

**Special Planning Commission Meeting Minutes**  
**March 10 2022 at 9:00 PM**

Called to order by Chairperson Jennifer Sherburn at 9:00PM

Roll call, Wayne Ferris, Jay Peasely , Mary Hopkins, Jennifer Sherburn, Mike Rosema, Rick Roberson. Jan Wilson unable to attend. Six members present.

Approval of Agenda. Motion by Jay Peasley, second by Mary Hopkins. All in favor of the agenda as presented 6-0. Motion carries.

Approval of minutes from public hearing, and regular minutes from Feb.18 2022. Motion by Rick Roberson. second by Mike Rosema. All in favor of approving minutes 6-0. Motion carries.

Jennifer Sherburn opened the meeting for public comments.

**Public Comments:**

Bryan S: Full disclosure, I am a retiree and do not work for any marihuana facility. For the following reasons, I recommend RQMI/ Oceana Gardens has earned the right to be first in line for the requested 18 class C permits. RQMI/ Oceana Gardens has provided a good track record for providing good pay, working environment, and benefits to their employees. The owners are of the highest caliber of honesty and integrity. They have put a tremendous amount of money into our local economy. Their employees are honest, hard working, law abiding citizens. They have followed all laws and regulations, and have given to the community with their volunteer work. Once again there are 18 class C permits, RQMI has requested all 18, in my opinion they should get all 18. All class C permits will be gone. There are 20 class A permits and Class B permits they can reapply for. However, due to the cost effectiveness of these permits, they will likely not apply for those. It is more expensive per plant. There would likely only be four facilities in the township. Some say the government should protect the property owner rights, let's explore this idea a little further. Property owner is the person or persons who own the land. The property owner has the right to use the property as they see fit as long as they are in compliance with federal, state,local laws , statutes, regulations, standards, ordinances, and or regulating agencies. In the question of a medical marijhuana grow facility property owner's application, per MCL, approving a site plan shall (which is mandatory by law) be based upon requirements and standards contained in the zoning ordinance. Why the opposition to the marijuana property owners rights?

Joed B: First and foremost, not for or against the mairjuana industry. I do have concerns, with the several times over mentioned, Article 22, the ordinance that's letting this happen. I have obtained a legal review of Article 22. I feel compelled to share a brief summary, Article 22 in our zoning ordinance, is in our zoning ordinance, but is written as a stand alone licensing regulatory document. That means zoning, regulatory licenses are formed together and placed in a zoning ordinance. In the review, it is highly recommended that it not be placed because in the Michigan statutes, there are different rules and regulations for zoning, there are different rules for

licensing, and regulatory aspects. The two collide when you shove them together, and stuff falls out. For example the public has the right to know land uses, through The Freedom of Information Act, and the way things are being done. When you shove that underneath license and regulatory aspects it now becomes protected under exemption laws, and is now protected in confidentiality. Due to the shoehorning of the ordinance, it does not adopt a lawful method that is recognized by the MZEA for the review of zoning applications. Many of things are involved, land of special use, board of planning and commission does not get to impose special conditions, number of permits is shocking, over 100,000 of recreational and marijuana, the allowance of would be over 70 percent of our township, and if it continues, unabated it could become the predominant land use of our township. Right to farm is incorrect, marijuana growers are not recognized as agricultural farmers but are lobbying to be so.

Jim D: When the first 3 facilities were permitted, they were not yet in compliance with the townships ordinances. None of the existing facilities have operated yet in compliance with ordinance. The ordinance itself is a complete mess. If the ordinance is the foundation of this program we have a poor foundation. By permitting 3 more facilities it will create a bigger mess. I just served papers to the township board members and zoning administrator which includes a 5 page list of state laws, and local ordinances which have been violated due to this marijuana program being implemented.

