

Charter Township of Oscoda

Planning Commission Meeting

AGENDA

October 3, 2022 6PM
Robert J. Parks Public Library
6010 Skeel Ave
Oscoda, MI 48750

1. Call to Order
2. Pledge of Allegiance
3. Welcome Guests
4. Member Roll Call
5. Approval of Work Session and Planning Commission Minutes –
 - i. Planning Commission Regular Meeting Minutes September 6, 2022
6. Agenda – Additions, Corrections, & Approval
7. Public Comment – (Non-Scheduled and Scheduled Agenda Items)
8. Public Hearing– N/A
9. New Business –
 - i. Capital Improvement Plan
10. Old Business –
 - i. By-Laws Review
 - ii. Second Read Ordinance 2021-270 Commercial Marihuana Facilities Ordinance Amendments
11. Report of the Zoning Board of Appeals Representative
12. Report of the Township Board Representative
13. Report of the Planning Commission Sub-Committees
14. Report of the Economic Improvement Committee
15. Comments of Planning Commission members
16. Report of the Planning & Zoning Director
17. Adjournment

Charter Township of Oscoda

Planning Commission

Meeting Minutes

September 6, 2022 6PM

Robert J. Parks Public Library

6010 Skeel Ave

Oscoda, MI 48750

- 1) **CALL TO ORDER**
Jeff Linderman, Chair, called the meeting to order at 6:00 PM.
- 2) **Pledge of Allegiance**
- 3) **WELCOME GUEST** – Mr. Linderman welcomed guests to the meeting.
- 4) **ROLL CALL**
Present – Mr. Schenk, Mr. Palmer, Mr. Schulz, Mr. Tasiar, Ms. Hopcroft, Mr. Davis, Mr. Linderman
Absent – N/A
Quorum –Mr. Linderman determined a quorum present.
- 5) **APPROVAL of Meeting Minutes-**
 - i. **Planning Commission Special Meeting Minutes July 14, 2022** - Mr. Palmer made a motion to approve the minutes as presented. Supported by Mr. Schenk. Roll call vote of Mr. Schenk, Mr. Palmer, Mr. Schulz and Mr. Linderman. All in favor.
 - ii. **Planning Commission Regular Meeting Minutes August 1, 2022-** Mr. Tasiar made a motion to approve the minutes with corrections. Supported by Mr. Linderman. Roll call vote of Mr. Palmer, Mr. Tasiar, Ms. Hopcroft, Mr. Schenk and Mr. Linderman. All in favor.
 - iii. **Planning Commission Special Meeting Minutes August 25, 2022-** Mr. Palmer made a motion to approve the minutes with corrections. Supported by Mr. Linderman. Roll call vote of Mr. Schulz, Mr. Davis, Mr. Tasiar, Mr. Schenk, Mr. Palmer and Mr. Linderman. All in favor.
- 6) **AGENDA – Additions, Corrections & Approval –**
 - i. Mr. Davis made a motion to approve the agenda with a correction (The memo stated Case# 905-2022, it is supposed to be Case # 906-2022). Supported by Mr. Schenk. Roll call vote. All in favor.
- 7) **PUBLIC COMMENT** – N/A
- 8) **PUBLIC HEARING –**
 - i. Case #906-2022- THE GREAT GREEN NORTH LLC, SLUP for Commercial Marihuana Class B Grower Facility
 - a. Mr. Davis made a motion to open the public hearing on Case # 906-2022 The Great Green North LLC SLUP. Supported by Mr. Linderman. Roll call vote. All in favor.
 - b. Ms. Vallette read the case notes to the Commission. She stated that Class B Marihuana Grower is an allowed SLUP in the Industrial Zoning District. Ms. Vallette finds that the application meets all standards for approval.
 - c. Mr. Linderman asked the applicants if they had any input on the case. The applicants introduced themselves and gave a little background on why they

are applying to build and open a Grow Facility. They are proposing to build a new building on Parcel #064-A35-000-062-03 on Van Ettan Creek Dr.

- d. Mr. Linderman asked if Ms. Vallette received any written correspondence in opposition of this case. She did not. Ms. Vallette did not receive any written comments in favor of the case either.
- e. Mr. Palmer welcomed the applicants to the community and thanked them for wanting to invest in the community. Mr. Palmer clarified how many facilities they already have. They would like to open another location eventually and also process, but for right now, their plan is to grow only. Mr. Palmer also clarified that they are the property owner and will be leasing to their LLC.
- f. The applicants lot was split from a bigger lot. Mr. Palmer wanted to make sure that a lot split went through. It was verified that the lot split was approved in November 2021 by the Township Board.
- g. Mr. Davis asked the applicants to elaborate on how many employees they will eventually have. They are hoping to eventually have 6-10 employees.
- h. Mr. Schenk asked if Sewer and Water was going to be available at their property. The applicants have already verified that Water and Sewer will be available to them.
- i. Mr. Davis made a motion to close the public hearing and move into deliberations on Case #906-2022. Supported by Mr. Linderman. Roll call vote. All in favor.
- j. Ms. Vallette had no further input on the case.
- k. Mr. Tasior had a couple reminders for the Commission. He finds that all 9 standards for approval are consistent with the application. He also stated this should be a preliminary site plan review and the 9 standards for approval should be mentioned in the motion.
- l. Mr. Palmer made a motion to close deliberations on Case #906-2022. Supported by Ms. Hopcroft. Roll call vote. All in favor.
- m. Mr. Tasior made a motion to approve Case #906-2022 Great Green North LLC request for a Class B Grow Facility as submitted to be contingent on the approval from the State of Michigan. Applicants need to show proof of approval to the Planning & Zoning Director to obtain a local license and upon approval of a site plan for an 8,000 sq. ft. new construction building on Parcel # 064-A35-000-062-03 and the SLUP fits all nine standards for approval. Supported by Mr. Palmer. Roll call vote. All in favor.

9) **Old Business – N/A**

10) **New Business –**

- i. Chapter 26, Article III- Installation, Maintenance and/or Repair of Sidewalks Code of Ordinance Discussion
 - a. Mr. Linderman asked Ms. Vallette to put this item on the agenda. He stated that we do not require residents to maintain snow fall on their sidewalks. With us having a Social District now along with a Hotel under construction, there could potentially be more people in the downtown area and he feels that by not making residents take care of the snow it could cause dangerous conditions for people.
 - b. Mr. Schenk verified where DPW maintains snow fall.
 - c. There are conflicting statements within the Ordinance.
 - d. Mr. Schulz stated that where he used to live, if DPW had to shovel at businesses, the bill would be added to their taxes. He also noted that a lot of the sidewalks in town are in dismal shape.

- e. Mr. Tasior asked if this was a Code of Ordinance or 165 Ordinance. It is in the Code of Ordinances. Mr. Tasiors concern is that this is another Ordinance that is not being enforced by Code Compliance. He stated this is another reason to have full time Code Compliance.
- f. Ms. Vallette stated she had the same concern that if we don't have enforcement backup, then there may be no reason to change this Ordinance until it can be enforced.
- g. Ms. Kline stated that she and the Clerk have been working with Rick Freeman on a grant program, Safe Routes to School, for repairing the sidewalks along the route to the school.
- h. This Ordinance will be sent over to the Ordinance Revision Sub-Committee for review.
- i. Ms. Hopcroft made a motion to recommend to the Township Board to make Code Compliance a full-time position. Supported by Mr. Tasior. Roll call vote. All in favor.
- ii. Villages of Oscoda 8000 Block Discussion-
 - a. This topic had been being discussed in the Master Plan Sub-Committee. Ms. Hopcroft reviewed the Villages of Oscodas By-Laws and found that their board has a very broad authority. The goal here is to talk with their Board to clear up some rumors and have a discussion with them regarding the 8000 Block and maybe having housing there one day.
 - b. Ms. Vallette is going to set up a meeting with the Villages Board and Ms. Vallette, Ms. Kline and Ms. Hopcroft.

