

# *OWOSSO*

## *Planning Commission*



*Regular Meeting*  
*6:30pm, Monday, February 26, 2018*  
*Owosso City Council Chambers*

**AGENDA**  
**Owosso Planning Commission**  
**Regular Meeting**  
Monday, February 26, 2018 at 6:30 p.m.  
Council Chambers – Owosso City Hall  
Owosso, MI 48867

CALL MEETING TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OF AGENDA: February 26, 2018

APPROVAL OF MINUTES: January 22, 2018

COMMUNICATIONS:

1. Staff memorandum.
2. PC minutes from January 22, 2017.
3. Sign ordinance, section 26-19
4. Paula Givens email – presentation materials.
5. Draft ordinance for Medical Marihuana.

COMMISSIONER/PUBLIC COMMENTS:

PUBLIC HEARING:

1. None.

SITE PLAN REVIEW:

1. None.

BUSINESS ITEMS:

1. ZBA recommendation to review section 26-19 of the sign ordinance and consider returning to former five foot clearance from the right-of-way.

ITEMS OF DISCUSSION:

1. Presentation by Paula Givens, attorney with Cannabis Legal Group.
2. Draft ordinance language for Medical Marihuana Facilities Licensing. Look at proposed ordinance language and discuss.

COMMISSIONER/PUBLIC COMMENTS:

ADJOURNMENT: **Next meeting will be Monday, March 26, 2018**

**Commissioners, please call Sue at 725-0544 if you will be unable to attend the meeting on Monday, February 26, 2018.**

[The City of Owosso will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting/hearing upon seventy-two (72) hours notice to the City of Owosso. Individuals with disabilities requiring auxiliary aids or services should contact the City of Owosso by writing or calling the following: Amy Kirkland, City Clerk, 301 W. Main St, Owosso, MI 48867 (989) 725-0500]. The City of Owosso website is: [www.ci.owosso.mi.us](http://www.ci.owosso.mi.us)

**Affirmative Resolutions**  
**Owosso Planning Commission**  
**Regular Meeting**  
Monday, February 26, 2018 at 6:30 p.m.  
Council Chambers – Owosso City Hall  
Owosso, MI 48867

**Resolution 180226-01**

Motion: \_\_\_\_\_  
Support: \_\_\_\_\_

The Owosso Planning Commission hereby approves the agenda of February 26, 2018 as presented.

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_

Approved: \_\_\_\_ Denied: \_\_\_\_

**Resolution 180226-02**

Motion: \_\_\_\_\_  
Support: \_\_\_\_\_

The Owosso Planning Commission hereby approves the minutes of January 22, 2018 as presented.

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_

Approved: \_\_\_\_ Denied: \_\_\_\_

**Resolution 180226-03**

Motion: \_\_\_\_\_  
Support: \_\_\_\_\_

The Owosso Planning Commission hereby adjourns the February 26, 2018 meeting, effective at \_\_\_\_\_pm.

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_

Approved: \_\_\_\_ Denied: \_\_\_\_



## MEMORANDUM

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301 W. MAIN ▪ OWOSSO, MICHIGAN 48867-2958 ▪ WWW.CI.OWOSSO.MI.US

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DATE: February 23, 2018

TO: Chairman Wascher and the Owosso Planning Commission

FROM: Susan Montenegro, Asst. City Manager / Director of Community Development

RE: Regular Planning Commission Meeting: February 26, 2018

**The planning commission shall convene at 6:30 pm on Monday, February 26, 2018 in the city council chambers of city hall.**

The Owosso Zoning Board of Appeals has asked that planning commission review Section 29-19 in the zoning ordinance and consider reinstating the previous five foot setback requirement for signs next to right-of-ways.

The commission will also continue the discussion of the attached draft language for Medical Marihuana Facilities within the city of Owosso. Paula Givens, attorney with Cannabis Legal Group, has asked to give a presentation to planning commission; her handout is attached for your review.

Please take a moment to read through the draft language; we have much to discuss!

Please **RSVP for the meeting**. Feel free to contact me at 989.725.0544 if you have questions.

Enjoy your weekend!

Sue

**MINUTES  
REGULAR MEETING OF THE OWOSSO PLANNING COMMISSION  
COUNCIL CHAMBERS, CITY HALL  
MONDAY, JANUARY 22, 2018 – 6:30 P.M.**

- CALL TO ORDER:** Chairman Wascher called the meeting to order at 6:30 p.m.
- PLEDGE OF ALLEGIANCE:** Recited.
- ROLL CALL:** Tanya Buckelew
- MEMBERS PRESENT:** Chairman Wascher, Vice-Chair Livingston, Secretary Janae Fear, Commissioners Jake Adams, Brad Kirkland and Tom Taylor.
- MEMBERS ABSENT:** Commissioners Michelle Collison, Tom Cook and Dan Law
- OTHERS PRESENT:** Assistant City Manager Susan Montenegro, Mark Hanna, Hilary Dulany, Jackie Langworth.

**APPROVAL OF AGENDA:**  
**MOTION BY VICE-CHAIR LIVINGSTON, SUPPORTED BY COMMISSIONER TAYLOR TO APPROVE THE AGENDA FOR JANUARY 22, 2018.**

**YEAS ALL. MOTION CARRIED.**

**APPROVAL OF MINUTES:**  
**MOTION BY VICE-CHAIR LIVINGSTON, SUPPORTED BY COMMISSIONER TAYLOR TO APPROVE THE MINUTES FOR THE DECEMBER 11, 2017 MEETING.**

**YEAS ALL. MOTION CARRIED.**

**COMMUNICATIONS:**

1. Staff memorandum.
2. PC minutes from December 11, 2017.
3. 2017 Planning Commission annual report
4. Draft ordinance for Medical Marihuana

**COMMISSIONER/PUBLIC COMMENTS**

Hilary Dulany, resident of Lansing and licensed in Oregon for medical marihuana. She and her business partners have been through this process and can be of assistance. She suggested changes to draft ordinance allow provisioning centers in B-3 and B-4 Zoning Districts to be allowed on M-21 and M-52 and change the hours to open to 8:00 a.m.

Jackie Langworth, Attorney with Cannabis Attorneys of Michigan (Howell). She congratulated the Planning Commission for what they have in the draft ordinance so far. She suggested a change to page 7 B 2 – Setbacks – keep at a minimum or remove the wording. Most other communities, that have adopted the ordinance, are not using the setback language.

Mark Hanna, Attorney at 220 W Main St. suggests removing the minimum setbacks on page 7. Possibly use for new buildings only but would not affect current buildings.