Peggy R: Questioned existing facilities. A facility borders my property to the west, I do not like that, we have already discussed that. My question to you is how do you feel about more facilities coming and competing in your business? I received my tax assessment recently, not a lot of property, my assessment went up drastically. My agricultural parcel went up, 34,200, when in 2021 it had decreased by 7,000. Now it has been back up, what has made it jump this high? My guess is it's because these properties are being bought up so high. That's so high for this township. We taxpayers are going to eat this cost, because these people are paying high prices for these properties. So do rotate your crops? Can you reuse your same soil over and over? So you will either have to buy more property? So what happens in a couple years, if your property becomes too saturated and you have to sell? Do the properties come back down? There is a lot of talk going around, calling people racists and bigots, someone who is saying this is an employee of the township. It is low, and they should feel stupid, especially since they represent the community.

Larry C: Taxes are going to keep going up. This is not going to make your taxes go up or down. I have been here 20 years, and they go up every year.

RQMI: We don't mind other facilities coming in, and competing in the market.

CCGC Charles: Plants are usually grown in pots, they are not grown in the ground.

Dan J: I want to do something that should have been done a long time ago and thank the township board for what they do. I do not believe for one minute, and of these people have any ill will for anyone in this township or anywhere. It is a great thankless job, and all they do is catch grief all the time. I know that for being a union president for 10 years. Nobody helps them

or commends them, none of them are lawyers, a gentleman starts quoting all of these specific laws and sections. How many township meetings do these people never go to? They don't show up. I know people who have not been to township meetings in several years, and then complain about what they are doing. They are working their butts off all the time for it. You are all guilty for catching giref all the time, for all the work you are trying to do, and you aren't making any money. I saw a lot of publications that were sent out about all the accusations, some of them were just out and out lies, some are half truths. In this country, you are innocent until proven guilty, and you sit here and make these accusations and smear these people's reputations, you have no right to do that. Why don't you go up there and sit in those chairs and see how you do? I can tell you right now, it is not a good place to be.

Steve M: Just a point of clarity, in this capacity, I am a township tax owner for over 40 years. Michigan is unique, multiple things influence our taxes, one is the Headlee Amendment which was passed in 1993 or 1994, proposition A, also in 2018, the legislature changed the requirements for the STC. In the rule changes in 2018, assessors are no longer able to discretionary assess your property, it is now set by the state. The valuation for property, and homes is done by formula. You are capped, your SEV can go wherever, but your taxable value goes up by 5 percent or the rate of inflation, whichever is less. So, if you have been in a place for a long time, it can not go astronomically up.

Joan D: I have lived here for 39 years. Never seen the kind of things going on, and obviously everyone has their opinions and concerns. I want to say I appreciate all the jobs opening up and revenue coming in. I wanted to make a reference to Peggy. When it comes to property, there is an amount you have to do, and it is the lowest you can do. Our starting ratio for agriculture is 41.28 percent, commercial is 41.79 percent, industrial is 47.84, I do not have a residence ratio. Every category has to be between 49-50 percent rate, every rate was way below, in order to get there, they had to do appraisals. After they came up with agricultural at 49.65 percent, commercial 49.16 percent, industrial 49.83, and residential at 49.85. So, it does not matter if you own a business, agricultural, or a house everyone's taxes went up. It is set by the state, there is not a lot we can do about that because we have to follow the state rules.

Larry C: It is the whole country, not just here. Inflation is up 20 percent. I don't care if you live in the slums of Detroit, you are paying more. Everyone's taxes are going up.

