

ISABELLA COUNTY
PLANNING COMMISSION

July 14, 2011

A Regular Meeting of the Isabella County Planning Commission was held on July 14, 2011 in Room 225 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan.

MEMBERS PRESENT: William Dailey, Christine Alwood, Bob Thompson, Evelyn Kent, Cheryl Jindeel, Gordon Gilchrist, Jerry Neyer, Jim Kremsreiter (arrived at 7:03 p.m.)

MEMBERS ABSENT: Kelly Bean

SUPPORT STAFF PRESENT: Tim Nieporte, Community Development Director
Mike Zalewski, Planner/Zoning Administrator
Brandy Harger, Recording Secretary

The meeting was called to order by Chairperson Thompson at 7:00 p.m.

The Pledge of Allegiance was recited by the Commission.

APPROVAL OF AGENDA

A motion was made by Mr. Neyer, supported by Ms. Kent, to approve the agenda as amended.

Yes: Dailey, Alwood, Thompson, Kent, Jindeel, Gilchrist, Neyer,
No: None.

Motion carried.

PREVIOUS MINUTES

Minutes of the June 9, 2011 regular meeting were circulated to the Commission prior to the meeting for their review.

Ms. Alwood forwarded grammatical changes to staff and stated that on page 4 she did not say that she would be more comfortable making no comment.

A motion was made by Ms. Alwood, supported by Mr. Dailey to approve the minutes as amended.

Yes: Dailey, Alwood, Thompson, Kent, Jindeel, Gilchrist, Neyer.
No: None.

Motion carried.

LIAISON REPORTS

Zoning Board of Appeals – Mr. Gilchrist stated that there was business on the agenda last month and the board will also be having a meeting next week.

Parks and Recreation – Ms. Alwood stated that the ad hoc committee that has been formed to review the Parks and Recreation Department is considering forming a regional authority, and they are trying to have a report complete by August. There was no July meeting for the Parks and Recreation Board, but all indications show that it was a good holiday weekend.

Board of Commissioners – Mr. Dailey stated that it is Parks and Recreation month. He also explained that training videos are being purchased for Corrections and the Sheriffs' Department. The ad hoc committee reviewing the Community Development Department met tonight and only two townships came to express why they are on there own, Sherman Township and Union Township. Union Township covers as many people as the County does and they stated that they feel they provide better and quicker service being on their own. Sherman Township stated that they like the local control. It is hoped that at the next meeting we can get townships there that fall under County zoning jurisdiction and find out why they like this service. Additionally per capita rates for Planning and Zoning were discussed.

TOWNSHIP CONCERNS

Tom Gibbs, Gilmore Township, no concerns at this time.

Bob Neeland, Isabella Township, stated that the township is concerned about medical marihuana, but they are relieved that the County is putting in place a 6 month moratorium.

Jackie Curtis, Denver Township, stated that Denver Township has the same concerns as Isabella Township.

PUBLIC COMMENT

None heard.

ZONING AMENDMENT #11-02

Mr. Thompson explained that this is an ordinance to impose a moratorium on the issuance of any and all land use permits for businesses or uses which conduct or engage in the growth, sale or dispensation of medical marijuana within Isabella County.

The public hearing was opened at 7:11 p.m.

Ms. Stacie Travis, Michigan Norml representative for Isabella County and Executive Director of Omni Choice Patient Association, stated that when she was 14 her mother was diagnosed with cancer and she decided to go to an alternative school and take care of her. At this time medicinal canibus was not legal so her mother had to out source and put her entire family in jeopardy because of the situation. Omni Choice is not just a place where patients can go and get their medication. It should be a clinical setting, an environment where they have security and safety, reassurance and safe access to medications for people that normally would not have access to it.

Unlike most companies in the United States Omni Choice is the first to establish a community and social resource program for their members, such things as blood drives, food/clothing drives, and adopt a road community service. Omni Choice also offers a community advocacy program to their members for rent and utilities if they can not afford them. Also if something happens to one of our members the family can apply for a burial assistance through this program. Omni Choice offers discounts to those on SSI and Veterans benefits. Terminally ill patients are offered free medication through the advocacy program. Omni Choice is in the process of working with Hospice to provide a higher quality of life for their patients who might benefit from medical cannabis. She also explained that she has approached the city a couple of times about awnings, the member handbook and a business plan have been submitted, but the City stated it wasn't enough and they needed more. She also stated that she is willing to take part in this and that she believes in this cause.

