

**Village of Oxford - Council Chamber
Planning Commission - Agenda
22 W Burdick Street, Oxford, MI
Tuesday, December 17, 2019 at 7:00 P.M.
Tel: 248-628-2543**

1. Call to Order by Chair Douglas at 7:00pm
2. Respects to the Flag
3. Roll Call: Rose Bejma, Jack Curtis, Gary Douglas, Maureen Helmuth, Justin Ballard, Kelsey Cooke, Leslie Pielack
4. Approval of Agenda: December 27, 2019
5. Approval of Minutes: December 03, 2019
6. Correspondence:
7. Public Hearings: **Adult Use Marijuana Draft Ordinance**
8. Old Business:
 - a. **Adult Use Marijuana Ordinance: Ordinance Review**
9. New Business:
 - a. 2019 Annual Report: year-end review
 - b. 2020 Action Plan/Objectives
10. Public Comment:
11. Consultant & Administration Comments:
12. Commissioner Comments:

Oxford Township Planning Commission Update- Jack Curtis:
ZBA update- Rose Bejma:
DDA update- Pete Scholz
13. Adjournment:

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**VILLAGE OF OXFORD
PLANNING COMMISSION
REGULAR MEETING MINUTES**

*Planning Commission Members: Rose Bejma, Jack Curtis, Kelsey Cooke, Gary Douglas,
Maureen Helmuth, Justin Ballard, Leslie Pielack*

22 West Burdick Street
Oxford, MI 48371

December 3, 2019

7:00 pm

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1. CALL TO ORDER

9 Chairman Gary Douglas called the meeting to order at 7:00 p.m.

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2. RESPECTS TO THE FLAG

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3. ROLL CALL: Members Present- Ballard, Cooke, Curtis, Douglas, Bejma, Helmuth, Pielack.
Staff Present: Mario Ortega AICP, Attorney Robert Davis, Tere Onica, Secretary.

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4. APPROVAL OF AGENDA: Meeting Agenda December 3, 2019

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MOTION: by Curtis/Helmuth to approve the December 3, 2019 meeting agenda. All in favor.
Motion carried.

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5. APPROVAL OF MEETING MINUTES: November 19, 2019 Regular Meeting.

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MOTION: by Curtis/Pielack to approve the November 19, 2019 Regular Meeting minutes.
All in favor. Motion carried.

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6. CORRESPONDENCE: None.

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7. OLD BUSINESS:

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A. Adult Use Marijuana-Planner Ortega presented changes made at the November 19, 2019 meeting referencing the Adult Use Marijuana Zoning Ordinance Amendment Draft dated November 29, 2019. Attorney comments were included in the November 29th draft. Changes noted: Page 1: A(1) and (2)(c), A(4), (5) and (6). Page2: A(13), B(2), and C. Page 3: D(1), (2), (3), (5), (6), and (10). Page 4: D(11), E, E(1), (2). E(9) *Liability Release and Insurance Documentation* was added, and E (10).

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The addition of E(9) on page 4 was intended to release, indemnify and hold harmless the Village of Oxford. It was suggested that insurance could be required and set at a modest amount with the standard set by Village Council. There were objections to the language as insurance is not required of other businesses and it was thought an overreach of government to determine what and how much insurance an individual business owner should purchase.

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The village attorney discussed the need for a no immunity provision in the ordinance because Marijuana is still a federally classified illegal substance, class 1 drug.

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Discussion led to the consensus to remove the language added on page 4, item E(9), to be replaced with a No Immunity Provision as presented by the attorney. This language is being written into the other municipal marijuana ordinances for the protection of the jurisdiction so that the marijuana business owner cannot claim protection under local ordinance from Federal law.