11) Report of the Zoning Board of Appeals Representative

- i. Mr. Schulz stated there was not a ZBA meeting in August.

12) Report of the Township Board Representative

- i. Mr. Palmer stated that the Township Board approved the first reads on six Ordinance Revisions that were at their 8/8/2022 Board meeting.
- ii. Mr. Palmer stated that the Planning Commission Alternate appointment was rescinded due to our new attorneys opinion.
- iii. Mr. Palmer stated that a RAB representative did a presentation at a board meeting regarding PFA's.

13) Report of the Planning Commission Sub-Committees

- i. Ms. Hopcroft stated that housing on the 8000 block in the Villages was a topic most recently discussed in the Master Plan Sub-Committee along with the Non-Motorized Plan.

14) Report of the Economic Improvement Committee

- i. Mr. Tasior stated the EIC will meet again on 9-8-2022.
- ii. Ms. Hopcroft stated that the Arts & Place Making Committee had a contest and the art will be displayed on the firehall next to the other one. They are also looking at a free standing sculpture for Piety Hill.

15) Comments of Planning Commission members

- i. Mr. Palmer stated that there will be PFA's and other contaminants Blood Testing offered to residents.
- ii. Mr. Linderman let the Commission know that there was a Survey out for the Residents right now. It is available at the Clerks Office or online.

16) Report of the Zoning Administrator

- i. Ms. Vallette updated the Commission on the Township Hall Work Session. We have not met due to waiting on the Structural Needs assessment from the Engineer. Ms. Vallette also informed

the board of what fee simple meant based off a request from a board member at an earlier meeting.

Declaring no further business, Mr. Linderman adjourned the meeting at 8:02 PM.

Jeff Linderman - Chair

Date

Nichole Vallette – Planning & Zoning Director

Fund/Department									
GENERAL FUND 101	2022	2023	2024	2025	2026	2027	2028	Total	Source/Comment
Township Website / Cmmctns Plan	\$7,725	\$7,957	\$8,195	\$8,441				\$39,818	101-299-801.000 Prof Fees - Website / Social Media Maintnc'
2020 Master Plan Project Update		\$18,000						\$18,000	101-722-801.000 Professional Fees
Expand Form-Based Code to B-2 & More	\$15,000	\$25,000						\$40,000	101-722-801.000 Professional Fees
Five Year Parks & Rec Plan Update					\$20,000			\$20,000	101-722-801.000 Professional Fees
Replace Watering Cart		\$85,000						\$85,000	101-751-980.000
Front Brush for Sidewalk Machine		\$9,200						\$9,200	101-751-980.000
Mower with Bagger			\$22,500					\$22,500	101-751-980.000
Truck for Mowers/Parks			\$35,000					\$35,000	101-751-980.000
Replace Bucket Truck					\$38,000			\$38,000	101-265-980.000
Replace Downtown Poles for Decorations		\$20,000	\$20,000	\$20,000	\$20,000	\$20,000		\$100,000	101-265-980.000
Professional Planning Services			\$25,000					\$25,000	101-722-801.000 Professional Fees
Downtown & Commercial Corridor Façade Grant		\$50,000	\$50,000	\$50,000	\$50,000	\$50,000		\$250,000	101-250-801.000
Downtown Business Corridor Art Projects		\$11,250	\$11,250	\$11,250	\$11,250			\$45,000	101-250-801.000
Archway Project (PLACELeap)	\$50,000		\$100,000					\$150,000	101-250-801.000
Property Acquisition		\$130,000	\$130,000					\$260,000	101-250-802.000
Downtown Grant Program (PLACELeap)	\$30,000	\$30,000						\$80,000	101-250-956.000
TOTAL COST	\$102,725	\$386,407	\$401,945	\$89,691	\$139,250	\$70,000	\$0	\$1,217,518	GF 101 Started 2021 w-a Fund Balance of \$2,531,324
ROAD IMPROVEMENT FUND 203	2022	2023	2024	2025	2026	2027	2028	Total	Source/Comment
Sidewalk Replacement	\$5,000	\$5,000	\$5,000	\$5,000				\$20,000	Fund 203-000-969.000 Street & Road Maintenance
Road & Street Improvement	\$27,000	\$27,000	\$27,000	\$27,000				\$108,000	Fund 203-000-969.000 Street & Road Maintenance
TOTAL COST	\$32,000	\$32,000	\$32,000	\$32,000	\$0	\$0		\$128,000	Fund 203 Started 2021 w-a Fund Balance of \$77,543
FOREST RESERVE FUND 204	2022	2023	2024	2025	2026	2027		Total	Source/Comment
Road & Street Improvement	\$10,000	\$10,000	\$10,000	\$10,000				\$40,000	Imprv Cnty Roads 204-000-969.000
TOTAL COST	\$10,000	\$10,000	\$10,000	\$10,000	\$0	\$0	\$0	\$40,000	Fund 204 Started 2021 w-a Fund Balance of \$32,770
FD EQUIPMENT FUND 206	2022	2023	2024	2025	2026	2027	2028	Total	Source/Comment
Replace Dive Rescue Boat				\$125,000				\$125,000	Dedicated Millage 206-000-981.000
Replace Bunker Gear					\$60,000			\$60,000	Dedicated Millage
Replace Old Fire Hose	\$22,500							\$22,500	Dedicated Millage
Replace Engine #6		\$325,000						\$325,000	Millage Renewal; One Unit Combination with Rescue Truck
Replace Brush Pickups (2)		\$80,000						\$80,000	Millage Renewal- 206-000-981.000
Replace Existing S.C.B.A. Units							\$280,000	\$280,000	Millage Renewal
Replace Small Boat	\$22,000							\$22,000	Millage Renewal
Replace Dive Equipment			\$50,000					\$50,000	Dedicated Millage
Replace Washing Machine			\$5,000					\$5,000	Dedicated Millage
Replace 3000 FT of 5" Supply Line					\$25,000			\$25,000	Dedicated Millage
Replace Air Compressor						\$50,000		\$50,000	Dedicated Millage
Replace 1997 Rescue Truck		\$325,000						\$325,000	Dedicated Millage; One Unit Combination with Engine #6
TOTAL COST	\$44,500	\$730,000	\$55,000	\$125,000	\$85,000	\$50,000	\$280,000	\$1,369,500	FD Fund 206 Started 2021 w-a Fund Balance of \$313,079
POLICE FUND 207	2022	2023	2024	2025	2026	2027	2028	Total	Source/Comment
Annual Patrol Vehicles	\$84,000	\$44,000	\$88,000	\$46,000	\$90,000	\$48,000	\$96,000	\$496,000	207-000-981.000
Retrofit Patrol Vehicles	\$20,000	\$11,000	\$22,000	\$12,000	\$24,000	\$13,000	\$26,000	\$128,000	2020 & Beyond Now More Expensive Retro
6 Mobile Data Terminals in Vehicles			\$14,000	\$7,500	\$15,000	\$8,000		\$44,500	MDT / Printer Upgrade OR Replacement
Mobile Radios in Patrol Vehicles	\$18,000	\$18,500						\$36,500	Replace Existing Patrol Vehicle Radios
Computer Maintenance		\$17,000						\$17,000	207-000-815.100
New Police Department Server		\$14,000						\$14,000	207-000-815.100
WatchGuard - In Car Camera Replacement		\$7,000	\$14,000	\$7,500	\$15,000			\$43,500	207-000-815.100
	\$122,000	\$111,500	\$138,000	\$73,000	\$144,000	\$69,000	\$122,000	\$779,500	207-000-980.000 Equipment OR 207-000-981.000 Vehicle
									Police Fund 207 Started 2021 w-a Fund Balance of \$250,818
OOP CAPITAL IMP FUND 218	2022	2023	2024	2025	2026	2027	2028	Total	Source/Comment
2500 Plow Truck Replacement	\$42,000							\$42,000	Line 218-000-984.0000 Capital Improvement Expense
Engineered Drawings		\$8,500						\$8,500	Future Projects, IE: Store, Office, Entrance/Exit, BathHouse