Jerry P: I am in the groundwater business. My grandfather started this business in Walkerville in 1943, and I have been there since 1959. Irrigation wells, you now have to get a groundwater withdrawal permit. A large capacity well is a well or combination of wells that pump at least 70 gallons per minute. That means a dairy farmer can cut 1 or 2 wells for his dairy operation by right. In 2009 when they passed this groundwater withdrawal act in Michigan, they set it up to protect our groundwater and surface waters. When you apply for permits you have to use the groundwater assessment tools which is a bunch of scientific data for the state of Michigan, and they will tell you, if you are approved for the amount of water you are applying for based on their assessment. They may tell you to go deeper, there are all types of regulations, but you have to get approval. A lot of old wells do not meet the requirements because you did not always have

to get permits, and now you have to file and get a well permit. (RQMI) Oceana Gardens is requesting a 100 gallon a minute at this location, estimated 6 hours per day, 4 days a week, 144,000 gallons a week, 4 weeks almost 600,000 gallons. They have to get permits to get approval of what they can do. RQMI mentioned their operation uses drip irrigation, which puts the water right at the root of the plant. There is no evaporation like overhead spraying, or run off, whatever the plant does not use is going right back into the ground. The big irrigation sprinklers, pivot ones, can use 500 gallons a minute, some 1500 gallons a minute, these use 90,000 gallons an hour. What these grow operations are using is only a small amount. You want to talk about groundwater recharge, up and down the White River, you see all these wells putting water into the river. I played around a little, and at roughly 5 gallons a minute 24 hours a day, it is roughly 7,200 gallons a day, estimated at 40 wells doing this, it is 280,00 gallons a day, 103,680 millions gallons a year and this doesn't recharge any groundwater, it is only recharging Lake Michigan.

Meeting moved to communications with no further public comments.

**Communications:**

**Carrie D. 3/7/2022**

Believes facilities should be in the adult entertainment area.

**Sharron E. 3/8/2022**

Expresses belief 3 facilities are more than enough, has property across from 186th proposed site.

**Steve T. 3/4/2022**

Letter objects to any further permitting of marihuana facilities.

**Mr. & Mrs. Tom B. 3/8/2022**

Letter objects to any further permitting of marihuana facilities.

**Charles B.**

Thanks for the review of his application. Indicated support from neighbors about the proposed facility. Provided a method of containment of nuisance to neighbors.

**Carol B. 3/8/2022**

Objects to the proposed facility on Loop Rd and suggests the board find a better solution for the growers.

**Karen K. 3/8/2022**

Letter objects to any further permitting of marihuana facilities. Specifically to the one on 176th

**Sergeant Scott D.**

Read allowed at the meeting as requested.

On 2022-03-08 22:37, Diedrich GySgt Scott A wrote:  
Attn: Mr. Steven Micklin and Mrs. Jennifer Sherburn

Good Morning Sir and Ma'am,

My parents received a letter a day before the due date for a written response to a public hearing on 10 March, 2022 pertaining to an application for a marijuana facilities permit from RQMI for property at 176th Ave south of Zimmer. I am currently stationed in Okinawa Japan and will not be able to attend or write a letter by the due date. I would like this to be my official response if that is authorized.

To be quick, I do not know what will be discussed at the public hearing, but I do not want a marijuana facility near my property. My property had multiple items stolen and I do not want more temptation in the vicinity to draw more people to the area to steal or vandalize property due to being under the influence.

R/S  
GySgt Diedrich, Scott A.

*Meeting moved to new business with no further correspondence*

Review elected officers, on the agenda, because it was a misspoke original nomination. Our bylaws state Vice Chair, as opposed to Co Chair as stated. Jennifer Sherburn motion to correct language change to Jay Peasely as Vice Chair. Motioned by Jennifer Sherburn, second by Mike Rosema. Motion passed 6-0.

We had motioned Mary Hopkins as our secretary, but it had come to my attention that the board had not yet approved of Mary to serve, and to abide I would like to re nominate Mary Hopkins as the secretary, Jay Peasely second. Motion passed 6-0.

### **New Business:**

Jennifer Sherburn opens up discussion to ask the 3 facilities requesting permits to the board.

Wayne F: Addressed RQMI- You have 2 different LLC's on here to operate at the same facility. Why is that?

RQMI/ Oceana Gardens: We have one entity that is going to operate growing, one that is going to operate processing.

Wayne F: I was under the impression that it's only 1 business per site, are you going to apply for permits at other sites with another business because this is unusual. When you applied for the one on 186th, it was under the same corporation. Why not on this one?