Mr. Thompson stated that the issue tonight is to vote on a 6 month moratorium on Medical Marijuana for research to be done.

Ms. Travis stated that she believes there is a way that this can be handled for those patients that don't have access to a caregiver or don't have the knowledge or the money to grow on their own. There is a way that this can work without the skepticism and where the crime doesn't increase, it is a positive thing if it is handled in the correct manner.

The public hearing was closed at 7:25 p.m.

Ms. Alwood stated that she understands this amendment was prepared by legal counsel, but it doesn't state that this is just specifically for the nine townships that the County has jurisdiction over.

Mr. Nieporte stated that if a township were to repeal their Zoning Ordinance and fall back to the County within this 6 month period this amendment would need to include them too, it is a blanket ordinance. However, any of those townships that do their own zoning or incorporated Villages or Cities, those Ordinances would sit on top of what the County has.

Ms. Alwood explained that she is in support of this moratorium. She also stated that she thinks this issue will continue to be litigated and she is still a little concerned about how future litigation or the court of appeals will impact this. She stated she would still like to take a position on this and to provide proper zoning for this issue.

Mr. Dailey stated that he thinks the board should do something because our County maybe somewhat of a target because we have a pending court case here. There are about 150,000 applications at the state pending and 81,000 have been approved for medical marijuana.

A motion was made by Ms. Alwood, supported by Mr. Kremsreiter, to recommend approval of Zoning Amendment #11-02 as submitted to the Isabella County Board of Commissioners.

Mr. Gilchrist stated that he is concerned about the 6 month limitation, is this something that can be extended at the end of the 6 months.

Mr. Thompson stated that the 6 months is a legal limit.

Mr. Nieporte stated that it could be renewed per the law if the board is continuing to work towards, but doesn't have a decision at the end of this 6 month period. However the courts have found that a 6 month time period is a fair amount of time to complete needed research.

Mr. Neyer stated that there would have to be active process.

Mr. Gilchrist stated that the business that was talked about tonight was established before this moratorium, so would this have any affect on our moritarium?

Mr. Nieporte stated that their business is in the City of Mt. Pleasant and the County has no zoning jurisdiction there.

Mr. Neyer asked about any currently operating dispensaries within the Couties jurisdiction.

Mr. Nieporte stated that a legal operating dispensary in the Counties jurisdiction would be able to continue to operate. We currently have none that are known, we have granted no permits nor received any applications for dispensaries.

Ms. Alwood asked if a dispensary were to open, there is no current language for them so would they even need to get a permit?

Mr. Nieporte stated they would still need to get a permit.

Mr. Zalewski stated that all land uses must be permitted.

Ms. Alwood stated that if one did apply then how would it be handled?

Mr. Nieporte stated that it would be sent to legal counsel. We have had this happen with other uses in the past.

Ms. Alwood asked if an individual was growing for themselves would they have to apply for a permit?

Mr. Nieporte stated that this would not be a land use, a permit would need to be applied for only if it is a business operation or a land use activity.

Ms. Alwood stated that this moratorium would not be effective until it is passed by the Board of Commissioners. If it goes to the the board meeting next Tuesday when would it become effective?

Mr. Nieporte stated that it would become effective around August 1.

Yes: Dailey, Alwood, Thompson, Kent, Jindeel, Gilchrist, Neyer, Kreamsreiter.

No: None.

Motion carried.

Mr. Thompson stated that he would like to form an ad hoc committee to do research on medical marihuana, this committee will consist of Ms. Alwood, Ms. Jindeel, Mr. Dailey, and Mr. Thomspson.