Road Improvements					\$100,000			\$100,000	4.6 Miles of Paved Roads
4 x 4 Utility Vehicle			\$16,500					\$16,500	Fund 218 Started 2019 w-a Fund Balance of \$192,185
Compact Tractor w/Front Loader	\$32,000							\$32,000	OOP Transfer/CIP Cash
30 ft Yurt w/Decking & Furniture				\$37,500				\$37,500	OOP Transfer/CIP Cash
Electrical Updgrade & New Bath House		\$130,000						\$130,000	Ballpark Est. Would Need Reduce Fund 509 Transfer to GF
Bath House Septic Field System		\$8,500						\$8,500	OOP Transfer/CIP Cash
Outdoor LED Sign			\$7,800					\$7,800	OOP Transfer/CIP Cash
John Deere Backhoe 310 SL					\$150,000			\$150,000	Replacement of Old Backhoe
(20) Single Speed Cruiser Bicycles		\$7,300						\$7,300	OOP Transfer/CIP Cash
TOTAL COST	\$74,000	\$154,300	\$24,300	\$37,500	\$250,000	\$0	\$0	\$540,100	OOP Fund 218 Started 2021 w-a Fund Balance of \$103,486
PROPERTY O & M FUND 236	2022	2023	2024	2025	2026	2027	2028	Total	Source/Comment
Seal Coat Metal Roof at DRMO 4 Building		\$35,000						\$35,000	236-266-980.000
New Mower with Bagger		\$21,000						\$21,000	236-266-980.000
TOTAL COST	\$0	\$56,000	\$0	\$0	\$0	\$0	\$0	\$56,000	Fund 236 Started 2021 w-a Fund Balance of \$2,683,189
PUBLIC IMPROVEMENT FUND 245	2022	2023	2024	2025	2026	2027	2028	Total	Source/Comment
Partial Parks Cleaning Truck		\$24,000						\$24,000	Knapheide Truck Equip + Wohlfeil Ace Hardware + Zubek F150
TOTAL COST	\$0	\$24,000	\$0	\$0	\$0	\$0	\$0	\$24,000	Fund 245 Started 2021 w-a Fund Balance of \$120,295
OWAA LDFA FUND 251	2022	2023	2024	2025	2026	2027	2028	Total	Source/Comment
Road Reconstruction Paid to ICRC	\$0	\$0	\$0	\$0				\$0	Fund 251-000-984.000 LDFA Projects
TOTAL COST	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	Fund 251 Started 2021 w-a Fund Balance of \$349,840
LIBRARY FUND 271	2022	2023	2024	2025	2026	2027	2028	Total	Source/Comment
Asphalt Parking Lot		\$75,000						\$75,000	Fund 271-000-930.000 Repairs & Maintenance
TOTAL COST	\$0	\$75,000	\$0	\$0	\$0	\$0	\$0	\$75,000	Fund 271 Started 2021 w-a Fund Balance of \$104,785
SEWER FUND 590	2022	2023	2024	2025	2026	2027	2028	Total	Source/Comment
Lift Station/Sewer Project Bond	\$8,275,000							\$8,275,000	SRF Funded
Manhole Rehab - Cash Funded	\$75,500	\$68,000	\$81,000	\$69,000				\$293,500	Spicer AMP
Misc. Sewer Improvements	\$50,000	\$50,000	\$50,000					\$150,000	Spicer AMP
Mini Excavator (1/2 Sewer)			\$30,000					\$30,000	1/2 cost - split between water & sewer
New Vactor Truck (1/2 Sewer)	\$250,000							\$250,000	1/2 cost - split between water & sewer
New PickUp or Van (1/2 Sewer)				\$15,000				\$15,000	DPW staff
Oscoda Beach Park Upgrades	\$100,000							\$100,000	590-000-821.000
Mini Excavator Trailer (1/2 Sewer)			\$3,750					\$3,750	1/2 cost - split between water & sewer
TOTAL COST	\$8,750,500	\$118,000	\$164,750	\$84,000	\$0	\$0	\$0	\$9,117,250	Sewer Fund 590 Started 2021 w-a Fund Balance of \$538,842
WATER FUND 591	2022	2023	2024	2025	2026	2027	2028	Total	Source/Comment
Leak Detection Survey		\$35,000						\$35,000	Acoustic Leak Detection 3-5 years
Water Main Replacements	\$75,000	\$121,200						\$196,200	20-Year CIP / FTC&H Reliability Study
Water Main Extension		\$9,691,200						\$9,691,200	C2R2 Funded
New Vactor Truck (1/2 Water)	\$250,000							\$250,000	1/2 cost - split between water & sewer
Hydrant Replacements	\$40,000	\$40,000	\$40,000	\$40,000	\$40,000	\$40,000		\$240,000	20-Year CIP
New PickUp or Van (1/2 Water)				\$15,000				\$15,000	DPW staff
Automated Meter Reading	\$385,000							\$385,000	591-000-980.100
Water Main River Rd East US-23 to Beach			\$200,000					\$200,000	WAMP F&V 2019
Water Main Wheeler Rd-River to Michigan			\$75,000					\$75,000	WAMP F&V 2019
Intrcnct Water Main Hughes St and Weir Rd				\$66,360				\$66,360	WAMP F&V 2019
Mini Excavator (1/2 Water)			\$30,000					\$30,000	1/2 cost - split between water & sewer
Oscoda Beach Park Upgrades								\$0	591-000-821.000
Mini Excavator Trailer (1/2 Water)			\$3,750					\$3,750	1/2 cost - split between water & sewer
TOTAL COST	\$750,000	\$9,887,400	\$348,750	\$121,360	\$40,000	\$40,000	\$0	\$11,187,510	Water Fund 591 Started 2021 w-a Fund Balance of \$121,423
GRAND TOTAL COST ALL FUNDS 2022 through 2028								\$24,534,378	

CHARTER TOWNSHIP OF OSCODA

Planning Commission

By-Laws

The following By-Laws hereby adopted by the Oscoda Township Planning Commission to facilitate the performance of its duties as outlined in the Township Planning Act, Public Act 168 of 1959, as amended, Michigan Public Act 33 of 2008 as amended. (Being the Michigan Planning Enabling Act, M.C.L 125.3801, et.seq) and Article IV, Division 3, Sec. 2-138 of the Oscoda Township Code of Ordinances.

Section 1: Officers

- A. **Selection and Tenure:** At the first regular meeting in June of each year, the Planning Commission shall select from its membership a chairperson, vice chairperson and secretary. An elected township official shall not hold office on the Planning Commission. All officers shall serve a term of one year, or until their successors are selected and assume office. All officers shall be eligible for re-election for consecutive terms for the same office.
- B. **Chairperson:** The chairperson shall preside at all meetings, appoint members to committees, assign tasks and perform such other duties as ordered by and deemed necessary by the Township Board.
- C. **Vice Chairperson:** The vice chairperson shall act in the capacity of the chairperson in his/her absence. In the event the office of chairperson becomes vacant, the vice chairperson shall succeed to this office for the unexpired term and the Planning Commission shall elect a successor to the office of vice chairperson for the unexpired term.
- D. **Secretarial Duties:** The Secretary shall execute documents in the name of the Planning Commission, perform the duties listed below and shall perform such other duties as determined by the Planning Commission.
1. **Minutes:** The Secretary and/or Planning & Zoning Director shall be responsible for keeping a permanent record of the minutes of each meeting and shall have them preserved~~recorded in suitable permanent records~~ as required by the Township Clerk. The minutes shall contain a clear description of the meeting, including all motions and record of votes, conditions or recommendations made on any action and record of attendance.
 2. **Correspondence:** The Secretary and/or Planning & Zoning Director shall be responsible for issuing formal written correspondence with other groups or persons

Commented [KK1]: Why June and not January?

