

**Waverly Township  
Planning and Zoning Minutes  
42114 M-43 Hwy., Paw Paw, MI 49079**

**March 30, 2021**

Chairman John Porter called the regular meeting of the Planning & Zoning Commission to order at 7:00 p.m. The Pledge of Allegiance was recited. The Planning Commissioners introduced themselves: John Porter, Bernie Wilcox, Tom Fleetwood, Marvin Leedy, Mike LaPine. Zoning Administrator Tasha Smalley and Township Treasurer Linda Bloom were also in attendance.

**Absent:** None

**Agenda:** Approved. Motion to approve by Fleetwood, second by Wilcox. Voice vote: All yes.

**Minutes:** Approved. Motion to approve by Fleetwood, second by Leedy.

**Public Hearing—Open Public Hearing:** Chairman Porter recessed the regular meeting and called to order the public hearing at 7:23 p.m.

1. Porter thanked everyone for coming. He announced that **Lansing Pros LLC of Macomb, MI has withdrawn** its petition for site plan review for Adult Use Marijuana Facility indoor/outdoor grow at 26810 37<sup>th</sup> St. (80-18-002-010-20/016-10). **The petition was withdrawn by email effective 3/29/21.**

**Ground rules for the public hearing:** Chairman Porter announced the ground rules to promote an orderly public hearing given the number of persons in attendance. He reminded the audience that the meeting is being videoed by the township and that the township treasurer, Linda Bloom, would be the recorder and timekeeper.

- Order of address would be applicants, audience members, response by applicants & commissioners.
  - Speakers, when recognized by the chair, to stand and state their name and address in order.
    - All questions/comments addressed to the commission only; no side-bar conversations.
    - Applicants will be allowed to present their petition in a reasonable amount of time (approximately five (5) minutes).
    - Audience members, when recognized by the chair, have three minutes to address the commission after the applicants have presented their petition.
    - Applicants have three (3) minutes to respond to resident questions/concerns.
    - Commissioners may present questions or comments to applicants or audience members.
2. **Kingsland LLC of South Haven MI** has petitioned for a rezoning from R3 Low Density Residential to Agricultural for the property at (41400) M-43 Hwy (80-18-009-014-65). The request is for the entire parcel; approx. 138 acres.

Applicant Tom Bodke stated that someone has offered to buy this property. He is not sure at this point if he will sell it or not. Audience was mainly against this proposed change. Some of the complaints were about the odor, pesticides, water contamination, fences, security cameras, night grow lights and potential crime. There were a few residents that had positive statements as well. Porter stated that R3 does not cover marijuana or cannabis grow and pointed out that marijuana isn't covered by the Michigan Right to Farm Act. Cannabis/marijuana grow facilities are allowed only in areas zoned 'agricultural' or 'commercial.' Commissioner Porter stated that the township had placed a moratorium on new licenses through 5/17/21 to allow the township time to review & amend the marijuana zoning ordinance as needed.

3. **989 Ventures LLC of Howell, MI** has petitioned for site plan review for Adult Use Marijuana Facility Indoor/Outdoor grow at 24993 CR 665 (80-18-004-004-10/20). They own 2 dispensaries, one in Centerline, MI and one in Oscoda, MI.

Applicant Doug Lindeman state they are following all building regulations. They are planning to hire 20 full-time, year-around employees. They are putting up tree lines rather than fences. They will have one outdoor harvest per year, and they plan to become community partners, improving the community. Another partner invited anyone that wants to come for a tour of their facility, and to learn more about them. Residents wondered if there were going to be dispensaries opened up on these properties. Commissioner said that none of these applicants are allowed to have dispensaries within the current zoning ordinance.

4. **Strobel Corp of Grand Rapids, MI** has petitioned for site plan review for Adult Use Marijuana Facility indoor/outdoor grow at 35731 38th Ave. (80-18-024-005-01/30). Not too many residents spoke up on this one, as almost every concern had already been noted.

