

EATON COUNTY BOARD OF APPEALS MINUTES
March 5, 2024

Call to Order: Ms. Brandy Miller, Planning and Zoning Administrator of the Department of Construction Codes & Planning and Zoning, called the meeting to order at 6:00 p.m. in the Board of Commissioners Room, Eaton County Courthouse, 1045 Independence Blvd., Charlotte, MI.

Pledge of Flag: The Pledge of Allegiance was given by all.

Roll Call: Tim Cattron, Rob Cook, Donald Chase, Charamy Cleary, and Nikki Chmielewski

Staff Present: Brandy Miller, Chris Garrison, and Tammy Alger

Agenda Approval: A motion was made by **Member Cleary** to approve the agenda for the March 5, 2024 meeting. Member Chmielewski supported. Motion carried.

Nominations and elections of Board Chairperson, Vice Chairperson, and Secretary.

Ms. Miller asked for nominations for Chairperson. **Member Cattron** nominated Member Chmielewski. **Member Cattron** moved nominations be closed and a unanimous ballot cast for Member Chmielewski. **Member Cleary** seconded. Motion carried.

Member Chmielewski assumed the responsibility of presiding over the meeting.

Member Chmielewski asked for nominations for Vice Chairperson. **Member Cattron** nominated Member Chase. **Member Cattron** moved nominations be closed and a unanimous ballot cast for Member Chase. **Member Cleary** seconded. Motion carried.

Member Chmielewski asked for nominations for secretary. **Member Cattron** nominated **Member Cleary**. **Member Cattron** moved nominations be closed and a unanimous ballot cast for **Member Cleary**. **Member Chase** seconded. Motion carried.

Member Cattron moved to close elections. **Member Cleary** supported. Motion carried

Minutes Approval: A motion was made by **Member Cleary** to approve the minutes as written from the December 5, 2023 meeting. **Member Chase** supported. Motion carried.

Communications: Ms. Miller stated there were none.

Public Comment: None

BA-3-24-1: Request by Eaton County Planning Commission for an Interpretation regarding where Marihuana Facilities may be operated in Eaton County and under what existing land use within the Zoning Ordinance.

Staff Report: Ms. Miller read the staff report into record.

Member Chase stated that there are already laws in place to grow cannabis. He asked why more rules were needed. Ms. Miller stated that Marihuana is not defined as an agricultural product, but hemp is defined as an agricultural product. Ms. Miller stated that Marihuana falls under the regulation of the Cannabis Regulatory Agency

Member Cleary asked if the Board of Appeals agrees to these changes, are they just going to insert Marihuana Processor into the Zoning Ordinance under these categories. Ms. Miller stated a memo will be added to the Zoning Ordinance stating an interpretation was made. She stated there will be no physical changes to the Zoning Ordinance in regard to the interpretation, but there will be the record from the Zoning Board of Appeals that they have interpreted these uses to be similar to our existing uses within the Zoning Ordinance.

Member Chmielewski stated the memo is like an addendum rather than a new section to the Zoning Ordinance. Ms. Miller stated that is correct. **Member Chmielewski** stated that when the motion is made they will need make it clear where growers and processors fit.

Member Chase stated the Master Plan is an interpretation of what is, not what if. He asked why “ifs” were being put into the Master Plan. Ms. Miller stated this is not the Master Plan, this is for an interpretation of the Zoning Ordinance.

Member Chmielewski invited any speaker in favor or opposition to the request to make public comment.

Speakers in favor of the application: Mr. David Persell, 1386 E. Clinton Trl., stated the roads in Eaton County are not in good condition. Mr. Persell stated revenue from a cannabis dispensary could go towards fixing the roads. He stated Eaton County should welcome cannabis dispensaries and the revenue they produce. Mr. Persell stated the definitions read by staff for marihuana seem too complicated and should be simplified further to encourage marihuana based businesses to come to Eaton County.

Speakers opposed to the application: None

Public hearing closed at 6:21 p.m.

Member Cattron stated the Townships have the authority to approve Marihuana Businesses in their own jurisdictions.

Member Cleary stated she did not think the Chemical Processing and Metallurgical Manufacturing type use is large scale, and she didn't think a grower or processor is always large scale. **Member Cattron** stated it would be anything over the microbusiness definition. He stated there will be large and small scale operations, but depending on size

is where they will be defined. **Member Chmielewski** stated that a microbusiness is a small-scale individual operation. **Member Cleary** asked if a grower that isn't large scale, is that still part of this definition. She stated they will end up in industrial zoning. **Member Chmielewski** stated that is correct, unless it was something much smaller and more specific, which would fit in the microbusiness definition.

Member Cleary stated that the term "processor" fits better with the Chemical Processing use rather than a "grower". She stated grower implies an agricultural operation. **Member Cattron** stated that the only thing the Agricultural Department defines as agricultural is the hemp. Ms. Miller stated if an individual wanted to grow marihuana on their property, they would not be able to apply for an agricultural exempt building permit because marihuana is not defined as agricultural product. Ms. Miller stated the microbusiness that allows for one hundred and fifty plants is somewhere else and not under the large scale grows and processing definition, which is found mostly on industrial properties.

Member Cleary stated that the Provisioning Center definition might be better suited under the General Retail Sales Establishment. **Member Cleary** stated she wondered what the Planning Commissions thoughts were when they choose Convenience Commercial Establishment. She stated she was not sure what the difference was between a provisioning center and a retailer. **Member Chase** stated he shared the same concerns. Ms. Miller stated that a Provisioning Center is for medical marihuana and are limited to fifteen hundred square feet. She stated a marihuana retailer is for the general public. Ms. Miller stated that is why there was the differentiating between the two. Ms. Miller stated if a Provisioning Center wanted to be larger, they would need to apply through the Cannabis Regulatory Agency and request to be a marihuana retailer.

Member Chmielewski asked staff if the definition of microbusiness was to allow for a choice of use. Ms. Miller stated that is correct. If they wanted to be larger than fifteen hundred square feet they can apply as the Chemical Processing, but if less than fifteen hundred square feet they would be allowed as a use by right under the Convenience Commercial Establishment. Ms. Miller stated a Convenience Commercial Establishment serves a 3-mile radius from their location.

Member Cattron stated that all this is doing is defining things, not giving approval. **Member Cleary** stated that she doesn't feel the additional definitions are solving anything. She stated it may add to the confusion. **Member Cattron** stated that the definitions are just a framework to give the townships somewhere to start.

Member Cleary moved to approve BA-3-24-1, a request by Eaton County Planning Commission for an Interpretation regarding where Marihuana Facilities may be operated in Eaton County and under what existing land use within the Zoning Ordinance.

Member Cattron supported. A roll call vote was taken with four (4) voting are and one (1) voting nay. Motion carried.

Old Business: None

New Business: None

Upcoming Cases: None

Public Comment: Mr. Drew Marks, 11459 Carl Center Rd, stated that he would like clarification on Conditional Use permits. Mr. Marks asked if a Conditional Use Permit overrides what is in the Zoning Ordinance. He stated a resident has been allowed to have three trailers on their property, but he believes the Zoning Ordinance states otherwise. Mr. Marks stated he believes the case should have been filed as a Variance rather than a Conditional Use Permit. Mr. Marks stated he believes he is an aggrieved party.

Mr. David Persell stated the Board of Appeals should visit a dispensary for information purposes if they have not already been to one.

Public hearing closed at 6:39 p.m.

A motion was made by **Member Cleary** to adjourn the March 5, 2024 Board of Appeals meeting. **Member Cattron** supported.

Meeting adjourned at 6:40 p.m.