Commented [KK2]: State law only prohibits an elected official from being chair; are you proposing to expand this limitation to all offices?

as directed by the Planning Commission. All communications, petitions, reports or other written materials received pertaining to the Planning Commission shall be forwarded to each board member at the earliest opportunity. This includes an annual report of the previous year's activities drafted by the Planning & Zoning Director or Secretary which shall be and given to the Planning Commission for review/revision, prior to submission to the Township Board. ~~This report is to include Planning Commission and Zoning Board of Appeals meeting attendance, including work sessions, and training sessions.~~

3. **Submit:** Per Diem as required.
4. **First Yearly Regular Meeting:** ~~At~~ the first regular meeting of the year (January), ~~will include~~ the Planning Commission shall adopt a resolution setting the regular meeting dates for the upcoming year.

Commented [KK3]: Has the Board authorized a per diem for PC members?

~~E. **Alternate Planning Commission Member**— Alternates shall participate in all Planning Commission matters except that alternates shall vote only in the event of an absence of a member or of a vacancy on the Commission, or if a member has a conflict of interest. In such event, the first alternate shall participate as a voting member. The second alternate shall participate as a voting member during the second occurring absence or vacancy at the same meeting.~~

F. **Zoning Board of Appeals—Planning Commission—Representative:** The Planning Commission, ~~being the authoritative Board, has~~ shall appoint a representative to the Zoning Board of Appeals, which shall be appointed annually by the Planning Commission during their yearly June elections. He/she reports the actions of the Zoning Board of Appeals to the Planning Commission and updates the Zoning Board of Appeals on actions of the Planning Commission.

Commented [KK4]: Do you want the appointment to run with the tenure of the PC member?

G. **Economic Improvement Committee – Planning Commission Representative:** The Planning Commission, ~~being the authoritative Board, has~~ shall appoint a representative to the Economic Improvement Committee, which shall be appointed annually by the Planning Commission during their yearly June elections. He/she reports the actions of the Economic Improvement Committee to the Planning Commission and updates the Economic Improvement Committee on actions of the Planning Commission.

Commented [KK5]: Same question about term.

H. The Township Board, ~~being the authoritative Board, has~~ shall appoint a representative to the Planning Commission, which they appoint, and who has the duty of reporting the actions taken by the Township Board back to the Planning Commission. He/she also reports the actions of the Planning Commission back to the Township Board, reporting the actions taken by the Planning Commission that relate to the Township Board.

Commented [KK6]: This last sentence is incomplete.

Section 2: Meetings

- A. **Meetings:** Meetings of the Planning Commission shall be held on the first Monday of each

month or as otherwise directed. Unless directed otherwise, all meetings shall take place at the Robert J. Parks Library.

- B. **Notice:** All meetings shall be noticed in accordance with the requirements of the Zoning Ordinance. Meeting notices shall state the purpose, time and location of meetings and shall be posted in accordance with the Open Meetings Act.
- C. All meetings, minutes, records, documents, correspondence and other materials of the Planning Commission shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.
- D. ~~Four members~~ A majority of the sitting members of ~~a seven member~~the Planning Commission shall constitute a quorum for transacting of business and taking official action for all matters. The Planning Commission shall not conduct business unless a majority of the members are present.
- E. **Voting:** An affirmative vote of the majority of the Planning Commission membership is required to adopt any part of the Master Plan or amendments to the plan (MCL 125.~~3283843~~). Unless required by statute, other actions or motions placed before the Planning Commission may be adopted by a majority vote of the membership in attendance, as long as a quorum is present. Voting shall be by voice roll call vote. All Planning Commission members, including the Chairperson, shall vote on all matters, but the Chairperson shall vote last (with the exception of a conflict of interest).
- F. **Agenda:** The Planning & Zoning Director shall be responsible for preparing an agenda for Planning Commission meetings. The order of business for meetings shall be as follows:
 - 1. Call to Order
 - 2. Pledge of Allegiance
 - 3. Welcome of Guests
 - 4. Roll Call of Members
 - 5. Approval of Minutes
 - 6. Additions to the Agenda
 - 7. Public Comment Period (for Scheduled and Non-Scheduled agenda items)
 - 8. Scheduled Public Hearings/Agenda Items
 - 9. Comments of Planning Commission Members
 - 10. Report of the Zoning Board of Appeals Representative
 - 11. Report of the Township Board Representative
 - 12. Report of the Planning Commission Sub-Committees
 - 13. Report of the Economic Improvement Committee

Commented [KK7]: Do you want to add "Approval of the Agenda"?

14. Report of the Planning & Zoning Director
15. Adjournment

G. **Public Hearings:** All public hearings held by the Planning Commission ~~must~~ shall be held as part of a regular or special meeting of the Planning Commission. The following procedure shall apply to Public Hearings held by the Planning Commission:

1. Chairperson announces the subject and requests a motion to open the Public Hearing. All motions throughout the Public Hearing process will be ~~repeated~~ restated by the Chairperson along with the names of the Commissioners who made and seconded the motion. All voting shall be done by voice roll call vote.
2. Chairperson summarizes procedures/rules to be followed during the Public Hearing.
3. Applicant/Representative presents his/her request.
4. All comments regarding the Public Hearing will be directed to the Chairperson. The Chairperson will accept opposing comments (including letters read by the Planning & Zoning Director) first asking the person's name and address. Once opposing comments have been heard, comments in favor (including letters read by the Planning & Zoning Director) will be heard in the same manner. All persons will be allowed to speak once. After all persons had the opportunity to speak, the Chairperson can allow questions from the ~~Board~~Commission. At the discretion of the Chairperson, additional comments may be permitted by the audience prior to the motion to close Public Hearing.
5. Chairperson requests a motion to close the Public Hearing period.
6. Planning & Zoning Director provides input/analysis.
7. Chairperson requests a motion to open deliberations for the Planning Commission members, who will be individually recognized to speak.
8. When deliberations are complete, the Chairman asks for a motion to close —deliberations.
9. For Special Land Use Permit cases, ~~all any~~ conditions attached to an approval or denial motion shall be read as part of the motion, will be read collectively and have a roll call vote for all conditions collectively.
10. Chairperson asks for a ~~final~~ motion on the application/petition with a roll call vote.
11. Chairperson informs the applicant of the Board's decision.
12. Explanation of Appeal Process upon an application denial.

Commented [KK8]: Do you want to move this earlier in the process? Before or after the applicant presents, but before public comment.

Commented [KK9]: Why is a motion required? It is the job of the PC to discuss matters before it.

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Commented [KK10]: What about other matters before the PC? Site plans? PUDs?

- H. **Special Meetings:** Applicants to the Planning Commission may request a special meeting, ~~off~~for which all costs (as ~~directed-set~~ by Township Board Resolution) shall be paid by the applicant; if there is more than one applicant, the costs shall be shared equally between all applicants. All ~~public-special~~ meetings ~~by~~of the Planning Commission will be held in compliance with the Open Meetings Act.

Section 3: Duties of the Planning Commission

- A. Take such action on petitions, staff proposals and Township Board requests for amendments to the Zoning Ordinance and/or Master Land Use Plan as required.
- B. Prepare special studies and plans, as deemed necessary by the Planning Commission or Township Board and for which appropriations of funds have been approved by the Township Board, as needed.
- C. Provide assistance to the Township Board ~~for~~in developing a Capital Improvements Plan.
- D. Site Visits are required and are critical in rendering a proper decision. While visiting a site, some precautions should be used:
1. More than one board member visiting a site at the same time should be avoided. However, the Chairman may authorize a group site visit if necessary. If a group visit is warranted ~~or necessary, all comments will be held until the hearing and not discussed previously;~~the visit shall be posted as a public meeting of the Planning Commission as required by the Open Meetings Act.
 2. Although applicants give members permission to inspect property, members must be cautious not to trespass on adjacent properties without permission, unless they are ~~considered available-open~~to the public (such as a shopping center).
 3. If a board member cannot avoid contact with the applicant or neighbors, etc., the board member must share information obtained with other members during a public meeting. This will avoid “ex parte” (from one point of view) contact.
 - i. For purposes of these Rules, ex parte communication shall mean oral or written, off-the record communication made to or by Commissioners, without notice to parties that is directed to the merits or outcome of a business item.
 - ii. The Planning Commission desires to conduct all proceedings fairly, to create a record that includes all of the evidence upon which recommendations and decisions were made, and to prevent the appearance of undue influence on its recommendations and decisions were made, and to prevent the appearance of undue influence on its recommendations and decisions. To this end, Commission members should avoid ex parte communication and if any such communications are received, Commission members shall disclose the details of the communication at the Commission

meeting after the introduction of the item of which the ex parte communication pertained.

