

The regular meeting of the Clare City Planning Commission was called to order in the city commission chamber of Clare City Hall, 202 W. Fifth St., Clare, MI, at 6:31 p.m. by Chair Josh Clark who led the Pledge of Allegiance. Present were: Commissioners, Darren Acton, Glenda Carmoney, Josh Clark, Angie Cozat, Elaine Demasi, Brett Moser Jan Winter and Nick Wyman. Absent: Steve Barnes. Also present were Ken Hibl, City Manager; Diane Lyon, City Clerk; Brian Gregory, Police Chief; Jim Chapman, Fire Chief; Jaynie Smith Hoerauf, City Attorney.

**APPROVAL OF AGENDA:**

Moved by Commissioner Acton second by Commissioner Demasi to approve the agenda. Ayes: All. Nays: None. Absent: Steve Barnes. *Motion approved.*

**APPROVAL OF MINUTES:**

No minutes presented for approval.

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:**

**A. ORDINANCE CHANGES RELATED TO NEW MICHIGAN MEDICAL MARIHUANA LAW**

The State of Michigan has enacted a new Medical Marihuana law, Public Act 281 of 2016. The new law incorporates the provisions of the proposed House Bills 4209 and 4210, which eventually became law by means of PA 281. The law impacts local municipalities in that it allows medical marihuana provisioning centers, medical marihuana cultivation centers, and stipulates licensing procedures and requirements for medical marihuana growers. Consequently, the City is obliged to review our current ordinances and make any changes deemed necessary by the City's Planning Commission and the City Commission to ensure the best interests of the City residents and business community of the City of Clare and provide for their continued public safety.

Our City Attorney, Jaynie Hoerauf, provided three memos outlining basic provisions of the medical marihuana law, definitions related to the law, and a memo that outlines the questions that need to be answered by the Planning Commission to allow her to draft any changes the Planning Commission wishes to make to our existing ordinance codes as a result of the new law. The City Attorney's Take 2 memo was used as the primary outline to lead discussions and provide guidance to craft an ordinance change directed by the Planning Commission on this topic.

There are five new licenses issued by the State:

1. Grower (3 different sizes for growing operations: up to 500; up to 1,000; or up to 1,500 plants.)
2. Processor-(Solvents are used to pull THC out for use in topical and other types of applications. The solvents used can be highly flammable.)
3. Safety Compliance Facility (Testing of efficacy and purity of the product.)
4. Secure Transporter (Transporting product)
5. Provisioning Center (Retail center)

The Department of Community Health will administer roles for each of the licenses and administer regulatory compliance. These facilities will be required to comply with building and fire codes, law enforcement will be allowed warrantless searches, and operations will be inspected for compliance.

Jaynie anticipates that larger corporations will be the ones to start up these types of businesses because the licensing fees are expensive and the requirement for continued compliance, security measures, and tracking will be costly.

The Federal government could still come in and put a stop to any business activities however they have not interfered with those businesses in Colorado since adoption of medical marihuana and recreational marihuana laws passed in that state.

Under our current Ordinance processing and dispensaries are allowed only in Industrial zones; they are not allowed as a home occupation. There is no requirement to change our current codes with exception to definitions which need to be updated because they have to match the statute. The Planning Commission will need to determine whether the provisions adopted for dispensaries would fit the new term of Provisioning Centers and if it does fit the terminology those regulations can be shifted to make Provisioning Centers work within our current codes.

The new law will not replace caregivers and it should have minimal effect on the service they provide because they cannot sell in a retail situation they can only distribute to their patients and the law does not provide for patient to patient transfers.

What could happen is that patients may opt to purchase product from Provisioning Centers rather than a caregiver because of ease of purchase; product variety and options available, potency level information, safety compliance measures in place, and product quality assurance. It is also possible that the new retail operations will be able to provide product at a lower price because these large scale growing operations should be able to produce ample product.