RQMI/ Oceana Gardens: It is done like this for various legal reasons, for protection. The previous location plans to process internally, which this facility plans to move externally. If the township requires us to do it under the same name we can do that.

Wayne F: I would prefer it.

Jennifer S: Can you please elaborate between internal and external?

RQMI/ Oceana Gardens: For processing, we can either dry, trim and process it ourselves and then ship it off to another processor or if we have a processing license we can do it for other places as well. If we want to do it for anyone else in the township we can do that.

Jennifer S: That is why there are two names?

RQMI/ Oceana Gardens: Yes

Wayne F: So, you are also asking for this processing not only for yourself but for other growers?

RQMI/ Oceana Gardens: Initially, it's just for us.

Wayne F: But, now you have the ability to do it for anyone you wish under the LLC

RQMI/ Oceana Gardens: Even the first one we could, it is for legality, but for now we plan on doing it internally.

Wayne F: It throws a funny feeling, if it was good for the first one and not this one, are we going to be trying to hide something.

RQMI/ Oceana Gardens: To clear it up, it is the same ownership. Ownership interest in both LLC is the same.

Wayne F: I understand businesses creating different corporations but not on the same property.

RQMI/ Oceana Gardens: The MRA allows you to be vertically integrated on the same property. You could technically have a grower, a processor and a retailer on the same property under state law.

Wayne F: I am new to the planning commission in the last few months, and was not a part of this being set up. Is this something we wanted when we set this up?

RQMI/ Oceana Gardens: It is also for liability reasons.

Wayne F: I get that if one is sued or goes down the other one can save it.

Jennifer S: It does make sense to me it would be 2.

Wayne F: There is no way to control the whole facility. It is on the application, it says growing and processing on the processing application.

RQMI/ Oceana Gardens: For the processing permit we only plan to process.

Wayne F: Request correction of wording on application.

Mike R: When you say processing, you are processing already on 186th correct? You are processing only in Newfield township, you are not bringing anything in from out of the area, like others townships correct?

Wayne F: But, they could.

RQMI/ Oceana Gardens: Legally, if you are awarded a permit and are a licensed processor in the state of Michigan you can process from anywhere in the state of Michigan. That is not currently in our plans. There are benefits to having a process license. If you have medical marihuana on site, you can convert some of it to adult use if you have too much cannabis.

Wayne F: How is medical use, is that prescribed or do I just show up anywhere with my medical use card?

RQMI/ Oceana Gardens: If you have an underlying condition it is recommended by a Dr. and buy medical cannabis at a dispensary.

Wayne F: What went into choosing the site? There were several locations that didn't require you to cut down a forest.

RQMI/ Oceana Gardens: We were unaware of any.

Wayne F: Down the road is pretty densely populated, a lake with township access where people are able to enjoy with their families, and the smell is a concern. We know carbon emissions are growing. Cutting down forests for economic growth is not in our best interest at this time.

RQMI/ Oceana Gardens: Hopefully our strategy is a compromise with outdoor growth, indoor growth that has a large carbon footprint.

Jay P: Cannabis also converts oxygen

Wayne F: The bulldozed it to virgin soil.

Mike R: Everyone is, all around.

Jeniffer S: How many acres did you cut down in hopes your proposal is approved?

RQMI/ Oceana Gardens: 26 acres.

Jeniffer S: That's a lot of trees.

RQMI/ Oceana Gardens: We will be regrowing plants that create oxygen.

Wayne F: A lot of people in the township are upset with the rate at which you are progressing, it looks like someone gave you the greenlight, or money means nothing to you at all.

RQMI/ Oceana Gardens: Respectfully disagree, nobody has given us the green light, the risk of missing a season is just as damaging as some fence poles.

Wayne F: According to our zoning ordinance, we have a discrepancy in our ordinance, with the state which I was just informed of. We do have permission to say yes or no. It is not a foregone conclusion.

