

## SAUGATUCK TOWNSHIP PLANNING COMMISSION

August 22, 2011

The Saugatuck Township Planning Commission met on August 22, 2011, at the township hall on Blue Star Highway, Saugatuck, Michigan 49453.

Present: Conklin, Edris, Hanson, Harrison, Milauckas and Rowe

Absent: Rausch

Also present: Attorney Ron Bultje, Planner Mark Sisson, members of the general public and of the media.

At 7:00 P. M. Chair Edris called the meeting to order. At Harrison's request, a discussion of the proposed consent judgment between Saugatuck Township Board and Singapore Dunes LLC and its impact on the Planning Commission was added to the agenda.

After a great deal of discussion of the minutes for the July 18 joint meeting of the Township Board and the Planning Commission, Harrison made a motion to approve the minutes submitted by Clerk Wright before the revisions done by Atty Bultje, but there was no support. Rowe made a motion to approve the final draft of the minutes for July 18, supported by Conklin. Motion carried by a show of hands 5 to 1, with Harrison voting NO.

Minutes of the regular July 25 meeting were amended as follows: Page 1, last paragraph, to read "Conklin made a motion, supported by Rowe, to recommend the Township Board adopt the amendment . . ."; Page 3, end of the third paragraph, change "roll" to "role"; Page 4, end of last paragraph, delete "of" from last sentence. Motion by Rowe, supported by Hanson, carried.

There being no general public comment, Edris reopened the discussion of the proposed Medical Marijuana Ordinance.

Linda Kinnaman, 259 North St., said since no one knows what the state will do, and since there have been no complaints, she didn't see why the Planning Commission should be the first to "make the rules." Edris explained that the Township Board requested the Planning Commission to study the issue and come up with an ordinance.

John Tragowsky, a summer resident of Saugatuck, said he thought it was premature to regulate medical marijuana at this level, there has been no criminal activity, and any backlash would come from marijuana being handled in the residential areas.

Ralph Houston, Holland, said he thought the moratorium should be continued rather than approving a "bad law," that marijuana should be sold in drug stores. He was concerned about buildings where it has been grown and the difficulty selling them later. He added that there are many bills in the legislature about this now.

Edris invited Atty Bultje to explain the two alternatives to be added in the 8/17/11 draft of the proposed Medical Marijuana Ordinance; that is, either (1) the marijuana must be grown in the dwelling only, or (2) it may be grown, as a matter of right, in an attached garage or a detached accessory building as long as it is an enclosed locked facility. Bultje said the usual home occupation must be carried on in the home, unless there is a special approval, including public hearing, for it to be carried on in an accessory building. Because of the necessity for confidentiality required by the Michigan Medical Marijuana Act, a public hearing should not apply.

Edris asked Bultje what his guess is as to when the courts will decide anything or if the legislature will accomplish anything with all the bills before it, and Bultje made no predictions, but he did say that three circuit courts have already declared the federal law as preemptive over the state law..

The commissioners discussed being consistent with the neighboring municipalities, the fact that the proposed ordinance does not restrict it to a specific zoning district, the possibility that if nothing is done more dispensaries will crop up and be harder to close down if they are found to be illegal, and how the proposed ordinance would be enforced.

Edris confessed he was conflicted about having marijuana raised in residences, but was more sympathetic to dispensaries if they are well regulated. Sisson said he thought with the language in the proposed ordinance, dispensaries (which are not now defined in the Statute) could be allowed if they are found to be legal later. Atty Bultje said if this ordinance passes, the Township Board will probably wait to see if the issue of dispensaries is cleared up by the State.

Harrison made a motion to recommend that the Township Board approve the 8/17/11 draft of the Medical Marijuana Ordinance, including Alternative 2 for subsection (h). Hanson seconded. Milauckas questioned whether the occupation could be carried on in the commercial district since there are homes in the commercial district, and Bultje said the marijuana grower would have to live in the home. Atty Bultje brought up all the issues of commercial regulations if the marijuana is grown as a commercial enterprise, such as signage, number of employees, ratio of plants per employee, hours of operation, etc. He advised that the Township Board instructed him to settle this as simply, shortly and cheaply as possible. Milauckas asked how the user finds a care-giver, and Tammi Jacobi, 515 Water St., Saugatuck, answered "Craig's List," physicians are not allowed to provide that information. The motion carried 4-2: Harrison, yes; Milauckas, no; Edris, yes; Hanson, yes; Conklin, yes; Rowe, no.

After a brief recess, the meeting reconvened at 8:30 P.M. to take up the consent judgment between the Township Board and Singapore Dunes LLC. Harrison said the decision of the Township Board threw out the PUD requirements of R-4 and he wondered what was left for the Planning Commission to rule on, how it would handle development there. Edris said the consent judgment modifies the ordinance, but he did not think the Township Board did anything beyond its authority. Bultje said the consent agreement

was similar to "contract zoning," and he offered to return after the judgment to help the Planning Commission figure out what is possible.

Meeting adjourned at 9:04 P.M. The next regular meeting is September 26 at 7:00 P.M.

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Betty A. White, Recording Secretary

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Sandra Rausch, Secretary

### **MOTIONS**

1. Motion by Rowe/Conklin to approve July 18 minutes of the joint meeting with the Township Board.
2. Motion by Rowe/ Hanson to approve amended minutes of July 25.
3. Motion by Harrison/Hanson to recommend Township Board approve Medical Marihuana Ordinance with Alternative 2 for subsection (h) by roll call 4-2.