- 46 There were 5 issues identified to be included:
47 1) A No Immunity Provision.
48 2) A General Prohibition Clause at the Beginning of Section B, under *Permitted and*
49 *Prohibited Facilities* stating that all marijuana facilities are prohibited unless they meet all the
50 requirements of State Law and local ordinance.
51 3) An Enforcement Provision-making it a misdemeanor to violate the ordinance with
52 language that specifies each day a violation exists will constitute a separate offense.
53 4) A Standard Severability Clause.
54 5) The Revocation of a Property Right for a Special Land Use Permit under D(9) on Page 3.
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56 There was further discussion on a Special Land Use Permits vs. Licensing Permits. A license by
57 nature is specific to a business and person. Special Land Uses generally run with the land and
58 once granted cannot be easily taken away. Most of the existing Marijuana Ordinances are written
59 as a Licensing Permit ordinance.
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61 The attorney and planner will work to incorporate changes to the November 29th draft
62 ordinance after the December 17th Public Hearing as there may be public input and further
63 amendments to the draft currently available for public review at the village office or on the
64 village website.
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66 There was concern for public notice making residents aware of the proposed ordinance to allow
67 Adult Use Marijuana establishments to operate within the Village of Oxford. The village is
68 obligated to follow the posting requirements by law. Going beyond that is showing preference
69 or discriminating against other business when it comes to Public Hearing notices. All must
70 receive equal treatment from the Village of Oxford under the requirements of the law.
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72 8. **NEW BUSINESS:** None.

73 9. **PUBLIC COMMENT:** None.

74 13. **CONSULTANT AND ADMINISTRATIVE COMMENTS**

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76 14. **COMMISSIONER COMMENTS:**

77 Oxford Township- Jack Curtis-Beaumont PUD Public Hearing scheduled for December
78 12th for a Medical Campus, outpatient surgeries. The legal action for a Certificate of Need is
79 pending where a 25-acre parcel could then accommodate the addition of a 110-bed hospital.
80 ZBA-Rose Bejma-no meetings.
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82 15. **FUTURE BUSINESS:** Council requested a review the zoning ordinance regarding Tattoo
83 Parlors classification. The Annual Report/Action Plan will be presented by the planner on
84 December 17th as time allows. Future business will be scheduled in January.
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86 16. **ADJOURNMENT:**

87 **MOTION:** by Curtis/Bejma to adjourn at 7:58 p.m. All in favor. Motion carried.
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89 Respectfully submitted,
90 Tere Onica, Recording Secretary

**VILLAGE OF OXFORD
NOTICE OF PUBLIC HEARING TO CONSIDER
THE PROPOSED ADULT USE MARIHUANA ORDINANCE**

Please take notice that the Village of Oxford Planning Commission will hold a Public Hearing on Tuesday, December 17, 2019 at 7:00 p.m. or soon thereafter in the Village Council Chambers located at 22 W. Burdick St., Oxford, MI. This Public Hearing is being held to hear and receive public input regarding Adult Use Marijuana as it relates to time, manner and place of operations pursuant to Michigan Regulation and Taxation of Marihuana Act (MRTMA) and will be the topic of discussion.

Public wishing to comment on the MRTMA or regulations to prohibit, or allow recreational marijuana establishments in the Village of Oxford may do so in person, at the public hearing or in writing by mail addressed to: Village of Oxford Clerk, P.O. Box 94, Oxford, Michigan, or Email: clerk@thevillageofoxford.org.

Physically challenged persons needing assistance or aid at the public hearing should contact the Village Clerk during regular business hours Monday-Thursday 8:00a.m.-5:00 p.m. Phone: 248-628-2543, not less than seventy-two (72) hours prior to the public hearing.

Teresa L. Onica, CMC
Village of Oxford Clerk
Published in Oxford Leader: November 27, 2019
Posted on www.thevillageofoxford.org, December 2, 2019

SECTION 4.1.29 • ADULT USE MARIJUANA FACILITIES

Adult use marijuana facilities shall conform and be subject to the following.

A. Definitions. As used in this ordinance, the following definitions shall apply to adult use marijuana facilities:

1. **Department:** The State of Michigan Department of Licensing and Regulatory Affairs.
2. **Marijuana:** All parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including marijuana concentrate and marijuana-infused products. For purposes of this act, marijuana does not include:
 - a. the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;
 - b. Industrial hemp; or
 - c. any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

For the purposes of this Village of Oxford ordinance, the spelling of the above defined term shall be 'marijuana' and should be deemed to be equivalent to and referencing the term that is spelled 'marihuana' by the Department and within the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, as amended.

