



Jackson County Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)
120 W. Michigan Avenue • Jackson, MI 49201
Phone (517) 788-4426 • Fax (517) 788-4635

MEETING NOTICE

FOR FURTHER INFORMATION CONTACT:
Grant E. Bauman, AICP
R2PC Principal Planner
(517) 768-6711
gbauman@co.jackson.mi.us

DATE: March 10, 2016
TIME: 6:00 p.m.
PLACE: 5th Floor Commission Chambers
Jackson County Tower Building
120 W. Michigan Avenue
Jackson, Michigan 49201

MEETING AGENDA

1. Call to order and pledge of allegiance
2. Public comment [*3 MINUTE LIMIT*]
3. Approval of minutes
Approval of the February 11, 2016, meeting minutes [*ACTION*]..... 3
4. Approval of agenda
Approval of the March 10, 2016, meeting agenda [*ACTION*]
5. Request(s) for review, comment, and recommendation
 - a. Consideration of township zoning amendment(s) - *None*
 - (1) CZ #16-03 – rezoning in Section 35 of Sandstone Township [*ACTION*] 5
 - (2) CZ #16-04 – text amendment, Henrietta Township [*ACTION*]..... 23
 - (3) CZ #16-05 – text amendment, Henrietta Township [*ACTION*]..... 43
 - b. Consideration of master plan(s) - *None*
 - c. Farmland and Open Space Preservation Program (PA116) application(s) - *None*
6. Other business.
 - a. Unfinished business
PZN #2 – *Zoning Ordinance Public Hearing & Public Noticing Requirements* 49
 - b. New business
2015 Annual Report [*ACTION*]..... 51
7. Public comment [*2 MINUTE LIMIT*]
8. Commissioner comment
9. Adjournment

www.co.jackson.mi.us/county_planning_commission

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Jackson County Planning Commission

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120 W. Michigan Avenue • Jackson, MI 49201
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MEETING MINUTES

February 11, 2016

Jackson County Tower Building • Jackson, Michigan

- Members Present:** Timothy Burns, At-Large; Nancy Hawley, At Large; Jared Vickers, At Large; Ted Hilleary, Education; Amy Torres, Industry and Economics; and Carl Rice, Jr., Jackson Co. Board of Commissioners
- Members Absent:** Jennifer Morris, At Large, and Jim Videto, Agriculture
- Liaisons Present:** Grant Bauman, R2PC Principal Planner
- Others Present:** None

- Item 1. **Call to Order and Pledge of Allegiance.** The meeting was called to order at 6:00 p.m. by Chairperson Torres. Those in attendance rose and joined in the Pledge of Allegiance.
- Item 2. **Public Comment.** None.
- Item 3. **Approval of Minutes.** A motion was made by Commissioner Hilleary, and seconded by Commissioner Rice, to **approve** the minutes of the January 14, 2016, meeting as presented. *The motion was approved unanimously.*
- Item 4. **Approval of the Agenda.** A motion was made by Commissioner Rice, and seconded by Commissioner Hilleary, to **approve** the February 11, 2016, agenda. *The motion was approved unanimously.*
- Item 5. **Request(s) for Review, Comment, and Recommendation**
- a. **Consideration of Township Zoning Amendment(s).**
- Chairperson Torres noted that the two cases before the Commission were recommended for disapproval in December due to insufficient public notice. Comments about the difficulty of getting notices in weekly newspapers and the expense associated with such notices were made by Commissioners Hilleary and Hawley.
- (1) **CZ #16-01 – Text Amendment, Sandstone Township**
- A motion was made by Commissioner Vickers, and seconded by Commissioner Burns, to recommend **approval with comments** of the proposed amendments, as advised by staff (see the staff report). *The motion was approved unanimously.*
- (2) **CZ #16-02 – Rezoning in Section 35 of Sandstone Township**
- A motion was made by Commissioner Rice, and seconded by Commissioner Hilleary, to recommend **approval** of the proposed rezoning, as advised by staff (see the staff report). *The motion was approved unanimously.*

- b. **Consideration of Master Plan(s).** None.
- c. **Farmland & Open Space Preservation Program (PA 116) application(s).** None.

Item 6. **Other Business**

- a. **Unfinished Business.** None.
- b. **New Business**

PZN #2 – Zoning Ordinance Public Hearing & Public Noticing Requirements

Staff requested approval of the second issue of *Planning & Zoning Notes*, which addresses the Michigan Zoning Enabling Act (MZEA) requirements regarding the holding of public hearings prior to considering various zoning requests and their public notice. Chairperson Torres suggested various changes which clarify certain issues regarding hearings and notices and staff agreed to make them.

A motion was made by Commissioner Hawley, and seconded by Commissioner Vickers, to **approve** the proposed issue as amended. *The motion passed unanimously.*

Given that *Planning & Zoning Notes* is co-branded with the Lenawee County Planning Commission, the proposed issue will be considered by that Commission at its February 18, 2016 meeting.

Item 7. **Public Comment.** None.

Item 8. **Commissioner Comment.**

- a. Commissioner Hawley informed the Commission that the Jackson County Conservation District is taking orders for seedlings (e.g., trees, grasses, native shrubs) and marking flags on its website.
- b. Chairperson Torres summarized a conversation she had with Commissioner Videto regarding his absences due to family obligations. He wishes to remain on the Commission as long as that is acceptable to his fellow Commissioners. It was the common consent of the Commission for Commissioner Videto to remain on the Commission as long as he continues to notify staff of absences per Sec. 108(A) of the Bylaws.

Item 9. **Adjournment.** The meeting was adjourned by Commissioner Torres at 6:32 p.m.

Respectfully submitted by:
Grant Bauman, Recording Secretary



Jackson County Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)
120 W. Michigan Avenue • Jackson, MI 49201
Phone (517) 788-4426 • Fax (517) 788-4635

COORDINATED ZONING REPORT | #16-03

To: County Planning Commissioners
From: Grant E. Bauman, AICP
Date: March 10, 2016

Proposal: **Conditional rezoning of property from Agricultural (AG-1) to Limited Industrial (LI) in Section 35 of Sandstone Township**

Purpose

The conditional rezoning request will only allow “Agricultural Sales, Service, Lawn Equipment and Contractor Use” on the subject property if a conditional use permit is granted (see the Zoning Amendment Form and meeting minutes).

Location and Size of the Property

The 2½ acre subject property is located on the southeast corner of the intersection of Michigan Avenue and Sandstone Road in Section 35 (T2S-R2W) of Sandstone Township (see Figure 1).

Land Use and Zoning

Current Land Use – The subject property is currently used residentially (see the Zoning Worksheet Form). The uses of adjacent properties include a mix of agriculture/open space, single-family and multiple-family residential, commercial, and industrial (see Figure 5 and the consultant’s report).

Future Land Use – The Township’s current future land use map places the subject property in an area proposed for ‘Commercial/Office’ (see Figure 2 and the consultant’s report). The countywide future land use map in the *Jackson Community Comprehensive Plan* places the subject property in an ‘Agricultural Preservation Area’ (see Figure 3).¹

Current Zoning – The subject property is zoned Agricultural (AG-1). A mix of Suburban Residential (RS-1), Multiple Family Residential (RM-1), Local Commercial (C-1), and Limited Industrial (LI) zoning districts surround the subject property (see Figure 4).

Public Facilities and Environmental Constraints

Water and Sewer Availability – Neither the Zoning Worksheet Form nor the consultant’s report indicate if water and sewer services are available to the subject property. Maps 13 and 15 of the *Jackson Community Comprehensive Plan* indicate that although water service extends along Michigan Avenue to the Village of Parma, there is no existing or proposed sewer service. Please see the ‘Essential Facilities and Services’ section of the consultant’s report for additional information.

¹ It is important to note that the Jackson County Comprehensive Plan is a generalized future land use map for the entire County and only significant concentrations of Commercial, Industrial, and Residential are indicated on the future land use map.

Public Road/Street Access – Direct access is provided by Michigan Avenue, a class A (i.e., all-season) road. Sandstone Road, a paved local road, also borders the subject property (see the 2008 Road Map of Jackson County, Michigan). Please see the ‘Traffic Impact and Site Access’ section of the consultant’s report for additional information.

Environmental Constraints – The Rezoning Worksheet Form indicates that the subject property has no environmental constraints. Please see the ‘Natural Resources’ section of the consultant’s report for additional information.

Analysis and Recommendation

Township Planning Commission Recommendation – A motion to recommend approval of the rezoning from AG-1 to LI did not pass. “Much discussion ensued with the applicant, consultant and the Planning Commission members for clarification purposes of the applicant’s intent and willingness to change to conditional zoning and the resultant changes needed” (see the meeting minutes). A motion to recommend **approval of the conditional zoning** of the subject property from AG-1 to LI was passed, limiting the uses of the property to Agricultural Sales, Service, Lawn Equipment and Contractor Use with the understanding that the applicant will change the wording on his application to reflect his self-imposed conditional zoning (see the meeting minutes).

Staff Analysis – The rezoning was analyzed according to 5 criteria included in the ‘Review of Zoning Map Amendment’ section of the consultant’s report. Staff does not dispute the findings of the consultant. The precedent for allowing LI zoning along this stretch of Michigan Avenue has already been set. Accordingly, the Township may want to consider amending its master plan by recommending light industrial uses in the general area.

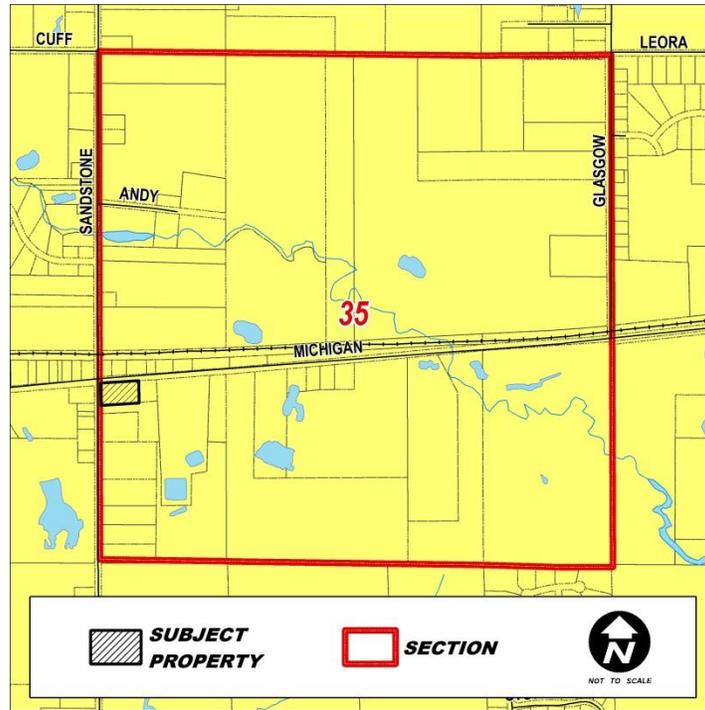
Section 14.6 of the *Sandstone Township Zoning Ordinance* does allow for the conditional rezoning of the subject property. However, the background information attached to the Zoning Amendment Form does not document that all of the provisions of that section were followed.

Staff Recommendation – Based upon this analysis, staff advises the Jackson County Planning Commission to recommend **APPROVAL WITH COMMENTS** of the conditional rezoning to LI. The Sandstone Township Board should verify that the provisions of Section 14.6 of the *Sandstone Township Zoning Ordinance* are followed.

Suggested Actions:

- (1) Recommend **APPROVAL**
- (2) Recommend **DISAPPROVAL**
- (3) Recommend **APPROVAL WITH COMMENTS**
- (4) Take **NO ACTION**