**Close public hearing:** Porter closed the public hearing and reconvened the regular meeting at 8:50 p.m.

#### **New Business-**

1. **Election of officers-** Fleetwood filed Motion to postpone the election of officers until the next meeting. Second by Wilcox. Voice vote: all yes. Motion carried.
2. **Kingsland LLC of South Haven MI:** Commission discussion/decision to re-zone 80-18-009-014-65: Zoning administrator (ZA) stated it is currently shown as R-3 on the Master Plan map for AG although zoned as R-3. **MOTION:** Fleetwood motioned to recommend to the Waverly Township Board to keep at R3 like other properties. **Second:** Wilcox **Roll call vote:** Wilcox-yes; Fleetwood-yes; Porter-yes; Leedy-yes; Lapine-yes. **Motion carried.**
3. **989 Ventures LLC of Howell, MI:** Discussion/decision site plan MMF & AUF 24993 CR 665. A lot of discussion from audience, and Fleetwood and Wilcox asked about proposed buildings and site plan, which they didn't see a retention pond on the site plans. Matt from 989 Ventures LLC stated that they submitted plans for that. They plan to use ½ of the 60x120 new building for drying for indoor and outdoor growth, and ½ to be used for indoor growing with carbon filters. **MOTION:** Fleetwood motioned to recommend approval of the site plan to the Waverly Township Board, contingent on Drain Commissioner findings regarding drainage

pond & potential water contamination. **Second** by Wilcox. **Roll call vote:** Wilcox-yes; Fleetwood-yes; Porter-yes; Leedy-yes; Lapine-yes. **Motion carried.**

4. **Strobel Corp of Grand Rapids, MI:** Discussion/decision on site plan AUF 35731 38<sup>th</sup> Ave. Motion: Wilcox motioned to recommend approval to the Waverly Township Board contingent on favorable findings by Drain Commission. **Second** by Fleetwood. **Roll call vote:** Wilcox-yes; Fleetwood-yes; Porter-yes; Leedy-yes; Lapine-yes. **Motion carried.**
5. **Grow Haven 38708 Fisk Lake Road:** add area for outdoor grow to approved site plan (3-6-20). GH added the 2-foot tall & 4-foot-wide berm along the river to site plan per direction of the commission to control any potential for runoff into the Paw Paw River. Porter asked how many plants were planned on their 7-acre property, and if they would be in pots or in the ground. They advised 1,000, in pots on top of ground. Porter asked about use of pesticides. They said it is like BT corn—all organic. Discussion shows they will use soft fertilizer, and more organic outdoors, and that organic has a larger “sugar” content. They are not broadcast fertilizing and using metered drip irrigation. Fleetwood asked if they were using phosphates, and if so, how far from the river? 20 ft? They are going to check on that with T. Smalley. They stated they will follow GAAMP guidelines for fertilizer and pesticide. In answer to a resident question, they said they grow year-around indoors, and have a curtain system to abate light pollution. There was a light pollution issue in the beginning due to Daylight Savings Time, but they corrected it the same day. **Motion:** Porter motioned to recommend approval by the township board contingent on favorable findings regarding fertilizer & runoff. **Second:** LaPine seconded the motion. **Voice vote:** All in favor- yes.
6. **Grasshopper Farm, 29003 CR 665:** add Adult Use to already approved Med Mar facility (PC approved 10-5-20). They want to diversify. It is currently indoor, and want to add outdoor. 4,500 plants in fields/4,500 indoors. 3 Medical and 1 Adult Use licenses will need to be purchased if approved. Tasha said it will not need changes to the site plan. **Motion:** Porter motioned to recommend approval of this amendment to the previously approved site plan to the Township Board. **Second:** Leedy seconded. **Voice vote: Fleetwood abstained from the vote due to potential conflict of interest. All others- yes. Motion carried.**

**Unfinished Business--None.**

**Township Board—** Fleetwood reported on meeting: via ZOOM due to Covid. See Twp website for minutes.

**Zoning Administrator** None

**Public Comments/Commissioner Comments** None.

John Porter adjourned the meeting at 9:31 p.m.

Respectfully,

John H. Porter, Jr.  
Chairman