**PUBLIC HEARING:**

None

**SITE PLAN REVIEW:**

None

**BUSINESS ITEMS:**

None

**ITEMS OF DISCUSSION:**

1. 2017 Planning Commission Annual Report. Ms. Montenegro presented the report that is required on a yearly basis according to the Michigan Planning Enabling Act. The report summarizes the activities of the past year for the Planning Commission and Zoning Board of Appeals. Changes were asked to be made to page 3 in the Attendance section showing when a Board Member was appointed (opposed to it appearing as if they were absent at meetings). Also, add Election of Offices to the Summary of Meetings section.
2. Draft ordinance language for Medical Marihuana Facilities Licensing. Continued the discussions of the proposed ordinance language.
  - A revised draft from the December 2017 meeting was discussed.
  - Provisioning Centers – need to determine how the 4 licenses will be chosen.
  - Page 3, Section 1004-C needs clarification because at this point in the process an applicant would only have a Step 1 Application with the State.
  - Suggestion to keep the ordinance uniform as in the 5 types of licenses run in order throughout the ordinance.
  - Page 6 Zoning Districts – all 5 types would be allowed in I-1 Light Industrial and provisioning centers add Business Districts B-1, B-2, B-3 and B-4.
  - Labs to be called Testing Facilities.
  - Page 6 Special Use Standards – remove A and #2 and #3. Possibly keep #1, #4, #5 (with edits as per City Attorney) and move to page 1. Keep #6 and #7 (from page 7) and move to page 1.
  - Page 7 b – remove #1 Minimum Lot Size and a & b.
  - #2 Minimum Yard Depth/Distance from Lot Lines – refer to Zoning for I-1 for new builds.
  - #4 Maximum Building Floor Space remove a.
  - Lighting – Light depth systems in green houses.
  - Page 8 #8 Residency – remove.
  - Page 8 C. 1. Change opening hours to 8:00 a.m.
  - Page 9 – Buffer Zones – use Liquor Control language. In 6 a change wording to reflect 500 feet from public or private elementary, vocational or secondary school. Remove other locations.
  - D and E – would need to meet state guidelines.

Ms. Montenegro will make the suggested changes to present the revised draft at the next meeting.

**COMMISSIONER/PUBLIC COMMENT:**

None

**ADJOURNMENT:**

**MOTION BY VICE-CHAIR LIVINGSTON, SUPPORTED BY COMMISSIONER TAYLOR TO ADJOURN AT 8:35 P.M. UNTIL THE NEXT MEETING ON FEBRUARY 26, 2018.  
YEAS ALL, MOTION CARRIED.**

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Janae L. Fear, Secretary

## Sec. 26-19. - General standards for permitted signs.

Signs which are permitted as accessory uses serving a commercial or informational purpose may be permitted subject to the requirements of this chapter; provided, that no such sign shall be erected or altered until approved by the building official/zoning administrator and until a sign permit has been issued pursuant to chapter 26 of the City of Owosso Code of Ordinances.

### (1) *Sign setbacks.*

- a. All signs, unless otherwise provided for, shall be set back a minimum of ten (10) feet from any public or private street right-of-way line or access drive in all districts. This distance shall be measured from the nearest edge of the sign, measured at a vertical line perpendicular to the ground to the right-of-way.
- b. Side yard setbacks for signs shall be the same as that required for the main structure or building, provided that all nonresidential signs shall be set back at least one hundred (100) feet from any residential district.

(2) *Location.* Sign location to assure adequate sight distance. In order to ensure adequate sight distance for motorists, bicyclists and pedestrians, a minimum clear vision area shall be maintained between a height of twenty-four (24) inches and six (6) feet within a triangular area measured twenty-five (25) feet back from intersection of public right-of-way lines. Furthermore, signs shall not be permitted where they obstruct motorist vision of regulatory signs, traffic-control devices or street signs.

(3) *Design and construction.* Signs, as permitted in the various zoning districts, shall be designed to be compatible with the character of building materials and landscaping to promote an overall unified and aesthetic effect in accordance with the standards set forth herein. Signs shall not be constructed from materials that are remnants or manufactured for a different purpose. New box sign panels with a white or tan background must be blackened internally so only the letters show when illuminated.

### (4) *Illumination.*

- a. Signs may be illuminated, but only by steady, stationary, shielded light sources directed solely at the sign or internal to it.
- b. Use of glaring undiffused lights, bare bulbs, or flames is prohibited.
- c. Lighting shall be shielded and/or pointed downward so as not to project onto adjoining properties or thoroughfares.
- d. Underground wiring shall be required for all illuminated signs not attached to a building.

### (5) *Maintenance and construction.*

- a. Every sign shall be constructed and maintained in a manner consistent with the Michigan Building Code provisions and maintained in good structural condition at all times. All signs shall be kept neatly painted, stained, sealed or preserved including all metal, wood or other materials used for parts and supports.
- b. All signs erected, constructed, reconstructed, altered or moved shall be constructed in such a manner and of such materials so that they shall be able to withstand wind pressure of at least twenty (20) pounds per square foot or seventy-five (75) miles per hour.
- c. All signs, including any cables, guy wires, or supports shall have a minimum clearance of four (4) feet from any electric fixture, street light, or other public utility pole or standard.

(6) *Measurement.* Measurement of allowable sign area (see Figure 26.1 Guidelines for Measuring Sign Face Square Footage below).

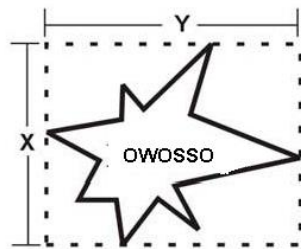
- a. The allowable area for signs shall be measured by calculating the square footage of the sign face and any frame or base of other material or color forming an integral part of the



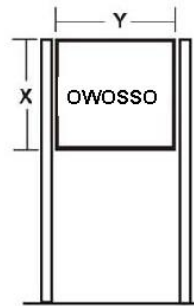
display or used to differentiate it from the background against which it is placed as measured by enclosing the most protruding points or edges of a sign within a parallelogram or rectangle.

- b. When a sign has two (2) or more faces, the area of all faces shall be included in calculating the area of the sign except that where two (2) such faces are placed back to back, only larger face shall be considered, provided that both faces are part of the same structure, contain the same message and are separated by no more than two (2) feet.
- c. For purposes of calculating sign area allowed as a wall sign, the wall sign square footage shall be determined by measuring a parallelogram (box) which includes the portion of the canopy which contains a message, symbol and/or logo (examples are shown on the attached figures).
- d. When a sign consists solely of lettering or other sign elements printed, painted or mounted on a wall of a building without any distinguishing border, panel or background, the calculation for sign area shall be measured by enclosing the most protruding edges of the sign elements within a parallelogram or rectangle.