**Figure 1
Location**



**Figure 2
Municipal Future Land Use**

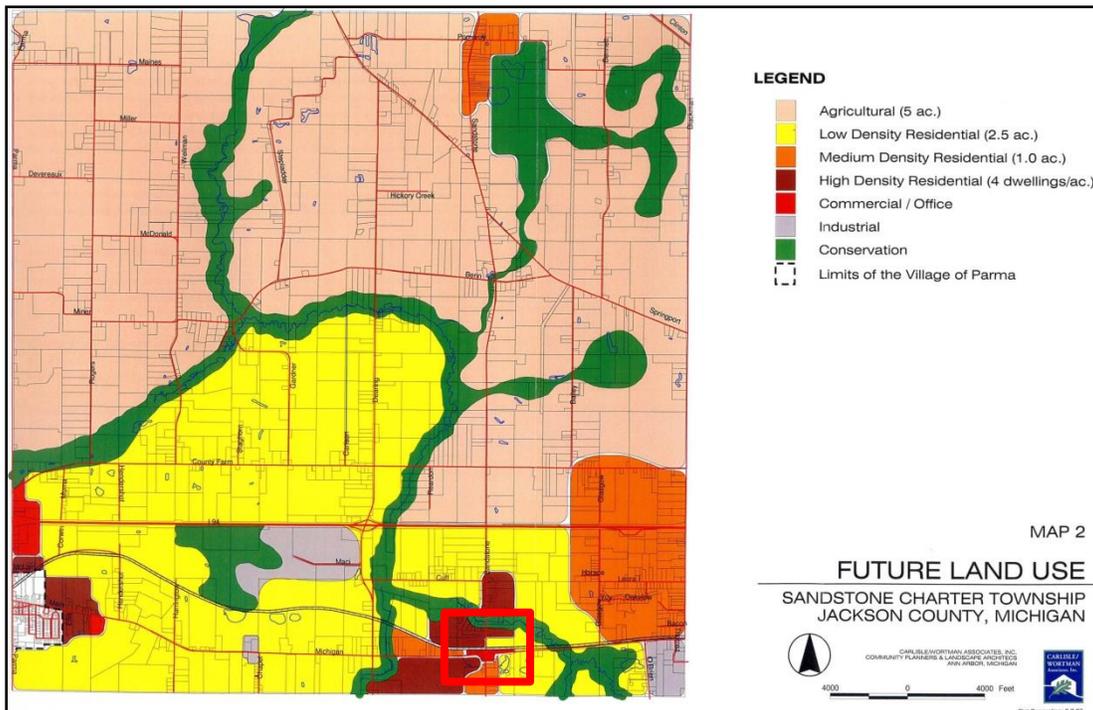


Figure 3
Countywide Future Land Use

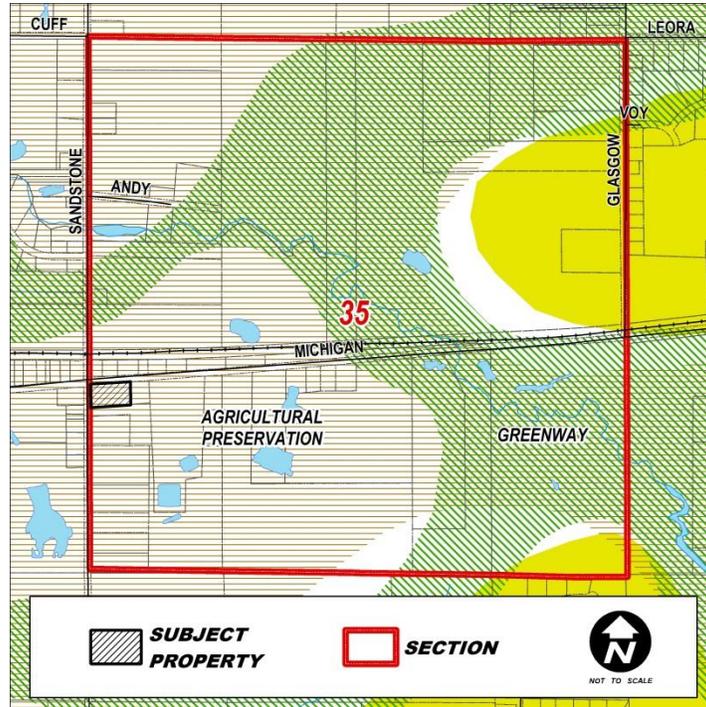
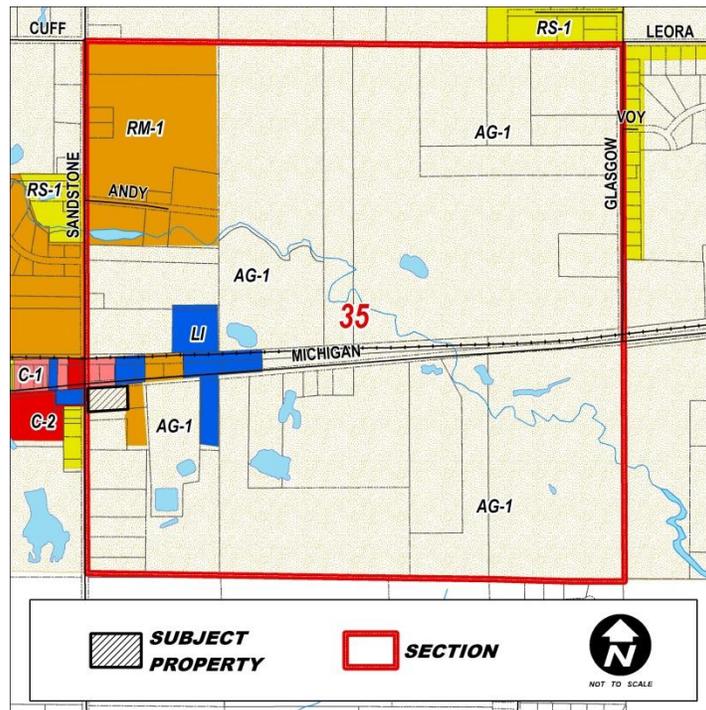
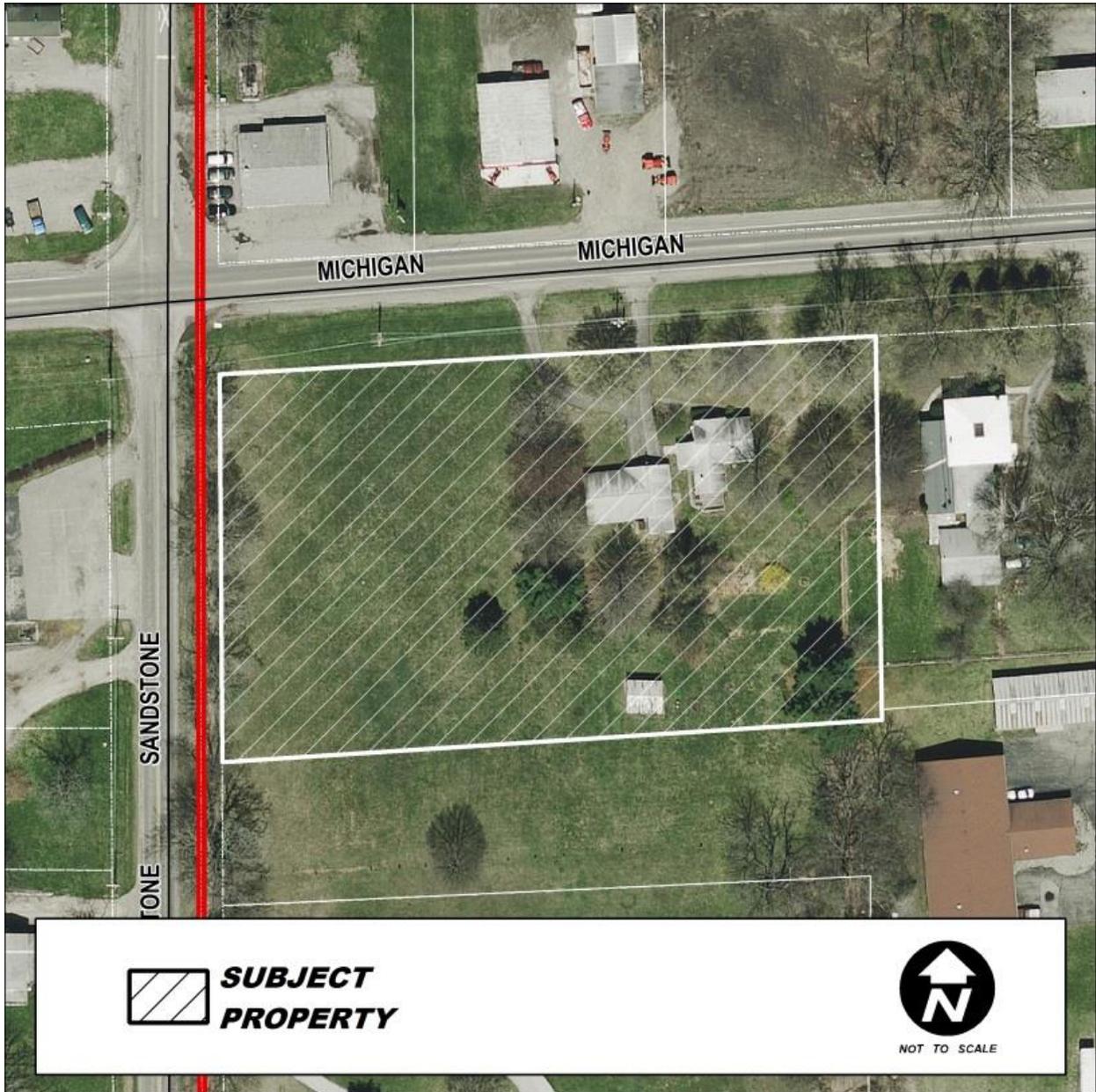


Figure 4
Municipal Zoning



**Figure 5
Aerial Photo**



ZONING AMENDMENT FORM



JACKSON COUNTY PLANNING COMMISSION (COORDINATING ZONING)

Return to: Jackson County Planning Commission • c/o Region 2 Planning Commission • 120 W. Michigan Avenue • Jackson, Michigan 49201

Please submit the Planning Commission meeting minutes and any reports/exhibits the Commission used to make its recommendation with this form. Use a separate form for each proposed zoning change. Please include a legal description/ survey with rezoning requests in addition to the Parcel ID Number.

A copy of this form with the JCPC recommendation will be mailed back to the Clerk, who will return a copy to the JCPC with the Township Board Action.

THE SANDSTONE TOWNSHIP PLANNING COMMISSION submits the following proposed zoning change to the Jackson County Planning Commission for its review, comment, and recommendation:

(ANSWER EITHER A or B)

A. DISTRICT BOUNDARY CHANGE (REZONING):

(Provide the legal and popular property descriptions, the Parcel ID Number(s), the number of acres, and the section(s) in which the property is located. Attach additional sheets if more space is needed. Attach a map showing all changes and additions.)

SEE C/W MEMO DATED 2-15-2016

1. The above described property has a proposed zoning change FROM AG1 () ZONE TO LI () ZONE.
2. PURPOSE OF PROPOSED CHANGE: AGRICULTURAL SALES, SERVICE, LAWN EQUIPMENT

B. ZONING ORDINANCE TEXT AMENDMENT:

The following Article(s) and Section(s) is amended or altered: ARTICLE _____ SECTION _____
The NEW SECTION reads as follows: (Attach additional sheets if more space is needed.) _____

- C. PUBLIC HEARING on the above amendment was held on: month 2 day 16 year 2016
- D. NOTICE OF PUBLIC HEARING was published/mailed on the following date: month 1 day 31 year 2016
(Notice must be provided at least fifteen days prior to the public hearing.)
- E. THE NEWSPAPER (having general circulation in Township) carrying the NOTICE: JACKSON CIT PAT

The PROPOSED ZONING AMENDMENT described herein was duly considered by the Township Planning Commission and will be forwarded to the Township Board with a recommendation to APPROVE or DISAPPROVE.

GREG INOSENCO Chair or Secretary 2/18/2016 (enter date)

JACKSON COUNTY PLANNING COMMISSION (JCPC) ACTION:

1. Date of Meeting: month _____ day _____ year _____
2. The JCPC herewith certifies receipt of the proposed amendment on the above date and:
 - Recommends APPROVAL of the zoning change
 - Recommends DISAPPROVAL of the zoning change for the reasons stated in the attached letter.
 - Recommends APPROVAL of the zoning change with comments, as stated in the attached letter.
 - Takes NO ACTION.

_____, Recording Secretary _____ / _____ / _____ (enter date)

TOWNSHIP BOARD ACTION:

1. Date of Meeting: month _____ day _____ year _____
2. The _____ Township Board herewith certifies that a legally constituted meeting held on the above date and that the proposed amendment PASSED, DID NOT PASS, or was REFERRED ANEW to the Township Planning Commission.

Township Clerk

CZC NO. _____

ZONING WORKSHEET FORM

JACKSON COUNTY RESOLUTIONS AND LEGISLATIVE COMMITTEE
(Coordinating Zoning)

Return with the "Zoning Amendment Form" for zoning district boundary changes only (not text amendments) to:
Region 2 Planning Commission, 120 W. Michigan Avenue, Jackson, Michigan 49201
Phone: (517) 788-4426 FAX: (517) 788-4635

Township of SANDSTONE Township Case # _____

Township Official we may contact GREG INOSENCO Phone # 517 206 7216

Applicant: KEITH BUDD Phone # 517 406 361

Rezoning Request From: AG To: LI

Property Location Section(s): 35 Quarter Section(s) NW NE SW SE

Legal Description and Survey Map/Tax Map (please attach) Yes No Please do not use Parcel ID Number

Parcel Size - If more than one parcel, label "A" - "Z": SEE ZONING ANALYSIS DATED 2-15-16 BY CARLISLE / WORTMAN.

Please attach location map Yes No

What is the existing use of the site? RESIDENTIAL

What is the proposed use of the site? AGRICULTURAL SALES SERVICE, LAWN EQUIPMENT

What are the surrounding uses? (ie: Agriculture, Single-Family Residential, Commercial)

North LI South AGI
East RMI West LI

What are the surrounding Zoning Districts?

North COMMERCIAL South ~~LI~~ MEDIUM DENSITY
East MEDIUM DENSITY West COMMERCIAL

What is the suggested use of the site on the Township's Land Use Plan map? COMMERCIAL/OFFICE

Is municipal water available? Or will it be made available? Yes No

Is municipal sewer available? Or will it be made available? Yes No

Does the site have access to a public street or road? Yes Name 6635 WEST MICHIGAN AVE No

Are there any known environmental constraints on the site? Yes No

Wetlands Floodplains
 Brownfield Other Please Specify: _____

Please attach the minutes of the Planning Commission.

Yes, the minutes are attached. No, the minutes are not attached.

Please attach any public comments, letters, or petitions.

Yes, public comments are attached. No, public comments are not attached.

Please include any additional information or comments as an attachment.

(WHITE copy for Regional Planning Commission) (YELLOW copy for Township Clerk)



CARLISLE

WORTMAN

associates, inc.

605 S. Main Street, Ste. 1
Ann Arbor, MI 48104

(734) 662-2200
(734) 662-1935 Fax

Date: February 15, 2016

**Zoning Analysis
For
Sandstone Charter Township, Michigan**

Applicant: Keith A. Budd

Project Name: Rezoning Application
Parcel # 000-07-35-376-001-01 Section 35

Location: 6635 West Michigan Avenue, Jackson, MI 49201

Zoning: AG-1, Agricultural District

Action Requested: Only rezoning to LI, Limited Industrial

SITE/PROJECT DESCRIPTION

The applicant is requesting a rezoning for the property (Parcel ID # 000-07-35-376-001-01) from AG-1, Agricultural District to LI, Limited Industrial District.

