

RAY TOWNSHIP PLANNING COMMISSION  
MEETING MINUTES  
TUESDAY, APRIL 11, 2017 AT 7:30 P.M.  
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APPROVED

Location: Ray Township Hall  
64255 Wolcott. Ray, MI 48096

Present: Tom Hancock, Chairman  
Tom Penzien, Vice-Chairman  
Justin Lease, Secretary  
Members: Cynthia Banach  
Doug Stier  
John Zoccola

Absent: Randy Forro- Excused

Also Present: Lisa Hall, Planning and Zoning Administrator, Jack Dailey and Jerry Schmeiser, Township Planners.

1. CALL TO ORDER – PLEDGE OF ALLEGIANCE AND ROLL CALL.  
Chairman Hancock called the meeting to order at 7:30 p.m. The Pledge of Allegiance was recited. Forro was absent and excused, all other members were present.
2. APPROVAL OF MINUTES - February 14, 2017  
The Commission received a revised page 2) to allow 800 square feet of retail space in the existing building.

**MOTION by Banach supported by Stier to approve the corrected minutes from February 14, 2017 as corrected.**

**MOTION carried.**

3. APPROVAL OF AGENDA  
Chairman Hancock requested adding 4.b. c. Planning Commission Discussion  
**MOTION by Zoccola supported by Banach to approve the agenda as amended.**  
**MOTION carried.**

4. NEW BUSINESS  
a. Review of proposed Ray Township Zoning Ordinance Amendment to Section 211, Medical Marijuana  
Chairman Hancock stated the Planners have prepared an amendment to Section 211 of the Zoning Ordinance and the Township Attorney is recommending some changes.

Mr. Jack Dailey, stated they just received the Township Attorney's written report and would like to discuss the matter with the Township Attorney. He stated the City of New Baltimore adopted the ordinance three years ago and it has not been challenged. He explained the act states medical marijuana can be grown in a locked facility, it does not say a residence. He stated he was under the impression that the Township Attorney was in agreement of the language as presented. He stated it is up to the Planning Commission and Township Board on what the Township wants in the ordinance. He explained in Ray Township today, medical marijuana can be grown in a home and a caregiver can grow in a residence. Further stated the Township Attorney agrees with the proposed language that a caregiver can only grow in an industrial zoned property.

Discussion was held on advertising for a public hearing and the proposed language being available for the Planning Commission.

Stier asked Mr. Dailey if any registered caregivers have approval in Ray Township.

Mr. Dailey stated no caregivers have come into the Township for approval as required by the Zoning Ordinance.

Stier stated no caregivers that would be grandfathered in by the ordinance.

**MOTION by Banach supported by Stier to Schedule the Public Hearing for the Zoning Ordinance Amendment Section 211, Medical Marijuana to May 9<sup>th</sup>, 2017 for advertising. For the Planners and the Township Attorney to prepare the language and provide the language to the Planning Commission.**

**MOTION carried.**

b. Medical Marijuana Discussion

a. Presentation – Tom Hancock, Planning Commission Chairman

Chairman Hancock presented a power point presentation regarding Regulating Medical Marijuana Facilities, as follows:

The information was excerpted from a MSU Extension workshop draft presentation, and is for informational and educational purposes only. Several Ray Township representatives from the Planning Commission, the Board of Trustees, the Planning and Zoning department and the Planning Consultants attended a MSU Extension workshop on March 7, 2017 in Richmond Township. This presentation attempts to summarize what was learned. The presentation was not reviewed by the Township Attorney.

Goals – Inform the residents on the new laws in the State of Michigan  
Involve the Township residents in the decisions the Township needs to make  
Discuss the Pros and Cons

What we will cover:

- New laws • Facility types and descriptions • Local regulations
- Revenue possibilities • Decision options • Open comments and Q&A

What we won't cover:

2008 Michigan Medical Marijuana Act

Introduction to New Laws:

P.A. 281 of 2016

P.A. 282 of 2016

P.A. 283 of 2016

P.A. 281 of 2016 – Medical Marijuana Facilities Licensing Act

- Creates a licensing and regulatory structure for five types of medical marijuana facilities
- Provides immunity from criminal and civil prosecution, penalties and sanctions under state law or local ordinances
- Does not change existing immunity for qualifying patients and registered caregivers
- Includes licensee eligibility criteria
- Criminal background investigations
- Residency requirements until June 2018
- Exclusions from holding elected office and specified government employment