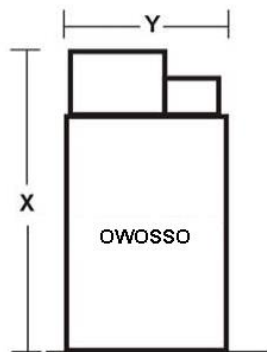
Guidelines for Measuring Sign Face Square Footage  
Figure 26.1



**ALL SIGNS**  
Measurements taken from the outermost points of the panel



**DIRECTIONAL SIGNS**  
Post are not included in the measurement of a sign face



**GROUND SIGNS**  
Measurements taken from the outermost points of the sign face



**WALL, CANOPY, or PROJECTING SIGNS**  
Measurements taken from the outermost points of the copy

**Susan K. Montenegro**

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**From:** Paula Givens <Paula.Givens@industryassurance.com>  
**Sent:** Monday, January 29, 2018 5:13 PM  
**To:** Susan K. Montenegro  
**Subject:** Request to Speak at Owosso's Next Planning Commission Meeting

Susan,

My name is Paula Givens, I am a former federal attorney (for 21+ years) who is now a marijuana compliance attorney.

I was just reviewing the draft minutes from your last meeting and read that the Planning Commission is seeking to determine how to select among otherwise qualified applicants for Provisioning Center licenses.

I have written medical marijuana applications throughout the country, including Illinois, New York, Pennsylvania, Ohio, Arkansas, Michigan and Oregon. I have substantial experience working within regulated systems where a governmental body had to select among applicants those who qualify for provisional licensure.

Please allow me to make a presentation detailing my experiences in this regard and to make myself available to the commission as a resource as to possible ways to handle the application process.

Best,

Paula Givens

# State and City Scoring Methodology

PA GROWER, PA DISPENSARY, ND MANUFACTURING FACILITY, CITY OF  
LANSING, MI PROVISIONING CENTER, OH CULTIVATOR, OH DISPENSARY,  
CITY OF GROVER BEACH, CA

PPI CONSULTING GROUP, LLC

# Pennsylvania Department of Health

## SCORING RUBRIC

A selection committee will rely on a weighted scoring method to evaluate each application. Each section of the application is assigned a maximum number of points, as shown in the tables below. The total possible number of points for a grower/processor application or a dispensary application is 1,000.

Grower/Processor Application Scoring	Pass/ Fail	Points per section	Subtotal
<b>PART A – Applicant Identification and Facility Information</b>			
1 – Applicant Name, Address and Contact Information	✓		
2 – Facility Information	✓		
<b>PART B – Diversity Plan</b>			
3 – Diversity Plan		100	100
<b>PART C – Applicant Background Information</b>			
4 – Principals, Financial Backers, Operators and Employees	✓		
5 – Moral Affirmation	✓		
6 – Compliance with Applicable Laws and Regulations	✓		
7 – Civil and Administrative Action	✓		
<b>PART D – Plan of Operation</b>			
8 – Operational Timetable		50	
9 – Employee Qualifications, Description of Duties and Training		25	
10 – Security and Surveillance		50	
11 – Transportation of Medical Marijuana		25	
12 – Storage of Medical Marijuana		25	
13 – Packaging and Labeling of Medical Marijuana		25	
14 – Inventory Management		25	
15 – Management and Disposal of Medical Marijuana Waste		25	
16 – Diversion Prevention		50	
17 – Growing Practice		50	
18 – Nutrient and Additive Practices		50	
19 – Processing and Extraction		50	
20 – Sanitation and Safety		25	
21 – Quality Control and Testing for Potential Contamination		50	
22 – Recordkeeping		25	
Subtotal			550
<b>PART E – Applicant Organization, Ownership, Capital and Tax Status</b>			
23 – Organizational Structure	✓		
24 – Business History and Capacity to Operate		75	
25 – Current Officers	✓		
26 – Ownership	✓		
27 – Capital Requirements		75	
Subtotal			150
<b>PART F – Community Impact</b>			
28 – Community Impact		100	100
<b>ATTACHMENTS:</b>			
Attachment A: Signature Page	✓		
Attachment B: Organizational Documents	✓		
Attachment C: Property Title, Lease, or Option to Acquire Property Location	✓		
Attachment D: Site and Facility Plan		50	
Attachment E: Personal Identification		50	
Attachment F: Affidavit of Business History	✓		
Attachment G: Affidavit of Criminal Offense	✓		
Attachment H: Tax Clearance Certificates	✓		
Attachment I: Affidavit of Capital Sufficiency	✓		
Attachment J: Sample Medical Marijuana Product Label	✓		
Attachment K: Release Authorization	✓		
Attachment L – Applicant Priorities for Multiple Applications	n/a	n/a	
Subtotal			100
<b>TOTAL POSSIBLE POINTS</b>			<b>1,000</b>

Dispensary Application Scoring	Pass/ Fail	Points per section	Subtotal
<b>PART A – Applicant Identification and Dispensary Information</b>			
1 – Applicant Name, Address and Contact Information	✓		
2 – Dispensary Information	✓		
<b>PART B - Diversity Plan</b>			
3 – Diversity Plan		100	100
<b>PART C - Applicant Background Information</b>			
4 – Principals, Financial Backers, Operators and Employees	✓		
5 – Moral Affirmation	✓		
6 – Compliance with Applicable Laws and Regulations	✓		
7 – Civil and Administrative Action	✓		
<b>PART D – Plan of Operation</b>			
8 – Operational Timetable		100	
9 – Employee Qualifications, Description of Duties and Training		50	
10 – Security and Surveillance		100	
11 – Transportation of Medical Marijuana		25	
12 – Storage of Medical Marijuana		50	
13 – Labeling of Medical Marijuana Products		25	
14 – Inventory Management		50	
15 – Diversion Prevention		50	
16 – Sanitation and Safety		50	
17 – Recordkeeping		50	
Subtotal			550
<b>PART E – Applicant Organization, Ownership, Capital and Tax Status</b>			
18 – Organizational Structure	✓		
19 – Business History and Capacity to Operate		75	
20 – Current Officers	✓		
21 – Ownership	✓		
22 – Capital Requirements		75	
Subtotal			150
<b>PART F – Community Impact</b>			
23 – Community Impact		100	100
<b>ATTACHMENTS:</b>			
Attachment A: Signature Page	✓		
Attachment B: Organizational Documents	✓		
Attachment C: Property Title, Lease, or Option to Acquire Property Location	✓		
Attachment D: Site and Facility Plan		50	
Attachment E: Personal Identification		50	
Attachment F: Affidavit of Business History	✓		
Attachment G: Affidavit of Criminal Offense	✓		
Attachment H: Tax Clearance Certificates	✓		
Attachment I: Affidavit of Capital Sufficiency	✓		
Attachment J: Sample Medical Marijuana Product Label	✓		
Attachment K: Release Authorization	✓		
Attachment L: Applicant Priorities for Multiple Applications	n/a	n/a	
Subtotal			100
<b>TOTAL POSSIBLE POINTS</b>			<b>1,000</b>

## North Dakota Department of Health

Disqualifications: The Department may disqualify any applicant who:

- Fails to submit a complete application.
- Fails to pay the application fee prior to the deadline.
- Submits incomplete, false, inaccurate, unresponsive, or misleading information.