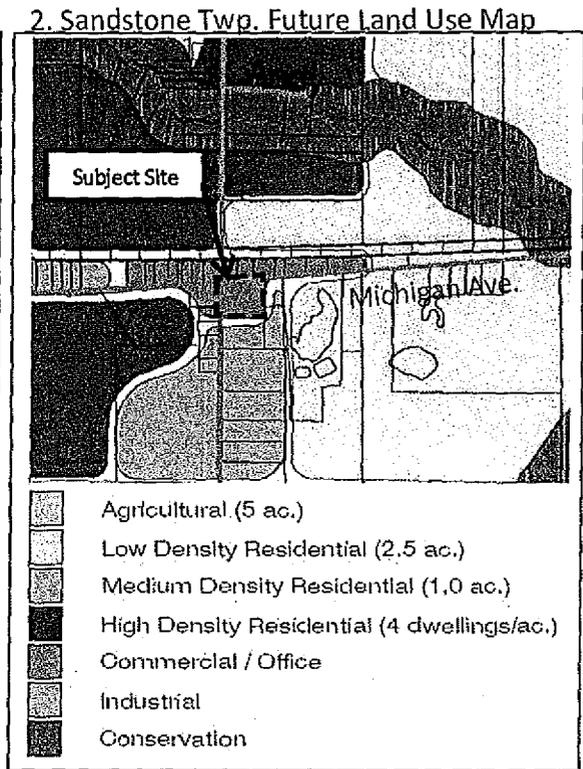
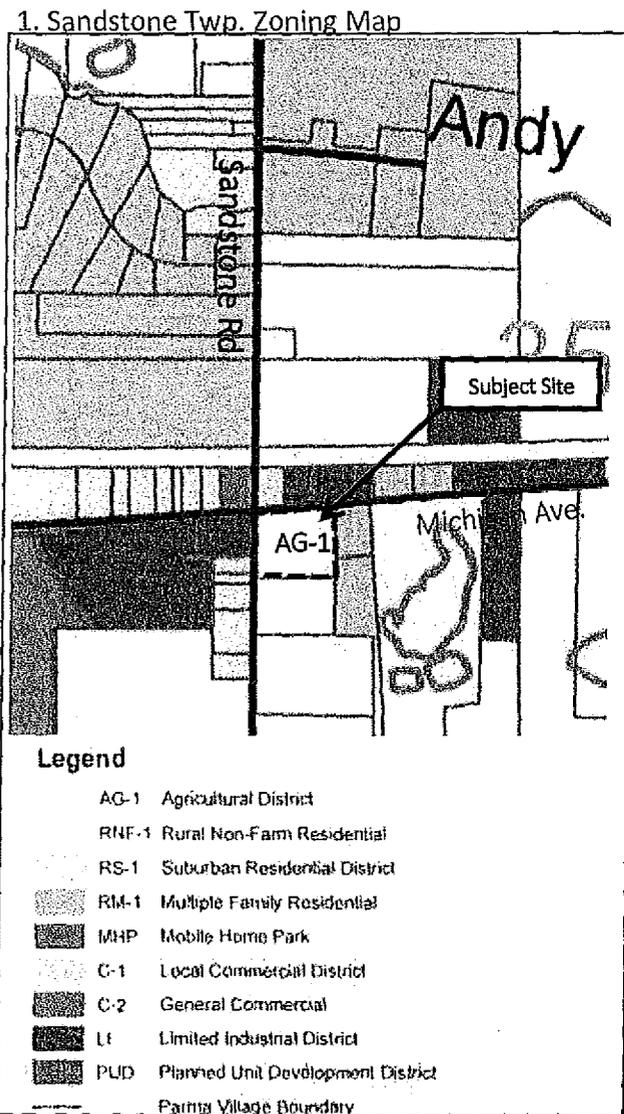
The subject site is 2.5 acres. The applicant also owns another parcel across the street that is currently being used for Agricultural Sales and Contracting with a LI conditional use.

This analysis is only regarding the action for rezoning from AG-1 to LI. Change of use would require a full site plan review as a second step.

Location: East of Sandstone Rd. and South of Michigan Ave.



NEIGHBORING ZONING AND LAND USE



	North	South	East	West
Zoning	C-1, LI	AG-1	RM-1	LI, RS-1
Land Use	Party Store, Industrial	Agriculture/ Open Space	Multiple Family Residential	Industrial, Single Family Residential

The Jackson County Comprehensive Plan identifies the subject site and surrounding area as a Preservation Area. It is important to note that the Jackson County Comprehensive Plan is a generalized future land use map for the entire County and only significant concentrations of Commercial, Industrial, and Residential are indicated on the future land use map.

The future land use map in the Master Future Land Use Plan indicates that the area where this parcel is to be Commercial/Office.

Relative to Township land use patterns, the area surrounding the subject site has a higher intensity of existing uses, including other commercial and industrial uses, as well as multiple family residential.

NATURAL RESOURCES

- Topography -** There is no information on the topography of the site.
- Woodlands -** While there are some trees here along North Sandstone Road, there are no designated woodlands.
- Wetlands -** The applicant has not indicated any wetlands on the site. However, there appears to be a pond to the east of the subject site.
- Soils -** There is no information on the soils.

DEVELOPMENT POTENTIAL

Rezoning the subject site from AG-1, Agricultural to LI, Limited Industrial will significantly change the property’s development potential. AG-1 uses are generally less intensive. There is very little overlap in permitted uses between AG-1 and LI. While the LI uses are generally more intensive, most uses require Conditional Land Use permit approval. In addition, there are changes in lot coverage. The maximum percentage for lot coverage for all buildings in AG-1 is 20% while in LI the percentage is 40%. The lot setbacks decrease from AG-1 to LI.

	Current Zoning AG-1	Proposed Zoning LI
Agriculture	P	
Roadside stands	P	
Single-family detached dwellings	P	
Conservation and/or recreation	P	
Home occupation/Category One	P	
Essential Services and Public Utilities	P	P
Accessory Uses and Structures	P	
Open space residential developments	CUP	
Places of worship	CUP	
Commercial kennels	CUP	
Commercial stables	CUP	
Livestock production facilities	CUP	
Mining and extractive operations	CUP	

Sandstone Charter Township – Budd Property Rezoning
February 15, 2016

Airports (Section 7.11.1)	CUP	CUP
Parks and playgrounds	CUP	
Campgrounds	CUP	
Adult foster care	CUP	
Golf course	CUP	
Cemetery	CUP	
Public or private elementary	CUP	
Township Offices	CUP	
Farm implement and garden equipment sales	CUP	
Home occupations/Category Two	CUP	
Private clubs, organizations, and lodge halls	CUP	
Manufacturing, research, assembly, testing, and repair of scientific instruments and electrical equipment.		P
Manufacturing, processing, packaging or assembling of pharmaceuticals, cosmetics, and toiletries.		P
Manufacturing, processing, or packaging of plastic products such as laminate, pipe, plumbing products, and misc. molded or extruded products.		P
Professional office buildings		CUP
Research and design centers		CUP
Data processing and computer centers		CUP
Warehousing, refrigerated and general storage, but not including self-storage		CUP
Printing, publishing and related activities		CUP
Vehicle repair facility (Section 7.11.3)		CUP
Farm machinery sales, service and repair		CUP
Self-storage facility (Section 7.11.19)		CUP
Building material sales		CUP
Tool and die, job, machine, and skilled trade shops		CUP
Metal fabrication		CUP
Recycling centers		CUP
Skilled trade and general construction contractor's offices, warehouses, and yards		CUP
Semi-truck and trailer sales, service, service and repair		CUP
Vehicle sales and service facility		CUP
Salvage yard (Section 7.11.25)**		CUP**

- P Permitted Uses
- CUP Conditional Land Uses
- ** Pending Township Approval

Note: Any commercial use would require a final site plan review process in accordance with Section 6.5 of the Zoning Ordinance. Any conditional use would require a CUP process set forth (such as Farm machinery sales, service and repair) in Section 7.5 and a preliminary site plan meeting the requirements of Section 6.4.

TRAFFIC IMPACT AND SITE ACCESS

The operation is currently accessed from Michigan Avenue. The Sandstone Road and Michigan Avenue intersection is regulated by a stop sign. For general light industrial zoning, about 10.26 trips per acre ($10.26 \times 2.5 = 25.65$ trips) would occur during park hours of generation and would be estimated 3.75-26 trips per day. The average total for AG-1 is about 6.83 trips per day for a 2.5 acre lot. The rezoning is unlikely to result in significant impacts to the traffic. Access management can be further evaluated in a site plan review process.

Items to be addressed: *None.*

ESSENTIAL FACILITIES AND SERVICES

There is a structure currently on the subject site. The rezoning may need additional facilities and services, however it is not anticipated. Additional services and structures can be further evaluated in a site plan review process.

Items to be addressed: *None.*

REVIEW OF ZONING MAP AMENDMENT

According to Section 14.5.B., the factors to be considered by the Planning Commission may include, but shall not be limited to, the following:

(1) Whether or not the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance.

The applicant wishes to expand his agricultural sales and contracting business. The Zoning Ordinance would allow for this use under LI zoning.

(2) The precedents and the possible effects of such precedents, which might result from approval or denial of the petition.

The rezoning is contrary to the Future Land Use maps for both the Township (Commercial/Office) and County (Conservation). This may set an undesirable precedent. However, this area is planned for commercial uses and the intended use of the site is consistent with the development pattern and character of the area.

(3) The capability of the Township or other government agencies to provide any services, facilities, and/or programs that might be required if the petition were approved.

Development permitted by the rezoning may require additional utilities to the site, however it is not anticipated. This can be reviewed further in a site plan review process. In addition, there would be an increase on traffic. For general light industrial zoning, about 10.26 trips per acre would occur during park hours of generation and would be an estimated 3.75-26 trips per day. The average total for AG-1 is about 6.83 trips per day for a 2.5 acre lot. This is unlikely to be a significant increase considering the normal amount of traffic on Michigan Avenue. This can be reviewed in a full site plan review with a change of use.

(4) Effect of approval of the petition on the condition and/or value of property in the Township or in adjacent civil divisions.

The rezoning may or may not have a negative impact on property values. Directly to the east are multiple family residential and AG-1 to the south. However, there are multiple Commercial and Light Industrial properties to the north and east.

(5) Effect of approval of the petition on adopted development policies of Sandstone Charter Township and other government units.

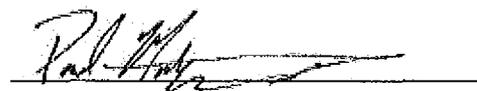
The rezoning will not have a negative impact on the Township or other governmental units.

RECOMMENDATIONS

It should be reiterated that this is only a rezoning and that a change of use would require a full site plan review. We recommend that the Planning Commission discusses these findings, concurs on the conclusions and make a recommendation to the Township Board to approve, approve with modifications, or deny the request the rezoning from AG-1 to LI.



CARLISLE/WORTMAN ASSOC., INC.
Douglas J. Lewan, AICP
Executive Vice President



CARLISLE/WORTMAN ASSOC., INC.
Paul Montagno, AICP
Planner

210-1601

cc: Keith Acker, Supervisor
Pixie Sterrett, Clerk
Ken Powers, Zoning Administrator

Bids

NOTICE OF RFP - Website Design: LifeWays Community Mental Health is initiating a Request for Proposals (RFP) from qualified vendors to design its public-facing website. Proposals Due 3/11/16. Details may be obtained at www.lifewayscmh.org.

Lost

Jackson Citizen Patriot
Sunday, January 31, 2016

Public Notices

NOTICE OF PUBLIC HEARINGS CHARTER TOWNSHIP OF SANDSTONE

ZONING ORDINANCE TEXT AND MAP AMENDMENTS

PLANNING COMMISSION AND TOWNSHIP BOARD OF TRUSTEES

NOTICE IS HEREBY GIVEN that a public meeting of the Sandstone Township Planning Commission will be held at the Sandstone Township Hall, on February 16, 2016, at 6:00 p.m. at the Sandstone Township Office, 7940 County Farm Road, Parma, Michigan, 49269. During this meeting the Planning Commission will hold public hearings to obtain public input and consider the following request.

A Zoning Map Amendment Request for applicant Keith Budd, 6635 W. Michigan Ave., Jackson, MI 49201, to rezone the subject property from AG-1 Agricultural District to LI Limited Industrial District. The subject site is located at the southeast corner of Sandstone Rd. and Michigan Ave, Parcel ID #000-07-35-376-001-00.

Full text of the proposed zoning amendments and application submittals of the aforementioned request may be examined at the Sandstone Township Offices, by interested persons, during office hours, weekdays, between 9:00 a.m. and 4:00 p.m.

Any person having interest in said Hearing or their duly appointed representatives shall there and then be heard at the above described meetings or adjournment thereof relative to any matters that should come before the Planning Commission.

Sandstone Township will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon ten (10) days notice to Sandstone Township. Individuals with disabilities requiring auxiliary aids or services should contact Sandstone Township by writing or calling the Sandstone Township Clerk at 517-784-4712.

Written comments regarding the zoning amendments should be directed to the Sandstone Township Clerk at the Township Hall, located at 7940 County Farm Road, P.O. Box 288, Parma, Michigan, 49269.

Priscilla J. Sterrett, Clerk Sandstone Township

Control and data Acquisition Hardware and Room Upgrade Project was approved. A recommendation was given by the Manager and approved. Detailed minutes are on file in the office of the City Clerk for public inspection.

Andrew J. Wrozek, Jr. City Treasurer/City Clerk

STATE OF MICHIGAN COUNTY OF JACKSON NOTICE TO CREDITORS TRUST

Estate of Phyllis B. Harris, Deceased

Date of birth: July 1, 1914

TO ALL CREDITORS: NOTICE TO CREDITORS: The Settlor, Phyllis B. Harris, who lived at 2100 Springport Road, Apt. 118, Jackson, Michigan 49202

dated January 2, 2016. There is a notice to creditors attached to this advertisement.