3. **Marijuana Accessories:** Any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marijuana into the human body.
4. **Marijuana Designated Consumption Establishment:** A commercial space that is licensed by the Department and authorized to permit adults 21 years of age and older to consume marijuana products at the location indicated on the state license.
5. **Marijuana Facility:** Any type of marijuana-related business licensed by the Department as authorized by the Michigan Regulation and Taxation of Marijuana Act, Initiated Law 1 of 2018, as amended.
6. **Marijuana Grower:** A facility operated by a State Licensee holding less than 5 class C marijuana grower licenses where the cultivation of marijuana takes place. A facility receiving a grower license authorizes the facility to grow not more than the following number of marijuana plants under the indicated license class for each license the grower holds in that class:
 - a) Class A – 500 marijuana plants
 - b) Class B – 1,000 marijuana plants
 - c) Class C – 1,500 marijuana plants
7. **Excess Marijuana Grower:** A facility operated by a person holding 5 class C marijuana grower licenses and licensed to cultivate marijuana and sell or otherwise transfer marijuana to marijuana establishments where the cultivation of marijuana takes place.
8. **Marijuana Microbusiness:** A facility operated by a State Licensee where the cultivation of not more than 150 marijuana plants, the processing and packaging of marijuana, and the sale or otherwise transference of marijuana to individuals who are 21 years of age or older or to a marijuana safety compliance facility takes place.
9. **Marijuana Processor:** A facility operated by a State Licensee where the processing and packaging of marijuana takes place.
10. **Marijuana Retailer:** A facility operated by a State Licensee where the sale or otherwise transference of marijuana, marijuana-infused products or marijuana accessories to individuals who are 21 years of age or older takes place.
11. **Marijuana Safety Compliance Facility:** A facility operated by a State Licensee where the testing of marijuana for the certification of potency and the presence of contaminants takes place.
12. **Marijuana Secure Transporter:** A person licensed to obtain marijuana from marijuana establishments in order to transport marijuana to marijuana establishments.

13. **State Licensee:** Any individual, corporation, limited liability company, partnership of any type, trust or other legal entity that has been issued a license by the Department that allows for the operation of a marijuana facility.
14. **Temporary Marijuana Event:** Any event held by a marijuana event organizer licensee where the onsite sale or consumption of marijuana products, or both, are authorized at the location indicated on the state license during the dates indicated on the state license.

B. Permitted and Prohibited Facilities.

1. **Permitted Facilities.** Only the following listed marijuana facilities shall be allowed to be located within the Village of Oxford after receiving site plan and special land use approval as indicated in Section 4.1.29(F):
 - a. Marijuana Grower
 - b. Marijuana Microbusiness
 - c. Marijuana Processor
 - d. Marijuana Retailer
 - e. Marijuana Safety Compliance Facility
 - f. Marijuana Secure Transporter
2. **Permitted Shared Facilities.** Any permitted marijuana facility may be allowed to operate in the same building housing another permitted marijuana facility provided it is constructed and operated in compliance with all State and Village of Oxford requirements for the shared use of permitted marijuana facilities. Permitted marijuana facilities may be allowed to occupy more than one building on the same lot provided the facility and buildings are operated in compliance with all State and Village of Oxford requirements.
3. **Prohibited Facilities.**
 - a. **Mixed-Use Prohibited.** No other principal use, special land use or accessory use shall be permitted or continue to operate on the same lot, parcel or unit upon which a marijuana facility is located and operated upon.
 - b. **Home Occupations and Accessory Use Prohibited.** A marijuana facility, or activities associated with the facility, shall not be permitted as a home occupation or accessory use.
 - c. **Other Marijuana Facilities Prohibited.** Any marijuana facility or event not specifically listed as a permitted facility or event within Section 4.1.29(B)(1) shall be prohibited within the Village of Oxford.

