

**WATERVLIET CHARTER TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING AND PUBLIC HEARING MINUTES
MARCH 1, 2022**

Present: Deane Fizzell, Joe Stepich, Deanna Heminger, Colleen Curtis, Linda Rizzo, Louis Nordell, Scott McKee

Also Present: Darrell Stanford, Leslie Jackson, Terri Kellogg, Marilyn Pleyer

Chairperson Heminger called the hearing to order at 2:00 p.m.

Roll Call was taken.

The minutes of the February 1, 2022 meeting were read. C. Curtis made a motion to approve the minutes as read. D. Fizzell seconded and the motion carried unanimously.

At 2:05 p.m. Chairperson Heminger requested a motion to close out of the regular session and enter the scheduled public hearing. L. Rizzo made the motion to close the regular meeting and enter the public hearing. C. Curtis seconded and the motion carried unanimously.

Chairperson Heminger asked for written correspondence to be read into the record. Correspondence from Scott and Sherrie Boo & Mary and John Phillips were read and are attached to these minutes.

Heminger then asked for comment from those in attendance. The Chair first recognized D. Stanford who stated that despite the noted concerns about a hemp farm being located in the area from the recently read correspondence, he stated that the hemp farm has already been in operation for five years. He added that the only reason they are requesting industrial zoning is to move some operations under roof to comply with township zoning regulations, and soon to be adopted, new state standards. He said that his operation is nothing more than a 16 acre small farm and reiterated that the zoning change is only to satisfy the township's zoning, Michigan Marihuana Regulatory Agency and other State requirements. He added that, if approved, the zoning will be bringing in more employees, it will not be bringing more traffic.

T. Kellogg, next to be recognized, stated that she has lived in that area for 50 years and it has always been agricultural and residential with a large variety of wild life. She added that unless it is going to be an organic operation there is going to be chemicals that will be leaked into the soil and added; "...it will not be good for the wildlife, will not be good for the environment and will not be good for us." She summed that the best place for him to located would be property the township has already zoned industrial.

Next to address the Planning Commission was Terry Mabus who stated that, in order to get to his property, he has to transit Stanford's property. He said that when D. Stanford purchased the property; "It didn't look very good." He added that D. Stanford has improved the property immensely over the time he has been there and added that he is a

very good neighbor and he would have no issues with it being rezoned.

M. Pleyer told the Commissioners that she is familiar with the grow industry involving marihuana and stated she did not have a problem with that aspect of the land's use, however, what concerned her is if the property is sold at anytime in the future any industrial application can locate on the property regardless of how objectionable it may be to the surrounding area. She stated; "I don't want anything there that would affect my property's value."

D. Stanford, addressing the concern voiced previously about chemicals, stated that his operation is completely organic and noted that there are no chemical holding ponds on the property because there are no chemicals used in the growing process.

With there being no further comment from those in attendance, D. Heminger asked for a motion to close the public hearing. C. Curtis made a motion to close out of the public hearing and reenter the regular meeting. D. Fizzell seconded and the motion carried. The public hearing was adjourned at 2:23 p.m.

Back in regular session, L. Rizzo inquired about the comment D. Stanford previously made that he is currently growing on the property. Stanford replied that the growing currently being done on the property is for industrial hemp, which is considered an agricultural product; marihuana as a seed crop and as a state licensed medical marihuana care giver. Adding to that, he noted that he has five patients that he grows 12 plants each for, his wife grows 12 each for her five patients and his son grows 12 for his five patients and that all the plants are in an enclosed locked building. J. Stepich asked Stanford if he was looking for room to grow more marihuana. Stanford replied that he was not because they have all the plant counts needed for his patients. He added that he does not want to over extend the farm growing because they are not growing for resale. To that, Stepich asked, "Then why do you need a building?" Stanford replied that the buildings are for the hemp studies. He explained that Michigan has a short growing season but the hemp growing process needs to be studied year round. Stepich then asked; "So you have no plans for applying for a grow facility on your property?" Stanford replied, "No." Stepich then asked the Zoning Administrator Bob Lohr, if there is a prohibition of growing plants, for medical purposes on agricultural property? Lohr replied there was not as long as he was acting as a caregiver for specific patients. Lohr then asked Stanford if he was growing under the State's Generally Accepted Agricultural Management Practices? He stated he was. Lohr then asked Stanford if it was his intentions to apply to the state for either a Class A, B or C grow facility. Stanford replied that he was. Lohr then made the point that anyone possessing those licenses can only grow marihuana in an industrial zone. L. Nordell asked what types of building and how many does he plan on locating on the property. Stanford replied that they have 14 12'X15' modular units that collectively will encompass approximately 4,500 sq. ft.

J. Stepich interjected by stating that the whole focus of today's deliberation is whether or not a rezoning of this particular property is necessary or appropriate and, to that end, Stepich noted the guidance that was submitted by Township legal counsel and encouraged the Planners to review it. Nordell then made a point that the reason he inquired about planned buildings was to investigate the option of, perhaps, rezoning a smaller portion of

land, and in doing that, maybe alleviate some of the neighboring concerns. Stepich then asked Lohr if a partial rezone was permitted. Lohr said it was but also told the applicant that the state permits Conditional Rezonings and explained what that entails. Stepich clarified the fact with Stanford that approvals - either rezoning or conditional rezoning - would still have to go through the deliberative process including reconciliation with the Master Plan. However, Stepich noted, the current Master Plan's future land use map indicates that particular property is to remain agricultural. Rezoning that parcel, when the Master Plan emphasizes the preservation of the Township's rural character, is tantamount to spot zoning. "That's something the Township has never made a practice of doing," Stepich said.

Stepich then stated that there are many facets and variables that need to be considered before a decision can be responsibly made and suggested that the Planning Commission research the topic further and not jump into a decision today. D. Heminger, concurring with Stepich's statement, noted that more study needs to be done before a report or recommendation can be forwarded to the Township Board and asked for a motion to table deliberations pending further study.

With that said, C. Curtis made a motion to table a recommendation pending further study and review of the rezoning request. L. Nordell seconded. A roll call vote is as follows: Fizzell, yea; McKee, yea; Rizzo, yea; Nordell, yea; Curtis, yea; Stepich, yea; Heminger, yea. Motion carried.

With there being no further business before the Commission J. Stepich made a motion to adjourn. L. Nordell seconded and the motion carried.

Meeting was adjourned at 3:14 p.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Robert Lohr", with a long horizontal flourish extending to the right.

Robert Lohr
Zoning Administrator