

LITTLEFIELD TOWNSHIP PUBLIC MEETING
Michigan State University Extension presenting:
Marijuana Here? Ordinances and Options with Medical Marijuana

August 19, 2019 TIME: 7:00 PM

Littlefield Township Board approved hosting this Public Meeting bringing in Michigan State University Extension Educators Lindsey Gardner and Mary Reilly to present a presentation on Medical Marijuana Options and Ordinances. Since this meeting was to present information to the public and give the public the chance to anonymously answer polling questions a sign in sheet was not used. There were approximately 25 people who attended but not all stayed during the whole presentation. Lindsey started out by thanking everyone for attending.

Lindsey explained that Mary and her did not write the entire presentation alone. They had help from one of their colleges from Marquette by the name of Brandon and they also consulted with Andrew Brisbo who is from Michigan Department of Licensing and Regulatory Affairs LARA. Andrew has made sure that the presentation has the latest and greatest information from LARA since the laws have changed pretty quickly on this topic. Lindsey also explained that if the audience had a cell phone, they could use it to answer the polling questions throughout the presentation by using a web browser or by text, and that they would like to have just the residents and business owners within Littlefield Township answer the polling questions. The people who use their phone to answer will have their answers show up on the screen anonymously. The questions are printed out on a half sheet for people who don't have or don't want to use their cell phone.

Mary started the slideshow presentation by explaining the history and three different laws regarding marijuana. The three laws are: 2008 MMMA (Michigan Medical Marijuana Act), 2016 MMFLA (Medical Marijuana Facility Licensing Act), and 2018 MRTMA (Michigan Regulation and Taxation of Marijuana Act - Recreational). MMMA gave us care givers and patients and it started a medical registration of sorts through the state. For 2019 there is around 283,770 card holder patients and around 39,000 caregivers/providers in the State of Michigan. In Emmet County there is currently 698 patients caring a card and 98 caregivers. Patients can have 2.5 ounces in their possession and have up to 12 plants in an enclosed locked facility. Caregivers can have up to 72 plants in an enclosed locked facility if they too are a patient. The nearest licensing facility is in Roger City, Frederick Township, and the Village of Kalkaska. Under MMFLA if the Township chooses to do nothing it is like we have opted-out by the way the law is written. If it is decided to opt-in then decisions have to be made as the number of licenses to be approved, the kinds of licenses that will be granted, and the locations that would permit the facility holding the license. It will become important to work with the County Planning & Zoning to decide on proper or acceptable locations.

Mary then went on to explain what it would take to decide to opt-in by an ordinance and the things that the township has to take into consideration when drafting the ordinance. The things to be thought of would be the number and type of licenses that would be granted, who is going to enforce the ordinance, how is it to be implemented when it comes to staffing, budgetary and legal concerns just to name a few. The other thing that needs to be thought about is since Littlefield is under County Zoning, we would need to have support from the County but they don't have the authority to adopt ordinances the same as a township. Their legal authority is limited. They have zoning but the rules in this law doesn't give the

County explicit authority to zone for this. The County Planning Commission would have to take steps to adopt the zoning ordinance to include these uses, then the County Board of Commissioners would also have to approve, and at any point there could be split votes, no votes, and other things preventing it. There are also citizen petition opportunities in regards to zoning and licensing to protest.

Mary only talked about the top three types of licenses: Grower, Processor, and Provisional Center. A grower has three class types. Class A can have 500 plants, Class B can have 1000 plants, and Class C can have 1500 plants. Mary proceeded to talk about the different types of facilities that has been used by the growers and what they might look like. Growers are only allowed in areas zoned industrial or agricultural by Michigan Law. Processors are largely involved in creating concentrates such as what is used in vape and edibles etc... It involves a chemical process with the use of high heat in a controlled system. There is a lot of regulations on the safety of the products, the packaging, proper labeling, and that marketing is not geared towards children. The building a Processor occupies is highly controlled in a location not open to the public. Processors are typically placed in industrial zones or business corridors because there is absolutely no need for the public to go to these facilities. Provisioning Centers would be where only the qualifying card holding patients can go to purchase product for their medical needs. Communities/Townships are setting up setbacks as to where the Provisioning Centers can be established for example a set distance from schools, playgrounds, daycares, or churches. They might also say that they cannot be in downtown districts etc.

Mary went on to talk about the ability to have Stacked Licenses. Stacked Licenses would allow for all three of the above licenses (Grower, Processor, and Provisional Center) to be contained in the same location and building but with distinct barriers and security separating each of them.

The polling questions were asked and shown in percentages on the presentation screen out of the responses posted by cell phones. Percentage of support for Commercial Growing Facilities: 44% Yes, 56% No. Type of Commercial Growing facility supported: Enclosed Facility 50% None 50% neither of Open or Greenhouse partially enclosed received votes. It was then asked to place a pin on a map of the township where it would be permitted and not permitted to establish a Commercial Growing facility. The next question was on Processing Facilities in Littlefield Township and 60% were for and 40% against. It was then asked on a map where it would and would not be permitted. Provisioning Centers were then voted on with a 60% yes and 40% No. It was then asked if there was support for allowing Stacked Licenses, and the vote came back with a 60% Yes and 40% No.

There was a 10-minute break that would allow for those that couldn't pin the different maps with where each of the licenses would and would not be allowed. It was also re-stated that this vote is intended for just the Littlefield Township residents and business owners. During the break it was also reminded that the location on the maps that represents the Village of Alanson should not be included for pin placement since the Village has already confirmed opting-out of both Medical and Recreational Marijuana.

After the break Mary went into explaining revenue that could be made by allowing Medical Marijuana licenses. With the passing of 2016 MMFLA there was an additional 3% excise tax on top of the 6% State sales tax, however with the passing of proposal 1 in 2018 a sunset provision started 90 days after it passed. This provision stated that the additional excise tax would go away. There is other kinds of revenue potential such as property tax, and the possibility to charge up to \$5,000.00 in fees annually for the application process and renewal process. The up to \$5,000.00 means that the Township has to prove that the cost goes towards offsetting actual expenses like legal fees or clerical/staff costs. MSU Extension is holding a webinar on September 19th to further discuss the revenue side.

There are two types of ordinances that can be created. The zoning ordinance and an ordinance that is called a police power ordinance. The police power ordinance is more of a legal term and doesn't refer to the police or what the police can do. It just refers to the ability to regulate or the ability to act. The zoning ordinance would regulate the use of the land and for Littlefield Township that would include the County because we are under their zoning. Under zoning it would reference the districts, is it permitted use, special land use, what kind of process they would have to go through, are there setbacks from schools etc., what kind of signs are permitted, how the physical structure is going to be and where it is going to be. The police power ordinance would be on the Township as to the types of facilities, number of facilities, what does the application process look like, how applicants are selected, what the license holders need to do to renew their application like the fees, the fines, and the renewal requirements. The Township would want to work closely with their attorney and with the county zoning to prevent any possible disagreements between the Township and County. Mary proceeded to reference what Traverse City has gone through in this process of establishing an ordinance and to learn from the legal problems that they ran into when selecting applicants for their 13 permits. It was found that different business entities created false LLC's in order to stack the number of times their business was placed in the hat. A lawsuit ended up happening and they tried to stop the picking out of the hat. It could be a provision that the business owner applying needs to own the property or be in control of the property before they can apply so that will remove any speculators.

In wrapping up the Public Meeting Lindsey explained that there were three other questions that could be responded to with a short answer such as what are some of the main concerns for allowing Medical Marijuana Facilities and what would be the main benefits of allowing the facilities in Littlefield Township.

The Public Meeting dismissed at 8:38PM