

Newfield Township Planning Commission Meeting

Public Hearing:

September 7th, 2023

Chairperson Jansma called a public hearing meeting to order at 6:30 pm.

Pledge of Allegiance

Roll Call

Rick R. present

Wayne F. present

Michael J. present

Mary H. present

4 Members Present.

Mike. R absent

Approval of Agenda

Mary H. motion to approve, Rick R. support. Passed 5-0

Approval of Meeting Minutes from August 10th, 2023, Meeting, with the addition of the date.

Motion by Rick R, Support by Wayne F. Passed 4-0.

Purpose of Public Meeting for a Special Use Permit for HiCloud, LLC.

Purpose: Existing Marihuana facility to utilize a special use permit for their facility and the public to hear its requests.

Communications:

4 letters from township residents in opposition

2 letters are from neighboring residents, and the other 2 are from non-neighboring residents.

HI Cloud (7655 E M20):

I started this building after the last meeting and had already purchased this property next door to the facility. This property adds 40 acres, and the building is complete. It now just needs to be zoned commercial or I need a special use permit.

Public Comment:

Peggy R: I went by a week ago and its just dirt. There are no trees, and the weeds are all grown in. Are trees planted?

HI Cloud (7655 E M20):

I can only plant the trees in the spring or fall. Nobody will warranty the trees now and it's about \$25,000 for the trees.

Jim D. I have a public comment for you guys, the notice was pretty vague, you need more clarification.

Half of the people in the township do now know what R1 zone is.

(Draper hands out documentation) I believe that there are legal hurdles here. Our ordinance does state special uses, and this is not one of them in the residential zone.

I do realize a gravel permit was previously there and that isn't permitted under a special use permit, and nobody complained about it because they didn't care.

Chairperson: We utilized the template for what the special use permit needs.

Donna H: I thought that there were no more permits to be allowed.

Chairperson: This is not an application for a grow permit. There are no more class-c permits available. This is for special use for land to be zoned residential. The applicant has the maximum number of licenses and no more will be allowed.

Donna H: That's coming right after, right?

Steve M: The applicant wants to be able to dry the flowers in that barn. His current barn is being taken up by his equipment.

Donna H: This would allow them next year to have more?

Chairperson: It would allow for his plants to be spread out more.

Wayne F: He does have the right to apply to the state for excess grow permits.

Chairperson: If he chooses but we do not have control over that?

Peggy R: He wanted to build this building to store his product.

Wayne F: Yes, that was the intent. He built it in hopes of utilizing it for his product.

Peggy R: That brings me to my next question. Why hasn't he completed the trees? Why isn't the Marihuana enforcer enforcing it?

Wayne F: Addressing HiCloud, Have you planted trees yet?

HI Cloud (7655 E M20):

Yes, we did, and they died. Then you guys wanted the berm and by the time the berm was completed it was too how to plant them. We have Christmas trees that are 6 feet.

Wayne F: So, you have started the process when we requested?

HI Cloud (7655 E M20):

Yes.

Peggy R: Well this isn't year one. When people are driving through our township this is what they are seeing, and this is what we are allowing.

Chairperson: If they are working on our requests to the best of their ability, they have receipts and have an action plan in place, then that is all we can ask for.

Jim D: Can we request that they are up to compliance with the ordinance before they are approved for expansion.

HI Cloud (7655 E M20):

I did trees, I did the berm. I am not buying trees that won't live. I am not spending that much money on trees unless they are going to live, and nobody right now will guarantee that they will if I plant them in July. I have an 8" mesh fence, metal fencing, and 6-foot trees.

Chairperson entertains a motion to end the Public Hearing.

Motion by Roberson, Support by Ferris

Communications:

(Previously stated) 4 letters of opposition.

2 letters are from neighboring residents, and the other 2 are from non-neighboring residents.

Email from Cannabis Regulatory Agency: CRA advises the SUP would be sufficient for the intended purpose of commercial zoning and would defer to the township.

Packet from Jim D. during special hearing.

Old Business:

If you see your township magazine for last month, there was an article about recreation and quality of life. The visionary town survey will be ready on Sept 9, the same day as township clean up day.

New Business:

Hi-Cloud LLC, Special Use permit.

Chairperson: I personally do not have an issue with storage and processing if so desire but storage on that parcel. The advice of council was to use a special use permit in lieu of rezoning because when or if the applicant ceases operation it goes back to its normal use. It would be timely and costly to rezone back if needed to be so. That is how I understand it. A special use permit would temporarily rezone it.

However, the ordinance Draper gave us shows our ordinances allowed but does not state that it is exclusive to this list, and we have several other businesses currently operating in R1 areas with special use permits.

Steve and Joan called the attorney. The attorney had mentioned that we should utilize a special use permit as opposed to rezoning. We have not gotten this in writing as it was just requested this past weekend. I have left several messages and called every day.

Chairperson: Our roles are advisory only, and what we advise is not binding. That role is for the Township Board.

Joan D: This is a different attorney.

Amanda H: This is a different attorney same firm.

Joan D: The attorney is longer with the firm.

Wayne F: This can be contested in court?

Chairperson: With the understanding that we have from counsel and what we have been provided with, the special use permit would temporarily rezone this parcel to commercial and it could be rescinded at any time.

Wayne F: I would be more comfortable if we rezoned this in our new master plan. I would prefer R1 to drop back to 192nd N and S. Then if you want a special use permit, its easier. I feel we would get out legality with MRTA section 9.

Amanda H: Our ordinance specifically states what special use permits are applicable to in our R1 district.

Mary H: So, what do we do with all of those that are currently operating?

Chairperson: It does not state whether these are our only, without exceptions. Its not exclusive.

Wayne F: We have already admitted that there are grey areas in our ordinances. Andre, you can't plant anything this year still?

HI Cloud (7655 E M20):

No, but I would like to use it for drying this year.

Steve M: The issue is Andre (HiCloud) does not have anywhere to dry currently. One can modify a special use permit and we have done that previously. My suggestion would be to approve special use for storage and drying and over the winter we will have more meetings and will revisit this and request a modification. My understanding is the property is not even cleared yet?

HI Cloud (7655 E M20):

Its is not, it is roughly 40 percent cleared. It would not take long but we do not plan to grow on that property anytime soon.

Chairperson: Make a motion to approve the special use permit for HiCloud LLC as follows, building may be used for storage, drying and processing of plants so long as the ordinance is followed in its entirety as soon as is practicable.

Wayne F: Is the building currently fenced in?

HiCloud LLC: No it is not, but it does not take long to put a fence up. But it is not a state law in a building.

Wayne F: No, but it is ours.

Chairperson: Yes, if you have marihuana in the building it will need to be fenced in.

Motion by Jansma, supported by Ferris.

Passed 4-0.

Commissioners Discussion:

The survey is ready and will be handed out on clean up day this Saturday 8am-1pm or until dumpsters are full. Spring was 11am.

Public Comments:

None:

Recommendation to the Township Board

Planning commission recommends that The Board approves the special use permit for HiCloud LLC with the stipulation that the building is used for storage, drying, and processing of marihuana and for storing of equipment as long as ordinances are followed as soon as practicable.

Mary H motioned for adjournment Roberson support. PC 4-0 to end the meeting.