The Department’s decision to disqualify an applicant is final.

Scoring of Applications: Only complete applications will be eligible for review and scoring by the Department. The application review panel established by the Department will only begin reviewing and scoring applications after the close of the open application period. The review panel will receive a copy of each complete application from the Division of Accounting. **All personal and identifying information in an application will be redacted by the Division of Accounting** prior to the review panel receiving, reviewing, and scoring the applications.

Each panel member will review and score every complete application. The cumulative total of all the scores assigned to an application by each panel member is the final score. The final score will determine which applicants are eligible for registration. The Department reserves the right to select fewer than two applicants to be eligible for registration.

**Scored Elements for Manufacturing Facility Applications:**

Category	Points Possible
Suitability of Facility	3
Character and Experience	10
Operations and Services Plan	15
Recordkeeping	3
Safety, Security, and Preventing Diversion	8
Affordability	5
Packaging and Labeling	4
Testing of Marijuana and Usable Marijuana	4
Plan for Producing	25
Plan for Processing	15
Types of Usable Marijuana to Transfer to a Dispensary	5
Transportation	3
<b>TOTAL</b>	<b>100</b>

## City of Lansing

<b>Medical Marijuana Provisioning Centers Scoring Criteria</b>		
	<b>Criteria</b>	<b>Maximum Points</b>
<b>Business Plan &amp; Job Creation</b>		
Ownership structure	Content and Sufficiency of Information; Professionalism of submitted documentation including clear labeling of required items	5
Organizational chart		
Worker Training Program		
Short term and long term goals and objectives		
Community outreach & education		
Marketing, advertising, promotion	Minimization of exposure to minors	4
Tangible capital investment in the City of Lansing	Economic benefit to the City of the business plan, real property ownership, grower and/or processor facilities in the City	15
Job creation	Overall number of jobs created within the City of Lansing (highest), Lansing region, and Michigan (lowest)	5
Financial Structure and Financing	Net worth/capitalization sufficient for business plan as evidenced by notarized CPA attestation, financial institution statements, or the equivalent.	3
Plans to integrate grower facility with other establishments		2
Charitable plans and strategies	Commitment to fiscal and/or volunteer work	4
Job creation	Number of jobs at the provisioning center	5
	Amount and type of compensation	2
	Percent of employees earning over \$15 per hour	3
	Projected annual budget and revenue	2
<b>Total - Business Plan/Job Creation</b>	<b>Incomplete plan will get zero points</b>	<b>50</b>

<b>Medical Marijuana Provisioning Centers Scoring Criteria</b>		
	<b>Criteria</b>	<b>Maximum Points</b>
<b>Financial Stability &amp; Experience</b>		
Sufficient Financial Resources	Financial forms including debt, bankruptcy, insolvency, tax compliance tax returns and CPA attested, active bank/financial statements.	5
Business Experience	History of success in operating business or businesses, years of operation, relevant business experience, other commercial licenses, medical certifications and/or licenses	5
<b>Total - Financial Stability &amp; Experience</b>		<b>10</b>

<b>Medical Marijuana Provisioning Centers Scoring Criteria</b>		
	<b>Criteria</b>	<b>Maximum Points</b>
<b>Land Use</b>		
Impact on neighborhood	Buffering between residential zoned areas and establishment	5
Traffic pattern(s)	Increased traffic on side streets will be scored lower	5
Resident safety	Entrance and exit on main streets, adequate parking not on residential streets, Quality of Security Plan	10
<b>Total - Land Use</b>		<b>20</b>



<b>Medical Marijuana Provisioning Centers Scoring Criteria</b>		
	<b>Criteria</b>	<b>Maximum Points</b>
<b>Outreach</b>		
Planned outreach	Plan to meet with neighborhood organizations, business association, crime watch, and other neighborhood organizations to provide contact information for questions, concerns, etc.	1
Improvements made or proposed to building		3
Plan to minimize/eliminate traffic		1
Plan to minimize/eliminate noise		2
Plan to minimize/eliminate odor		3
<b>Total - Outreach</b>		<b>10</b>

<b>Medical Marijuana Provisioning Centers Scoring Criteria</b>		
	<b>Criteria</b>	<b>Maximum Points</b>
<b>Applicant/Stakeholder History</b>		
Applicant/stakeholders record of acts detrimental to security, safety, morals, good order, general welfare	Lansing Police D complaints/incidents	4
	Demonstration of regulatory compliance	4
	Business litigation history	2
<b>Total - Applicant/Stakeholder History</b>	<b>Will get zero points if found to have violated 2016 Ordinance #1202 Moratorium.</b>	<b>10</b>
If information found in the application or review is determined to make the applicant ineligible for approval by the State of Michigan, then the application would be removed from consideration.		

## Ohio Cultivator Scoring Criteria

The Ohio Department of Commerce conducted a comprehensive, fair, and impartial evaluation of all applications. The review and scoring of Section 2 in the cultivator application evaluated five plans. (See below)

1. **Business Plan:** Seek information on the applicant’s experience in any type of business environment; establish the business model for the proposed cultivation environment; and demonstrate the ability to operate the proposed facility.
2. **Operations Plan:** Seek information from the applicant in the following areas: experience in agriculture/cultivation; proposed cultivation methods and techniques; product timelines and production schedule; marijuana cultivation area layout and environment; proposed strains of marijuana to be cultivated; and standard operation procedures and staffing models.
3. **Quality Assurance Plan:** Establish a plan for packaging and labeling; propose the use of approved pesticides, fertilizers and/or other product control factors; submit inventory control plan; establish disposal and destruction procedures for medical marijuana waste and non-marijuana waste; prepare for the handling of adverse events and recall procedures; and develop a plan for recordkeeping regulatory compliance.
4. **Security Plan:** Establish the methods that will be used for security across the proposed facility and during operations, including surveillance technology, security measures around the physical structure; plot plan and map of the entire facility that includes points of ingress and egress and other restricted access areas; emergency notification procedures; and transportation guidelines and policies.
5. **Financial Plan:** Establish the applicant’s ability to meet the financial responsibility requirements.