C. Location. Marijuana facilities permitted to be located within the Village of Oxford shall adhere to the following location requirements:

1. **Child Care Facilities, Schools, and Similar Facilities Buffer.** All lots containing a marijuana facility must be located at least 500 feet from the nearest lot line of any child care center or licensed day care facility licensed by the State of Michigan Department of Licensing and Regulatory Affairs and 500 feet from the nearest preschool program center, primary, intermediate or secondary school, or like facility, established pursuant to and in accordance with the Revised School Code, P.A. 451 of 1976, being M.C.L.A. §§ 380.1 through 380.1853, as amended, and/or the State School Aid Act of 1979, P.A. 94 of 1979, being M.C.L.A. §§ 388.1601 through 388.1772, as amended.
2. **Public Parks Buffer.** All lots containing a marijuana retailer facility must be located at least 500 feet from a public park measured from the nearest lot line of the marijuana facility to the nearest lot line of the public park.
3. **Marijuana Facilities Buffer.** All lots containing a marijuana facility must be located at least 100 feet from any other lot containing a marijuana facility, measured from the nearest lot line of the marijuana facility to the nearest lot line of any other marijuana facility.
4. **Permitted Districts.**
 - a. **I-1 Industrial District:** All uses listed in Section 4.1.29(B) shall be permitted as a special land use on parcels whose front lot line is the Glaspie Street, Industrial Drive or Drahner Road right-of-way line and are located in the I-1 Industrial zoning district subject to all applicable Village of Oxford zoning ordinance regulations.

D. Use Requirements.

1. **State and Local Licensing and Registration.** At the time of application for a special land use permit, the marijuana facility must provide proof to the Village of Oxford that the applicant has received pre-qualification to be licensed by the Marijuana Regulatory Agency of the State of Michigan, or its designated successor. Upon approval of a special land use permit, all owners, possessors, occupants, partnerships, corporations, and/or employees shall at all times be in compliance with the laws of the State of Michigan and ordinances of the Village of Oxford.
2. **Hours of Operation.** All marijuana facilities must provide the Village of Oxford administration and Chief of Police with the hours of operation of the facility, must provide revised hours if adjusted within 48 hours of a change and must provide such information if requested by the Village of Oxford. Marijuana retailers and the retail operations of a Marijuana Microbusiness shall only be open from 9:00 a.m. to 9:00 p.m. with no modification allowed.
3. **Odor Control.** All marijuana facilities must be equipped with an operable filtration, ventilation, and exhaust system that at all times effectively confines odors to the interior of the building from which the odor is generated.
4. **Waste Water.** All marijuana facilities shall be designed and operated so as to minimize the amount of pesticides, fertilizers, nutrients, marijuana, and any other potential contaminants discharged into the public wastewater and/or stormwater systems as shall be determined by the Village Engineer.
5. **Security Requirements.** All marijuana facilities must have an adequate security plan to prevent access to marijuana by non-authorized personnel, including unauthorized removal of any marijuana. All rooms that contain marijuana, in any form, must be individually locked and accessible only to authorized personnel. The building(s) housing the marijuana facility shall all be equipped with security cameras approved by the Chief of Police, maintained in operational order, and installed in such a way as to monitor the entire perimeter of the building(s) including all parking lots and areas accessible by individuals and capable of recording and storing both on and off site a minimum of 120 continuous hours of the perimeter monitoring. The security cameras shall be in operation 24 hours a day, seven days a week, and shall be set to maintain the record of the prior 120 hours of continuous operation. The Chief of Police may require review and recommendation of a proposed security plan by an independent consultant with credentialed expertise in the field of site/facility security measures. The cost of an independent review by an independent security consultant shall be paid by the applicant. All security plans shall be approved by the State and the Village of Oxford prior to the operation of any marijuana facility.
6. **Indoor Activity Only.** All marijuana facility activities, including but not limited to, operations, cultivation, processing, storage, and transactions, shall be conducted within an enclosed structure. All outdoor storage is prohibited.
7. **Inspections.** A marijuana facility shall be subject to inspection to ensure compliance with all applicable Village of Oxford codes and ordinances and State law.
8. **Prohibited Activities.** No smoking, inhalation, or consumption of marijuana shall take place on the premises of any marijuana facility.
9. **Revocation of Certificate of Occupancy and/or Suspension of Special Land Use.** The Village Manager may either revoke a certificate of occupancy and/or suspend a special land use permit based on a finding that the marijuana facility is in violation of one (1) of the provisions of the special land use standards in this section, any applicable provision of this Zoning Ordinance, and/or the terms or conditions of the special land use permit and approved site plan. The Village Manager may reinstate a revoked certificate of occupancy and/or suspended special land use permit provided the property owner comes into compliance with the violated provision within 90 days of revocation or suspension. If the business owner fails to come into compliance of a suspended special land use permit within 90 days, the Village Planning Commission shall hold a hearing to consider revocation of the special land use permit.
10. **Hearing on Revocation of Special Land Use.** The Village Planning Commission may revoke a special land use permit based on a finding that the marijuana facility is in violation of more than one (1) of the provisions of the special land use standards in this section, any applicable provision of this Zoning Ordinance, and/or the terms or conditions of the special land use permit and approved site plan. Revocation of the special land use permit shall require the holding of a public hearing and a motion of the