E. Annual Reports ~~to the Township Board shall will~~ include attendance by Planning Commission members for all ~~_____~~ meetings, work sessions, and training sessions.

~~F. The Annual Report will include the number of hours of attendance for training each PC member, which shall be a minimum of 6 hours per the Township Board, the Authoritative Board.~~

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Section 4: Resignations and Vacancies

A. A member may resign from the Planning Commission by sending a letter of resignation to the Township Supervisor, Township Board or the Planning Commission Chairperson. Vacancies, ~~which may be caused by the resignation or removal of a Planning Commission member shall be filled by an alternate, as approved by the Planning Commission. The Alternate shall take the vacant position while maintaining their original tenure, shall be filled by appointment of the Township Supervisor and confirmation of the Township Board.~~

Section 5: Conflict of Interest

A. Planning Commission members shall ~~declare-disclose any~~ conflict of interest and may abstain from voting, but may still participate as a member of the Public in a hearing or deliberations on a request ~~when:~~

Commented [KK12]: I would recommend that if a PC member has a conflict, they should not participate in any way in the petition, including public comment.

1. A relative or other family member is involved in any request for which the Planning Commission is asked to make a decision;
2. The Planning Commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association;
3. The Planning Commission member owns or has a financial interest in neighboring property. For purposes of this section, a neighboring property shall include any property falling within the notification radius for the proposed development, as required by the Zoning Ordinance or other applicable ordinance, or;
4. There is a reasonable appearance of a conflict of interest, as determined by the Planning Commission member declaring such conflict;
5. A reasonable appearance of a conflict of interest as determined by another Planning

Commission member, or another third party shall be discussed. A Planning Commission member can be asked to abstain from voting at the discretion of the Chairperson.

- B. The Planning Commission member declaring a conflict of interest should state the nature of the conflict and whether he or she believes he or she could impartially consider the request before the Commission. The member should individually decide to abstain from any discussion or votes relative to the matter that is the subject of the conflict. The member declaring a conflict should not make any presentations to the Planning Commission as a representative of the proposal.

Section 6: Amendments

These By-Laws may be amended at any meeting by a vote of at least four members of the Planning Commission, and reviewed in its entirety at the first meeting of May each year and signed by the standing Chairperson.

Adopted by the Oscoda Township Planning Commission on December 2, 2019

Amended by the Oscoda Township Planning Commission on June 1, 2020

Amended by the Oscoda Township Planning Commission on May 2, 2022

Ed Davis, Chairperson
Oscoda Township Planning Commission



Charter Township of Oscoda
 110 South State Street
 Oscoda, Michigan 48750
 Office of Supervisor: (989)739-3211
 Office of Clerk: (989)739-4971 Office of
 Treasurer: (989)739-7471 Office of
 Superintendent: (989)739-8299 Fax:
 (989)739-0034

ORDINANCE NUMBER ~~2021-270~~ _____

**COMMERCIAL MARIHUANA FACILITIES
 ORDINANCE**

The Charter Township of Oscoda, County of Iosco, State of Michigan

ORDAINS:

ORDINANCE NO.: _____

Adopted: _____

Effective: _____

AN ORDINANCE to Amend the Zoning Ordinance to provide for the regulation of marihuana facilities and establishments authorized by the *Michigan Medical Marihuana Act*, being MCL §§ 333.26421, *et seq.*, the *Michigan Marihuana Facilities Licensing Act*, being MCL §§ 333.27101, *et seq.*, and the *Michigan Regulation and Taxation of Marihuana Act*, being MCL §§ 333.27951, *et seq.*; to provide for the enforcement thereof, and to provide for civil penalties and remedies for the violation thereof.

SECTION 1.1 PURPOSE

- A. It is the intent of this ordinance to authorize the establishment of several types of Commercial Recreational Marihuana Facilities in the Charter Township of Oscoda and provide for the adoption of reasonable restriction to protect the public health, safety and general welfare of the community at large; retain the character of neighborhoods; and mitigate potential impacts on surrounding properties and persons. It is also the intent of this ordinance to help defray administrative and enforcement costs associated with the operation of marihuana facilities in Charter Township of Oscoda through the imposition of annual, nonrefundable permit fees of not more than \$5,000 on each Commercial Recreational Marihuana Facility permit. Authority for the enactment of these provisions is set forth in Michigan Regulation and Taxation of Marihuana Act.

- B. Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty or sanction for the cultivation, manufacturing, possession, use, sale or distribution of Marihuana, in any form, that is not in compliance with the Michigan Regulation and Taxation of Marihuana Act and all other applicable rules promulgated by the State of Michigan.
- C. As of the effective date of this ordinance, Marihuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. Sec. 801 et seq., which makes it unlawful to manufacture, distribute or dispense Marihuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under federal laws.

SECTION 1.2 DEFINITIONS

~~Any term defined by the Michigan Regulation and Taxation of Marihuana Act (“MRTMA”), MCL 333.27951 et seq., shall have the definition given in that Act. Any term defined by the Michigan Regulation and Taxation of Marihuana Act, shall have the definition given in the Michigan Regulation and Taxation of Marihuana Act.~~ Further, and without limitation:

“**Affiliate**” means any person that controls, is controlled by, or is under common control with; is in a partnership or joint venture relationship with; or is a co-shareholder of a corporation, a co-member of a limited liability company, or a co-partner in a limited liability partnership with a licensee or applicant.

“**Application**” means an application for a permit under this ordinance, and includes supplemental documentation attached or required to be attached thereto; the person filing the applications shall be known as the “**applicant**.” Further, any such application shall be considered one for a Conditional, or, Special Use, and shall be subject to all corresponding provisions and requirements of this Ordinance, including without limitation Chapters 8, 9.

“**Commercial Recreational Marihuana Facility**”, “**Recreational Marihuana Facility**” or “**Recreational Facility**” means an enterprise at a specific location at which a licensee is licensed to operate under the Michigan Regulation and Taxation of Marihuana Act, including a Marihuana Grower, Marihuana Processor, Marihuana Retailer, Marihuana Secure Transporter, or Marihuana Safety Compliance Facility. A Marihuana Microbusiness is not considered a Commercial Recreational Marihuana Facility for the purposes of this definition.

“**Department**” means the Michigan State Department of Licensing and Regulatory Affairs or any authorized designated Michigan agency authorized to regulate, issue, or administer a Michigan License for a Commercial Recreational Marihuana Facility.

“**Designated Consumption Establishment**” means a commercial space that is licensed by the agency and authorized to permit adults 21 years of age and older to consume marihuana products at the location indicated on the state license.

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“Equivalent licenses” means any of the following license types issued under the *Michigan Marihuana Facilities Licensing Act* (MMFLA), MCL 333.2701 et seq., and/or the *Michigan Regulation and Taxation of Marihuana Act* (“MRTMA”), MCL 333.27951 et seq. ~~*Michigan Regulation and Taxation of Marihuana Act* (MRTMA):~~ a grower of any class, processor, marihuana retailer or provisioning center, secure transporter, safety compliance facility.

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“Licensee” means a person holding a state operation license under the *Michigan Regulation and Taxation of Marihuana Act*.

“Marihuana” or **“Marijuana”** means that term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106, and regardless of the particular spelling thereof.

“Marihuana Event Organizer” means a person licensed to apply for a temporary marihuana event license under these rules.

“Marihuana Grower” means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages Marihuana for sale to a Marihuana processor or retailer.