TABLE A

Category	Minimum Score (Step 1)	Maximum Score (Step 1)	Conversion Factor	Final Weighted Score
Business Plan	6	10	1.46	14.6
Operations Plan	18	30	2.36	70.8
Quality Assurance Plan	18	30	1.64	49.2
Security Plan	12	20	2.00	40.0
Financial Plan	6	10	2.54	25.4
<b>Total Possible Points</b>		<b>100</b>		<b>200</b>

The scores were calculated using a two-step process. In the first step, a maximum score of 100 points was possible. An applicant must have achieved a minimum score of 60 points and must also have achieved the minimum score (Reference Table A) for each plan (Business, Operations, Quality Assurance, Security and Financial) to be considered a qualified applicant. Applicants failing to meet the minimum score requirements were disqualified.

If the applicant scored at least 60 points and met the minimums required for each plan, they moved on to the second step of the scoring process. In this second step, the Department of Commerce applied a conversion factor to the score from step 1 to arrive at the final weighted score. The maximum possible final weighted score was 200 points.

## Ohio Dispensary Scoring Criteria

### B. Review Process

Applicants meeting the criteria described in Section VIII.A. of these instructions will be scored by an evaluation team. After evaluation is complete, all Viable Applicants will be ranked and awarded provisional licenses by district based on highest score.

A single owner may be awarded no more than five provisional licenses. No more than sixty-six percent of available licenses in a dispensary district will be awarded to a single Applicant. If a sufficient number of applications are submitted by economically disadvantaged groups, as described in [section 3796.10 of the Revised Code](#), the Board of Pharmacy will award not less than fifteen percent of the dispensary licenses it issues to such groups.

There is no limit to the number of applications that may be submitted by any Applicant. By submitting more than five applications, an Applicant acknowledges that the Board, at its discretion, may award the Applicant's provisional licenses in any of the dispensary districts in which it applied should the Applicant submit more than five Viable Applications. In determining where to award an Applicant's licenses, the Board will consider geography and patient access to ensure maximum dispensary coverage across the state.

### C. Evaluation Criteria

All application question responses—except for those marked as "Information Only"—will be evaluated. Evaluated questions will consist of both pass / fail questions as well as scorable questions. Pass / fail questions are those for which information needs to be submitted to achieve the mandatory requirements as articulated in statute and rule. These include responses that are Yes / No check boxes and other short form answers. Failure to answer such questions, may lead to the application being deemed abandoned. Furthermore, failure to check "Yes" to questions starting "By checking 'Yes'," you attest the Applicant," may lead to an application being considered non-responsive.

The table below shows the application questions that will be scored.

Section of the Application	Section Reference	Sub-Section of the Application	Question Reference
Business Plan	C-2	Site and Facility Plan	C-2.1
	C-3	Business Startup Plan	C-3.1
			C-3.2
	C-4	Descriptions of Duties and Roles	C-4.1
	C-5	Capital Requirements	C-5.5
	C-6	Business History and Experience	C-6.9
Operations Plan	D-2	Security and Surveillance	D-2.2
	D-3	Receiving of Product	D-3.3
	D-4	Storage of Product	D-4.4
	D-5	Dispensing of Product	D-5.5
	D-6	Inventory Management of Product	D-6.8
			D-6.9
	D-7	Diversion Prevention of Product	D-7.1
	D-8	Sanitation and Safety	D-8.1
	D-9	Recordkeeping	D-9.2
	D-10	Other	D-10.1
D-10.2			
D-10.3			

Section of the Application	Section Reference	Sub-Section of the Application	Question Reference
Patient Care Plan	E-1	Staff Education and Training	E-1.1
			E-1.2
	E-2	Patient Care and Education	E-2.1
			E-2.2
	E-3	Patient Care Facilities	E-3.1

For scorable questions, a large text box, with a character limit will be provided in the online application form for the Applicant to complete, or the Applicant will be directed to provide an attachment. Scorable question responses will be evaluated using a standard 0-10 scoring framework as illustrated in the table below along with the evaluation criteria used to assign each score.

Score	Description
10	Applicant response substantially exceeds all requirements as stated in the question and associated statutes and rules; very strong supporting evidence with relevant examples where applicable; demonstrated approach shows additional value clearly linked to delivering desired MMCP outcomes.
8	Applicant response meets all requirements and in some areas exceeds requirements as stated in the question and associated statutes and rules; strong supporting evidence with examples where applicable; demonstrated approach shows some additional value that support desired MMCP outcomes.
6	Applicant response meets all requirements as stated in the question and associated statutes and rules; supported by evidence and examples relevant to the response. Limited additional value demonstrated.
4	Applicant response meets most, but not all requirements as stated in the question and associated statutes and rules; supported by some limited evidence or examples that may be somewhat applicable to the response; no additional value demonstrated.
2	Applicant response meets a limited number of requirements as stated in the question and associated statutes and rules; very limited evidence or examples to support statements, or with limited relevance.
0	Applicant response does not meet requirements as stated in the question and associated statutes and rules; no evidence or examples to support statements.

Each scorable question has an equal weighting in the evaluation of the application. For informational purposes, the number of scorable questions in each section of the application and the relative weighting of each application section is summarized in the table below:

Application Section	Scorable Questions	Weighting Percentages
Demographic	0	N/A
Compliance	0	N/A
Business Plan	6	26%
Operations Plan	12	52%
Patient Care Plan	5	22%

## City of Grover Beach, CA

- **May 15, 2017:** The City Council held a public hearing to conduct the second reading of a proposed **land use ordinance** to allow the establishment and operation of commercial medical cannabis uses in the Industrial (I), Coastal Industrial (CI), and Coastal Industrial Commercial (CIC) Zones and a **regulatory ordinance** establishing regulations on the operations of commercial medical cannabis uses. The public hearing also included consideration of a Local Coastal Plan Amendment.
  - **Action:** The City Council adopted the **land use ordinance** to allow the establishment and operation of commercial medical cannabis uses in the Industrial (I), Coastal Industrial (CI), and Coastal Industrial Commercial (CIC) Zones with three minor revisions:
    - Reduced the number of dispensaries from four to two.
    - Reduced the hours of operations for dispensaries from 9:00 a.m. to 9:00 p.m. to 9:00 a.m. to 7:00 p.m.
    - Established a minimum 100 foot setback for all commercial medical cannabis uses from the CR2 Zone on Atlantic City Avenue to the Coastal Industrial Commercial (CIC) Zone as measured from property boundary to property boundary.
  - **Action:** The City Council adopted the **regulatory ordinance** establishing regulations on the operations of commercial medical cannabis uses.
  - **Action:** The City Council adopted a resolution authorizing staff to submit a local Coastal Program (LCP) Amendment for the portion of the proposed area located within the Coastal Zone.

