

MINUTES OF THE AUGRES TOWNSHIP PLANNING COMMISSION

June 3rd, 2024
9:00 A.M.

IN ATTENDANCE: Chairman Jesse Young, Robert Cotter, Ross Maser, Patricia Tremble and Donna Wilson.

ABSENT: None

PUBLIC IN ATTENDANCE: Wes Crumby, Amanda DeRocher, Aurette Gates, Art Gallop, Wayne Kinne, Jason Overstreet, Nancy Selle, Lisa Saunders.

CALL TO ORDER: The meeting was called to order at 9:03am with the Pledge of Allegiance. At this time Chairman Jesse Young stated that anyone wishing to speak had 2 minutes during the public comment period. Any interruptions during board business or while another person speaking would not be tolerated.

APPROVAL of AGENDA: Patricia Tremble made request to add discussion on reviewing the blight ordinance to the agenda, as it is such an old document, it needs to be reviewed by the planning commission. (added to agenda as 7d). Motion made by Tremble to approve the agenda as amended. Motion supported by Donna Wilson. Voice vote. All Ayes. No Nays. Agenda approved.

PUBLIC COMMENT: Nancy Selle asked if it was going to be allowed to make comments during discussion of the agenda items by the board. Young replied no, and reiterated only two minutes during the public comment periods. Selle, on agenda item 7b Kola Farms marijuana grows expansion request, read the following from the Medical Marijuana Ordinance 17-01:

It is the intent of this ordinance to authorize the establishment of several types of medical marijuana facilities in the Township of Au Gres and provide for the adoption of reasonable restrictions to protect the public health, safety and general welfare of the community at large; retain the character of neighborhoods; and mitigate potential impacts on surrounding properties and persons.

Selle then read the "Permitted Premises" and "Permitted Property" from the Definitions section of the ordinance:

"Permitted Premises" Means a particular building or buildings within which the Permit Holder will be authorized to conduct the facility's activities.

"Permitted Property" means the real property comprised of a lot, parcel or other designated unit of real property upon which a permitted premises facility is situated

Wayne Kinne, Kola Farms questioned Selle's statement 'does not fit the character of the neighborhood' when Kola Farms is across the street from existing farm fields.

Wes Crumby added that the idea of putting up a fence (required by the state on all marijuana grows) is not an issue, as farmers put up fences all the time, anywhere they want, unregulated by zoning.

Aurette Gates noted that each Kola Farms parcel is a separate one, questioning whether combining their parcels into one would make a difference.

BOARD COMMENT: None.

NEW BUSINESS:

a) Odor control at Pure Green/Glorious Canna - 2497 E Huron: Young said when the PC members visited the facility, he was surprised he could not smell the odor. Residents have reported the smell in town, most morning, especially at Pier 23 Shell station across the street. Pat Tremble spoke of the Marijuana Ordinance requiring carbon filters but does not believe they are in use at the facility. A meeting with John Bruech at the facility by members of the Planning Commission was to be arranged (Cotter, Tremble and Clerk Oxley to attend). Art Gallop, Zoning Administrator added that Porta-Potties are in use as EGGLE shut down their septic system, so workers are opening doors to the facility, letting out the odor, all day

long. Cotter suggested that a ground water test should be made to see if chemicals such as phosphates/fertilizers may be in neighboring wells.

b) Kola Farms - expand the outdoor grow operation onto the neighboring parcel (see map): Chairman Young turned the discussion over to Tremble who had done the research (as this is the third time the issue has come before the planning commission):

Tremble: Kola Farms has four Medical Class-C grow permits (out of the 40 available). They use only three of those permits for lack of space to grow. Tremble reads township attorney Melissa Sprague's determination:

You are changing what is considered the "permitted Property". Right now it does not include the adjacent land. In the Commercial Medical Marijuana facilities Ordinance No. 17-0, page 6 "renewal applications must be filed...at least 90 days prior [to permit expiration date] for changes of location." This implies that when a renewal application is entered, the permit holder can request that the location of the permit be changed and it would not be necessary for a new permit to be issued.

The most recent application does specify three (3) of their four (4) parcels. A renewal application does allow for a change in location upon renewal. The ordinance specifies renewal can be made 90 days ahead of time. Kola Farms intend to renew in September with the addition of the 40 acre parcel (Id# 003-0-023-300-005-51) to the west of the existing facility, putting up the state required fencing and growing on said parcel next year (2025). Tremble read from the MTA (Michigan Township Association) Township Planning & Zoning Decision-making handbook – "The board or commission cannot make its decisions based on opposition or support." and "The law requires that if an application meets all of the requirements and standards applicable to it, approval must be granted."

Tremble then quoted the ordinance... medical permit - 60 days or 90 with relocation (page 6):

A valid medical marijuana facility permit may be renewed on an annual basis by submitting a renewal application form provided by Au Gres Township and payment of the annual local permit fee. Renewal applications must be filed at least 60 days prior to the annual Renewal date/expiration of permit or 90 days prior for changes of location. Au Gres Township will not accept renewal applications and permit forfeiture will result after the expiration date.

Ending with reading Medical Marijuana Ordinance amendment of August 11,2020 which states no new applications – not grows.

"No new applications for outdoor medical marijuana grows would be accepted and to modify the Medical Marijuana Police Power ordinance to reflect these changes."

Wes Crumby thanked Tremble for the work done on the issue. Tremble added that Supervisor Jim Herzog and herself took a tour of the Kola Farms facility and found it to be very clean, nicer than many residential properties and following the ordinance to the letter.

c) Tremble wanted to make another change to the Zoning Ordinance before it gets approved and sent on to the township board for adoption. Specifically, that the OEO (Ordinance Enforcement Officer) has the duty to deliver citations to ZO offenders, not the zoning administrator (as it currently states in Section 10-9 Ordinance Enforcement). At this time the topic was tabled to another meeting.

d) Blight Ordinance review. It was decided to schedule a meeting in July to discuss this issue, giving board members time to review the current ordinance (#17 adopted March 16, 1992). Meeting date to be decided.

BOARD COMMENT: Donna Wilson thanked Pat Tremble for the research done for this meeting.

PUBLIC COMMENT: Oxley thanked Donna Wilson for the work on the zoning ordinance, which was corrupted (mismatched Microsoft Word versions) and was facing an entire re-typing of the document. Selle asked about the line-of-site issue between Derek Porritt's home and Jeffrey Czymbors rental units. Pure Green's record with EGLE was questioned, Robert Cotter suggested making a plan about getting ground water tested.

Art Gallop questioned residential blight compared to business with blight. Specifically, the brick building next to the Dutch Delight Retail Outlet (former Phaeler's Meat Market) with weeds and grass overgrown.

Gallop also suggested we raise the price of commercial zoning permits to \$100.00 (currently \$50.00).

ADJOURNMENT: TIME – 10:05am. Motion made by Tremble to adjourn the meeting. Supported by Wilson. Voice vote. All Ayes. No Nays. Meeting adjourned.

Minutes approved at the Planning Commission Meeting _____

Jesse Young, Chairman _____

Michael Oxley, Clerk _____