P.A. 282 of 2016 – Marijuana Tracking Act

- Requires statewide internet-based system for seed-to-sale tracking of commercial marijuana and products
- Requires licensees to interface with statewide system via secure third-party inventory system that tracks all activity

P.A. 283 of 2016 – MI Medical Marijuana Act Amendment

- Amends the MMMA to regulate the manufacture and transport of marijuana-infused products
- Adds extraction and marijuana-infused products to definition of medical use of marijuana

Five Facility Types/Licenses: 1) Grower 2) Processor 3) Provisioning Center  
4) Secure Transport 5) Safety Compliance

Grower License:

- Commercial entity that cultivates, dries, trims or cures, and packages marijuana for sale
- State Statute requires growers to be in areas zoned for industrial or agricultural uses

Three classes of licenses: Class A: 500 plants Class B: 1,000 plants Class C: 1500 plants

Processor License: Commercial entity that purchases marijuana from a grower and extracts the resin or creates a marijuana-infused product for sale in packaged form to a provisioning center

Provisioning Center License: Commercial entity that purchases marijuana from a grower or processor and sells or provides marijuana to registered qualifying patients, directly or through the patient's registered caregivers

Secure Transporter License: Commercial entity that stores marijuana and transports marijuana or money associated with its purchase or sale between marijuana facilities

Safety Compliance Facility License: Commercial entity that receives marijuana from a marijuana facility registered caregiver and tests it for contaminants, THC and other cannabinoids

Facility Licenses: Applications for state operating licenses for all five types will be available December 15, 2017

Local Regulation:

Prohibits a marijuana facility in a municipality that has not adopted an ordinance authorizing that facility type.

- To say no, do nothing.
- Or, adopt a resolution policy statement saying "No".

A municipality may adopt an ordinance

- Authorizing one or more facility types
- Limiting the number of facility types
- Establishing an annual license fee not exceeding \$5,000

The fee is to defray administrative and enforcement costs associated with facilities, and can include costs for attorney fees, legal defense, consultants, planners, office space, meetings, noticing, mailing, publishing, file keeping, printing

State Excise Fund            -New 3% tax on gross retail receipts of provisioning centers  
   -25% of that goes to municipalities with facilities  
   -30% to counties with facilities  
   -5% to counties with facilities to support county sheriff  
   -30% to state general fund  
   -5% to state police  
   -5% to local law enforcement

Sales Projections and Estimated Revenue

- Michigan's medical marijuana market is projected to generate \$711.4 million in annual retail sales and 10,000 new jobs
- Based on that projection, municipalities with facilities will share \$5.3 million in pro-rated annual revenue
- If recreation marijuana is ever approved in Michigan, these numbers will be much higher

Decisions Ray Township needs to make:

Do we allow any of these new licensed facilities?

If we decide to allow some or all

- Which types would we allow?
- How many of each type would we allow?
- Where would we want them to be located?

Open Comments and Q&A – This can be a controversial and emotional topic, please respect the views of others. If you wish to comment, please step to the podium and provide your name and address. Please limit comments to three minutes.

b. Public Input

Michael Stine, Attorney of West Bloomfield, specializes in medical marijuana and stated it is important to receive the public input. He stated the law is for medical marijuana and not recreational marijuana. He stated medical marijuana can create tax revenue for the community. He stated property values have doubled and tripled in areas that are approved. He stated his clients are located in industrial areas and the infrastructure creates jobs within the community. Further stated the licensing is extremely stringent on who receives licenses.

Dan Haley, 62890 Indian Trail, stated he lives behind the Ray Center Market and believes it is a growing facility and the neighbors are complaining of the smell of the marijuana. He stated his concern for the children in the neighborhood and his family since it is in close proximity to his residence. He stated he is concerned for the school children getting off the bus and feels it draws the wrong type of people to the area. He feels a growing facility is like a paint shop that the fumes are always in the area. Further stated he does not want medical marijuana permitted in Ray Township.

Stier stated the Michigan State Police have visited the Ray Center Market facility and the occupant has to vacate the premises by May 30, 2017.

