

JONESVILLE PLANNING COMMISSION

Unofficial Minutes of the Regular Monthly Meeting

February 12, 2014

Present: Christine Bowman, Jerry Drake, Scott Leising, Dave Steel, Mike Venturini

Also Present: Jeff Gray, Tim McLean

Absent: Connie Hutchinson, Bob Snow

Guests: None

The regularly scheduled meeting of the Jonesville Planning Commission was called to order by Chairman Dave Steel at 7:00 p.m. Mike Venturini led the Pledge of Allegiance which was followed by a moment of silence.

The evening's agenda was approved as submitted. Mike Venturini made the motion to approve the minutes of the January 8, 2014 meeting. Jerry Drake seconded. All in favor; motion carried.

There was no public comment nor public hearing.

In ongoing business, Village Manager Gray and Assistant to the Manager McLean reviewed various zoning regulations related to medical marijuana in several Michigan communities. It was noted that there had recently been a finding by the State Supreme Court in the case of the City of Wyoming v. TerBeek that Federal law regarding marijuana does not preempt the Michigan Medical Marijuana Act (MMMA). It is not known at this time how those communities with preemption ordinances will respond. The option to see what contingencies develop in those communities was discussed and determined to not be a viable option for the Planning Commission.

McLean also reviewed the ordinance from the Village of Sheridan which limits the number of permissible caregivers to a ratio of the population. However, the basis for that ratio is a bit unclear; without some additional clarity a similar ordinance in Jonesville could be subject to challenge. Ordinances allowing caregivers as a home occupation and caregivers as a permitted use in industrial districts were also discussed.

The Commission discussed the various impacts of regulating caregiver operations as either home occupations or as permitted industrial uses. Staff noted that there are emerging studies on the impacts of indoor grow operations on residences. Citing a study from Colorado, it was noted that grow operations of the size permitted of caregivers under the MMMA require modification of the light, humidity, heat and other environmental conditions in a typical home. Unmitigated, these conditions can spur unhealthy mold growth. Equipment can be installed to mitigate these impacts, but these modifications are not commonly installed in residences and such changes to a home are not permitted for other home occupations, like home offices. In-home growth could have an impact on the value of a home and others in the area. There can be other anecdotal impacts in neighborhoods, such as crime.

It was discussed that the predominant activity of caregiving in the MMMA is the production of the medical marijuana. The production of medical pharmaceuticals would otherwise be permitted as an industrial use in our Zoning Ordinance. Various occupancy scenarios in the industrial district were discussed. Also discussed was the fact that equipment to control the indoor environment for growing is more typical in an industrial, manufacturing or processing setting. It was the consensus of the Commission that staff should prepare draft language to allow caregiver operations in industrial zones for discussion at the March meeting. It was also the consensus of the Commission that medical marijuana patients acting in their own homes as allowed in the MMMA should not be regulated by local ordinance; such activity would be treated as permitted in private residences.

Village staff provided an update for ongoing projects in the Village. With no further business, the meeting adjourned at 8:10 p.m.

Respectfully submitted,

Tim McLean, Assistant to the Manager