Notice that all claims against the Phyllis B. Harris Trust dated January 26, 2007, will be forever barred unless presented to Diane M. Beck, Successor Trustee within 4 months after the date of publication of this notice.

Date: January 28, 2016
Raymond Lozier & Arora, PLC
Rahul Arora P55662
345 S. Jackson Street
Jackson, MI 49201
(517) 787-5600
Diane M. Beck
97 Jackstay Court
Kiawah Island, SC 29455

NOTICE TO CREDITORS Decedent's Trust Estate Trust Estate of Beverly A. Cauthon

TO ALL CREDITORS:

NOTICE TO CREDITORS: The decedent, Beverly A. Cauthon, who lived at 2140 Robinson Rd., Apt. 23, Jackson, MI 49203 died on 1/22/2016.

Creditors of the decedent are notified that all claims against the trust estate will be forever barred unless presented to Jennifer L. Dreffs, the successor trustee named in the Beverly A. Cauthon Revocable Living Trust established by decedent on the 15th day of June, 2006. All such claims must be presented to the said successor trustee within (4) months after the date of publication of this notice.

Dated: January 29, 2016

Jennifer L. Dreffs
5359 Horton Rd.
Jackson, MI 49201

STATE OF MICHIGAN Judicial Circuit-Family Division Jackson County

PUBLICATION OF HEARING File No. 11-615- GM

IN THE MATTER OF: Carter Higgins

TO ALL INTERESTED PERSONS including: parents, Jenna Lopez, Brandon Higgins, whose address(es) are unknown and whose interest in the matter may be barred or affected by the following:

TAKE NOTICE: A hearing will be held on February 22, 2016 at 10:00 a.m. at 312 S. Jackson St., Jackson, MI, 49201, 4th Floor, before Honorable Judge Diane M. Rappleye P48973 for the following purpose: Petition for Guardianship.

Dated: 1/7/2016

Amy & Arron Higgins
8489 Seymour Rd.
Grass Lake, MI 49240

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HILLSDALE COUNTY FAIR SEEKS FAIR MANAGER - For job responsibilities & application process, go to: www.hillsdalecountyfair.org. Application Deadline: Feb. 10, 2016

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Local sports 3/10/16 JCPC Agenda Packet

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Sandstone Charter Township Planning Commission Meeting Minutes February 16, 2016

ATTENDANCE: Chris Crisenbery, Peggy Eiler, Greg Inosencio, Cheryl Marks

GUESTS: Keith Acker, Ken Powers, Paul Montagno, Randy Parsons, Coleman DeConick, Keith Budd, Mary Jo Budd, Officer Tim Roberts

Chairman Inosencio called the PUBLIC HEARING meeting to order at 6:00 p.m. in the township hall. Cheryl Marks moved to approve the minutes of the February 2, 2016 meeting as presented. Chris Crisenbery Supported the motion. Motion Passed.

PUBLIC COMMENT: None

Consultant Paul Montagno gave a summary of his memo dated February 15, 2016 regarding analysis of the Budd property at 6635 W. Michigan Ave Jackson MI being rezoned from AG-1 Agricultural District to LI, Limited Industrial. A copy of this report is on file in the township office. His analysis had nothing to do with the future need of a potential site plan that the applicant will still need to do later, pending today's decisions. The township Master Plan calls for Commercial Use in this area. The applicant wants a Light Industrial zoning. A Light Industrial zoning would potentially allow manufacturing as a permitted use in that area. That potential possibility did not rest comfortably with the board.

Public Hearing Closed at 6:12 p.m. Our regular meeting convened at 6:12 p.m. We held much discussion regarding the rezoning topic. Peggy Eiler was comfortable with the change. Chris Crisenbery inquired as to why Mr. Budd applied for LI instead of commercial. Mr. Budd replied he was trying to be consistent with his property across the street where his current building and business stand. He wants to still be able to do his heating and contracting business in the new building. Cheryl Marks, Chris Crisenbery and Greg Inosencio all expressed a concern with the potential that if the property changed hands in the future the rezoning would allow too wide of a possibility of manufacturing being done there in that large building. An entirely separate step would be a site plan for any change of use.

Peggy Eiler moved to recommend approval of the rezoning of parcel ID 000-07-35-376-001-01 from AG-1 to LI. Chris Crisenbery supported the motion. Motion denied 3 to 1. Motion did not pass. Much discussion ensued with the applicant, consultant and the Planning Commission members for clarification purposes of the applicant's intent and willingness to change to conditional zoning and the resultant changes needed.

Cheryl Marks moved to recommend approval of conditional zoning of the property at 6635 W. Mich Ave. (Parcel ID 000-07-35-376-001-01) from AG-1 to LI with only Agricultural Sales, Service, Lawn Equipment and Contractor Use, with the understanding that the applicant will change the wording on his application Wednesday, February 17th, to reflect his self-imposed conditional zoning. Greg Inosencio supported the motion. Motion passed.

The consultant clarified that Mr. Budd still needs to do a final site plan after this process is completed with the county and township board. He can bring it to our next meeting, which is March 29, 2016.

OLD BUSINESS: NONE

NEW BUSINESS: NONE

Greg Inosencio moved to adjourn the meeting at 7:07 p.m. Peggy Eiler supported the motion. Motion passed.

Respectfully submitted,

Cheryl Marks-Secretary

Planning Commission Agenda

Sandstone Charter Township

February 16, 2016 - 6:00 p.m.

1. Call to Order
2. Roll Call: Peggy Eiler, Blaine Goodrich, Greg Inosensio, Cheryl Marks, Chris Crisenbery
3. Approval of Minutes – February 2, 2016
4. Public Comments, Concerns, & Input from Citizens
5. Scheduled Public Hearings
 - a. Keith Budd Rezoning (Map Amendment) – Request to rezone property from AG-1, Agricultural District to LI, Limited Industrial with conditions.
Parcel # 000-07-35-376-001-01
6. Old Business – *None*
7. New Business –
 - a. Keith Budd Rezoning (Map Amendment) – Request to rezone property from AG-1, Agricultural District to LI, Limited Industrial with conditions.
Parcel # 000-07-35-376-001-01
8. Adjournment

* * * * *

Rezoning of property Located in Sandstone Township Sec 35 Residential

I Keith A. Budd, Owner of property 6635 W. Michigan Ave. Property# 000-07-35-376-001-01 SEC#35.

Now request to have this location switched from Residential to LI with conditions to allow Ag Sales and Services including Ag and Lawn Equipment. The building is across from my current conditional zoned business.

This property at one time was used in a commercial application when Rex Kerwin was alive. He had used it as a Lawn Mower service and sales in the exact location of the new structure that I have built.

This property was purchased based on a meeting with the Planning Board in 2013. At that meeting I requested that if I purchased the property in the future, I could have it rezoned. At that time it was noted that I could probably depend on the rezoning being granted, based on the three corners adjacent being Commercial.

I have attached a Drawing of the property and constructed buildings along with use.

I have an LI conditional (AG Sales and Contractor) use at my current location. I have met or exceeded my obligations and will continue to do so with my new facility once granted. I employ people in our township that spend money in our county and community. I professionally operate a business in the township and service / repair, equipment of residents around me. My business facility is clean and well kept, without clutter.

Thanks again to the board for the time spent on this review. If anyone on the board would like to visit us prior to the meeting feel free to stop in. We would love to show our intent.

Property Description: 6635 West Michigan Ave.

COM AT THE S ¼ POST OF SEC 35 TH N89*24'04"W
731.92 FT TH N 00*11'35" E 1277.26 FT TH N
89*24'04" W 193.9 FT TH N 00*11'37" E 313.7 TH
N86*23'31" 8.10 FT TH N 01*06'46" W 92.90 FT FOR
POB TH S 86*20'52 413.05FT TO TH CL OF
SANDSTONE ROAD TH N00&11'20' E AL CL OF SANDSTONE
RD 266.20 FT TH TH CL OF MICHIGAN AVE TH N
86*20'52' E ALG CL OF MICHIGAN AVE 407.00 FT TH S
01*06'46" E 265.86 FT TO BEG. SEC35 T2S R2W 2.50
AC M/L SPLIT ON 12/30/2013 FROM
000-07-35-376-001-00

Keith A. Budd Bus# 517-750-4550 Cell# 517-740-6361



Jackson County Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)
120 W. Michigan Avenue • Jackson, MI 49201
Phone (517) 788-4426 • Fax (517) 788-4635

COORDINATED ZONING REPORT | #16-04

To: County Planning Commissioners
From: Grant E. Bauman, AICP
Date: March 10, 2016

Proposal: Text amendments to the *Henrietta Township Zoning Ordinance* regarding Medical Marihuana Home Occupations

The Proposed Amendments

The Township wishes to regulate medical marijuana home occupations by providing standards in a manner that promotes and protects the public health, safety, and welfare; mitigates the potential impacts on surrounding properties and persons; and conforms to the policies and requirements of the Michigan Medical Marihuana Act (MMMA) and its associated administrative rules. This requires the addition of Section 120 (Medical Marihuana Home Occupations), Article I (General Provisions), of the *Henrietta Township Zoning Ordinance*. Section 120-2 defines various terms associated with the MMMA, including two additional uses within the Township:

- Medical Marihuana Home Occupation
- Medical Marihuana Home Use

Medical Marihuana Home Use is limited to a Qualifying Patient living in the Home, or a Primary Caregiver living with the Qualifying Patient, growing medical marihuana for consumption in their own home. Because of those limitations, a Medical Marihuana Home Use is considered to be a use by right wherever dwellings are permitted. No permits or other special permissions are required. However, cultivation by a Qualified Patient is only permitted in detached single-family homes located in the Agricultural (AG)-1, One-Family Residential (R-1), Multiple-Family Residential (R-2), or Mobile Homes (MHD-1) Districts according to the definition for a Qualifying Patient. *The discrepancy between “wherever dwellings are permitted” and “detached single-family homes” needs to be addressed and the Mobile Home Park (MHP-1) District should likely be included in the listing of permitted zoning districts.*

Medical Marihuana Home Occupation allows for a Primary Caregiver to grow medical marihuana for up to five Qualifying Patients plus the Caregiver if they are also a Qualifying Patient. Consumption of marihuana is not allowed on the premises. However, Standard #4 of the Standards of Conduct listed under Operational Requirements (Section 120-7F4) does allow for the Primary Caregiver to consume marihuana on the premises. *The discrepancy between the absolute prohibition of marihuana in a Home Occupation and the exemption for a Primary Caregiver in Section 120-7F4 needs to be addressed.*

Cultivation of marihuana by a Primary Caregiver is limited to single-family detached dwellings in the Agricultural (AG-1) District according to the Primary Caregiver definition. However, that limitation is not included in the listing of Location Requirements included in Section 120-4. *The discrepancy between the Primary Caregiver definition and the listing of requirements in Section 120-4 needs to be addressed.*

www.co.jackson.mi.us/county_planning_commission

Section 120-6 lists the conditions needed to disallow a Medical Marijuana Home Occupation and Section 120-7 provides common sense Operational Requirements for a Home Occupation. Both sections contain age requirements. However, no question regarding the age of the Qualified Caregiver (or anyone else living in the Home) is included on the listing of required information for a Home Occupation license application which comprises Section 120-5. *The absence of any age question in Section 120-5 needs to be addressed.*

License application information requirements are listed in Sections 120-5 and 120-8, separated by two other sections, which may confuse the application process. The Township may want to combine the two sections into a single section. Another solution would be to reorganize the Ordinance to place the latter section right after the former section. *Combination or reorganization of Sections 120-5 and 120-8 should be considered.*

The criteria for the revocation of a Medical Marijuana Home Occupation license are listed in Section 120-10. The word 'or' separates every lettered subsection except Subsections A and B. *Inclusion of an 'or' between Subsection A and B of Section 120-10 should be considered; the alternative would be to remove the 'or' between all of the other subsections.*

Penalties regarding the violation of Medical Marijuana Home Occupation regulations are included in Sections 120-12 and 120-13. Some of the penalties are the same in both sections. Section 120-13 provides a choice between a 'misdemeanor' and the same penalties listed in Section 120-12, making it confusing. *Combination of Sections 120-12 and 120-13 should be considered.*

Section 120-3 provides a prohibition against a Medical Marijuana Home Occupation without a valid license and Section 120-4 provides common sense location requirements for the Home Occupation. Section 120-9 establishes the term of a Medical Marijuana Home Occupation license as one year and Section 120-11 prevents the transfer of a license. Section 120-14 allows for the severability of the various sections that comprise the regulations if any of them are determined to be invalid by a court of law. Section 120-14 establishes the effective date of the ordinance.

Analysis and Recommendation

Township Planning Commission Recommendation – The Henrietta Township Planning Commission recommends **approval** of the proposed amendments (see the attached Zoning Amendment Form and other background information).

Staff Recommendation – Based upon the above analysis, staff advises the Jackson County Planning Commission to recommend **APPROVAL WITH COMMENTS** of the proposed amendments, noting the suggested changes listed in this report.

Suggested Actions:

- (1) Recommend **APPROVAL**
- (2) Recommend **DISAPPROVAL**
- (3) Recommend **APPROVAL WITH COMMENTS**
- (4) Take **NO ACTION**

ZONING AMENDMENT FORM



JACKSON COUNTY PLANNING COMMISSION
(COORDINATING ZONING)

Return to: Jackson County Planning Commission · c/o Region 2 Planning Commission · 120 W. Michigan Avenue · Jackson, Michigan 49201

Please submit the Planning Commission meeting minutes and any reports/ exhibits the Commission used to make its recommendation with this form. Use a separate form for each proposed zoning change. Please include a legal description/ survey with rezoning requests in addition to the Parcel ID Number.