**Effective Date:** The land use and regulatory ordinances shall become effective on June 14, 2017, except for the area in the Coastal Industrial and Coastal Industrial Commercial Zones. These areas are within the Coastal Zone and require approval of a Local Coastal Program (LCP) Amendment by the Coastal Commission prior to the land use ordinance taking effect, which could take approximately three months. During this time, applications may be submitted to the City, but no Use Permit applications could be scheduled for a hearing until the LCP Amendment is approved by the Coastal Commission.

The City Council also provided direction to staff regarding implementation of the Commercial Medical Cannabis Ordinances. The Council indicated that the first day the City will accept Use Permit and Commercial Cannabis Permit applications for commercial medical cannabis uses is June 14, 2017, except for dispensary applications. At the June 5, 2017 Council meeting, the City Council will consider establishing a pre-application process for dispensary applications (see summary of the four phase selection process in the May 15, 2017 staff report). **Application forms and Application checklists were posted on the City website in early June.**

- **June 5, 2017:** The City Council reviewed and considered a pre-application process for dispensary applications, operating requirements for extraction manufacturing, cultivation, and testing labs, and other implementation actions related to the Commercial Medical Cannabis Ordinances.
- **September 7, 2017:** The City Council received an assessment of the submitted commercial medical cannabis dispensary pre-applications and determined seven pre-applications should be considered for the eligibility ranking list, pending completion of background reviews. Additionally, the Council provided direction to schedule a special meeting on September 25, 2017 to further review the seven eligible pre-applications and establish a final eligibility ranking list that identifies the top two applicants.
- **September 25, 2017:** The City Council considered additional factors for establishing a ranking list of eligible dispensary applicants and established a final eligibility list that identified the top four pre-applications among the seven that were eligible.
- **October 16, 2017:** The City Council provided policy direction that affirmed the placement of one applicant as one of the top two applicants while authorizing the three other applicants to submit Use Permit applications. The Council also provided direction for staff to draft an amendment to the cannabis land use ordinance for Council consideration of allowing up to four dispensaries and several amendments to the cannabis regulatory ordinance.
- **December 4, 2017:** The City Council introduced and conducted first reading of two separate Ordinances to increase the number of allowable commercial medical cannabis retailers and/or microbusinesses with a retailer use (previously referred to as "dispensaries") from two (2) to up to four (4) allowable permits, revise certain definitions, and make changes consistent with newly established state law. The Ordinances are scheduled for second reading and adoption on January 8, 2018. Additionally, the Council reviewed the eligibility ranking list and provided direction for staff to proceed with processing the top two ranked applications. Once the Ordinance allowing up to four permits becomes effective, the third and fourth ranked applications will be authorized to proceed through the process for a Use Permit.
- **January 22, 2018,** the City Council approved Development Applications and Commercial Medical Cannabis Permits for The Monarch at 239 South 3rd Street and Natural Healing Center at 998 Huston Street in Grover Beach.

## **Police Power Ordinance**

### **AN ORDINANCE TO AUTHORIZE AND REGULATE THE ESTABLISHMENT OF MEDICAL MARIJUANA FACILITIES.**

#### **Section 1001. Purpose**

- A. It is the intent of this ordinance to authorize the establishment of certain types of medical marijuana facilities in the city of Owosso and provide for the adoption of reasonable restrictions 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 a marijuana facility in the city of Owosso through imposition of an annual, nonrefundable fee of \$5,000.00 on each medical marijuana facility licensee. Authority for the enactment of these provisions is set forth in the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq.
- B. Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty, or sanction for the cultivation, manufacture, possession, use, sale, or distribution of marijuana, in any form, that is not in compliance with the Michigan Medical Marijuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq.; the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq.; the Marijuana Tracking Act, MCL 333.27901 et seq.; and all other applicable rules promulgated by the state of Michigan.
- C. As of the effective date of this ordinance, marijuana 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 marijuana, or possess marijuana with intent to manufacture, distribute, or dispense marijuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under federal laws.
- D. Must comply with all state building codes, including but not limited to plumbing, mechanical, electrical, building energy and fire codes which includes the city of Owosso zoning ordinance, as applicable under law.

#### **Section 1002. Definitions**

For the purposes of this ordinance:

- A. Any term defined by the Michigan Medical Marijuana Act, MCL 333.26421 et seq., shall have the definition given in the Michigan Medical Marijuana Act.
- B. Any term defined by the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq., shall have the definition given in the Medical Marijuana Facilities Licensing Act.
- C. Any term defined by the Marijuana Tracking Act, MCL 333.27901 et seq., shall have the definition given in the Marijuana Tracking Act.

- D. "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 processor or provisioning center.
- E. "Licensee" means a person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.
- F. "Marijuana" or "marihuana" means that term as defined in the Public Health Code, MCL 333.1101 et seq.; the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.
- G. "Marijuana facility" means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, or marijuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.
- H. "Person" means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity.
- I. "Processor" means a licensee that is a commercial entity located in Michigan that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a provisioning center.
- J. "Provisioning center" means a licensee that is a commercial entity located in Michigan that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver in accordance with the Michigan Medical Marihuana Act, MCL 333.26421 et seq., is not a provisioning center for purposes of this article.
- K. "Safety compliance facility" means a licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.
- L. "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.

**Section 1003. Authorization of Facilities and Fee.**

- A. The maximum number of each type of marijuana facility allowed in the city of Owosso shall be as follows.

<u>Facility</u>	<u>Number</u>
Grower	[unlimited]
Processor	[unlimited]

Secure transporter	[unlimited]
Provisioning center	[#4]
Safety compliance facility	[unlimited]

- B. Planning commission shall review the number of facilities allowed at the one year mark to re-evaluate and determine if the number allowed needs to be adjusted. From that point on, every three (3) years, city council shall review the maximum number of each type of marijuana facility allowed and determine whether this maximum number should be changed. The review and its findings shall be recorded in the minutes of the relevant meeting of the city council.
- C. A nonrefundable fee shall be paid by each marijuana facility licensed under this ordinance in an annual amount of \$5,000.00 as set by resolution of the city of Owosso City Council.

