

**DELHI CHARTER TOWNSHIP  
MINUTES OF THE PLANNING COMMISSION HELD ON MAY 8, 2017**

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The Delhi Charter Township Planning Commission held a regular meeting on Monday, May 8, 2017, in the Multipurpose Room at the Community Services Center, 2074 Aurelius Road, Holt, Michigan. Commissioner Lincoln called the meeting to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Members Present: Kimberly Berry-Smokoski, Rita Craig, Michael Goodall, Don Leaf, Tom Lenard, Matthew Lincoln, Ken O'Hara, Tonia Olson, Betsy Zietlow

Members Absent: None

Others Present: Tracy Miller, Director of Community Development  
Noelle Tobias, Building Secretary

**AMENDMENTS TO THE AGENDA: None**

**APPROVAL OF THE APRIL 10, 2017 PLANNING COMMISSION MINUTES**

Goodall moved and Lenard seconded to approve the April 10, 2017 meeting minutes.

A Voice Poll was recorded as follows: All Ayes

Absent: None

**MOTION CARRIED**

**PUBLIC COMMENT (Non-Agenda Items):**

None.

**Public Hearing: Zoning Ordinance No. 39.165, Case #17-886, Proposed amendments to the Zoning Ordinance for Medical Marihuana**

Ms. Miller and Mr. Revore, the Township's legal counsel, spoke to the PC regarding the status of State Law regarding Medical Marihuana (MM) and the relationship to the currently proposed ZO amendment. Ms. Miller stated that during the April 10, 2017 PC meeting MM was discussed and the PC directed her to set a Public Hearing on the amendment. She restated that the intent of the amendments is to align the terminology and regulation with the current State Law. These amendments include adding the different types State licenses as well as including that this use will

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not be in a position at any time to acquire legal non-conforming status. Ms. Miller stated that these amendments would strengthen the Townships current position.

Mr. Revore stated that there have been three new laws pertaining to the regulation of Medical Marijuana that were recently enacted in Michigan. They are Public Act 281, Public Act 282, and Public Act 283. This legislation has created five types of MM facilities: growers, processors, safety compliance (testing) facilities, provisioning centers, and secure transporters. Mr. Revore stated that communities must create an ordinance to "Opt-in" to allow these facilities to receive a license from the State of Michigan. This proposed ZO amendment would not prevent the Township from opting-in for one or more facility types in the future.

Olson asked if there are other examples of state legislation with this type of "opt-in" requirement. Ms. Miller stated that she is not aware of any.

O'Hara asked if there was any involvement from the County regarding MM in saying that the Township is required or not allowed to permit such a use. Mr. Revore stated that the County would not have any say regarding regulation of MM in Delhi Township.

Lenard stated that it seemed that the main goal of the ordinance amendments would be to protect the Township from a legal challenge. Mr. Revore responded that he does not believe that is the main goal and believes the main goal is to give the Township the time necessary to look at the legislation and available information and thereby to enable an educated and informed decision. Ms. Miller stated that another reason for the current amendment is to help make the ZO language consistent with what is found in the Act. She felt that this would help people understand the regulations more easily.

Leaf asked what would happen if there was someone was commercially growing MM in a pole building currently. Ms. Miller stated that it would be addressed in the same way as any other enforcement issue. Our current ZO language does not allow this activity commercially.

Lenard stated that he was struggling with the idea that saying we are not making any decisions until the State of Michigan legislation is in place because the Township may not be competitive in bringing these developers to our community.

Leaf stated that he thinks that it is important to ensure that the ordinance is kept as relevant as possible and that as laws change or new laws are created, we must update our ZO. Zietlow stated that this does not close the door on any future discussion or decisions about commercial MM facilities.

Berry stated that, as a business person, she does not feel that legitimate businesses would be put-off by the proposed amendments and that instead they would favorably view a community that was trying to make informed decisions.

Lenard stated that it is his opinion that having a date of December 15, 2017 in the Ordinance would indicate that we are making a long term decision regarding MM.

Ms. Miller stated that it would not impact the intent of the Ordinance to take the date of December 15, 2017 under section 6.7.11 out. That date is related to the new law as the date on which the State may begin issuing MM licenses. She stated that it could easily be changed to eliminate the date. Mr. Revore concurred.

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Public Hearing Opened at 7:50 PM

Public Hearing Closed at 7:50 PM

Olson moved, seconded by Goodall to recommend to the Township Board approval of Zoning Ordinance Amendment No. 39.165 (Case #17-886) with the corrected spelling of the word marihuana with the letter H instead of J, replace the word "and" with the word "an" in section 6.7.4 and insert the word "commercial" before marihuana in section 5.1.5 (5).

Discussion on the motion: Berry asked if Olsen wanted to remove the December date. Olsen stated that she did not believe it was necessary.

A Roll Call Vote was recorded as follows:

Ayes: Berry-Smocoski, Craig, Goodall, Leaf, Lincoln, O'Hara, Olsen, Zietlow  
Nays: Lenard  
Abstain: None  
Absent: None

**MOTION CARRIED**

**GENERAL DISCUSSION AND UPDATES**

There was general discussion about that status of ongoing projects.

**ADJOURNMENT**

Meeting adjourned at approximately 7:57 PM

Date: \_\_\_\_\_

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Kimberly Berry-Smocoski, Secretary

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