

ISABELLA COUNTY
PLANNING COMMISSION

October 13, 2011

A Regular Meeting of the Isabella County Planning Commission was held on October 13, 2011 in Room 225 of the Isabella County Building, 200 North Main Street, Mt. Pleasant, Michigan.

MEMBERS PRESENT: William Dailey, Bob Thompson, Cheryl Jindeel, Gordon Gilchrist, Evelyn Kent, Christine Alwood

MEMBERS ABSENT: Jerry Neyer, Jim Kremseiter, Kelly Bean

SUPPORT STAFF PRESENT: Mike Zalewski, Planner/Zoning Administrator
Brandy Harger, Recording Secretary

The meeting was called to order by Chairperson Thompson at 7:01 p.m.

The Pledge of Allegiance was recited by the Commission.

APPROVAL OF AGENDA

Mr. Thompson stated that 7 farmland agreements need to be added as item eight.

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

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

No: None.

Motion carried.

PREVIOUS MINUTES

Minutes of the September 8, 2011 regular meeting were circulated to the Commission prior to the meeting for their review.

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

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

No: None.

Motion carried.

LIAISON REPORTS

Zoning Board of Appeals – Mr. Gilchrist stated that last month there were no cases.

Parks & Rec – Ms. Alwood stated that a grant was received to map the Chippewa River. Revenue at the parks is down by 3% this year and attributed to the economy and weather. The ad hoc committee provided an update on alternative funding sources; they also presented their report to the subcommittee.

Board of Commissioners – Mr. Dailey stated that labor contracts are currently being amended. The ad hoc committee for Zoning has drafted a report on their findings and will try to meet again on Thursday, October 20th.

TOWNSHIP CONCERNS

John Graham, Gilmore Township, none heard.

Jackie Curtis, Denver Township, stated that she would not be able to attend the meeting on Thursday, October 20th.

Mr. Zalewski stated that Mr. Nieporte would also be unable to attend that meeting because he will be at the annual MAP Conference in Grand Rapids on that day.

Bob Neeland, Isabella Township, none heard.

PUBLIC COMMENT

None heard.

FARMLAND AGREEMENTS

Mr. Zalewski explained that staff received five farmland agreements last week; three were from Mark McDonald. The first request is for 77.79 acres in Section 32 of Nottawa Township. The property is zoned Restrictive Agricultural (Ag-1) and is designated as Rural Agricultural Residential (RAR) in the Master Plan. The application appears to be complete and staff has no concerns with the request. The second request is for 52.55 acres in Section 12 of Lincoln Township. The property is zoned Ag-1 and is designated as Agricultural Conservation (AC) in the Master Plan. There are several properties in the area that are in the PA 116 program. The application appears to be complete and staff has no concerns with the request. His third request is for 142.09 acres in Section 13 of Lincoln Township. The property is zoned Ag-1 and is designated as AC in the Master Plan. There are also several properties in the area that are in the PA 116 program. The application appears to be complete and staff has no concerns with the request. The other two requests that were received were in Lincoln Township, for a Todd and Michelle Seeley. Their first request is for 74.59 acres in Section 30 of Lincoln Township. The property is zoned Ag-1 and is designated as RAR in the Master Plan. There are also several properties in the area that are in the PA 116 program. The application appears to be complete and staff has no concerns with the request. The fourth request is for 159 acres in Section 31 of Lincoln Township. The property is zoned General Agricultural (Ag-2) and is designated as RAR in the Master Plan. There are also several properties in the area that are in the PA 116 program. The application appears to be complete and staff has no concerns with the request.

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.

Mr. Zalewski further explained that they received two additional farmland agreement applications from Mark McDonald in Deerfield Township. The first request is for a 35 acre parcel in Section 12 of Deerfield Township. The Township has this area zoned Agricultural Preservative (AP) and designated as Agricultural Conservation in their Master Plan. There are several properties in this area in the PA 116 program. The application appears to be complete and staff has no concerns with the request. The second request is for a 40 acre parcel in Section 24 of Deerfield Township. The Township has this property zoned Rural Residential and designated as Low Density Residential in their Master Plan. The application appears to be complete and staff has no concerns with this request either.