“Marihuana Microbusiness” means a person licensed to cultivate no more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older, or to a marihuana safety compliance facility, but not to other marihuana establishments.

“Marihuana Plant” means any plant of the species *Cannabis Sativa L.* Marihuana plant does not include industrial hemp.

“Marihuana Processor” means a licensee that is a commercial entity located in this state that purchases marihuana from a marihuana grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a Marihuana Retailer.

“Marihuana Retailer” means a licensee that is a commercial entity located in this state that purchases marihuana from a marihuana grower or processor and sells, supplies, or provides marihuana to persons 21 years of age and up. Including any commercial property where marihuana is sold. A noncommercial location used by a microbusiness to sell persons 21 and up marihuana in accordance with the *Michigan Regulation and Taxation of Marihuana Act*, does not qualify under this definition.

“Marihuana-infused Product” means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation.

“Marihuana Safety Compliance Facility” means a licensee that is a commercial entity that receives marihuana from a marihuana facility, tests it for contaminants and for

tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

“Marihuana Secure Transporter” means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

“Outdoor Grow” means a fully enclosed outdoor area that is shielded from public view, is equipped with secure locks and other functioning security devices to prevent entry into the area by unauthorized persons.

“Paraphernalia” means any equipment, product, or material of any kind that is designed for or used in growing, cultivating, producing, manufacturing, compounding, converting, storing, processing, preparing, transporting, injecting, smoking ingesting, inhaling, or otherwise introducing into the human body, marihuana.

“Permit” means a current and valid permit for a Commercial Recreational Marihuana Facility issued under this ordinance, which shall be granted to a permit holder only for and limited to a specific permitted premise and a specific permitted property.

“Permit Holder” means the person that holds a current and valid permit under this ordinance.

“Permitted Premises” means a particular building or buildings within which the Permit Holder will be authorized to conduct the facility’s activities.

“Permitted Property” means the real property comprised of a lot, parcel or other designated unit of real property upon which a permitted premises facility is situated.

“Person” means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust or other legal entity or any joint venture for a common purpose.

“Plant” means any living organism that produces its own food through photosynthesis and has observable root formation or is in growth material.

“State Operating License” or, unless the context requires a different meaning, **“license”** means a license that is issued under the *Michigan Regulation and Taxation of Marihuana Act*.

“Temporary Marihuana Event License” means a state license held by a marihuana event organizer for an event where the onsite sale or consumption of marihuana products, or both are authorized at the location indicated on the state license during the dates indicated on the state license.

“Township” means Charter Township of Oscoda, a general law township located in Iosco County, Michigan.

SECTION 1.3 AUTHORIZATION OF FACILITIES AND FEES

A. The maximum number (no minimum number) of each type of Commercial Recreational Marihuana Facility located in the Charter Township of Oscoda is set as follows at the time of adoption but will be reviewed annually or as determined to be advisable at the discretion of the Charter Township of Oscoda Board of Trustees. The review and its findings shall be recorded in the minutes of the relevant meeting of the Charter Township of Oscoda Board of Trustees.

Type of Facility	Number Allowed
Marihuana Grower Type A (Up to 100 plants)-	Unlimited Allowed in Zoning Districts: I, WI and AG
Marihuana Grower Type B (Up to 500 plants)	Unlimited Allowed in Zoning Districts: I, WI and AG
Marihuana Grower Type C (Up to 2,000 plants)	Unlimited Allowed in Zoning Districts: I, WI and AG
Marihuana Secure Transporter	Unlimited Allowed in Zoning Districts: I and WI
Marihuana Processor	Unlimited Allowed in Zoning Districts: I and WI
Marihuana Safety Compliance Facility	Unlimited Allowed in Zoning Districts: B-2, CBD, WB-3, I and WI
Marihuana Provisioning Center	<u>Up to</u> Two Allowed in Zoning Districts: B-2, CBD, WB-3, I and WI
Marihuana Recreational Retailer	<u>Up to</u> Two Allowed in Zoning Districts: B-2, CBD, WB-3, I and WI
Designated Consumption Establishments	Zero (0)

Zoning Districts; I-Industrial, WI- Wurtsmith Industrial, WB-3-Wurtsmith Business, B-2- General Business District, AG- Agricultural, CBD- Corridor Business District

- B. A non-refundable local permitting fee shall be paid annually to the Charter Township of Oscoda, by each Commercial Recreational Marihuana Facility permitted under this ordinance, of no more than \$5,000 per permit. As set by resolution of the Charter Township of Oscoda Board of Trustees.

SECTION 1.4 GENERAL REQUIREMENTS

- A. No person shall operate a Commercial Recreational Marihuana Facility in the Charter Township of Oscoda without a valid Marihuana Facility Permit issued by the Charter Township of Oscoda and shall operate pursuant to the provisions of this ordinance.
- B. No person shall operate a Designated Consumption Establishment, be allowed to operate a Temporary Marihuana Event license and subsequently be appointed a Marihuana event organizer which shall operate within the Township.
- C. The requirements set forth in this ordinance shall be in addition to, and not in lieu of, any other licensing or permitting requirements imposed by the applicable federal, state or local laws, regulations, codes or ordinances.
- D. At the time of application for a Marihuana Adult Use Establishment license, an applicant, to be eligible for this license, must have complied with applicable Township regulations and be issued prequalification status for such license by the State of Michigan's Marihuana Regulatory Agency.
- E. At the time of application, each applicant shall pay a non-refundable application fee to defray the costs incurred by the Township set by resolution of the Charter Township of Oscoda Board of Trustees, not to exceed any limitations imposed by Michigan Law.
- F. A new or renewal permit shall not confer any vested rights or reasonable expectation of subsequent renewal on the applicant or permit holder and shall remain valid for one year.
- G. Each year, any pending application for renewal of existing permits shall be reviewed and granted or denied before application for new permits are considered.
- H. It is the sole and exclusive responsibility of each current or prospective permit holder to, at all times during its' operation or application period, immediately provide Oscoda Township with all ~~material~~ changes in any information previously provided to Oscoda Township, including but not limited to information contained in the permit holder's permit application, that may materially affect any state or local permit. If Oscoda Township deems the change to be a material change, including but not limited to a change in owner, land owner, business plan, or site plan, approval of such change is subject to the approval of the Township Board of Trustees.
- ~~I. Oscoda Township allows a maximum of two Marihuana Recreational Retailer permits and two Marihuana Recreational Retailer permits have been previously issued by the Township. In the event that a Marihuana Recreational Retailer permit becomes available in the~~

~~Township and if there are filed, the Township opens the application process and receives more applications for recreational use Retailer permits than are allowed available Retailer permits~~

in the Township, the competing applicants shall be evaluated and scored in accordance with competitive criteria established, and published in a score sheet form with this Ordinance, by the Township Board of Trustees and in accordance with the requirements of the *Michigan Regulation and Taxation of Marihuana Act*. ~~The higher or highest scoring applicant(s) shall be awarded the available permits, provided that all other requirements of this Ordinance are satisfied.~~

J. No permit issued under this ordinance may be assigned or transferred to any person, firm, organization, or other entity unless:

1. The proposed transferee's business does not expand or alter the scope or nature of the current permit holder's permitted business.
2. The transferred permit will not apply to any other premises than the originally permitted premises, and
3. The proposed transferee has submitted an application, fee for each applications, and all necessary and required supporting documentation required under this Ordinance and the proposed transferee has been granted special land use approval of such transfer pursuant to and in accordance with the requirements of this oOrdinance and other applicable ordinances and State law as if such transferee were the applicant for the original permit being transferred.

~~3-~~ The transferee application shall be reviewed by the Board of Trustees at a public meeting to ensure that the transferee application meets the applicable criteria and the transferee(s) or owners of the transferee business have received prequalification status from the State of Michigan.

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K. The original local permit issued under this ordinance shall be prominently displayed at all times in the facility in a location where it can be readily viewed by the public, law enforcement, or administrative officials. ~~at all times.~~

L. Acceptance by the permit holder of a permit constitutes consent by the permit holder and its owners, officers, managers, agents, and employees for any state, federal, or local law enforcement to conduct random, unannounced examination of their facility and all articles of property therein at any time to ensure compliance with this ordinance, the permit or local and state regulations.

