued over his recommendation for fence setbacks. One of the members is a real estate licensee and stated that four inches from the property line is considered standard in this area. Members accepted this for our standard and the Zoning Ordinance will state this.

OLD BUSINESS:

1. The members reviewed a letter from the Federal Aviation Administration titled, Determination of No Hazard to Air Navigation dated 10/10/2019 for informational purposes.

There being no further business before the Commission, the meeting was adjourned at 7:05 p.m.

John A. Kane, Secretary

**PLANNING COMMISSION
REGULAR MEETING**

December 14, 2020

4884 W. Curtis St.

MEMBERS PRESENT:

Kathy Noel
Arthur Brood
Nate Beery
Judy Wright (teleconference)

MEMBERS ABSENT:

Barb Hampton
John Kane

Also in attendance: Katie Murray.

Chairman Brood called the meeting to order at 6:33 PM.

MOTION #1: by Nate Beery, second by Kathy Noel, to approve the agenda. Motion carried.

MOTION #2: by Kathy Noel, second by Nate Beery, to accept minutes of October 12th 2020.
Motion carried.

CHAIRMAN'S REMARKS:

Chairman Brood explained that while Judy Wright was feeling unwell, she would be brought in via teleconference in order to form a quorum.

NEW BUSINESS:

Budget: The overall budget was found acceptable, with increases in legal fees not expected to carry over into the new year. The only change would be for Herman Calkins to act as Zoning Administrator throughout the year, rather than seasonally. It was not clear to board members whether an increase in the budget would be needed to account for his salary. Members agreed that the budget could be kept as-is, with the addition of any increases in Zoning Administrator salary deemed necessary by the accounting department.

MOTION #3: by Kathy Noel, second by Nate Beery, to accept the budget with any necessary salary increases. Motion carried.

OLD BUSINESS:

Ordinances: With the new ordinances typed up, copies were given to all board members to review. Certain typographical errors were identified before the meeting and had already been fixed. Word choices, such as 'may' versus 'shall', were identified as issues for future discussion.

Katie Murray raised the issue of the inconsistent usage of the Oxford comma in the document. Chairman Brood agreed that the ordinances should be standardized to use the Oxford comma throughout in order to reduce ambiguity.

Certain dates are inconsistent, written as 2019 and later 2020 as the document was updated. These dates represent when the ordinances are meant to take effect. These dates should be standardized to a single start date. Members of the board agreed that June 1st, 2021 was a late

enough date to account for any future delays in publishing the updated ordinances.

The final page of the ordinances should remove the repeal of old ordinances and replace them with only the latest repeal and approval.

The phrase 'as amended' was deemed no longer necessary throughout the document.

Board members agreed to review the updated ordinances for possible issues to discuss at the next meeting.

Meeting adjourned at 7:00 PM.

John Kane, Secretary

Minutes taken and typed by Katie Murray