Jay P: If they meet all the qualifications in the zoning ordinance we have to approve it. Under MCL.125.3504 SUB par. 3.

Wayne F So, the public's input doesn't matter here? Then what is this meeting for?

Mike R: We have questionnaires here to make sure they have followed all the requirements.

Jennifer S: I think what Jay is talking about is from Mary R. at MSU correspondence. It was forwarded to me.

Mary H: That is state statute, it has nothing to do with our specific ordinance.

Wayne F: So, then we don't have a decision to make?

Jay P: That decision was made back in 2019 when we made the ordinance. When medical marihuana was legalised in 2008. Marihuana laws were if you didn't want it, you just didn't write an ordinance. Personal, and caregivers were not regulated. Over the next 10 years it changed, laws were created to allow different avenues because they were not growing enough marihuana with caregivers. In 2018 when adult use passed, the state laws changed were you either opt in and with writing to address what is allowed, or opt out. In 2019, I had actually retired and came back, we spent that whole year working on the ordinance of what we would do, if anything. We came into this, do we opt out or are there any benefits. We viewed this as, we are an agricultural community, we will allow some agricultural aspects. We begged for public comment, in fact we put all meetings in the Herald as required by law, we also went ahead and put them in the Highlites as well. Nobody still showed up to meetings. When we finally got to the meeting to



pass the ordinance, there were 8 people there, 5 members of the commission, the zoning administrator, the township secretary and a former secretary. That is it. If people didn't want marihuana that was the time to speak up. Now there are residents who are upset and saying "you aren't listening", we are. We had 10 properties that were bought, that could potentially be grown on. We said, we will limit it to that so we won't get sued because, they have a right, if they follow the statutes, they have a right to do this.

Jennifer S: Please reference the zoning sheet, I thought you could find this useful. Current and proposed operating facts. The biggest benefit seen personally ; Employment Summary

**The 3 current permitted facilities:**

RQMI/Oceana Gardens I: Employs 14 full time employees, 25 seasonal, all facilities reported roughly \$20 an hour plus full benefits.

True North: 15 full time employees, 30 seasonal employees, full benefits include full health premiums for employees and their families.

HiCloud: 12 full time employees, 30 seasonal.

**The 3 proposed facilities.**

RQMI/Oceana Gardens 2: 1 Horticulturist, 10-15 full time harvest technicians, 2 security guards, and a facilities manager. Seasonal employees needed in the fall.

Preeminent Labs: 5 full time employees, 5 seasonal employees.

CCGC Charles: 2 full time employees, 12 additional seasonal employees.

Jennifer S: This is a lot of jobs added to our township.

Mike R: I've got 63 full time permanent jobs, part time 102, totalling 160, to 170. We do not have anyone else in the area employing that many people.

Mary H: We also do not have anyone else generating the funds to the township. Just in permit costs, with all 50 permits, that is \$250,000 going back into our township.

Wayne F: I would like to see what we are going to do with this money? You say marihuana and people's ears perk up, that's what this is. I would like to tell these people where this is going to benefit them financially. Where this is going to be spent.

Jennifer S: I agree

Mary H: I agree

Wayne F: I would like to slow this down, and let the people see. We have a lot of bad roads like the asphalt ones in the backcountry. It has been proposed a few times to bring on a road millage tax like other townships have done. Are we susceptible to costs like this, or can some of this money be used for that?

Mike R: I know that associated, right Amanda?

Amanda H: Correct

Mike R: It's an ever changing issue, right?

Amanda H: I have not understood it that way.

Steve M: We have an opinion from our attorney, we can use the money for infrastructure that would benefit both the public and the facilities.

Amanda H: I have not understood it that way.

Steve M: That's incorrect. For example Wayne, 200th Ave which they chopped up last year because it was so bad, because that serves the facility which is on that road and Yonker, funds from permit costs could be used for that justifiably.

Wayne F: But, nobody else in the township benefits with their roads.