M. A permit holder may not engage in any other marihuana facility on the permitted property or premises without first obtaining a separate local permit.

N. No permit shall be granted or renewed for a Commercial Recreational Marihuana Facility in a residence, building or area not specifically zoned for that purpose.

O. Receiving and maintaining a valid Marihuana Facility License issued by the State of Michigan is a condition for the issuance and maintenance of a marihuana facility permit under this ordinance and continued operation of any marihuana facility.

SECTION 1.5 APPLICATION FOR PERMITS

| A. An application for a permit to operate a Commercial Recreational Marihuana Facility must
| be on a form provided by Charter Township of Oscoda and shall be submitted to the
| Township Planning & Zoning Director along with seven copies of the application and the
| following records and information:

1. The name, address, phone number and email address of the applicants and the type of proposed Commercial Recreational Marihuana Facility.

2. The names, home addresses, ~~and~~ personal phone numbers, dates of birth, copy of driver's license, criminal history for all owners, directors, officers, and managers of the proposed Commercial Recreational Marihuana Facility.
3. ~~Seven (7) copies each of the~~The following records:
 - a. Documentation showing the applicant's valid tenancy, ownership, or other legal interest in the property and premises proposed to be permitted. If the applicant is not the owner of the proposed permitted property and/or premises, a notarized statement from the owner of such property, authorizing its use for a Commercial Recreational Marihuana Facility.
 - b. If the applicant is a corporation, non-profit organization, limited liability company or any other entity other than a natural person, indicate its legal status and attach a copy of all company formation documents (including amendments), proof of registration with the State of Michigan and a certificate of good standing.
 - c. A photocopy of a valid, unexpired driver's license or ~~Sstate-~~issued identification card for all owners, directors, officers, and managers of the proposed facility.
 - d. Evidence of a valid sales tax license for the business if such a license is required by state law or local regulations.
 - e. Application for a sign permit if a sign is being proposed.
 - f. The non-refundable application fee as set by the Charter Township of Oscoda Board of Trustees.
 - g. Business and Operations Plan, showing in detail the Commercial Recreational Marihuana Facilities proposed plan of operation, including without limitation, the following:
 - i. A description of the type of facility proposed and the anticipated or actual number of employees.
 - ii. A security plan meeting the requirements of section 1.10 of this ordinance, which shall include a general description of the security system(s), current centrally alarmed and monitored security system service agreement for the proposed permitted premises, and confirmation that those systems will meet Michigan requirements and be approved by the Department prior to commencing operations.
 - iii. A description by category of all products to be sold.

- iv. A list of Material Safety Data Sheets, as required by Occupational Safety and Health Administration, which shall include all nutrients, pesticides, and other chemicals proposed for use in the proposed facility.
- v. A description and plan of all equipment and methods that will be employed to stop any impact to adjacent uses, including enforceable assurances that no odor will be detectable from outside of the permitted premises.
- vi. A plan for the disposal of marihuana and related byproducts that will be used at the proposed facility.

h. A statement as to whether ~~any the~~ applicant or owner of the applicant has ever applied to the State of Michigan and any licensing authority in Michigan ~~or has been granted~~ any Commercial marihuana license, ~~or certificate, or permit, issued by a licensing authority in Michigan or any other jurisdiction, that has been~~ The statement shall include whether each license, certificate, or permit was granted and if it was ever denied, restricted, suspended, revoked, or not renewed and a statement describing the facts and circumstances concerning the application, denial, restriction or nonrenewal, including the licensing authority, the date each action was taken and the reason for each action.

h.i. A statement regarding the revocation or suspension of any type of commercial or professional license issued to the applicant and the applicant's owners by any licensing authority in the United States.

i.j. Signed and sealed (by Michigan registered architect, surveyor or professional engineer) site plan and interior floor plan of the permitted premises and the permitted property.

j.k. Information regarding any ~~other Commercial Recreational~~ Marihuana Facility that the applicant and the owners of the applicant are currently authorized to operate in any other jurisdiction within Michigan, another state or country, and the applicant's involvement in each facility.

k.l. Application for Special Use Permit to be issued by the Charter Township of Oscoda Planning Commission.

l.m. Application for site plan review to be issued by the Charter Township of Oscoda Planning Commission.

m.n. Any other reasonable information required under Chapters 8 and/or 9 of this Ordinance and/or requested by the Charter Township of Oscoda that is

| ~~considered to be~~ relevant to the processing or consideration of the application.

| ~~no~~ Information obtained from the applicant or proposed permit holder is exempt from public disclosure under The Freedom of Information Act, [the Michigan Marihuana Facilities Licensing Act](#), and ~~S~~state law, except as such disclosure may be necessary for purposes of and/or

divulged by the applicant during the course of the public hearing held on the application.

I. ~~B.~~ Upon receipt of ~~the an~~ application for a Commercial Recreational Marihuana Facility Permit and accompanying documentation, the Charter Township of Oscoda Planning & Zoning Director shall accept the application and assign it a sequential application number by facility type based on the date and time of acceptance. The Planning & Zoning Director shall ~~act to process a review the~~ application and accompanying documentation to determine whether the application is complete, pursuant to the requirements in this ordinance, not later than fourteen (14) business days from the date the application was ~~accepted submitted~~. A permit application is complete if the Township's application form is fully completed and the records and the information listed in Section 1.5(A) of this ordinance were submitted with the application and with payment of the nonrefundable application fee for each type of permit. If an application is not complete, the incomplete application is null and void and the applicant shall be promptly notified and forfeit the application fee.

~~If the~~For any applications for a Commercial Recreational Marihuana Facility Permit other than a Marihuana Recreational Retailer permit, the Planning & Zoning Director shall determine if the permit application is ~~application is deemed~~ complete, as defined above. If the permit application is complete, ~~the~~ Planning & Zoning Director shall forward the application and accompanying documentation to the Planning Commission and establish a date for public hearing and Planning Commission review.

If one or more Marihuana Recreational Retailer Permit(s) becomes available in the Township and the Township chooses to accept applications for a Marihuana Recreational Retailer Permit(s), the Planning & Zoning Director shall review the application and accompanying documentation to determine if the submission complies with the requirements contained in this ordinance. If the application complies with the requirements in this ordinance, the Planning & Zoning Director shall forward the application and accompanying documentation~~all information to the Planning Commission and establish a date for public hearing and Planning Commission review.~~ to each member of the Township Board of Trustees to review and discuss at a public meeting to confirm compliance with this ordinance. As stated in Section 1.4(I) of this ordinance, the Marihuana Recreational Retailer Permit applications shall be evaluated and scored in accordance with the competitive criteria published in a score sheet form attached to this ordinance if more applications for Retailer permits are received than are available at that time in the Township. In the event of a tie of two or more scores of the competitive criteria, the Board of Trustees shall reevaluate the scores for the tied permit applications.

As stated in Section 1.4(I) of this ordinance, the competitive criteria will be established by the Township Board of Trustees and in accordance with the requirements of the Michigan Regulation and Taxation of Marihuana Act when this Ordinance is enacted. Provided that all other requirements of this Ordinance are satisfied, the one or two highest scoring Marihuana Recreational Retailer Permit applications(s), depending on how many are available, shall receive preliminary approval for a permit. Such application(s) shall be forwarded by the Planning & Zoning Director to the Planning Commission and establish a date for public

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hearing and Planning Commission review. At that time, any other Marihuana Recreational Retailer Permit applications(s) that exceeded the number of available permits that were not forwarded to the Planning Commission shall be deemed denied.

