

**Proceedings of the Combined Work Session of the Ironwood Planning Commission
and the Ironwood City Commission**

A combined work session with the Ironwood Planning Commission and the Ironwood City Commission was held on Monday, February 7, 2022, at 6:00 P.M. in the auditorium in person and via zoom for the public.

CITY COMMISSION:

PRESENT: Commissioners Andresen, Mildren, Semo, Nancy Korpela, and Mayor Corcoran
ABSENT: None.

IRONWOOD PLANNING COMMISSION:

PRESENT: Sam Davey, Anne Lawrence, Richard Jenkins, and Scott Bissell
ABSENT: John Spence, Mark Silver, and Stephanie Holloway

OTHERS PRESENT: City Manager Scott Erickson, Community Development Director Tom Bergman, City Clerk Wendy Hagstrom, Lieutenant Adam Clemens of Ironwood Public Safety, Tim Erickson of Community Development, and City Attorney Tim Dean.

Community Development Director Tom Bergman started the work session explaining the purpose is to discuss multiple options for regulation of Medical Marihuana in the City through the zoning ordinance. The Commission wanted to address this as a separate topic. The current draft is very restrictive and only allows the Medical Marihuana to be zoned in the Industrial Zoned District. Options were addressed by Mr. Bergman, walking through the pros and cons and what can be legally done to remove current Caregivers from certain locations, and if that is even an option. A downfall of pushing all uses into a small district is that it takes up all the space or prevents other businesses for using it for anything else. The second option is the R3 District which includes larger lots, neighbors are not as close together, and there is low impact to adjacent properties. Another option is only restrict medical marihuana from the Downtown Commercial District. Everybody utilizes this area, so that is where there is the most complaints. Allowing Medical Marihuana Caregivers in in all zoning districts was also discussed, by obtaining a special land use permit, which is a newer version of conditional uses. They have to come to the Planning Commission and go through the public process. Adjacent owners have a say, similar to the marihuana establishment process. There is an opportunity to mitigate some of the concerns. The final option would be to leave things as is and continue to address odor issues through the nuisance ordinance.

Consideration needs to be given if a Caregiver establishment was legally put up before the zoning ordinance existed, as they are then considered non-conforming or grandfathered in as long as they don't expand, cease use for 6 consecutive months, or cease use for 18 months during any 3-year period. In terms of enforcing Caregivers that aren't considered non-conforming, it would be challenging as far as staffing and a

capacity issue. City Attorney Tim Dean stated all currently existing relationships can continue to exist where they are right now. Any new relationships must be conducted in the zoning districts. A way to deal with existing Caregivers would be with a non-zoning police power ordinance that is subject to license, filtration requirements, etc.

Discussion was had by City Commissioners and the Planning Commission regarding the land use permit. Each Caregiver is supposed to be separated under separate lock and key. Further discussion was had on the possible changes coming with a new State of Michigan bill regarding specialty medical growers. Difficulty of enforcement for current grow facilities was considered. Lieutenant Clemens noted for non-zoning police power, probable cause that a crime is being committed is needed. A witness willing to sign an affidavit is required to get a search warrant. The idea of attrition was explained, utilized over time to bring down numbers. Use of the nuisance ordinance for direct problems would continue. Getting out of R1 and C3 districts will also have an impact. Enforcement of general provisions even on a non-conforming status was questioned. City Attorney Tim Dean stated for existing Caregivers, you try to bring them into compliance. Duplicate the zoning ordinance. There could be a mirror ordinance for existing Caregiver relationships. City Manager Scott Erickson discussed developing a tool to get around the non-conforming status and encourage them to become compliant. How do we locate them, and also how to get them in compliance.

It was explained that “Caregivers” is not a commercial business. They are limited to 5 patients, card-holding, and registered with the State of Michigan. Group discussion was had that locations would be needed, and the burden of proof is on them. There is a benefit for a caregiver with the start of a new ordinance to state they have been in operation. A series of steps to guide will be needed. Goals that were addressed included the need to curb odor. A starting point would be the downtown area as it has the most impact on the most number of people. Can provisions be put in the zoning ordinance to manage the new facilities and work with them, and then address how to deal with the existing ones. What tools do we have to bring them into compliance, and through attrition down-size. Possibility of the non-zoning police power ordinance and nuisance ordinance were discussed. Through discussion and questioning, it was noted that it is considered a civil infraction for continued violations of the nuisance ordinance.

For any new development, a special land use permit will be issued. Existing Caregivers would have to comply with the new ordinance. A non-fee license through a non-zoning police power ordinance is possible, and there was a consensus it should be considered.

Staff will develop language and bring it back to the Planning Commission and then the City Commission, to be modified as needed. Ultimately there would be a public hearing as well.

The work session adjourned at 7:04 P.M.

Wendy L. Hagstrom, City Clerk