Village Planning Commission. Upon revocation, the combination of business owner and site shall not be granted another approval within the Village of Oxford.

11. **Unlawful Activities.** Any uses or activities found by the State of Michigan or a court of competent jurisdiction to be unconstitutional or otherwise unlawful by State law shall not be permitted by the Village of Oxford.

E. Application Submittal Requirements.

The following items shall be required at the time of an application for marijuana facility special land use and site plan review. If any item is not included at the time of application, the entire submittal shall not be accepted for review by the Village of Oxford. Any subsequent revisions to an application previously reviewed by the Village of Oxford shall submit all of the following items at the time of application.

1. **Application Form.** A signed and dated application for Special Land Use and Site Plan Review by the property owner. If the applicant does not own the property, a signed and notarized statement granting permission to another individual to submit an application shall be included with the application.
2. **Preliminary State License Approval.** A letter from the Marijuana Regulatory Agency of the State of Michigan, or its' designated successor, granting preliminary state license approval for the applicant to operate a marijuana facility that the applicant is requesting for approval within the Village of Oxford.
3. **Site Plan.** A site plan including all information required in zoning ordinance Section 9.1.5.
4. **Use Statement.** A written statement by the applicant identifying all activities, operations, products and services to be provided by the marijuana facility, including retail sales of food and/or beverages, if any.
5. **Hours of Operation.** A written statement identifying the marijuana facilities' hours of operation.
6. **Odor Control Plan.** A detailed description of the odor control methods and equipment the marijuana facility will utilize to comply with Section 4.1.29(D).
7. **Waste Water Control Plan.** A detailed description of the waste water methods and equipment the marijuana facility will utilize to comply with Section 4.1.29(E).
8. **Security Plan.** A detailed description of the methods, equipment and floor plan which will be used to secure the marijuana facility to comply with Section 4.1.29(F).
9. **Liability Release and Insurance Documentation.** An executed release of liability, indemnification and hold harmless agreement in the form set forth in the Village of Oxford's application form and proof of insurance providing general liability coverage for loss, liability and damage claims arising out of injury to persons or property in an amount to be set by resolution of the Village Council.
10. **Notarized Acknowledgement of Operational Requirements.** The applicant shall submit a signed and notarized statement by all individuals receiving pre-approval to operate the marijuana facility that an approved marijuana facility is aware of the special land use requirements, including but not limited to, indoor activity, inspections, prohibited activities, revocation and suspension of special land use approval and unlawful activities and agrees to operate by the special land use and site plan requirements of the Village of Oxford upon receiving approval to operate a facility. If at any point in time the individuals licensed by the State to operate the marijuana facilities changes, the subsequent licensees shall be required to provide a revised notarized acknowledgement of operational requirements prior to conducting any activities on site.

F. Review Procedure and Authorization.

A marijuana facility shall be reviewed and may be granted approval under the requirements and procedures of Article 9, Chapter 1, Site Plan Review and Article 9, Chapter 2, Special Land Use Review of the zoning ordinance.

G. Standards for Adult Use Marijuana Facility Approval

To receive approval from the Village of Oxford, a marijuana facility shall submit and provide all information required in zoning ordinance Section 4.1.29, Adult-Use Marijuana Facilities and shall be determined to be in compliance with all Standards for Granting Special Use Approval in Section 9.2.5 of the zoning ordinance.