

Courtland Township Planning Commission

December 18, 2018

Chairman Wood called the meeting to order at 7:00 pm and members said the pledge of allegiance

Roll Call: Katy Nelson, Rock Wood, Al Rau, and Andy Moore were present. Recording secretary/Zoning Administrator Colleen Brown was absent. Township Attorney Jim Scales was also present.

Agenda: Motion by Rau to approve the agenda. Motion was supported by Nelson and approved unanimously.

Minutes from 9-18-18: Motion by Nelson to approve the minutes from September 18, 2018 as presented. Motion was supported by Wood and approved unanimously.

Public Comments: None

Public Hearing: Ordinance to prohibit recreational marihuana facilities in the Township. Attorney Jim Scales presented an overview of the Recreational Marihuana Act that was approved by voters at the November election. He stated that communities may prohibit marihuana facilities in their communities, similar to MMFLA. To do this, communities must specifically "opt out" of allowing commercial marihuana facilities under the new Act. The Township Board has already adopted a general law ordinance opting out, but Scales felt that a zoning amendment is also needed due to a provision in the Michigan Zoning Enabling Act that states that a Zoning Ordinance overrules other general law ordinances. Therefore, there could be an argument made that if recreational marihuana facilities are not specifically prohibited in the Zoning Ordinance, they may be allowed as a "retail establishment" or some other use permitted by the Zoning Ordinance. Scales stated that the proposed zoning amendment is recommended to make it abundantly clear that commercial marihuana facilities are not permitted in the Township.

Chairman Wood asked if this covers caregivers under the 2008 Medical Marihuana Act? Scales answered no, and that courts have ruled that caregivers and patients under the 2008 MMMA are largely immune from zoning restrictions as long as they meet the requirements of the Act. Scales also commented that the township doesn't really have a good spot for commercial recreational marihuana facilities, nor the resources for effective enforcement or regulation.

Chairman Wood opened the public hearing. No comments were made, so Chairman Wood closed the public hearing.

Discussion: Moore clarified that the proposed amendment only pertains to commercial establishments, and does not regulate (or attempt to regulate) the activities that are allowed to occur within someone's home, such as growing, possessing, etc. as permitted by the new law.

Motion by Moore to approve the Ordinance to amend the zoning ordinance prohibiting recreational marihuana establishments as presented. Motion was supported by Nelson and approved unanimously.

Zoning Administrator's: Zoning Administrator Colleen Brown was absent

Township Attorney Report: No report

Township Representative Report: Supervisor Matt McConnon was in the audience and noted that the ZBA denied a variance request and the Township was following up with enforcement on the subject property. McConnon also noted that they welcomed new board member Terry Bartles to the Board to replace Mike Krygier. They are looking forward to his contributions. A new Township Board representative for the Planning Commission will be appointed at the next Township Board meeting.

ZBA report: Katy Nelson provided a summary of a contentious ZBA meeting recently. A new home was started but the foundation was in the wrong location by two feet. The applicant already received a variance for the location but still put the foundation in the wrong spot. Nelson stated that the variance was denied, and that the Township is following up with the applicant.

Adjournment: Motion by Nelson to adjourn. Motion was supported by Rau and approved unanimously at 7:28 PM.

Respectfully recorded and submitted by:

Andy Moore, AICP

Secretary, Courtland Township Planning Commission