

**Elk Rapids Township  
Planning Commission**

Special Meeting Minutes – Tuesday March 28, 2011

Chairwoman Mischel called the Special Meeting to order at 6:30 PM at the Government Center, 315 Bridge Street.

Present: Dorance Amos, Emile Sabty, Shen Smith and Renee Mischel.

Absent: Jean Derenzy, Jim Lundy and William Larson.

Also Present: Leonard Harrett, Zoning Administrator, Larry Nix, Planning Consultant. Audience of 2.

**Adoption of Agenda:** The agenda was adjusted to list “Twin Bay Medical” under Public Forum and delete “Township Zoning Map” from the agenda.

M/S – Smith/Amos. Agenda for 3-28-2011 meeting was adopted, as revised, unanimously.

**Approval of Minutes:** M/S – Amos/Smith. Minutes for 3-15-2011 meeting were approved unanimously.

**Public Forum**

Ms. Cheryl Werth addressed the Planning Commission on behalf of Twin Bay Medical, Inc. 11590 US-31 South, Williamsburg, MI. The original site plan approved 4-3-2008 and extended yearly thru 4-3-2011 was expanded on 11-17-2009 to include an addition of 2400 sq ft to the existing approved structure. Currently, Twin Bay Medical realized that they need a larger expansion than what was previously approved. Their plans show increasing the previously added space from 2400 to 6400 sq ft for an addition of another 4000 sq ft. They request setting up a PC site plan review meeting date, at the earliest, for the new revision and approval of, hoping that with the approval they can start the work soon after. At the same time they request that the Planning Commission extend the original approved site plan for one year.

M/S – Amos/Sabty. Move that the Twin Bay Medical, Inc Site Plan approved 4-3-2008, and expanded 11-17-2009 for the property located at 11590 US-31 South, Williamsburg, MI be granted a one year extension that expires on 4-3-2012.

Vote. Yes – Amos, Sabty, Smith, Mischel

**Passed 4-0-0**

The Chair advised that when the expansion blue prints are ready, to work with the Zoning Administrator on the procedural requirements for holding a site plan review of the proposed expansion changes. Considering a pre meeting review of the finished plans and other necessary formalities, it was estimated that a PC meeting to amend the existing site plan may be feasible for a May 2011 meeting at the earliest.

**New Business**

**Medical Marijuana**

Chairwoman Mischel stated that Inquiries are being made at the Township level with potential requests to using Marijuana. The Village is moving into a moratorium and developing an Ordinance, and adjoining Township is going into a moratorium to gain enough time to develop an Ordinance. During the last meeting, commercial aspect of this subject were discussed; we looked at the Special Exception/Special Use Ordinance as an approach to deal with that, but apparently it is not enough. The discussion then did not include patients and caregivers and how they would be dealt with. During this Special Meeting the intention is to discuss that part of the Medical Marijuana pertaining to patient/caregiver and its relation to the subject as a whole.

The meeting was opened for general discussion that took the form of a discussion, opinions, statements and questions.

During a recent PC Village meeting on MM, the Ordinance being developed follows the Michigan Medical Marijuana Act (MMMA) in addressing patient and caregiver. It is limited to a home use as long as a caregiver complies with the law; if not then the police will get involved. Collective outlets are not addressed. The Act allows the privacy of a house in R area vs. C area. Patients in a C area are not patients outlined in the privacy of the MMMA, such places are dispensaries or collectives etc. What is the difference between private home activities vs. those in a commercial area?

Planning Consultant explained that MMMA of 2008 resulted from the vote to legalize the MM use in Michigan. The Act in regulating the MM use, resulted in many unanswered questions. The Act definition of a qualified patient and caregiver were reviewed and discussed. That a permit is needed and issued for each patient & or caregiver. That each can grow up to 12 plants for each user: and a caregiver can care for five patients.

It was stated that it is accepted that the law allows a patient to grow 12 plants, and that can't be regulated, however with a caregiver who would be growing more plants, we should be able to regulate where they would grow and then should be able to direct where it can be grown with some exceptions if need be.

It was brought up that if you grow for personal use it is OK, when you grow for others use, then on many occasions it leads to dispensaries and collectives etc.

A primary caregiver can play a dual role, can be a licensed patient, but in being a caregiver, would need registered patients, no more than five, before making an application to the State to become a caregiver who will grow and provide. A grower should meet the conditions of the growing area, and should not have marijuana consumption on the premises.

Questions were raised about how many plants are there on the premises at one time, Is it 12 matured plants, 12 partially grown, and 12 seedlings? How is the count configured to have a product available at all times?

By Statute a caregiver can grow and distribute from one location, not separated into two locations. What happens if a group of caregivers combine their operations into one growing area, creating collectives or dispensaries?

At our Township we should keep it at a patient/caregiver level with no more than six patients. If the Act permits that we should work on staying at that level and regulate to keep it there. Right now many forms of distribution are being explored by MM proponents, creating many loopholes to the MMMA to be exploited.

Another concern is that there are different law professionals with different views as to caregivers coming together in a commercial zone and whether we can say no to that.

Mr. Nix, Planning Consultant, stated that so far we have had different opinions on an Ordinance, but not how to do it. Pass a moratorium, get the attorney involved, share the opinions they have on hand with the attorney, and put together something like the ER Village did. Without a meeting schedule; if a moratorium is passed, we have to do our best to utilize the time as needed to arrive at a workable conclusion:

The Chair made a summary of the discussion that took place:

- Request a moratorium from the TWP Board.
- Work on an Ordinance.
- Have the Ordinance inclusive to address the six patient/caregiver area and location if possible. Concentrate on regulating using one caregiver in R zone avoiding the commercial approach.
- If possible include the best approaches for the various aspects of the MM subject. If the Act does not address commercial, then it should not be allowed.

- Address the subject that, I am allowed to grow the product if I have patients. In a business, several caregivers combine together to move large quantities out of one place for many patients, which is not acceptable.

Chairwoman Mischel asked for a motion on what the Planning Commission do should at this stage.

M/S – Smith/Sabty. Move to recommend to the Elk Rapids Township Board to approve a six (6) month moratorium so that the Planning Commission can consider all the ramifications of the Michigan Medical Marijuana Act to create an applicable Ordinance for the Township.

Vote: Yes - Amos, Sabty, Smith, Mischel.

**Motion Passed 4-0-0.**

A recommendation letter to the TWP will be prepared and delivered ASAP.

**Old Business, Correspondence** - None.

**Members Comments**

Mr. Harrett, Zoning Administrator, advised that Mr. Richard Hults owner of Lot #3 in Juniper Hills Subdivision, who previously had requested a lot split and was asked to submit further information and details, did so recently and the information answered satisfactorily all the questions and concerns raised by the Township.

As there was no further business Chairwoman Mischel adjourned the meeting at 8:00 PM.

Next scheduled Quarterly meeting will be on Tuesday June 21, 2011 in the Government Center, 315 Bridge Street. Should a PC meeting be called at an earlier date, it would be so noticed.

E.S.Sabty, Secretary  
3-28-2011

**Approved 5-17-2011**

Minutes are subject to approval at the next regular Planning Commission Meeting.