A copy of this form with the JPC recommendation will be mailed back to the Clerk, who will return a copy to the JPC with the Township Board Action.

THE Henrietta TOWNSHIP PLANNING COMMISSION submits the following proposed zoning change to the Jackson County Planning Commission for its review, comment, and recommendation:

(ANSWER EITHER A or B)

A. DISTRICT BOUNDARY CHANGE (REZONING):

(Provide the legal and popular property descriptions, the Parcel ID Number(s), the number of acres, and the section(s) in which the property is located. Attach additional sheets if more space is needed. Attach a map showing all changes and additions.)

1. The above described property has a proposed zoning change FROM _____ (_____) ZONE TO _____ (_____) ZONE

2. PURPOSE OF PROPOSED CHANGE _____

B. ZONING ORDINANCE TEXT AMENDMENT:

The following Article(s) and Section(s) is amended or altered: ARTICLE I General Provisions SECTION 120
The NEW SECTION reads as follows: (Attach additional sheets if more space is needed.) - see attachment
Medical Marijuana Home Occupation

C. PUBLIC HEARING on the above amendment was held on: month Feb day 23 year 2016

D. NOTICE OF PUBLIC HEARING was published/mailed on the following date: month Jan day 24 year 2016
(Notice must be provided at least fifteen days prior to the public hearing.)

E. THE NEWSPAPER (having general circulation in Township) carrying the NOTICE The Salesman
The PROPOSED ZONING AMENDMENT described herein was duly considered by the Township Planning Commission and will be forwarded to the Township Board with a recommendation to APPROVE or DISAPPROVE
Nancy Hawley Chair or Secretary 21 23 2016 (enter date)

JACKSON COUNTY PLANNING COMMISSION (JCPC) ACTION:

1. Date of Meeting: month _____ day _____ year _____

2. The JCPC herewith certifies receipt of the proposed amendment on the above date and:

- Recommends APPROVAL of the zoning change
- Recommends DISAPPROVAL of the zoning change for the reasons stated in the attached letter.
- Recommends APPROVAL of the zoning change with comments, as stated in the attached letter.
- Takes NO ACTION.

_____, Recording Secretary ____/____/____ (enter date)

TOWNSHIP BOARD ACTION:

1. Date of Meeting: month _____ day _____ year _____

2. The _____ Township Board herewith certifies that a legally constituted meeting held on the above date and that the proposed amendment PASSED, DID NOT PASS, or was REFERRED ANEW to the Township Planning Commission.

Township Clerk

**HENRIETTA TOWNSHIP
JACKSON COUNTY, MICHIGAN**

AMENDMENT TO THE ZONING ORDINANCE GENERAL PROVISIONS

ORDINANCE NO. 120. MEDICAL MARIHUANA HOME OCCUPATIONS ORDINANCE

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF HENRIETTA TOWNSHIP, TO ADD A NEW SECTION 120 ENTITLED MEDICAL MARIHUANA HOME OCCUPATIONS; TO PROVIDE FOR THE LICENSING AND REGULATION AND RELATED USES AND ACTIVITIES OF MEDICAL MARIHUANA; TO ADDRESS THE NEGATIVE SECONDARY EFFECTS ASSOCIATED WITH MEDICAL MARIHUANA BY PROVIDING FOR ADDITIONAL MISCELLANEOUS REGULATIONS; AND TO ALLOW INSPECTIONS.

THE TOWNSHIP OF HENRIETTA ORDAINS:

SECTION 120-1 PURPOSE AND INTENT

It is the purpose and intent of this Section to minimize the negative secondary effects associated with Medical Marihuana Home Occupations, and thereby promote the health, safety, and general welfare of the owners and qualifying patients of Medical Marihuana Home Occupations and the citizens and residents of the Township, through licensing and regulating Medical Marihuana Home Occupations.

It is not the intent of this Section to prohibit any use or activity guaranteed protection by the Michigan Medical Marihuana Act, but to enact regulations which address the possible adverse secondary effects of facilities used for the cultivation, sale or dispensation of medical marihuana; to ensure that such facilities are not covertly used for unlawful purposes not authorized by the Michigan Medical Marihuana Act; and to ensure that these types of facilities do not create or cause adverse effects that might contribute to the blighting or downgrading of the surrounding area.

A primary goal of regulating these uses is to prevent a concentration of the uses in any one area of the Township; to minimize or even prevent the possible adverse secondary effects of such uses; to ensure the integrity of the Township's residential areas; and to protect the integrity of places of religious worship, schools, licensed day-care facilities, parks and playgrounds, and other areas where persons congregate. Nothing in this Section shall be construed as permitting a violation of any State or Federal law.

SECTION 120-2 DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Section, unless otherwise specifically stated.

A. Michigan Medical Marihuana Act (MMMA): Michigan Medical Marihuana Act (MCL 333.26421 et seq.) as may be amended, legislation to allow under state law the medical use of marihuana. The MMMA is supplemented by administrative rules promulgated by the Michigan Department of Community Health (MDCH), (R 333.101 et seq).
The MMMA defines the following specific categories of people:

1.

1. Primary Caregiver – A primary caregiver is an individual, as defined by MMMA MCL 333.26423, and is authorized by and registered through the MDCH to grow and distribute medical marihuana to qualified patients. The primary caregiver must have a valid registry card.

Cultivation of Marihuana by a Primary Caregiver as defined in MCL 333.26423 shall be permitted in Agricultural (AG) Zoning District in a single family detached dwellings which are owned or rented and occupied by the Primary Caregiver for their residential use or his/her Qualifying Patients, for their residential use, to whom they are connected through registration with the Michigan Department of Licensing and Regulatory Affairs.

2. Qualifying Patient – A qualifying patient is an individual, as defined by MMMA MCL 333.26423 , that has been diagnosed by a licensed physician, as defined by the MMMA, as having a medical condition alleviated by the use of medical marihuana, and who is registered through the MDCH to grow and/or consume medical marihuana. The qualifying patient must have a valid registry card. Cultivation of Marihuana by a Qualifying Patient as defined in MCL 333.26423 shall be permitted only in AG, R-1, R-2, or MHD Zoning Districts in single family detached dwellings which are owned or rented and occupied by the Qualifying Patient for their residential use.

B. Medical Marihuana Home Occupation: A medical marihuana home occupation is an accessory use to a dwelling unit used by not more than one (1) registered primary caregiver for the purposes of the growing and dispensing of medical marihuana outside the privacy of a personal dwelling for up to five (5) qualifying patients (as well as the caregiver if he or she is also a qualifying patient), but where there is no consumption of marihuana on the premises.

C. Medical Marihuana Home Use: A medical marihuana home use is a dwelling where a qualifying patient grows or uses medical marihuana for personal consumption in the privacy of their own dwelling, and/or where a registered primary caregiver, serving not more than one (1) qualifying patient who resides with the primary caregiver, grows or distributes medical marihuana for the qualifying patient in the privacy of the primary caregiver's own dwelling, and is allowed as a use by right wherever dwellings are permitted.

D. Other Definitions: Words and phrases used in this Section shall have the same meanings as set forth in the Michigan Medical Marihuana Act, and the regulations adopted under the Michigan Medical Marihuana Act by the State of Michigan Department of Community Health, or any similar or successor agency.

SECTION 120-3 PROHIBITION

It shall be a violation of this Section for any person to operate or cause to be operated a Medical Marihuana Home Occupation in the Township without a valid license issued pursuant to the provisions of this Section.

SECTION 120-4 LOCATION REQUIREMENTS

A. A Medical Marihuana Home Occupation shall not be located or operated within one (100) hundred feet of any public roadway.

B. A Medical Marihuana Home Occupation shall not be located or operated within three (300) hundred feet of any property line.

C. A Medical Marihuana Home Occupation shall not be located or operated within one (1,000) thousand feet of any of the following existing land uses:

1. Another Medical Marihuana Home Occupation (this requirement may be waived upon a determination by the Township Board that a second Medical Marihuana Home Occupation would not contribute to blighting or an excessive concentration of such uses);
2. A church, synagogue, mosque or other place of religious worship, or a public park or community center, playground, library, or municipal facility, or a licensed day-care facility (see PA 110 of 2006), or a public or private school (recognizing drug-free school zones), including all other schools that have different name references but serve students of the same age;

The measurement of the above-stated isolation-distance requirement shall be made by extending a straight line from the property line of the Medical Marihuana Home Occupation to the nearest property line occupied by any of the land uses stated in this Section.

SECTION 120-5 APPLICANT'S INFORMATION

An applicant seeking to establish a Medical Marihuana Home Occupation shall also submit the following.

- A. The applicant shall submit a floor plan to scale of the premises showing the following:
 1. The location of the entry, showing areas of the premise to which any patron is permitted access for any purpose, excluding restrooms;
 2. Location of all equipment and fixtures used for the home occupation;
 3. Identification of any portion of the premises in which patrons will not be permitted;
 4. Identification of the use of each room or other area of the premises; and
 5. Identification of any areas that will be used for the cultivation of marihuana, and the total square footage that will be used for this purpose.
- B. The applicant shall submit a current certificate and straight-line drawing, prepared within 30 days prior to the application, legibility depicting the property lines and the structures of the proposed home occupation, showing a circle extending three (300) hundred feet depicting neighboring property within, and one thousand (1,000) feet from the property line of the property on which the Medical Marihuana Home Occupation will be located, and depicting the property line of any church, synagogue, mosque, other place of religious worship, park, playground, school, licensed day care facility, library, or municipal facility.
- C. The applicant shall submit proof that the proposed operator of the Medical Marihuana Home Occupation has been issued a state registry identification card, to serve as a registered primary caregiver. Not more than one (1) registered primary caregiver from a dwelling unit shall be permitted to service qualifying patients.
- D. The applicant shall submit proof ownership or legal possession of the dwelling and, if the applicant does not own the dwelling, the notarized signature(s) of all owner(s) on the application indicating that the owner(s) support issuance of a license for the property.
- E. Medical Marihuana Home Occupation activities may not occur in or at an apartment building, multi-family residential building or similar housing or development but, rather may occur only within a detached lawful single-family residential dwelling unit.

SECTION 120-6 DISALLOWANCE OF A MEDICAL MARIHUANA HOME OCCUPATION

The Township shall not allow a Medical Marihuana Home Occupation to operate if any of the following are true.

- A. An applicant is under 21 years of age.
- B. An applicant is overdue in payment to the Township of fees, fines or penalties assessed against the applicant or imposed upon the applicant in relation to a Medical Marihuana Home Occupation.
- C. The premises to be used for the Medical Marihuana Home Occupation have not been approved by the building inspector as being in compliance with applicable building codes, laws and ordinances.
- D. The applicant has operated a Medical Marihuana Home Occupation or business which was determined to be a public nuisance under laws of any state, county, city, village or township within one year prior to the date of application.
- E. The application fee has not been paid.
- F. The application for the proposed Medical Marihuana Home Occupation is in violation of or is not in compliance with any of the provisions of this Section.
- G. The applicant has ever been convicted of a felony involving illegal drugs.

SECTION 120-7 OPERATIONAL REQUIREMENTS

A Medical Marihuana Home Occupation must comply with the following operational requirements.

- A. Age Requirement Regulations. No persons under the age of 18 shall be permitted in the area of a dwelling used for a Medical Marihuana Home Occupation at any time, unless the person is a registered qualifying patient and is accompanied by a parent or legal guardian.
- B. Hours of Operation. Hours of operation of a Medical Marihuana Home Occupation shall be limited to 8:00 AM to 8:00 PM.
- C. Inspection. During regular hours of operation the owner of the dwelling or operator of the Medical Marihuana Home Occupation shall permit all representatives of the Township, County and the State of Michigan to inspect the premises of the Medical Marihuana Home Occupation for the purpose of determining compliance with this Section and other applicable laws.
- D. Exterior Structural Requirements. All Medical Marihuana Home Occupations shall comply with the following exterior structural requirements.
 - 1. All Home Occupations must be clearly incidental and subordinate to its use for residential purposes.
 - 2. The merchandise or activities of the Medical Marihuana Home Occupation shall not be visible from any point outside the dwelling.
 - 3. The exterior portion of a Medical Marihuana Home Occupation shall not utilize flashing lights, or any words, signage, lettering, photographs, silhouettes, drawings, flags, or pictorial representations of any kind.
 - 4. Fences shall be a type that does not obstruct vision of the street or highway.

E. Interior Structural Requirements.

1. Any interior space used for the cultivation of marihuana shall have a gross floor area not greater than twenty five percent (25%) to support the cultivation of not more than seventy two (72) individual marihuana plants, and shall be located in a separate locked room, as defined by the MMMA, and accessible only to the primary caregiver and the qualifying patient. It shall not be accessible to the general public.
2. If a room with windows is utilized as a marihuana growing location, any lighting methods that exceed usual residential use between the hours of 11:00 PM. and 7:00AM., shall employ shielding methods, without alteration to the exterior of the residence, to prevent ambient light spillage that causes or creates a distraction or nuisance to adjacent residential properties.
3. The interior premises shall be equipped with locks and other 24-hour security devices, sufficient in nature and scope to deter and detect unlawful access and/or theft of marihuana from the premises.

F. Standards of Conduct. The following standards of conduct shall be adhered to on the premises of the Medical Marihuana Home Occupation.