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- C. ~~An application is valid for 90 days from the processing date issued by the Charter Township of Oscoda Planning & Zoning Director. If an application remains incomplete beyond 90 days, the application shall be null, and void and the applicant shall forfeit the application fee. The Planning & Zoning Director may, at his discretion, extend this period an additional 90 days.~~
- D. Preliminary approval means only that the applicant has submitted a valid application for a Commercial Recreational Marihuana Facility Permit, and the applicant shall not locate or operate a facility without obtaining all other permits and approvals required by all other applicable ordinances and regulations of the Township, County, and State of Michigan. The permits and approvals required include but are not limited to:
1. Special Use Permit as issued by the Charter Township of Oscoda Planning Commission per Chapter 9 of the Charter Township of Oscoda Zoning Ordinance.
 2. Site plan approval from the Charter Township of Oscoda Planning Commission per Chapter 10 of the Charter Township of Oscoda Zoning Ordinance.
- E. ~~Upon preliminary approval by the Charter Township of Oscoda Planning Commission, the permit holder shall pay the initial annual permitting fee for each Commercial Recreational Marihuana Facility Permit shall be paid~~ to the Charter Township of Oscoda Treasurer, via the Planning & Zoning Director, prior to the issuance of a Commercial Recreational Marihuana Facility Permit. If the fee has not been received within 60 days from the date of the Planning Commissions preliminary approval, the applicant will have forfeited its application, the application shall become null and void, and the permit shall be available to another applicant.
- F. Within 10 business days of the Charter Township of Oscoda Board of Trustees' approval of the Special Use Permit and Commercial Recreational or other Marihuana Facility Permit and payment of the first annual non-refundable local permitting fee, the Charter Township of Oscoda Planning & Zoning Director shall issue the Commercial Recreational or other Marihuana Facility Permit in the order of the previously assigned sequential application number.

SECTION 1.6 PERMIT RENEWAL

- A. A Commercial Recreational Marihuana facility permit shall be valid for one year, expiring on the facility's final permit approval date, unless revoked as provided by law. Failure to obtain all other permits and approvals required by all other applicable ordinances and regulation of the Township, Ceounty, and State of Michigan within that time shall render the facility ineligible for renewal and the permit shall be available to another applicant.
- B. A valid Commercial Recreational Marihuana Facility Permit may be renewed on an annual basis, following review by the Charter Township of Oscoda Board of Trustees upon recommendation of the Planning & Zoning Director that all terms and conditions of the Ordinance and permits remain satisfied, by submitting a renewal application form provided by Charter Township of Oscoda and payment of the annual local permit fee. Renewal applications must be filed at least 60 days prior to the expiration of the facility's permit or 90 days prior for changes of location. Charter Township of Oscoda will not accept any renewal application, and permit forfeiture will result, unless such renewal application is submitted within the timeframe(s) provided herein.

SECTION 1.7 OPERATIONAL REQUIRMENTS

A Commercial Recreational Marihuana Facility permitted under this ordinance and operating in Charter Township of Oscoda shall at all times comply with the following operational requirements, which the Charter Township of Oscoda Board of Trustees may review and amend from time to time as it deems reasonable.

- A. **Scope of Operation.** Commercial Recreational Marihuana Facilities shall comply with all respective applicable codes of the local zoning, building, and health departments. The facility must hold a valid local permit and State Commercial Recreational Marihuana Facility license for the type of facility intended to be carried out on the permitted property. The facility owner, operator or licensee must have documentation available that local and state sales tax requirements, including holding any licenses, if applicable, are satisfied.
- B. **Location.** Each Commercial Recreational Marihuana Facility shall be operated only from the permitted premises on the permitted property. No Commercial Recreational Marihuana Facility shall be permitted to operate from a moveable, mobile or transitory location, except for a permitted and licensed secure transporter when engaged in the lawful transport of Marihuana.
- C. No person under the age of twenty-one (21) shall be allowed to enter into a Commercial Recreational Marihuana Facility.
- D. **Security.** Permit holders shall at all times maintain a security system that meets State Law requirements, and shall also include the following:
 - 1. Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the facility;

2. Robbery and burglary alarm systems which are professionally monitored and operated 24 hours a day, 7 days a week.
3. A locking safe permanently affixed to the permitted premises that shall store all usable marihuana and cash remaining in the facility overnight;
4. All marihuana in whatever form stored at the facility shall be kept in a secure manner and shall not be visible from outside the facility, nor shall it be grown, processed, exchanged, transferred, displayed or dispensed outside the facility.
5. All security recording and documentation shall be preserved for at least 72 hours by the permit holder and made available to any law enforcement upon request for inspection.

E. Sale of Marihuana. Marihuana and marihuana products offered for sale and distribution must be packaged and labeled in accordance with the laws of the State of Michigan.

F. Sign Restrictions. Signs for Commercial Marihuana Facilities must conform to chapter 3 of the Charter Township of Oscoda Zoning Ordinance and the laws of the State of Michigan.

G. Use of Marihuana. The sale, consumption, or use of alcohol and tobacco products on the permitted property is prohibited. Smoking or consumption of controlled substances, including Marihuana, on the permitted property is prohibited.

H. Outdoor growing. Growth and cultivation of marihuana outdoors is permitted in the Industrial and Agricultural Districts provided the visibility, minimum lot size, and setback requirements are met as provided in Special Land Use Standards of the Charter Township of Oscoda Zoning Ordinance.

I. Indoor Activities. All activities of Commercial Marihuana Facilities, including without limitation, distribution, growth, cultivation, processing or the sale or preparation and loading for transfer of marihuana, and all other related activity permitted under the facilities license or permit must occur indoors. The facilities operation and design shall minimize any impact to adjacent uses, including the control of odor by maintaining and operating an air filtration system so that no odor is detectable outside the permitted facility. Secure Transporters and permitted Outdoor Growers are exempt from the air filtration requirement. Indoor growing operations are permitted only in the Industrial and Agricultural Districts.

J. Unpermitted Growing. Only the entity named in a permit may grow at a Commercial Marihuana grow facility.

Additional Conditions. The Charter Township of Oscoda Board of Trustees may impose such reasonable terms and conditions on a Commercial Recreational Marihuana Facility special use as

may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this ordinance and applicable law.

SECTION 1.8 APPLICABILITY

The provisions of this ordinance shall be applicable to all persons and facilities described herein, whether the operations or activities associated with a Commercial Recreational or other Marihuana Facility were established without authorization before the effective date of this ordinance.

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SECTION 1.9 PENALTIES AND ENFORCEMENT

- A. Any person who violates any of the provisions of this ordinance shall be responsible for a municipal civil infraction and subject to fines/penalties, costs, restitution, and other relief in accordance with the Township's Civil Infraction Ordinance, as amended from time to time, and State law. Each day a violation of this ordinance continues to exist constitutes a separate violation. A violator of this ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan Law.
- B. A violation of this ordinance is deemed to be a nuisance *per se*. In addition to any other remedy available at law, Charter Township of Oscoda may bring an action for an injunction ~~or~~ other process against a person to restrain, prevent and/or abate any violation of this ordinance. Further, any Township inhabitant suffering special harm arising from any such violation shall similarly have a cause of action for such nuisance *per se*.
- C. This ordinance shall be enforced and administered by the Township Planning & Zoning Director or such other Charter of Oscoda Township official as may be designated from time to time by the Township Supervisor as its statutory legal representative.

SECTION 1.10 SEVERABILITY

In the event any one or more section, provisions, phrases, or words of this ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases, or words of this ordinance.

SECTION 1.11 CONSTRUCTION

In the event any other term(s) or provision(s) of the Township Zoning Ordinance is/are inconsistent with or contrary to the terms or provisions of this amendatory *Commercial Marihuana Facilities Ordinance*, the terms and provisions of this Ordinance shall control.

SECTION 1.12 EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after its publication as required by applicable law.

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CERTIFICATION

The foregoing is a true copy of Ordinance No. _____ which was enacted by the Board of Trustees of the Charter Township of Oscoda, Iosco County, at a regular/special meeting held on the ____ day of _____, 2022⁺. A copy or Notice of same was published in the Iosco County News Herald/Oscoda Press on _____, 2022⁺.

Joshua Sutton, Clerk