**Section 1004. Requirements and Procedure for Issuing License**

- A. No person shall operate a marijuana facility in city of Owosso without a valid marijuana facility license issued by the city of Owosso pursuant to the provisions of this ordinance.
- B. Every applicant for a license to operate a marijuana facility shall file an application in the city clerk's office upon a form provided by the city of Owosso.
  1. **An explanation of services to be provided and a completed medical marihuana checklist, upon form prepared by the Director.**
  2. **The location, mailing address and all telephone numbers where the business is to be conducted.**
  3. **The name and address of applicant.**
    - a. **If applicant is a corporation, the names and residence addresses of each of the officers and directors of said corporation and of each stockholder owning more than ten percent of the stock of the corporation, the address of the corporation itself, if different from the address of the Medical Marihuana Facility or Medical Marihuana Grow Operation, and the name and address of the resident agent for the corporation.**
    - b. **If applicant is a partnership, the names and residence addresses of each of the partners and the partnership itself, if different from the address of the Medical Marihuana Facility or Medical Marihuana Grow Operation, and the name and address of a resident agent for the partnership.**
  4. **Proof that the applicant and/or proposed employees are at least 21 years of age.**
  5. **Identification of applicant and/or operator's driver's license.**
  6. **Business, occupation, or employment of the applicant for the three years immediately preceding the date of application.**
  7. **The Medical Marihuana Facility or Medical Marihuana Grow Operation history of the applicant; whether such person has had a business license revoked or suspended, the reason therefore, and the business activity or occupation subsequent to such action of suspension or revocation.**
  8. **Proof that the applicant and/or its employees are primary caregivers under the Michigan Medical Marihuana Act.**



- C. Every applicant for a license to operate a marijuana facility shall submit with the application a photocopy of the applicant's valid and **provisional** license issued by the State of Michigan in accordance with the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et seq.
- D. Upon an applicant's completion of the above-provided form and furnishing of all required information and documentation, the city clerk shall accept the application and assign it a sequential application number by facility type based on the date and time of acceptance. The city clerk shall act to approve or deny an application not later than fourteen (14) days from the date the application was accepted. If approved, the city clerk shall issue the applicant a provisional license.
- E. A provisional license means only that the applicant has submitted a valid application for a marijuana facility license, and the applicant shall not locate or operate a marijuana facility without obtaining all other permits and approvals required by all other applicable ordinances and regulations of the city of Owosso. A provisional license will lapse and be void if such permits and approvals are not diligently pursued to completion.
- F. Within fourteen (14) days from the applicant submitting proof of obtaining all other required permits and approvals and payment of the license fee, the city clerk shall approve or deny the marijuana facility license. The city clerk shall issue marijuana facility licenses in order of the sequential application number previously assigned.
- G. Maintaining a valid marijuana facility license issued by the state is a condition for the issuance and maintenance of a marijuana facility license under this ordinance and continued operation of any marijuana facility.
- H. A marijuana facility license issued under this ordinance is not transferable.

#### **Section 1005. License Renewal**

- A. A marijuana facility license shall be valid for one year from the date of issuance, unless revoked as provided by law.
- B. A valid marijuana facility license may be renewed on an annual basis by submitting a renewal application upon a form provided by the city of Owosso and payment of the annual license fee. Application to renew a marijuana facility license shall be filed at least thirty (30) days prior to the date of its expiration.

#### **Section 1006. Applicability**

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

#### **Section 1007. Penalties and Enforcement.**

- A. Any person who violates any of the provisions of this ordinance shall be responsible for a misdemeanor. 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, the city of Owosso may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of this Ordinance.
- C. This Ordinance shall be enforced and administered by the zoning administrator, or such other city official as may be designated from time to time by resolution of the city council.

**Section 1008. Severability.**

In the event that any one or more sections, 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 1009. Effective Date**

This Ordinance shall take effect twenty-one days after city council passage in accordance with law.

**Sample Zoning Ordinance Amendments**

Definitions

***Add the following definitions to Section 38-5. -Definitions.***

"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 processor or provisioning center.

"Licensee" means a person holding a state operating license issued under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.

"Marijuana" or "marihuana" means that term as defined in the Public Health Code, MCL 333.1101 et seq.; the Michigan Medical Marihuana Act, MCL 333.26421 et seq.; the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq.; and the Marihuana Tracking Act, MCL 333.27901 et seq.

"Marijuana facility" means an enterprise at a specific location at which a licensee is licensed to operate under the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et seq., including a marijuana grower, marijuana processor, marijuana provisioning center, marijuana secure transporter, or marijuana safety compliance facility. The term does not include or apply to a "primary caregiver" or "caregiver" as that term is defined in the Michigan Medical Marihuana Act, MCL 333.26421 et seq.

"Outdoor production" means growing marijuana in an expanse of open or cleared ground or in a greenhouse, hoop house, or similar non-rigid structure that does not utilize any artificial lighting, including but not limited to electrical lighting sources.

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

"Provisioning center" means a licensee that is a commercial entity located in this state that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to registered qualifying patients, directly or through the patients' registered primary caregivers. Provisioning center includes any commercial property where marihuana is sold at retail to registered qualifying patients or registered primary caregivers. A noncommercial location used by a primary caregiver to assist a qualifying patient connected to the caregiver in accordance with the Michigan Medical Marihuana Act, MCL 333.26421 et seq., is not a provisioning center for purposes of this article.

"Safety compliance facility" means a licensee that is a commercial entity that receives marihuana from a marihuana facility or registered primary caregiver, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

"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.

## **Zoning Districts**

***Add, where appropriate, to each zoning district's list of possible special land uses the following, where wanted:***

- A. A marijuana grower as authorized by the city of Owosso's police power authorizing ordinance in the I-1 Light Industrial District;
  - B. A marijuana processor as authorized by the city of Owosso's police power authorizing ordinance in the I-1 Light Industrial District;
  - C. A marijuana provisioning center as authorized by the city of Owosso's police power authorizing ordinance in the **B-1, B-2, B-3 and B-4 Business Districts and I-1 Light Industrial District(s)**;
  - D. A marijuana secure transporter as authorized by the city of Owosso's police power authorizing ordinance in the I-1 Light Industrial District(s); and
  - E. A marijuana safety compliance facility as authorized by the city of Owosso's police power authorizing ordinance in the I-1 Light Industrial District(s).
1. Any uses or activities found by the state of Michigan or a court with jurisdiction to be unconstitutional or otherwise not permitted by state law may not be permitted by the city of Owosso. In the event that a court with jurisdiction declares some or all of this article invalid, then the city of Owosso may suspend the acceptance of applications for **Medical Marihuana Facilities Licenses** pending the resolution of the legal issue in question.
  2. The use or facility must be at all times in compliance with all other applicable laws and ordinances of the city of Owosso.