1. The owner of the dwelling or operator of the Medical Marihuana Home Occupation shall not allow the illegal possession, use, or sale of alcohol or controlled substances on the premises.
2. The owner of the dwelling or operator of the Medical Marihuana Home Occupation shall not illegally offer for sale or illegally allow to be consumed or possessed upon the premises, or upon any parking areas, sidewalks, walkways, access ways or grounds of the premises, narcotics or dangerous drugs or fermented malt, malt, vinous or spirituous beverages.
3. All activity of the Medical Marihuana Home Occupation, including but not limited to the legal cultivation, dispensing and sale of medical marihuana, shall be performed indoors.
4. Smoking or consumption of Medical Marihuana shall not be allowed on any portion of the site of the Medical Marihuana Home Occupation by anyone other than the primary caregiver, and then only if in accordance with the Michigan Medical Marihuana Act.
5. A Medical Marihuana Home Occupation shall be operated in compliance with any applicable rules promulgated by the Michigan Department of Community Health or the applicable State licensing agency.
6. Qualifying patients, and their primary caregivers, may be subject to prosecution under federal and state laws relating to the possession and distribution of controlled substances, and Henrietta Township accepts no legal liability in connection with the approval and operation of the Medical Marihuana Home Occupation and/or Medical Marihuana Home Use.
7. There is no authorization for marihuana-related stores, dispensaries, cooperatives, provisioning centers, safety compliance facilities, or other non-profit or for profit businesses that may market to a wide customer base, that do not meet the regulations set by this Section for a Medical Marihuana Home Occupation or registered medical marihuana primary caregiver (see Michigan Attorney General Opinion No. 7259 of 2011.)

SECTION 120-8 LICENSE APPLICATION

A. All applicants for a Medical Marihuana Home Occupation license shall sign and file an application for the license with the Township Clerk's Office. The applicant shall be named in each application.

B. The applicant must be qualified according to the provisions of this Chapter and the premises must be inspected and found to be in compliance with the law and applicable codes by the building inspector. A certificate of occupancy issued pursuant to this article does not eliminate the need for the applicant to obtain other licenses and permits (i.e., building, mechanical, electrical, plumbing, etc.) required for the operation of a medical marihuana home occupation.

C. Applications for a license, whether original or renewal, must be made to the Township Clerk's Office by the primary caregiver of the Medical Marihuana Home Occupation. The primary caregiver shall be required to give the following information on the application.

1. The application shall state the telephone number of the Medical Marihuana Home Occupation.
2. The application shall state the address and legal description of the real property on which the Medical Marihuana Home Occupation is to be located.
3. The application shall state whether the applicant had a previous Medical Marihuana Home Occupation license under this Chapter, or a Medical Marihuana Home Occupation or business from another city, village, township or county. The application shall further state if any previous license was denied, suspended or revoked; the name and location of the Medical Marihuana Home Occupation or business for which the license was denied, suspended or revoked; and the date of the denial, suspension or revocation.
4. The application shall state whether the applicant holds any other licenses under this Chapter or other similar Medical Marihuana Home Occupation or business ordinance from another city, village, township or county and, if so, the names and locations of such other permitted business or home occupation.
5. The application shall state the applicant's driver's license number, social security number, or federally issued tax identification number.

D. The application shall be accompanied by the following:

1. Payment of the application and license fee, as established by resolution of the Township Board;
2. Satisfactory proof that the applicant meets the requirements of this Chapter and the Michigan Medical Marihuana Act;
3. Documentation identifying the owner(s) of the real property on which the Medical Marihuana Occupation is to be situated; and

E. The application shall contain a statement under oath that:

1. The applicant has personal knowledge of the information contained in the application and that the information in the application and furnished with the application is true;
2. The applicant has read this Section.

SECTION 120-9 TERM OF LICENSE

All licenses issued pursuant to this Section shall be for a term of one year. The term shall commence on January 1 of each year and terminate upon December 31 of the same year. Applications for a license filed at any other time during the year shall be treated as if they were filed January 1 of that year and shall terminate on December 31 of the same year, and no proration of fees shall be permitted. Renewal or amendment(s) of license or certificate of registration shall be submitted in the same manner, no later than thirty (30) days before expiration date

SECTION 120-10 REVOCAION OF LICENSE

The Township Board shall revoke a license if a cause of suspension occurs and the license has been suspended within the preceding 12 months. The Township Board shall also revoke a license if it determines that any of the following has occurred:

- A. Any condition exists that would warrant disapproval of a license as set forth in this Section;
- B. The Medical Marihuana Home Occupation operator has engaged or has allowed others to engage in acts of misconduct on the licensed premises in violation of any Township ordinance or the laws of the State of Michigan or of the United States, when the operator knew or should have known such acts were taking place; which include but are not limited to having more than twelve (12) plants per patient, two and one half (2-1/2) ounces, or dispensing to anyone other than one of their five registered patients;
or
- C. Repeated disturbances of the public peace have occurred within the Medical Marihuana Home Occupation or upon any parking areas, sidewalks, access ways or grounds of the Medical Marihuana Home Occupation;
or
- D. Visible change(s) to the outside appearance of the primary caregiver's or qualifying patient's residence or other visible evidence of the conduct of the medical marihuana operation occurring inside the dwelling. Increased traffic, fire and safety hazards, noise, dirt, odor, gas, glare, fumes, vibration or other nuisance elements are prohibited;
or
- E. When energy use, heat generation odor, and noise resulting from growth of marihuana exceeds levels reasonably attributable to residential uses adversely impact the health and safety risks of any neighboring property to the Medical Marihuana Home Occupation dwelling. In the course of making that determination the zoning administrator, or his or her designee, may find it necessary to order inspection by appropriate inspector(s) with applicable inspection fees.

When the Township Board revokes a license, the revocation shall continue for one year. The licensee shall not be issued a license under this Chapter for one year from the date revocation became effective. If, subsequent to revocation, the Township Board finds that the basis for the revocation has been corrected or abated, a license may be reinstated if at least 90 days have elapsed since the date the revocation became effective.

SECTION 120-11 TRANSFER OF LICENSE

Any license granted under this Section shall be non-transferable. A licensee shall not transfer any license to another individual or business, nor shall a licensee operate a Medical Marijuana Home Occupation under the authority of a license at any place other than the address designated in the application for the license.

SECTION 120-12 CONTROLLED SUBSTANCE PENALTY

Except as authorized by State law; it shall be unlawful for any person to use or possess marijuana. A person who violates applicable laws and this ordinance shall be guilty of a misdemeanor, punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00, or both.

SECTION 120-13 PENALTIES

Any person violating this Chapter shall be guilty of a "misdemeanor."

or

Any person convicted of a violation of this Ordinance shall be punished by a fine of not more than Five Hundred Dollars (\$500) or by imprisonment in the Jackson County Jail for not more than ninety (90) days or both such fine and imprisonment in the discretion of the Court. Nothing in this Ordinance hereby adopted shall be construed to affect any just or legal right or remedy of any chapter, nor shall any just or legal right or remedy of any chapter be lost, impaired or affected by this Ordinance.

SECTION 120-14 SEVERABILITY

The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of the Ordinance as a whole or any section or provision of this Ordinance other than the section or provision so declared to be unconstitutional or invalid.

SECTION 120-15 REPEAL AND EFFECTIVE DATE

This ordinance shall take effect eight days following proper publication of notice of its adoption in accordance with and subject to Michigan Public Act 110 of 2006. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Adopted: _____

Effective: _____

Andrew Grimes, Supervisor

Sally Keene, Clerk

HENRIETTA TOWNSHP PROPOSED AMENDMENT TO THE ZONING ORDINANCE
ARTICLE I GENERAL PROVISIONS
ORDINANCE NO. 120. MEDICAL MARIHUANA HOME OCCUPATIONS ORDINANCE
SUMMARY - JANUARY 2016

The intent of this proposed zoning ordinance is to regulate medical marijuana home occupations by providing regulations in a manner that promotes and protects the public health, safety and welfare, mitigates the potential impacts on surrounding properties and person and that conforms with the policies and requirements of the Michigan Medical Marihuana Act (MMMA), (MCL 333.26421 et seq.) as may be amended, and supplemented by administrative rules promulgated by the Michigan Department of Community Health (MDCH), (R 333.101 et seq).

The MMMA also provides for the confidentiality of patients, caregivers, and physicians. Any local ordinance which would require any of this confidential information (which specifically includes addresses) to be collected by anyone other than the Department of Community Health (MDCH) would violate the MMMA (Section 6(h)4). Regarding the HIPAA laws, this ordinance does not in any way challenge or restrict patients' rights to obtain the medical treatment they prefer. There would be no reason to check a patient's card.

The definition of "home use occupation," which is in congruence with the state law, allows qualifying patients registered with the Michigan Department of Community Health to legally cultivate medical marijuana at their primary residence for personal use with assistance from a primary caregiver. Security is a very important issue when it comes to home occupations because marijuana is a valuable product, the identity of a home occupation shouldn't be made public.

No patients to whom the primary caregiver is not connected through the Michigan Department of Community Health registration system are allowed to purchase or receive medical marijuana at the home, nor are any patient to patient transfers of any kind allowed at the home except between the primary caregiver and the patients connected to the primary caregiver. (see People v. Bylsm of 2011)

All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of the residential structure in which electrical wiring, lighting and/or watering devices that support the cultivation, growing or harvesting of marijuana are located

The draft ordinance allows for the cultivation and distribution of the material from private homes, but prohibits marihuana-related storefront "collectives, dispensaries, cooperatives, provisioning centers, safety compliance facilities, or other non-profit or for profit businesses that may market to a wide customer base, that do not meet the regulations set by this Section for a Medical Marihuana Home Occupation or registered medical marihuana primary caregiver. (see Michigan Attorney General Opinion No. 7259 of 2011.)

Although local governments may not totally ban uses permitted by the MMMA, Townships are allowed to reasonably regulate MMMA activities with control of the location and setbacks of such uses under the township's zoning ordinance. This includes limits on zoning districts where MMMA uses are permitted, limiting the number of patients or caregivers in a single building, limiting the number of plants that can be grown as permitted under the MMMA, and imposing distances between MMMA uses and other incompatible uses, such as schools, churches, day-care centers, libraries and parks.

The draft ordinance limits the following to:

- Agricultural Zoning District (AG), see Sec.120-2, A-1
- one (1) registered primary caregiver per residence and up to five (5) qualifying patients, see Sec.

120-2, B

- operated in a detached lawful single-family residential dwelling unit, see Sec.120-2, A-1 & Sec.120-5, E
- cultivation of marihuana shall have a gross floor area not greater than twenty five percent (25%) to support not more than seventy-two (72) individual plants, see Sec.120-7 E1
- shall not be located or operated within one hundred (100) feet of any public roadway, three hundred (300) feet of any property line, one thousand (1000) feet of any existing schools, places of worship, public parks and other MMMA Home Occupations. see Sec.120-4, A,B,C & Sec.120-5, B & Board exception: Sec.120-4, C-1.
- No authorization for marihuana-related stores, see Sec.120-7, F-7
- Inspection of premises, meets building codes, see Sec.120-8, B

Note: The Primary Caregiver must prove (State registration, electric bill, etc.) that their operation was established before the Henrietta Township Moratorium, to be “grandfathered”.

LIST & SUMMARY OF COURT CASES & ATTORNEY GENERAL OPINIONS

September 2010 the MI Court of Appeals (MCOA) 290 MI 65 People v. Redden – MM registry cards issued after arrest for growing MM was inadequate defence. (The MMMA took effect in December 2008, but the MDCH did not begin issuing registry cards until April 2009.)

January 2011 MCOA, #295125 People v. Kolanek; Court ruled that physician's opinion must be obtained prior to an arrest pertaining to a marihuana possession.

February 2011 MCOA, # 294682 People v. King; Growing MM by registered grower did not comply with MMMA enclosed locked facilities requirements.

February 2011 MCOA, #295497 People v. Walburg; Because the defendant did not obtain a physician's statement prior to arrest, he cannot assert an affirmative defense under Section 8 (not on state registry but meet the requirements of MMMA)

February 2011 Fed. Dist. Ct. for W.D. MI #1:10-CV-781 Casias v. Wal-Mart; The MMMA does not eliminate or provide a special exception to the general rule of at-will employment in MI, nor does it create a new protected class for MM users.

June 2011 AG Schuette Opinion #7259; MMMA prohibits joint cooperative cultivation or sharing of marihuana plants.

August 2011 MCOA, #301951 State v. McQueen; MM cannot be sold in dispensaries because the “medical use” of marihuana, as defined by MMMA, does not include patient-to-patient “sales” of marihuana.

Sept. 2011 AG Schuette Opinion #7261; Smoking marihuana is prohibited in public places.

September 2011 People v. Bylsma; defendant possessing/growing marihuana plants for registered, qualifying patients not connected to him through MDCH registration process is not entitled to immunity under MMMA Section 4(b).

November 2011 AG Schuette Opinion #7262; A registered patient or primary caregiver in complete

compliance with MMMA forfeits any marihuana confiscated by a law enforcement officer during the course of an arrest.

March 2012 MCOA, #303644 People v. Orlando II; Section 8 of MMMA requires that defendant receive required physician's statement prior to the date of offense.

April 2012 MCOA, #301443 People v. Koon; The MMMA and Michigan's "zero-tolerance" law explicitly prohibit the operation of a motor vehicle while under the influence of marihuana.

May 2012 MCOA, #304022 People v. Keller; In order to avail oneself to the broad immunity granted under Section 4 of MMMA, a qualifying patient or registered caregiver must be in full compliance with its requirements (enclosed, locked facility).

May 2012 MI Supreme Court, People v. Kolanek & People v. King; The plain language of MMMA does not require that a defendant asserting an affirmative defense under Section 8 also meet the requirements of Section 4; however, Section 8 requires that a defendant establish that a physician's statement occurred after the enactment of the MMMA, but before commission of the offense.

June 2012 MCOA, #306496 People v. Nicholson; A defendant is immune from arrest, prosecution, or a penalty pursuant to Section 4 of MMMA if in compliance with its requirements and possesses less than 2.5 ounces of usable marihuana.

