

**WATERVLIET CHARTER TOWNSHIP
PLANNING COMMISSION
REGULAR MEETING MINUTES
DECEMBER 7, 2021**

Present: J. Stepich, Colleen Curtis, Deanna Heminger, Scott McKee,

Also Present: Jessica Fette, Justin Arms

Acting Chairman J. Stepich called the meeting to order at 2:00 p.m.

Roll Call was taken.

The minutes of the October 12, 2021 meeting were read. D. Heminger made a motion to approve the minutes as read. C. Curtis seconded and the motion carried.

Recreational Marihuana - Proposed Adoption of Ordinance

Township legal counsel J. Fette began discussion by noting that one of the main items that the Planning Commission needs to consider before moving forward is how does the Township accept and review applications for licenses. She noted that if the Township chooses to limit the number of the types of permitted business, by state statute, then the Township must review and evaluate each application using an adopted competitive process that has to take place at an open meeting and decide who would be the best and most suited applicants to operate in the township. She stated that the wording in the Act is ambiguous and absent of any guidelines or review criteria and leaves the entire process up to each municipality to develop their own criteria and procedures. She added that, by using this approach, the Township is going to be, "...sued left and right by people that didn't get a license."

She explained that another approach would be to not limit the number of businesses by ordinance and accepting all applications on a first come-first serve basis, and controlling the number in a roundabout way through the requirements of the marihuana ordinance and the zoning ordinance. She pointed out that this is the way the Township currently achieves this with medical marihuana, adding that by using this approach the township would side step the litigation claims of unfair selection. Fette further added that by requiring Special Land Use Permits, that would be adding another layer of control through imposed conditions.

D. Heminger asked Fette if the township would be better off, from a legal standpoint, by not limiting the number of uses. Fette replied that it would just be easier, mainly for the Township Board. She added that by not limiting, the onus would be placed on the developers to, one, find the land, purchase or lease the land and then enter into a contact with someone that has the land that meets the requirements of the marihuana ordinance. That, coupled with the fact they would have to obtain a Special Land Use permit, as well.

Fette further said that if it is the Township's volition to limit, she would try to draft the best review process possible.

D. Heminger stated that she felt limiting retail use should be considered. J. Stepich said; "The flip side of that is to let the market determine the number." Fette reiterated that the numbers could be effectively controlled through zoning and special land use conditions; summing in support of Stepich's statement: "They're not going to spend millions on something they're not going to make money on."

Stepich said that the Planning Commission should consider the political element of putting the Township Board in a position of having to make the decision of who is issued a license and who is not if the competitive process approach is adopted and then asked the Commissioners; "How qualified do you feel you are in making that decision?"

J. Fette then noted that there are two medical provisioning centers currently operating in the township and asked, if the competitive process is chosen, "How are you going to tell those existing business owners that they may be denied a license for recreational. You can't automatically issue them a license just because they have an existing medical establishment;" she said. D. Heminger then stated that, perhaps, the best approach would be to not limit the number of permitted types of facilities. After further discussion the Planning Commissioners reached the same consensus.

Fette said she would amend Sec. 5 of the draft ordinance to eliminate the competitive process and amend Sec. 3, specifying the types of facilities permitted, and resubmit it for review.

Other Business

J. Stepich told the Commission that they need to be ready to go with a draft marijuana ordinance as soon as possible. On top of that, they need to start working on bringing the goals of the master plan to fruition, adding that a couple of special meetings may be scheduled to expedite that end. Stepich also told the Commission that K. Schuhknecht will no longer be on the Planning Commission. His seat will be filled by Deane Fizzell and his position as Chairman will be filled by D. Heminger.

With there being no further business before the Commission, C. Curtis made a motion to adjourn. D. Heminger seconded and the motion carried.

The meeting was adjourned at 2:56 p.m.

Respectfully Submitted,



Robert Lohr
Zoning Administrator