

May 16, 2019

To: Northfield Township Board of Trustees

The Planning Commission would like to clarify its position on the Board of Trustees recommendations regarding the Marihuana Zoning and Permit Regulations from their April 25, 2019 meeting as presented on the McKenna memo dated April 30, 2019. The Commission voted 4 in favor, 2 against, 1 absent to resubmit the original recommendations to the Board of Trustees.

The following is a summary of the Board of Trustees recommendations including the Planning Commission opinion, along with supporting reasons the Planning Commission differs on certain recommendations presented from the Board:

- Number of Permits Available - Board recommends a total of 27 permits available. With the Planning Commission recommending 56 potential licenses at a \$5000 application fee per license per year, the potential result would be \$280,000 in gross revenue to the township per year. With this understanding the Commission would ask the Board to reconsider the number of facilities allowed. The Commission also considered the Marihuana Facility Zoning Analysis Map confirming such locations would not be excessive per zoning districts as proposed.
- Medical Licensed Caregivers - As a home occupation requiring a buffer of 1,000 feet is excessive considering this business is unlike any other type of facility.
- Security cameras compliance with State requirements - The Commission specified a requirement under Section 36-761 13. but an applicant would also have to comply with any requirement from the State which may be more inclusive than was recommended. This section can be modified to reflect the State requirement when the final regulations are provided from the State.
- Air scrubbing and filter changing to comply with manufacturers recommendations - "Air scrubbing" is commonly an industrial air purification system that removes gases or particles from the air typically used to clean industrial exhaust systems and gas emissions. Wet scrubbers often use water as the scrubbing liquid, and dry scrubbers use a fabric filter to clean the air. Dry scrubbers for example use a HEPA or carbon filters. The Commission recommendation under Section 36-761 15. already included this requirement as well as maintenance. Again, this section can be modified to reflect the State requirement when the final regulations are provided from the State.

- Sign requirements added by the Board - In respect to signage, due to current ongoing litigation in other municipalities and townships regarding marijuana facility signage, and the recent Supreme Court decision of Reed vs Town of Gilbert, the Commission reviewed and suggested no additional requirements would best benefit the township from any potential future litigation.
- Buffer changed to 1,000 feet between facilities and from schools by the Board - The Commission recommend a 500 foot buffer between facilities and schools due to the size of our zoning districts, the unique location of schools to possible zoning districts, and the possible limiting effect the 1,000 foot buffer could have on possible zoning districts. Again, the 500 foot model was demonstrated on the Marihuana Facility Zoning Analysis Map.
- Religious establishments, child care facilities, parks, and libraries added to uses that require a 1,000 foot buffer from marihuana facilities by the Board - The Commission recommended not to include additional uses to the restriction on buffers due to the language in the recreational marijuana ballot proposal (MRTMA). This Act contains the term “unreasonably impractical” which the medicinal marijuana act (MMFLA) does not. Local ordinance buffers more stringent than what is presented in the proposal – K-12 schools – may invite potential future litigation against the township. While these locations may be applied for MMFLA, the Commission recommends the Board not apply these restrictions for MRTMA.
- Clerk may designate application processing - Although the Commission does not wish to recommend administrative duties, most ordinance models the Commission reviewed assigns the Clerk as the responsible party for the application process. If the Board feels the Clerk may delegate application processing, perhaps it could be specified in the Marihuana Permit Regulation amendment which is where the actual process is spelled out. The same result could be achieved while also maintaining a concise Marihuana Zoning Regulation document.
- WLD - Whitmore Lake District deleted from possible zoning district - The Commission feels the present downtown is in dire need of rejuvenation. Downtown has suffered from a declining business element for many years. Complementing developments which include restaurants and retail along with dispensaries would enhance downtown and provide additional businesses. This would also attract potential foot traffic to encourage future growth in the downtown zoning district.
- No Microbusinesses permitted in the AR District by the Board - The Commission’s vision and understanding of what a Microbusiness facility entails mostly mirrors the agritourism industry where specific crops or produce are grown and sold on the same premises. Restricting Microbusinesses from the AR zoning eliminates where this facility appears to be most suitable. The Commission would like to encourage the Board to reconsider allowing the AR zoning district be included for Microbusiness as a conditional use. Information from a recent workshop provided by the Michigan Association of

Planners and attended by two commissioners, suggested the State added microbusinesses as a facility type in effort to ultimately replace caregivers as a home occupation. Reason being, this would ensure monitoring and regulation as opposed to none. Including the AR district also allows entrepreneurship and income generating opportunities for residents in the AR district.

Respectfully submitted,

Larry Roman

Northfield Township Planning Commission Chair