June 2012 Fed. Dist. Ct. for W.D. MI #1:11-CV-515 Muntian & Armstrong v. Therrien, Davis, & City of Three Rivers; A qualifying patient or registered caregiver is not immune from arrest if he or she does not have actual possession of their registry identification card.

July 2012 MCOA, #306240 Ter Beek v. City of Wyoming (ban on MM facilities in local zoning ordinance); The MMMA is not preempted by the Federal Controlled Substances Act because the statutes are not in direct conflict and the limited grant of immunity under Section 4 of MMMA pertains only to state action and does not purport to interfere with federal enforcement of the CSA.

August 2012 MCOA, #303371 People v. Brown; Defendant unsuccessfully challenged the validity of a search warrant because the police failed to check whether he was a qualifying patient or registered caregiver before the search, and that if he was, the search was invalid.

January 2013 MCOA, #308133 People v. Green; The immunity granted by Section 4 of MMMA extends to uncompensated patient-to-patient transfers of marihuana (less than 2.5 ounces).

February 2013 MCOA, #309351 People v. Hinzman; Data in the state registry that did not confirm allegations made by a woman charged with illegally distributing marihuana was admissible, despite a claim that it violated her confidentiality which is protected by the MMMA. (MMMA did not address the issue of evidence exclusion.

July 2013 MCOA, #312065 People v. Jones; Fact finding regarding immunity of prosecution under Section 4 of MMMA is the province of the trial court and not a jury, and Michigan residency is a prerequisite to valid possession of a registry identification card.

July 2013 MCOA, #309987 People v. Carruthers; An edible brownie containing THC extract from marihuana resin is not "usable marihuana" under the MMMA (any 'mixture or preparation' must be of 'the dried leaves or flowers' of the marihuana plant).

November MCOA, #312308 People v. Hartwick; Defendant was not entitled to immunity under Section 4 of MMMA because he held more plants than permitted.

February 2014 MI Supreme Court #145816 Ter Beek v. City of Wyoming; The Court ruled that the City of Wyoming Zoning Ordinance provision prohibiting “uses contrary to federal law” and imposing a penalty therefore was invalid because it was preempted by Section 4 of MMMA, which in turn was not preempted by the federal Controlled Substances Act.

October 2014 MCOA, #313932 consolidated Braska v. Challenge Manufacturing et al.; Registered medical marihuana card holders are entitled to unemployment benefits if fired for failing to pass a drug test as a result of marihuana use.

June 2015 MI Supreme Court #149290 People v. Mazur; A defendant claiming that she was solely in the presence or vicinity of the medical use of marihuana is not entitled to immunity under the MMMA when her husband was a certified medical marihuana card holder. Her writing harvest dates on sticky notes was not enough to per her in violation of MMMA.

July 2015 MI Supreme Court #148444 & 148971 People v. Hartwick & Tuttle; Immunity & Affirmative Defence under MMMA. Prosecution of cases require courts to examine 11 considerations under Section 4 immunity claim and 3 considerations under Section 8 affirmative defense claim of MMMA.

Notes:

Why is marihuana spelled with an “h” rather than a “j” in the State Law?

The spelling is consistent with the spelling in the Michigan Public Health Code.

What's the likelihood that the MMMA will be amended?

The MMMA was a citizen initiated law which makes it difficult to amend or repeal. Future legislation and citizen initiated proposals could affect changes to local zoning ordinances.

Sunday, January 24, 2016

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NOTICE OF PUBLIC HEARING RESIDENTS OF HENRIETTA TOWNSHIP

Amendment to Article I of the Zoning Ordinance

A Public Hearing has been scheduled for Tuesday February 23, 2016 at 7:30 p.m. at the Henrietta Township Offices, 11732 Bunkerhill Road, Pleasant Lake, MI 49272.

The purpose of the public hearing is to accept comments on the Proposed Amendment to Article I, General Provisions, of the Henrietta Township Zoning Ordinance pertaining to the addition of Section 120 Medical Marihuana Home Occupation.

Copies of the Proposed Amendment to the Henrietta Township Zoning Ordinance are available for public review at the Township Offices. If you cannot attend this meeting and would like your views known, please mail comments to the Henrietta Township Planning Commission, 11732 Bunkerhill Road, Pleasant Lake, MI 49272 or phone 517-769-6925.

Sally J. Keene, Clerk Henrietta Township

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Sally J. Keene, Clerk – Henrietta Township

Posted January 26, 2016

**HENRIETTA TOWNSHIP PLANNING COMMISSION
11120 MUSBACH RD. MUNITH, MI. 49259**

Public Hearing

February 23, 2016, 7:30PM

Agenda

7:30 Special Planning Commission Meeting

1. Call to Order:

2. Public Comment (please limit comments to three (3) minutes)

3. Public Hearing:

A Special Planning Commission meeting is being called to consider recommendation on Amending the Zoning Ordinance General Provisions with the addition of Ordinance Number 120 Medical Marihuana Home Occupations:

It is the purpose and intent of this Section to minimize the negative secondary effects associated with Medical Marihuana Home Occupations, and thereby promote the health, safety, and general welfare of the owners and qualifying patients of Medical Marihuana Home Occupations and the citizens and residents of the Township, through licensing and regulating Medical Marihuana Home Occupations. It is not the intent of this Section to prohibit any use or activity guaranteed protection by the Michigan Medical Marihuana Act, but to enact regulations which address the possible adverse secondary effects of facilities used for the cultivation, sale or dispensation of medical marihuana; to ensure that such facilities are not covertly used for unlawful purposes not authorized by the Michigan Medical Marihuana Act; and to ensure that these types of facilities do not create or cause adverse effects that might contribute to the blighting or downgrading of the surrounding area, and to protect the integrity of places of religious worship, schools, licensed day-care facilities, parks and playgrounds, and other areas where persons congregate. Nothing in this Section shall be construed as permitting a violation of any State or Federal law.

NOTE: The Henrietta Township Zoning Ordinance provisions for Ordinance Number 120, Medical Marihuana Home Occupations review is to insure compatibility with the character of the surrounding area, adjacent land uses, public services, protection of natural resources, and compliance with zoning standards that meet the stated intent of the zoning district and are congruent with State of Michigan laws, as amended.

MPEA(§ 65(1) PA 33 of 2008, M.C.L.125.3861(1)) The review by the planning commission is to establish conformance or nonconformance with the master plan.

4. Public Comments (please limit comments to three (3) minutes)

5. Adjournment of the Public Hearing

Henrietta Township Planning Commission
11732 Bunkerhill Rd.
Pleasant Lake, MI 49272
517-769-6925

Public Meeting
Medical Marihuana Home Occupation
Ordinance N. 120
February 23, 2016

Meeting called to order at 7:30 p.m. by Chairperson Nancy Hawley

Members present: Hawley, Draeger, Hoffman, Troman, Duszynski, Faist, Wellington.

Public Comment: None

The Ordinance #120 was gone through, and there were questions about residents being "grandfathered". Discussion concluded that, as long as the caregiver keeps his or her license current and can prove operation was started before the Township moratorium, they are considered "grandfathered". If there is a lapse in licensing they are not considered "grandfathered", and will have to comply with the Township Ordinance.

Draeger made motion to recommend guidelines of the Medical Marihuana Home Occupation Ordinance #120 to the Township Board. Duszynski 2nd. All in favor 6, Nays 1. Motion passed.

Public Comment: None

Motion to adjourn Public Hearing by Duszynski; Wellington 2nd. Motion passed.
8:02p.m.

Respectfully submitted by Cyndi Tripp, recording secretary

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Jackson County Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)
120 W. Michigan Avenue • Jackson, MI 49201
Phone (517) 788-4426 • Fax (517) 788-4635

COORDINATED ZONING REPORT | #16-05

To: County Planning Commissioners
From: Grant E. Bauman, AICP
Date: March 10, 2016

Proposal: Various text amendments to the *Concord Township Zoning Ordinance* regarding Fence and Wall Standards

The Proposed Amendments

The Township wishes to regulate fences and walls by requiring a permit and providing generalized standards regarding their location, height, and materials. Maintaining vision clearance at road intersections and the intersection of driveways and sidewalks is also addressed. Standards are set for the maintenance of fences and walls and the repair or removal of unsafe fences and walls. Prohibitions against pointed objects or sharp protrusions below seven feet and the use of an electric charge or current are established. However, barbed wire and electric current can be used on fences enclosing farmland. Fences and walls enclosing farmland are exempt from all other regulations. Finally, standards in the section are minimums and are not to be construed to limit the authority of the Planning Commission or Township Board to impose stricter standards when administrative approval of either of those bodies is required.

It should be noted that R2PC Staff assisted the Concord Township Planning Commission in the creation of the proposed amendments.

Analysis and Recommendation

Township Planning Commission Recommendation – The Concord Township Planning Commission recommends **approval** of the proposed amendments (see the attached Zoning Amendment Forms and other background information).

Staff Analysis – The proposed amendments will allow for the effective regulation of fences and walls.

Staff Recommendation – Based upon this analysis, staff advises the Jackson County Planning Commission to recommend **APPROVAL** of the proposed amendments to the Concord Township Board.

Suggested Actions:

- (1) Recommend **APPROVAL**
- (2) Recommend **DISAPPROVAL**
- (3) Recommend **APPROVAL WITH COMMENTS**
- (4) Take **NO ACTION**

www.co.jackson.mi.us/county_planning_commission

JCPC Case #: _____
(For JCPC Use Only)

ZONING AMENDMENT FORM



**JACKSON COUNTY PLANNING COMMISSION
(COORDINATING ZONING)**

Return to: Jackson County Planning Commission • c/o Region 2 Planning Commission • 120 W. Michigan Avenue • Jackson, Michigan 49201

Please submit the Planning Commission meeting minutes and any reports/exhibits the Commission used to make its recommendation with this form. Use a separate form for each proposed zoning change. Please include a legal description/survey with rezoning requests in addition to the Parcel ID Number.

A copy of this form with the JCPC recommendation will be mailed back to the Clerk, who will return a copy to the JCPC with the Township Board Action.

THE Concord TOWNSHIP PLANNING COMMISSION submits the following proposed zoning change to the Jackson County Planning Commission for its review, comment, and recommendation:

(ANSWER EITHER A or B)

A. DISTRICT BOUNDARY CHANGE (REZONING):

(Provide the legal and popular property descriptions, the Parcel ID Number(s), the number of acres, and the section(s) in which the property is located. Attach additional sheets if more space is needed. Attach a map showing all changes and additions.)

1. The above described property has a proposed zoning change FROM _____ (_____)
ZONE TO _____ (_____) ZONE.

2. PURPOSE OF PROPOSED CHANGE: _____

B. ZONING ORDINANCE TEXT AMENDMENT:

The following Article(s) and Section(s) is amended or altered: ARTICLE 17 SECTION 17.1

The NEW SECTION reads as follows: (Attach additional sheets if more space is needed.) See attached -

C. PUBLIC HEARING on the above amendment was held on: month 02 day 04 year 2016

D. NOTICE OF PUBLIC HEARING was published/mailed on the following date: month 01 day 19 year 2016
(Notice must be provided at least fifteen days prior to the public hearing.)

E. THE NEWSPAPER (having general circulation in Township) carrying the NOTICE: The Salesman

The PROPOSED ZONING AMENDMENT described herein was duly considered by the Township Planning Commission and will be forwarded to the Township Board with a recommendation to APPROVE or DISAPPROVE.

[Signature] Chair or Secretary _____ / _____ / _____ (enter date)

JACKSON COUNTY PLANNING COMMISSION (JCPC) ACTION:

1. Date of Meeting: month _____ day _____ year _____

2. The JCPC herewith certifies receipt of the proposed amendment on the above date and:

- Recommends APPROVAL of the zoning change
- Recommends DISAPPROVAL of the zoning change for the reasons stated in the attached letter.
- Recommends APPROVAL of the zoning change with comments, as stated in the attached letter.
- Takes NO ACTION.

_____, Recording Secretary _____ / _____ / _____ (enter date)

TOWNSHIP BOARD ACTION:

1. Date of Meeting: month _____ day _____ year _____

2. The _____ Township Board herewith certifies that a legally constituted meeting held on the above date and that the proposed amendment PASSED, DID NOT PASS, or was REFERRED ANEW to the Township Planning Commission.

Township Clerk

ORDINANCE #24

An ordinance to replace the Township's fence and wall standards by amending Article 17 of the *Concord Township Zoning Ordinance*, Township of Concord, Jackson County, Michigan

THE PEOPLE OF THE TOWNSHIP OF CONCORD ORDAIN:

Section 1. Purpose.

To amend the Zoning Ordinance by replacing the existing regulations regarding Fences and Walls in Article 17 with new standards.

Section 2. That Article 17 of the Concord Township Zoning Ordinance, Township of Concord, Jackson County, Michigan, be amended to read as follows:

ARTICLE 17 FENCES AND WALLS

Section 17.1 Fence and Wall Standards

- A. **Permit.** It shall be unlawful for any person, firm or corporation to construct, or cause to be constructed, any fence or wall on any property within Concord Township, except in accordance with these regulations. Any person, firm, or corporation desiring to construct a fence or wall that is subject to these regulations shall first obtain a fence or wall permit from the Zoning Official.

The application for a fence or wall permit shall contain any and all information including drawings, that is required and necessary to determine compliance with this Ordinance and applicable construction requirements. A permit shall not be required for a fence that is to be constructed for the purpose of enclosing farmland in an agriculture district.

