

SAUGATUCK TOWNSHIP PLANNING COMMISSION

June 27, 2011

The Saugatuck Township Planning Commission met on June 27, 2011, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

Present: Conklin, Edris, Hanson, Milauckas, Rausch, Rowe

Absent: Darpel

Also present: Planner Sisson, Dan Nally of Holland BPW, Zach Bossenbroek of Southwest Michigan Wind Energy, members of the general public and print media.

Chair Edris called the meeting to order at 7:10 P.M. The agenda was adopted. Minutes of March 28, 2011, were approved as amended (Hanson/Rowe), as follows: Page 1, last sentence in the last paragraph should read “The consensus was that customer and delivery vehicles should not be allowed . . .” Page 2, 3rd paragraph should read “Hanson made a motion to table the amendment to Section 40-107 and to add Section 40-106 . . .”

There being no general public comment, Edris read a May 5, 2011, letter from R. J. Peterson regarding Z. A. Ellingsen’s letter to Ken Denison of 3/3/2010 denying Denison’s proposed docks, stating that Peterson thought it was clear this was the reason Singapore Dunes LLC did not file building plans. etc.

Sisson directed the Commissioners to make the following changes to proposed Section 40-107 (c) (2) a. (more restricted to less restricted zoning district) R-4, R-2, R-3B, R-3, R-1, A-2 and A-1; and to (a) (1) to add “not” to the phrase “except for parking of vehicles for which a commercial driver’s license is not required. The latter change also applies to (b) (5). Since the public hearing did not include Section 40-106, even though it was noticed as such, because of the need for a court recorder, Edris suggested that a public hearing should now be set for the entire document with these changes to 40-107.

Edris introduced the Wind Energy ordinance discussion, and Zach Bossenbroek, Southwest Michigan Wind Energy, asked that the noise level limitation of 40 dBA within 100 feet of an occupied residence, etc. in subsection (11) b. be changed to 45 dBA, and that (e) be eliminated because there are no set standards for a steady pure tone. Consensus was to change the noise limitation of 50 dBA to 55 dBA in (11) a.; to change 40 dBA to 45 dBA within 50 feet (rather than 100 feet) of an occupied residence, etc. in (11) b.; to add the last sentence with proper adjustments in (11) a. to (11) b., eliminating “unless the documented L90 Ambient Sound Level at such locations prior to LWET permitting exceeds that level;” to change 50dBA to 55dBA in (11) c. for the industrial zone; and to eliminate (11) e regarding the steady pure tone limitation. Motion was made by Rowe, supported by Conklin, to adopt the Wind Energy Turbine Ordinance with the changes made at this meeting, depending on the Township Attorney’s approval, and a new draft from Sisson incorporating these changes. Roll call vote: Rowe, yes; Hanson, yes; Conklin, yes; Milauckas, yes; Rausch, yes; Edris, yes; unanimous.

Edris explained that the Township Board passed a three-month moratorium on the medical marihuana issue and asked the Planning Commission for an ordinance on the subject. He directed the Commissioners to consider a draft dated 6/13/11 provided by Atty Bultje which treats it as a home occupation.

Edris opened the meeting to public comment, and Tammy Jacobi, 515 Water St., read a letter stating that she is a registered nurse treating authorized patients in need of medical marihuana through a dispensary she established June 1 on Blue Star Highway.

Larry Darling, 3383 Blue Star Highway, who runs the Great Turtle Emporium, a medical marihuana dispensary on Blue Star Highway, provided the Commissioners with a copy of the code of ethics from a Michigan association dealing with marihuana which are more stringent than the State requires. He made the point that a single care-giver, growing marihuana, could not provide all the different types of marihuana which are available. He invited the Commissioners to visit his establishment for more information. He always requires patients to be legally registered.

Ken Beyer, 4784 142nd Ave., Holland, Michigan Testing Authority, a private testing company, said his company tests cannabis from Jacobi's dispensary, for instance, to make sure it's safe from pesticides, herbicides, molds, fungus, e-coli etc. He explained the benefits of cannabis and said there are specific strains for specific maladies. Darling said the State does not require testing.

Don Karaus, 2025 Brookhill, Saugatuck, questioned the 1000-foot distance in (9) (b) required for a care-giver to be located from any school, library, or day care home, saying there is a grocery store selling liquor near a school.

Jacobi asked if the care-giver would have to register with the Township, and Sisson explained that the Township would not need to know whether the applicant for the home occupation were a patient or care-giver. Hanson pointed out that "dispensaries" are not included in this proposed amendment to the home occupation ordinance.

Darling asked if the home occupation could be carried on in a garage or pole barn, and Sisson explained that would require a SAU hearing, which defeats the purpose of keeping the care-giver and patient anonymous. Sisson further stated the marihuana must be grown in the home, only the care-giver having access to it.

Edris closed the public comment period. Sisson explained that this ordinance was proposed to keep the Township out of court, trying to stay within the State Statute, which does not mention multiple care-givers, dispensaries, or commercial businesses.

Rowe made a motion, supported by Rausch, to use this Medical Marihuana Ordinance for a public hearing. Motion carried. Edris will ask the Township Office to set public hearings for this Medical Marihuana Ordinance and for the amendment on boundary extensions.

Meeting adjourned at 9:20 P.M. The next meeting is July 25 at 7:00 P.M.

Betty A. White, Recording Secretary

Sandra Rausch, Secretary

MOTIONS

1. Motion by Hanson/Rowe to approve minutes of March 28, 2011, as amended.
2. Motion by Rowe/Conklin to adopt the Wind Energy Turbine Ordinance with certain changes made at this meeting, upon Township Attorneys approval.
3. Motion by Rowe/Rausch to use the Medical Marihuana Ordinance provided by Atty Bultje for a public hearing.