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

SUBCOMMITTEE UPDATES

Signs Subcommittee – Ms. Jindeel stated that draft language was in our packet this month.

Mr. Zalewski explained that the next step in this process would be to hold a public hearing on the proposed language, but as a cost saving measure we should wait because there will be more amendments to come and we can combine the public hearing notices.

Ms. Jindeel stated that language was added to include regulations for billboards and the setbacks were changed for other types of signs.

Mr. Zalewski stated that the sign ordinance is much easier to read now. Many of the requirements were not changed, but conflicts were eliminated for things such as off premise signs.

It was a consensus of the board to accept the language and wait for other amendments to schedule a public hearing.

Farmland and Zoning Subcommittee – Mr. Gilchrist stated that the committee has cleaned up the language and made it easier to read.

Mr. Zalewski stated that the language has been streamlined. He also explained that staff is currently reviewing language for Ag tourism; to possibly include it in our ordinance.

Medical Marijuana Subcommittee – Mr. Dailey stated that the committee is a bit ahead of schedule. The committee had agreed on language for residential areas. Began working on what would be appropriate in commercial and industrial areas. In the interim a case out of Grand Rapids was ruled on and it stated that cooperative growing facilities were not allowed. At the last meeting there was a discussion about whether the County should take a do nothing approach, given that the courts have given some instructions. Some people stated that there is no point in regulating something that is already illegal. Others think that there should be some regulation, even if it is minimal.

Mr. Zalewski stated that staff's opinion on taking the do nothing stance is based on discussions with the prosecutor and reviewing the recent court decisions.

Ms. Alwood stated that she feels it would help to invite some people who are involved in this type of activity to address the subcommittee and also see a facility where this activity is taking place.

Mr. Gilchrist stated that this board will never be involved in regulating Medical Marihauna.

Mr. Thompson stated that it may need to be more closely monitored and have more regulations.

Mr. Zalewski stated that the issue is that the business aspect is illegal, and with the advice of legal counsel, no more regulation of the commercial aspect is needed. The court has told us that you're not allowed to operate as a dispensary or grow facility. There is no need to further regulate that aspect of Medical Marihuana at this time. The issue at subcommittee was now we have a caregiver that can grow up to 72 plants if they are also a patient, is that too many and do we need to regulate this? So, basically there is the do nothing approach or do we add regulations for caregivers and limit the number of plants in a residential dwelling.

Mr. Thompson stated that he thinks it should be regulated and moved to a commercial district if over 12 plants.

Mr. Dailey stated that they have wording roughed out for this type of operation.

Ms. Curtis stated that it is already regulated by the courts and there is not need to over-regulate it. The appeals court has taken away the dispensaries, which is what we were concerned about.

Mr. Graham stated that he was under the impression that we were trying to regulate dispensaries and grow facilities. We are never going to be able to regulate caregivers and patients. He also explained that he is not in favor of bringing in someone who is trying to beat the law to talk to the subcommittee and tell us their side, but it is illegal by federal law. It would create a nightmare for staff to try and regulate this. How would we know how many plants a person has, if you knock on the door and ask, the owner does not have to let you in, you would have to have a search warrant to verify it. Our prosecutor probably would not give us a search warrant to verify the number of plants this person has. We need to let the courts take care of regulations if it is not done by legislation, and if that doesn't happen the moratorium can be reopened at that time. There are bills that are being introduced to the legislature that would clear up more of our concerns.

Mr. Zalewski stated that the next subcommittee meeting will be held on October 25, 2011 at 5:15 p.m.

PUBLIC COMMENT

None heard.

STAFF COMMENTS

None heard.

PLANNING COMMISSIONER'S COMMENTS

Mr. Gilchrist stated that the City of Midland passed an ordinance that people can have up to 15 chickens.

ADJOURNMENT

The meeting was adjourned by the call of the Chair at 7:57 p.m.

Christine Alwood, Secretary

Brandy Harger, Recording Secretary