- B. **Fee.** The fee for a fence or wall permit shall be according to the Building Department fee schedule, and may be amended, by resolution of the Township Board. The fee shall be paid to the Township Treasurer at the time of application for the permit.
- C. **Location.** All fences and walls shall be located entirely on the property of the owner of the fence or wall and shall not encroach into any right-of-way. A property must be surveyed if survey corner markers cannot be located. A fence or wall may be constructed on the common property line subject to a written agreement between adjoining property owners. Fences or walls on lots abutting a body of water shall be set back 50 feet from the high water line.
- D. **Height**
1. Fences or walls located on lots used primarily for a residence shall comply with the following regulations:
 - a. Only ornamental-type fences or walls shall be located in a required front yard and shall not exceed four (4) feet in height. Any ornamental or decorative fence or wall shall be constructed so that the ornamental or decorative features of the fence or wall face outward from the owner's property.
 - b. Fences or walls located in any required side yard or required rear yard shall not exceed six (6) feet in height.

2. Fences or walls on any commercial lot shall not exceed eight (8) feet in height. Fences or walls in a front yard shall not be permitted in a commercial district except where required by the Planning Commission.
 3. Fences or walls on any industrial lot shall not exceed twelve (12) feet in height and when located in the front yard, shall require a minimum of 50 percent (50%) see-through opacity.
 4. In determining the maximum height of a fence or wall that separates two adjoining lots that is located within two (2) feet of the common lot line, the maximum height at any point shall be measured from the highest grade at that point within two (2) feet on either side of the common lot line.
- E. **Materials.** Fences and walls shall be constructed of materials commonly utilized for permanent fencing or walls unless otherwise approved by the Planning Commission.
- F. **Vision Clearance.** Fences and walls shall be constructed in accordance with Section 13.1m Visibility at Intersections. A fence or wall that is located at the intersection of a driveway and a sidewalk shall not impede vision between the driveway and sidewalk.
- G. **Safety**
1. No spikes, nails, barbed wire, or other pointed objects or sharp protrusions shall be placed on, attached to, or permitted to remain on any fence or wall below the height of seven (7) feet, except in the case of fences or walls that enclose farmland in which case barbed wire may be permitted at any height of the fence or wall.
 2. Fences and walls shall not contain any electric charge or current, except fences or walls that enclose farmland, in which case electrically charged wire shall be permitted, provided that such wire shall be attached to the inside face of the fence or wall posts. All electrically charge fences or walls shall be of a type and make approved by Underwriters Laboratories (UL).
- H. **Maintenance.** Fences and walls shall be maintained so as to not endanger life or property. Any fence or wall which, through lack of repair, type of construction, or otherwise endangers life or property, is hereby deemed a nuisance. If an unsafe condition exists in regard to a fence or wall, the Zoning Official or other authorized person shall serve written notice to the owner, agent, or person in control of the property on which such fence or wall is located. The notice shall describe the unsafe conditions, shall specify the repairs or modifications required to make the fence or wall safe, or shall require an unsafe fence or wall or any portion thereof to be removed. The notice shall provide a time limit for such repairs, modifications, or removal to be made.
- I. **Exemptions.** Fences or walls enclosing farmland shall be exempt from the regulations and requirements of this Section except Sub-Subsections “F” and “G” above.
- J. **Standards.** The standards set forth in this Ordinance are minimum standards and shall not be construed to limit the authority of the Planning Commission or Concord Township Board to impose stricter standards where a fence or wall is constructed pursuant to a special land permit, planned residential development, site plan or pertinent standard.

**CONCORD TOWNSHIP PLANNING COMMISSION
MEETING MINUTES
Thursday, January 7, 2016**

1.0 Pledge of Allegiance

2.0 Roll Call:

Meeting called to order at 7:30

Attendees: Woodward, Winchell, Terry and Miller
(Township Supervisor Ley)

Public Attendees: None

Absent: Carr

3.0 Approval of Minutes:

October minutes were read and approved.

4.0 Public Hearing:

None

5.0 New Business:

Talked about the new fence ordinance. The group was in agreement of the ordinance that was presented with recommendation given by Grant Bauman at October meeting. Waiting for Township Board and Public Hearing before said recommendation can be brought to the Township Board for approval of new fence ordinance which may need some fine tuning.

A discussion on the fire run recovery concerning multiple runs to one location and the decision if such runs should have additional cost. No decision was made and tabled until the February meeting.

**6.0 Adjourned at 8:45pm by Woodward and seconded by Miller.
Next meeting February 4, 2016 at 7:30**

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Planning & Zoning Notes #2

Jackson County Planning Commission
Lenawee County Planning Commission
Staffed by the Region 2 Planning Commission



Zoning Ordinance Public Hearing & Public Noticing Requirements

Public Hearings

The Michigan Zoning Enabling Act (MZEA) (PA 110 of 2006, MCL 125.3101 *et seq.*) requires public hearings for a variety of local zoning ordinance actions.

Planning Commission — Public hearings are required for the following zoning requests which come before municipal planning commissions:

- **Amendments/Rezoning** — Text amendments and district changes (i.e., rezonings) to the zoning ordinance (MCL 125.3202(1))
- **Conditional/Special Land Uses** — Conditional/special land uses which require a discretionary decision (MCL 125.3502(2))
- **Planned Unit Developments** — Land development project review processes based on the application of site planning criteria to achieve integration of proposed land development projects with project area characteristics (MCL 125.3503(1)&(5))

Legislative Body — Municipal legislative bodies may hold a public hearing on a zoning recommendation made by their planning commissions if they consider it necessary or if otherwise required (MCL 125.3401(1))

Zoning Board of Appeals — Public hearings are required for the following requests which come before municipal zoning boards of appeals:

- **Variations** — Variance requests from zoning ordinance standards. (MCL 125.3604(4))
- **Interpretations/Appeals** — Interpretations of the zoning ordinance or appeals of administrative decisions regarding the zoning ordinance (MCL 125.3604(5))

Public Notices

If a public hearing is conducted, the Michigan Zoning Enabling Act (MZEA) (PA 110 of 2006, MCL 125.3101 *et seq.*) requires that the hearing is noticed.

All Requests

All public hearings must comply with the following noticing requirements:

- **Notice Contents** — Notices must contain all of the following (MCL 125.3103(4) & 125.3202(3)):
 - Describe the nature of the request
 - Indicate the property that is the subject of the request, including a listing of all existing street addresses within the property
 - Street addresses do not need to be created and listed if no such addresses currently exist within the property

State Requirements

Sections 103 (MCL 125.33103), and 202 (MCL 125.3202) of the Michigan Zoning Enabling Act (110 PA 2006) outline the public noticing requirements for public hearings required for the approval, amendment, administration, or adjudication of municipal zoning ordinances. The requirements for public hearings regarding those actions are found elsewhere in the Act. The MZEA can be downloaded from the [Michigan Legislature](http://MichiganLegislature.com) website. The requirements are also summarized to the left.

- If there are no street addresses, other means of identification may be used
- The requirement that street addresses be listed does not apply to any group of adjacent properties numbering 11 or more proposed for rezoning
- State when and where the request will be considered
- Indicate when and where written comments will be received concerning the request
- **Notice Publication** —Notices of public hearings must be published in a newspaper of general circulation in the local unit of government not less than 15 days before the date of the hearing (MCL 125.3103(1)).

Property Specific Requests

Public hearings regarding property specific requests (i.e., rezonings, conditional/special use permits, planned unit developments, variances, and appeals) must also comply with the following noticing requirements:

- **Notice Recipients** —The following parties must receive a public notice (MCL 125.3103(2) & 125.3202(3)):
 - The owners of property that is the subject of the request
 - All persons to whom real property is assessed within 300 feet of the property that is the subject of the request
 - The occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction
 - If a structure contains more than 1 dwelling unit or spatial area owned or leased by different persons, 1 occupant of each unit or spatial area must be given notice
 - If a structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure
 - If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice
 - The noticing requirements for property specific requests do not apply for any group of adjacent properties numbering 11 or more proposed for rezoning
- **Notice Delivery** —The notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service (MCL 125.3103(3))
- **Timing of Notice** —The notice must be given not less than 15 days before the date the request will be considered (MCL 125.3103(3))

Open Meetings Act

Municipalities must also meet the noticing requirements of Michigan's Open Meetings Act (PA 267 of 1976, MCL 15.261 et seq.)

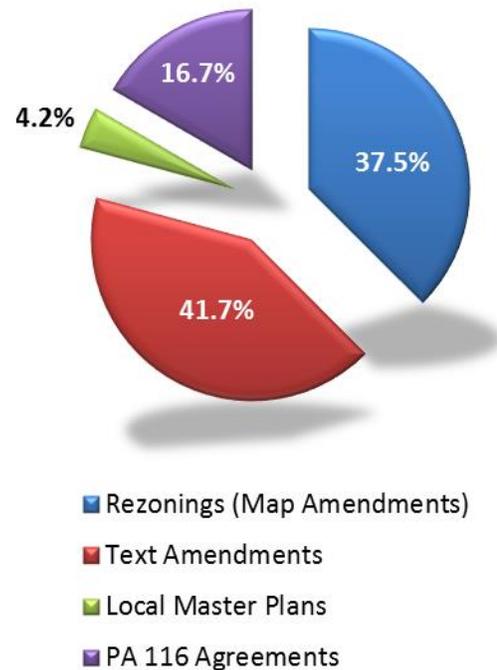


Jackson County Planning Commission

Staffed by the Region 2 Planning Commission (R2PC)
120 W. Michigan Avenue • Jackson, MI 49201
Phone (517) 788-4426 • Fax (517) 788-4635

2015 JCPC Annual Report

- 2015 JCPC Membership & Officers.** Ms. Nancy Hawley, Ms. Jennifer Morris, Mr. Jonathan Williams, and Mr. Jared Vickers served as the Commission's Members-at-Large during 2015. Commissioner Carl Rice, Jr. represented the County Board and Ms. Amy Torres represented the Industrial and Economic Interests of the County. Mr. Ted Hilleary, Mr. Jack Ripstra, and Mr. Jim Videto served the County's Educational, Environmental, and Agricultural Interests, respectively. Ms. Torres and Ms. Morris served as the Chair and Secretary of the JCPC, respectively.
- Immediate Responsibilities.** The Jackson County Planning Commission accomplished a lot during that time including, but not necessarily limited to, the following responsibilities:
 - Coordinated Zoning.** A primary responsibility of the Planning Commission is to review and recommend action on proposed amendments to township zoning ordinances. The JCPC made recommendations regarding twenty-four (n=24) proposed zoning amendments in 2015. Those amendments were split almost evenly between rezonings (n=9) (i.e., map amendments) and text amendments (n=10).
 - Coordinated Planning.** Another primary responsibility of the Commission is to review and provide feedback on municipal (i.e., city, village and township) master plans proposed within Jackson County as well as the master plans proposed by surrounding counties. The JCPC reviewed and commented upon one (n=1) proposed municipal master plan in 2015.
 - Farmland Agreements.** A secondary responsibility of the Planning Commission is to review and make recommendations regarding Farmland and Open Space Preservation (PA 116) applications to pertinent Township Boards. The JCPC made a recommendation on four (n=4) applications regarding the preservation of farmland and open space in 2015.
- Ultimate Goal and Objectives.** In the long-term, the JCPC seeks to coordinate planning throughout Jackson County while respecting the planning and zoning authority of municipal governments (i.e., the city, villages, and townships). This will be accomplished over time by:



- a. **County Master Plan.** The Commission will develop a countywide master plan upon which it will base (in part) its recommendations regarding municipal master plans and township zoning amendments (i.e., rezonings and text amendments). Towards that end, Commissioners listened to presentations which will impact the development of that plan
 - (1) **The Significance of 'People & Place'.** Mr. Tim Rogers, President & CEO of The Enterprise Group of Jackson, made a presentation regarding the County's competitiveness for business investment. 'People and place' are essential: there needs to be a skilled workforce as well as available 'shovel ready' developable land (i.e., with the needed infrastructure, zoning, and size so that building can take place in a short period of time). Finally, the community will of Jackson County must be determined regarding economic development.
 - (2) **The Emerging Jackson County Trail Network: Pathways to a Vision.** Staff informed Commissioners of the ongoing effort to create a non-motorized trail network in Jackson County which began with planning for the City's Dr. Martin Luther King Jr. (MLK) Equity Trail and the County's Falling Waters Trail and the creation of the 2002 *Jackson County Regional Trailway Study*. Local communities have built upon the initial "stick network" of trails by planning for additional trails within their jurisdictions. The corridor created by linking the MLK. Equity Trail and the Falling Waters Trail with the extension of the Lakelands Trail State Park provides the backbone of two (2) proposed statewide trails as they traverse Jackson County. The presentation concluded with a plan of action to complete the missing gaps in that important corridor.
- b. **Education and Advocacy.** The Commission will provide educational opportunities to Jackson County municipalities as opportunities arise and advocate for planning-related projects.
 - (1) **Planning & Zoning Notes.** Commissioners approved the first edition of the proposed collection of advisory memos on planning and zoning topics. The memos will be published in conjunction with the Lenawee County Planning Commission with the purpose of educating municipal planning commissions and other pertinent local officials. The first issue of *Planning & Zoning Notes* addresses the state mandated Municipal Master Plan Approval Process.
 - (2) **Letter of Support.** Commissioners passed a Resolution of Support regarding 2015 grant applications to the Michigan Natural Resources Trust Fund (MNRTF) for the Sparks Park-MLK Equity Trail Connector (Jackson County), the Fourth Street Trail Connector (City of Jackson), and the Horton Road Trail (Summit Township). The proposed trails will create several alternative loops along the Falling Water/Inter-City Trail Corridor and connect Ella Sharp Park and Sparks Foundation County Park (i.e., the Cascades) to the Corridor.
4. **Meetings.** The County Planning Commission meets on the second (2nd) Thursday of each month at 6:00 pm in the Commission Chambers on the 5th Floor of the County Tower Building.

*Submitted on the behalf of the Jackson County Planning Commission
Grant E. Bauman, AICP, JCPC Staff and Recording Secretary*