

**ROSS TOWNSHIP
PLANNING COMMISSION
MINUTES
August 18, 2022**

CALL TO ORDER/PLEDGE

Chairperson Lauderdale called the special meeting of the Ross Township Planning Commission to order at 6:00 p.m. at the Ross Township Hall.

ROLL CALL

Present: Chairperson Lauderdale
 Michael Bekes
 Steve Maslen
 Michael Moore
 Pam Sager
 Sherri Snyder

Absent: Mark Markillie

Also Present: Bert Gale – Township Zoning Administrator
 Rebecca Harvey – Township Planning Consultant
 Rob Thall – Township Attorney

APPROVAL OF AGENDA

The agenda was approved as presented.

APPROVAL OF PRIOR MEETING MINUTES

Chairperson Lauderdale advised that the minutes of the July 25, 2022 regular Planning Commission meeting would be considered for approval at the August 22, 2022 regular Planning Commission meeting.

NEW BUSINESS

1. Public Hearing – Zoning Ordinance Amendment (Medical Marihuana Caregivers)

The next matter to come before the Planning Commission was the public hearing on the proposed Zoning Ordinance amendment to add Section 18.8 – Medical Marihuana Caregivers.

Chairperson Lauderdale opened the public hearing.

Maslin observed that the proposed amendment does more than regulate the location of medical marihuana caregivers. Accordingly, the phrase ‘the location of’ should be removed from the opening sentence in the statement of purpose on page 1. Planning Commission members agreed.

Maslin also questioned the value of restating provisions of the Michigan Medical Marihuana Act (MMMA) in Section 18.8. Attorney Thall opined that inclusion of the provisions was valuable in informing interested parties.

Snyder stated that ‘home occupations’ are allowed in the Township wherever residences are allowed . . . and so allowing a ‘medical marihuana caregiver’ as a ‘home occupation’ results in fair and reasonable treatment of the use.

Gale inquired if a ‘medical marihuana caregiver’ would be allowed in a multiple-family dwelling. Harvey responded that the Zoning Ordinance currently allows a ‘home occupation’ as a Permitted Use in the R-3 District (where multiple-family dwellings are allowed). . . and so, a ‘medical marihuana caregiver’ would be allowed within a multiple-family dwelling. It was noted, however, that private development restrictions would also apply.

Sager inquired if the ‘home occupation’ approach to ‘medical marihuana caregivers’ is the best approach. Attorney Thall responded in the affirmative, noting it is the approach most consistent with State law.

Mary Stage inquired if the identities of the patients served by a ‘medical marihuana caregiver’ were required to be shared. Attorney Thall responded that such a regulation was the purview of the State and is not required by Section 18.8

No further public comment was offered on the matter and the public comment portion of the public hearing was closed.

Gale requested clarification of Subsection E. Attorney Thall explained that Subsection E. essentially reiterates that a qualifying patient cultivating and possessing marihuana solely for personal use is not considered a ‘medical marihuana caregiver’ and is, therefore, not subject to the ‘home occupation’ provisions of the Zoning Ordinance.

Bekes moved to recommend approval by the Township Board of the proposed amendment to the Zoning Ordinance to add Section 18.8 – Medical Marihuana Caregivers, as modified. Snyder seconded the motion. The motion carried unanimously.

Bekes advised that the Township Board intends to schedule a special meeting within the next week to act upon this recommendation.

2. Solar Energy Facilities

Chairperson Lauderdale referenced draft text prepared by Harvey dated August 18, 2022. Harvey provided an overview of the draft text, highlighting the distinction between solar panels serving an individual property and a solar farm that provides energy to off-site customers . . . or the utility grid. She noted that provisions highlighted in 'red' offered a more restrictive approach and warranted Planning Commission discussion for retention.

Bekes stated that he felt the Township Board was looking for a very restrictive approach to solar panels in the Township . . . noting that support has been indicated for prohibiting solar panels in the 'front yard' and on the front façade of the building and for limiting options for relief from the standards to the variance process.

Planning Commission review of the draft text ensued, starting with the provisions for 'solar farms' (Article 20, Item 36). The following was noted:

- The definition of 'solar farm' needs improvement. The definition provided in the 'solar farm ordinance provision ideas' developed by Consumers Energy offers alternate language to consider.
- There is no need to regulate the color of solar panels; delete the second sentence of Subsection D.
- Add Item #11 from the C.E. provision to Subsection D.
- The term 'energy' should replace 'battery' in Subsection E.
- Add a provision for buffering similar to Item #13 from the C.E. provision.
- There is no support for adding a fencing requirement.
- Add Item #14 from the C.E. provision to address questions regarding other applicable requirements/permits.

A review of the draft text for individual 'solar panels' (Section 18.9) was then initiated. Lengthy discussion occurred regarding restricting the location of accessory structures in the 'front yard'. Specifically, how can a solar panel, which is an accessory structure by definition, be prohibited in the 'front yard' when other accessory structures are allowed in the 'front yard'? Distinctions by structure size, parcel size, and/or setback were all considered at length.

It was then determined to postpone further discussion of the draft text to the August 22, 2022 regular meeting, with direction to Harvey to revise the draft text per the discussion to date. It was noted that the Planning Commission would strive to complete its discussion on August 22, 2022 and then consider a special meeting date for a public hearing on the draft text.

UNFINISHED BUSINESS

Chairperson Lauderdale stated that Planning Commission Unfinished Business would be considered at the August 22, 2022 regular Planning Commission meeting.

REPORT FROM TOWNSHIP BOARD

~~No Township Board report was offered.~~ **Chairperson Lauderdale stated that the Township Board Report would be provided at the August 22, 2022 regular Planning Commission meeting.**

REPORT FROM ZONING BOARD OF APPEALS

~~No Zoning Board of Appeals report was offered.~~ **Chairperson Lauderdale stated that the Zoning Board of Appeals Report would be provided at the August 22, 2022 regular Planning Commission meeting.**

PUBLIC COMMENT

No public comment was offered.

MEMBERS, CONSULTANTS, ADVISORS

No member comments were offered.

ADJOURN

There being no further business to come before the Commission, the meeting was adjourned at 7:45 p.m.

Respectfully Submitted,
Rebecca Harvey, AICP, PCP
Township Planning Consultant