

**Courtland Township  
Planning Commission  
Tues., Nov. 16, 2010**

The regular meeting of the Courtland Township Planning Commission was called to order by Chairman McConnon @ 7:00 p.m.

**Roll Call:** Members present were McConnon, Davis, Wood, Moeggenberg and McAvoy. Also present was Township Atty. James Scales, recording secretary, Colleen Brown, and Zoning Administrator, Frank Buckley. Attendance of others is attached.

**Approval of Agenda:** Motion made by Wood, supported by Moeggenberg, to approve the agenda as presented. All yes, Motion carried.

**Approval of Minutes:** Motion made by Davis, supported by Wood, to approve the minutes as presented for the August 17, 2010 meeting. All yes, Motion carried.

**Open Comments: None**

**New Business: Discussion on Medical Marijuana Ordinance**

Attorney Scales explained there is currently a moratorium of the Township which has been extended through May of 2011. There is no real clean approach to deal with this legal issue; there are still a lot of legal questions to be answered. The vote to amend the law would require a  $\frac{3}{4}$  vote by the legislature, which is not likely to happen.

A person by this law would be allowed to have 2  $\frac{1}{2}$  ounces without being prosecuted or they can grow it themselves and have 12 plants. A care giver can have up to 12 plants per patient and for themselves, up to 72 plants total.

Dave Munson, former DEA Agent for the Government, stated he is concerned with the approaching issues. The street value alone should be a consideration, (approx. \$150,000 for 72 plants) which can be the cause of much distress/violence to an area and to the caregiver; such as robberies, etc. He is further concerned that there is not a reasonable set of guidelines on the regulations for the caregiver.

This is a tough law to enforce. The federal government still recognized marijuana as a controlled substance, which means it has no medicinal purpose. Residents do not want to live next to an area designated for this need.

Members felt the rules we should consider for the ordinance should be restrictive in nature, take into consideration the size of plants, how long do they grow, the electricity, plumbing, and building code issues and not allow this type of operation under a home occupation. This type of use they felt would be better suited to a commercial/industrial zone along a major highway.

Attorney Scales noted that Wyoming City is already under litigation for denying the right of a resident to have/be a caregiver for the new medical marijuana law. Attorney Scales also stated his concern is to not delay a decision to long without a specific reason to delay, could make the Township a target. Commission members were concerned residents could just take it upon their own hands to do what they feel the law requires, if we have no ordinance to follow or to enforce. Attorney Scales explained unless it is written, it is determined with Township government, **it is not allowed.**

Members further thought a special land use permit should be required along with strict regulations for the condition to operate. There seems to be a lot of loop holes in the new law because of the confidentiality of the patients and the identity of the care giver. Members suggest looking at a lot of safety requirements, surveillance cameras & lights, and buffer zones etc. because of the high risk of criminal activity that comes with this type of business. Members would like to have the opinion of the Township Board before making any decisions.

Further review will be made at the regular January Planning Commission meeting.

**Zoning Administrator Report:** Frank noted that City of Rockford is updating their Master Plan and wondered if we had any feedback we would like to share with them. No comments at this time.

**Township Attorney Report: No new business to report.**

**Township Board Report: None**

**Zoning Board of Appeals Report:** Member Moeggenberg noted the ZBA approved a request for a pole barn rear yard setback variance for Eric Ykema, Marabella Dr.

**Meeting Adjourned @ 8:00 p.m.** by a motion made by Davis supported by Moeggenberg. All members voting yes. Motion carried.

Respectfully submitted,

Colleen Brown, Recording Secretary