REVIEW OF NOTTAWA & ISABELLA TOWNSHIP FARMLAND AGREEMENTS

Mr. Zalewski explained that Pasch Farms has submitted 7 applications in Nottawa Township and 1 in Isabella Township for properties totaling 475.85 acres. All 8 parcels are zoned Ag-1 and designated as Agricultural Conservation in the Master Plan.

It was the consensus of the board that they had no concerns with the applications and a recommendation of approval of the agreements should be forwarded to the Board of Commissioners.

REVIEW OF VERNON TOWNSHIP FARMLAND AGREEMENT

Mr. Zalewski stated that Theodore and Debra Eberhart have submitted an application for 39 acres in Vernon Township. As noted, this parcel is also zoned Ag-1 and designated as Agricultural Conservation in the Master Plan.

It was the consensus of the board that they had no concerns with the applications and a recommendation of approval of the agreements should be forwarded to the Board of Commissioners.

REVIEW OF COE TOWNSHIP FARMLAND AGREEMENT

Mr. Zalewski explained that Roger and Gloria Eldred have submitted an application for a 72 acre parcel in Coe Township. The Township has this property zoned Agricultural and is designated as Agriculture/Rural Residential in the Coe Township Master Plan.

It was the consensus of the board that they had no concerns with the applications and requested staff to forward the information to the Coe Township Board.

DISCUSSION ON THE ISABELLA COUNTY CAPITAL IMPROVEMENT PLAN

Mr. Nieporte reviewed the draft Capital Improvement Plan with the board.

Ms. Alwood stated that this document would have to be updated annually.

Mr. Nieporte stated that not much in the document would actually have to be updated annually, maybe the population charts. The priority list for capital improvements will be what has to be updated on an annual basis.

Mr. Gilchrist stated that “on” needs to be inserted on page 15 between located and Queensway.

Ms. Alwood stated that on page 14 Pleasant needs to be capitalized.

Mr. Nieporte stated that if there are other grammatical errors as the board reads through the

Capital Improvement Plan, they should be forwarded to staff. In the coming weeks staff would like to get this out to the departments and agencies so as they can provide us with their capital improvements. Once we get this information this plan will then be forwarded to the Board of Commissioners for their approval.

SIGN ORDINANCE

Mr. Zalewski discussed changes that have been made to the proposed sign ordinance.

Mr. Thompson assigned the review of the proposed Sign Ordinance to an ad hoc committee consisting of Ms. Alwood, Mr. Gilchrist, Ms. Kent, and Ms. Jindeel.

AGRICULTURAL ZONING DISTRICTS

Mr. Nieporte stated that at last month's meeting, staff presented the Commission with some information and issues or areas of possible concern with the language in the Agricultural Zoning Districts.

Mr. Thompson assigned the language in the Agricultural Zoning Districts to an ad hoc committee consisting of Mr. Neyer, Mr. Kreamsreiter, Mr. Gilchrist, and Mr. Bean.

REVIEW OF ZONING PERMIT FEE SCHEDULE

Mr. Nieporte explained that at last month's meeting, staff presented the Commission with a comparison of the County's permit fees to various other municipalities. After having time to review the information, the discussion should continue as to what, if any, changes to fees should be recommended.

Mr. Thompson asked if this was something that the Planning Commission should be recommending to the Board of Commissioners.

Mr. Nieporte stated that annually other fees in the department are reviewed. This seemed like the appropriate time to look at zoning fees because there are budgeting activities coming up. If the Planning Commission doesn't feel comfortable reviewing these fees that is fine. It is ultimately up to the Board of Commissioners to establish the fees.

Mr. Dailey suggested that Staff bring this issue to the Human Resources committee meeting.

PUBLIC COMMENT

None heard.

STAFF COMMENTS

Mr. Zalewski stated that as a reminder we will be holding two training sessions and it is encouraged that all members attend. The first session will be held on August 31 and the second on September 28.

PLANNING COMMISSIONER'S COMMENTS

Mr. Neyer stated that as a reminder Breakfast on the Farm will be held at Pasch Farms this Saturday from 9 a.m. – noon.

ADJOURNMENT

The meeting was adjourned by the call of the Chair at 8:43 p.m.

Christine Alwood, Secretary

Brandy Harger, Recording Secretary