Jason Eelbode of the Budd Facility in Warren, stated they are a family business involved in the industry of medical marijuana. He stated medical marijuana can be done correctly by being grown in a facility that is zoned industrial. He explained the facility has carbon filters and there is no smell of medical marijuana. Further stated the facility gets the businesses out of basements and the patients get the medical marijuana.

c. Planning Commission Discussion

Chairman Hancock asked the Planning Commission for input on the new medical marijuana law.

Zoccola stated medical marijuana should not be allowed in the agricultural zoning district.

Michael Stine, Attorney of West Bloomfield, stated other communities permit medical marijuana in industrial areas and it gets the growing out of basements and homes. Further stated Warren does not allow medical marijuana to be grown 500 feet from a resident.

Stier stated 500 – 1500 plants of medical marijuana is a lot of plants. Further stated a scrubber would be required for clean air.

Stier, Banach and Lease agreed that Ray Township is not set up for a provision center.

Chairman Hancock stated a facility could provide for 500 – 1500 plants.

Jason Eelbode, Budd Company, Warren stated they lease out space to caregivers. He stated the building size would be 20-30,000 square feet for 500-1500 plants. Further stated they are looking for a location for the Class C license.

Mr. Penzien stated the State approved medical marijuana and he is in favor in the industrial zoned property.

Chairman Hancock asked the Commission to consider the pros and cons for medical marijuana. Further stated they would like public input.

Lease asked Hancock to forward the point presentation to each Commission member.

Banach suggested discussing each type of license at upcoming meetings.

Chairman Hancock requested the Commission to seek input from the community. He asked Stier to provide the tax benefits for a medical marijuana facility in Ray Township. Further stated if the Township does nothing they would be opting out of medical marijuana.

5. OLD BUSINESS – None.

6. SCHEDULED PUBLIC HEARINGS – None.

7. PRESENTATION – *was addressed under Medical Marijuana Discussion.*

8. REPORT OF THE TOWNSHIP BOARD REPRESENTATIVE

Stier reported the Township Board held a special meeting on April 4, 2017 and discussed businesses in residential areas. He explained the Board is considering sending an every door mailer to each resident and if they are conducting a business in a residential area to contact the Township. He stated every resident would notify the Township the type of business they conduct, how big the business is and the use of the business. The resident would not be able to expand the business, the property could not be sold as a business and could not be passed on as an inheritance. Further stated the notice would also advise the resident if they do not comply and notify the Township by a certain date they would be in violation.

Stier reported Supervisor Jarzyna has been addressing the flooding issues on 30 Mile Road for the residents.

9. REPORT OF THE ZONING BOARD OF APPEALS REPRESENTATIVE

Chairman Hancock stated the zoning board of appeals granted a variance to an applicant for a lean-to based upon the hardship of the location of the geo-thermal field. Further stated the encroachment was adjoining the HCMA property and they did not respond to the three notices they received.

10. CORRESPONDENCE

a. Shelby Township Master Plan Draft

Mr. Jerry Schmeiser, Planning Consultant stated they have reviewed Shelby Township Master Plan and have no issues with the plan as presented.

**MOTION by Stier supported by Lease to receive and file Shelby Township Master Plan as presented.  
MOTION carried.**

11. Report from Planning Consultants - monthly and annual report from Planning Consultants

Chairman Hancock stated the Planning Commission received the monthly and annual report from the Planning Commission. Further stated the annual report needs to be forwarded to the Township Board.

Lease requested the report to be corrected from Justine to Justin.

**MOTION by Stier supported by Zoccola to approve the monthly report and to forward the annual report to the Township Board.  
MOTION carried.**

12. Public Comments:

Jason Eelbode, Budd Facility in Warren, stated they are planning for a Class C License as a Medical Marijuana Facility and they hope to expand to Ray Township. He offered setting up a date for the Commission to visit their facility in Warren. Further stated it has taken five years of planning for their facility.

13. Adjournment.

**MOTION by Stier supported by Banach to adjourn the meeting at 9:18 p.m.  
MOTION carried.**

\_\_\_\_\_  
Tom Hancock, Chairman

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Justin Lease, Secretary

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Date

Respectfully submitted,  
Lori R. Lascoe, Recording Secretary  
Township Clerk