Mike R: Roads in which facilities are on can use these funds, and they would no longer be taken out of the townships budget.

Jay P: How much money is generated from the facilities in taxes to the township?

Amanda H: I don't know, I would have to look.

Jay P: I would guess almost as much as permit costs?

Amanda H: No.

Mary H: We are curious as to the difference in residential taxes vs. the facilities?

Amanda H: They are all set the same.

Mike R: But, they are based on what they pay when it changed hands?

Amanda H: They are paying the taxable value at the point of sale.

Mary H: This is nonresidential, so you are paying on 18 mil right? So your taxes are significantly higher?

RQMI/Oceana Gardens 2: Once we have buildings, and have made improvements we will be taxed even more.

Mike R: Compared to a 48 acre cornfield that could come in, what would the taxes be on that? Theirs would be 40-50 percent higher right?

Amanda H: I would have to look at these specific parcels and compare them? Most have been owned for a long time.

Mike R: The funds from the taxes though, we can spend that correct?

Amanda H: The portion that's ours, yes.

Jennifer S: Review of ordinances, address Steve M, zoning administrator. When applications were handed in to the zoning administrator. Have all applicants paid their fees?

Mike R: We have roughly 23,040 acres in our township. The 3 existing and the 3 proposed equal 218 acres. Which is less than .01 % of our township. The revenue they are bringing in is something to keep in mind.

Jennifer S: Do we address the quantity of permits, or is that something for the board to address.

Jay P: We can approve everyone, and the board can decide where they go, or by resolution they can increase or decrease the amount of permits.

Jay P: Motion to approve permits for RQMI/Ocean Gardens. 18 Class C permits, 1 Processing permit

Rick Roberson, support. Roll call vote, Wayne F No, Mary H yes, Jen S yes, Mike R yes, Rick R yes. Motion passes 5-1

Motion by Mike R to approve 2 class C permits to Preeminent labs by Mike R. second by Jay, roll call vote Wayne F No, Mary H yes, Jen S yes, Rick R yes. Motion passes 5-1

Jennifer S. Request to abstain from the vote due to conflict of interest as her direct supervisor is a neighbor.

Jay P. motioned to approve abstain, second by Mary. Wayne opposed. Motion passed 5-1.

Wayne F: You are going to grow the product, and then transport it to your own retail store correct?

CCGC Charles: No, I do not have any retail stores any longer, or a processing permit. I would grow it, call a secure licensed transporter.

Jay P. Our ordinance says if you are leasing and not the owner, you need to have the lease notarized.

Steve M. It was in the electronic copy, you do not have it.

Mike R: Are you going to be using the existing driveway? Will the residents still be living on the property? Are you getting a new well?

CCGC Charles: Yes, we will be using the same driveway. The residents will still be living on the property. There will be a 200 foot set back. I do have a well permit, the well will be less than 70 gallons a minute.

Motion by Mike R, second by Jay P. Mary H yes, Wayne F no, Rick R yes. Jen abstained.  
motion pass 4-1

Wayne F: My no votes are not for the industry in itself, I would like this process to be slow for the people who oppose it to possibly be turned around.

Steve M: There was a hearing in Lansing a few weeks ago to consider allowing industrial hemp oil to be modified geneticalland be substituted for hemp oil, most of what is being grown by our current and proposed facilities are flowers and that are made and extracted into oils to be used, is a big market. If the MRA approved this and cheaper hemp oil could be adulterated to replace that, if that happens there may be no more revenue to the township. It could hurt these current businesses, and the township has no control over hemp. It is controlled by the department of agriculture only. If we have existing cannabis facilities, and if this passes, we hope this deters hemp here.

### **Recommendation for the board**

RQMI Oceana Gardens 2, approval of 18 class C permits, 1 processing permit.

Preeminent labs approval of 2 class C permits.

CCGC Charles approval 2 class C permits on condition of notarizing lease documentation.

Meeting adjourned.

Respectfully submitted by Mary Hopkins