3. The city of Owosso may suspend or revoke a **Medical Marijuana Facilities License** based on a finding that the **use permitted by right**, all other applicable provisions of this zoning ordinance, the city of Owosso's police power authorizing ordinance, or the approved site plan are not met.
  4. A marijuana facility, or activities associated with the licensed growing, processing, testing, transporting, or sales of marijuana, may not be permitted as a home business or accessory use nor may they include accessory uses except as otherwise provided in this ordinance.
  5. Signage requirements for marijuana facilities, unless otherwise specified, are as provided in Chapter 26 – Signs of the *Owosso Code of Ordinances*.
- A. Marijuana growers and marijuana processors shall be subject to the following standards:
1. Minimum Yard Depth/Distance from Lot Lines. The minimum front, rear, and side yard setbacks for any structure used for marijuana production shall be 50 feet. The minimum front, rear, and side yard setbacks for outdoor production shall be a minimum of 100 feet from all lot lines. The minimum water front setback for any structure or outdoor production shall be a minimum of 100 feet from the ordinary high water mark.
  2. Indoor Production and Processing. In the I-1 light industrial district, marijuana **processing** shall be located entirely within one or more completely enclosed buildings. In the I-1 light industrial district, marijuana **production** shall be located entirely within a fully enclosed, secure, indoor facility or greenhouse with rigid walls, a roof, and doors.
  3. Maximum Building Floor Space. The following standards apply in the **I-1 Light industrial district**:
    - a. If only a portion of a building is authorized for use in marijuana production, a partition wall at least seven feet in height, or a height as required by the applicable building codes, whichever is greater, shall separate the marijuana production space from the remainder of the building. A partition wall must include a door, capable of being closed and locked, for ingress and egress between the marijuana production space and the remainder of the building.
  4. Lighting. Lighting shall be regulated as follows:
    - a. Light cast by light fixtures inside any building used for marijuana production or marijuana processing shall not be visible outside the building from 7:00 p.m. to 7:00 a.m. the following day.
    - b. Outdoor marijuana grow lights shall not be illuminated from 7:00 p.m. to 7:00 a.m. the following day.
  5. Odor. As used in this subsection, building means the building, or portion thereof, used for marijuana production or marijuana processing.
    - a. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
    - b. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.

- c. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
  - d. Negative air pressure shall be maintained inside the building.
  - e. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.
  - f. An alternative odor control system is permitted if the special use permit applicant submits and the municipality accepts a report by a mechanical engineer licensed in the state of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.
6. Security Cameras. If used, security cameras shall be directed to record only the subject property and may not be directed to public rights-of-way as applicable, except as required to comply with licensing requirements of the state of Michigan.

B. Provisioning centers shall be subject to the following standards:

- 1. Hours. A provisioning center may only sell to consumers or allow consumers to be present in the building space occupied by the provisioning center between the hours of **8:00** a.m. and 9:00 p.m.
- 2. Indoor Activities. All activities of a provisioning center, including all transfers of marijuana, shall be conducted within the structure and out of public view. A provisioning center shall not have a walk-up window or drive-thru window service.
- 3. Other Activities. Marijuana and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the provisioning center.
- 4. Nonconforming Uses. A provisioning center may not locate in a building in which a nonconforming retail use has been established in any district.
- 5. Physical Appearance. The exterior appearance of the structure shall remain compatible with the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment of property values within the immediate area.
- 6. Buffer Zones. A provisioning center may not be located within the distance specified from the uses below as determined by the city of Owosso. **Distance shall be measured as stipulated in the Michigan Liquor Control Act as follows: The distance between the church or school building and the contemplated location must be measured along the center line of the street or streets of address between 2 fixed points on the center line determined by projecting straight lines, at right angles to the center line, from the part of the church or school building nearest to the contemplated location and from the part of the contemplated location nearest to the church or school building.**
  - a. A provisioning center may not be located within **500** feet of the real property comprising or used by a public or private elementary, vocational, or secondary school;
  - b. A provisioning center may not be located within **500** feet of a residentially zoned property.
- 7. Odor. As used in this subsection, building means the building, or portion thereof, used for a provisioning center.

- a. The building shall be equipped with an activated carbon filtration system for odor control to ensure that air leaving the building through an exhaust vent first passes through an activated carbon filter.
- b. The filtration system shall consist of one or more fans and activated carbon filters. At a minimum, the fan(s) shall be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.
- c. The filtration system shall be maintained in working order and shall be in use. The filters shall be changed a minimum of once every 365 days.
- d. Negative air pressure shall be maintained inside the building.
- e. Doors and windows shall remain closed, except for the minimum time length needed to allow people to ingress or egress the building.
- f. An alternative odor control system is permitted if the special use applicant submits and the municipality accepts a report by a mechanical engineer licensed in the State of Michigan demonstrating that the alternative system will control odor as well or better than the activated carbon filtration system otherwise required. The municipality may hire an outside expert to review the alternative system design and advise as to its comparability and whether in the opinion of the expert it should be accepted.

~~D. Marijuana Safety Compliance Facility shall be subject to the following standards:~~

- ~~1. A marijuana safety compliance facility shall be subject to the special regulations and standards applicable to [medical laboratories and medical testing facilities] in the ordinance.~~
- ~~2. All activities of a marijuana safety compliance facility, including all transfers of marijuana, shall be conducted within the structure and out of public view.~~

~~E. Marijuana Secure transporter shall be subject to the following standards:~~

- ~~1. A marijuana secure transporter shall be subject to the special regulations and standards applicable to [transportation and warehousing] uses in the [ordinance] and the following standards.~~
- ~~2. Any buildings or structures used for the containment of stored materials shall be located no closer than [#] feet from any property line.~~

## Nonconformities

### **Add a section to Article XVII – General Provisions, Section 38-378.**

- A. No marijuana facility operating or purporting to operate prior to December 15, 2017, shall be deemed to have been a legally existing use nor shall the operation of such marijuana facility be deemed a legal nonconforming use under **Section 38-378. –Nonconforming uses.**
- B. A property owner shall not have vested rights or nonconforming use rights that would serve as a basis for failing to comply with **Section 38-378. –Nonconforming uses** or any amendment thereto.
- C. Discontinuation of a state medical marijuana facility license shall constitute prima facie evidence that a nonconformity has been discontinued.