Police Chief Gregory noted that they have experienced compliance issues with caregivers growing more than allowed under the law, breaking & entering and theft problems, and seepage of excess product going out into the community for recreational use. The new licensed operations, which will likely be operated by corporations, will be closely monitored, employ high security detail, and they will be taxed therefore they will be watched closely so he doesn't anticipate big problems with these businesses. Chief Gregory mentioned that he anticipates a mapping system will be put in place, much like there is with the sale of pseudoephedrine in pharmacies, so that patients cannot go from one provisioning center to the next to purchase marijuana and obtain more than the legal limit because there is still a 2.5 ounce limit in place under the law. He also noted that there will likely be less danger with these larger operations than there is with individual growers operating around the county and pointed to heroin and methamphetamine being a larger problem in the area at this time. Done correctly, these high dollar operations would provide additional jobs and generate tax dollars for the city. It is probable that there will be steep fines for non-compliance therefore these companies are apt to be concerned with ensuring compliance with the law. Cash exchanges will be minimal due to federal banking rules & regulations that affect these businesses.

Fire Chief Chapman recommend the Planning Commission consider restricting the new licensing operations to the Industrial Park noting that some of the products used in processing are highly flammable.

Planning Commissioners remarked that zoning for these large scale operations in the Industrial Park is an opportunity for the city to be on the forefront for economic growth and job creation under the new medical marijuana law and the grassroots movement to legalize recreational marijuana.

While the Planning Commission did initially voice concerns about tucking Provisionary Centers into less visible areas with minimal traffic they determined that since Provisionary Centers will be heavily regulated with security measures in place, they are not likely to cause a security and safety concern for police and should be placed in Industrial Parks.

Following the guidance of the Planning Commission, Attorney Hoerauf received instruction to draft an ordinance to allow for all five of the new licenses as a Special Use within the Industrial Park zone and update the definitions within that section of the Codes. Proximity requirements will remain in place unless the Planning Commission determines that the ordinance does not allow enough of an area for operations to exist and be productive.

**PUBLIC COMMENT:** None.

**INTRACOMMISSION COMMUNICATIONS:**

**The Clare Railroad Depot**

The Depot rehabilitation project is making great progress following a successful fundraising campaign and grant application. Drywall and electrical are nearly complete in the main level and we anticipate the Chamber will be in by December or January.

**ORV's**

Some Commissioners have been approached by residents requesting a change in Ordinance Codes to allow for the operation of recreational vehicles on city streets. Brian Gregory informed the Commission that the State has made it nearly impossible to obtain street legal licensure for side by sides, golf carts and other off-road recreational vehicles in order to operate them on city streets. Local entities can no longer conduct inspections; they must be inspected by the State whose regulations to make ORV's street legal are very stringent.

**Zoning on McEwan Corridor**

The City Attorney and City Manager had discussion with an individual regarding the purchase of property along the McEwan corridor north of the Tobacco River. This discussion brought to their attention the fact that there remains a small strip of residential zoning on both sides of the road, between the Tobacco River and "Hamburger Hill". It was suggested that the Planning Commission may desire to zone this area commercial due to the heavy traffic flow in the area and because the majority of property along that corridor is commercial property. The Master Plan is still in the draft stage so rezoning that area can still be accomplished prior to the adoption date if it makes sense to change the zoning for that area. At prior planning meetings the Commission had determined that the property on the west side, adjacent to the Tobacco River, would be zoned for Parks & Recreation due to the proximity to the parks and location on the river. The individual interested in purchasing this property desires to create an event/wedding venue on the property. Some Planning Commissioners favored the event/wedding venue concept but offered that they have no desire to have this property turn into a parking lot or car dealership and therefore they were reluctant to rezone the property to commercial. They suggested that new property owner could request rezoning with conditions. The property on the east side was not specifically addressed during the current Master Plan review but at one point in years past there had been a request to allow commercial use of the property on the northeast corner of Witbeck Drive and McEwan Street. The Planning Commission labored over their decision at the time and in the end they denied the request.

**Lake Shamrock Dredging**

The City met with engineers regarding the dredging of Lake Shamrock. The cost to have the lake dredged would run around 800K-3 million dollars. We have had discussion about purchasing a hydra-hoe, a barge, and two large dump trucks to do the dredging ourselves. This option would be far less expensive than hiring the work out. The city has a disposal site and it would take four or five years to remove 125K cubic yards of muck to bring the Lake back up to par. Thereafter we would complete additional dredging on an annual maintenance schedule to keep the lake in good shape.

**ADJOURNMENT**

Moved by Commissioner Carmoney second by Commissioner Moser Ayes: All. Nays: None. Absent: Steve Barnes. *Motion approved.* Meeting adjourned at 8:15 p.m.

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Diane Lyon, City Clerk