



OFFICE OF COMMUNITY DEVELOPMENT

8140 Main Street • Dexter, Michigan 48130-1092 • (734) 426-8303 • Fax (734) 426-5614

REVISED

PLANNING COMMISSION AGENDA
Monday, October 6, 2014 at 7:30 pm
7720 Ann Arbor Street
Dexter Senior Center

- I. **Roll Call:** Matt Kowalski, Chair Thomas Phillips, Vice Chair Jim Carty
 Marni Schmid James Smith Scott Stewart
 Tom Stoner Joe Semifero-Ex Officio

II. **Action on minutes from** – September 2, 2014 - Regular Meeting minutes

III. **Approval of agenda**

IV. **Public Hearing(s)**

Rules of Procedure for Public Hearings and Business Items:

1. Chair introduces case.
2. Staff report and comments.
3. Applicant presentation. Maximum 20 minutes allowed. All visual material presented must be projected to allow simultaneous viewing by Commission and audience.
4. Chair opens public hearing and invites public to provide comments. All public commentators must state their name and address for the record. Public comments may be allowed for non-public hearing items at the discretion of the chair.
5. Applicant response opportunity. Maximum of 5 minutes allowed.
6. Planning Commission discussion and action.

A. None

V. **Pre-Arranged Citizen Participation** – None
Limit to those who pre-arrange participation before 5:00 pm Monday the week preceding the meeting (10-minute limit).

VI. **Reports of Officers**

- A. Chairman Report – M. Kowalski
- B. Planning Commissioners and Council Ex officio Reports
- C. Community Development Office Reports – M. Aniol

VII. **Citizens Wishing to Address the Commission**

This area is intended for those in the audience not listed on the agenda that wish to speak. (5-minute time limit for individuals and 10-minutes for groups)

VIII. **Old Business**

- A. Sign Regulations – Discussion and possible action regarding next steps in the process to amendment sign regulations.
- B. Group Day Care Home – Review and discussion regarding revised regulations to allow a group day care home in the Village Residential District.

IX. **New Business**

- A. Area Plan Approval Extension – Dexter Crossing Commercial – Discussion and possible action to extend approval of area plan for Dexter Crossing Commercial.
- B. Baker Road Corridor Plan – Discussion regarding Baker Road Corridor in the Capital Improvements Plan (CIP), sidewalk/crosswalk safety, and tree planting schedule.

- C. Cider Mill Parking and Huron Street – Discussion regarding seasonal parking demands of Cider Mill on Huron Street.
- D. Medical Marihuana Legislation Update – Discussion regarding current proposed legislation regarding commercial marihuana dispensaries.

X. Proposed business for next agenda

- A. **Public Hearing:** Text Amendment to the Zoning Ordinance regarding Group Day Care Homes in the Village Residential District.

XI. Citizens wishing to address the Commission

XII. Adjournment

XIII. Communications – None

Anyone planning to attend the meeting who has need of special assistance under the Americans with Disabilities Act (ADA) is asked to contact the Village Office at (734) 426-8303, at least forty-eight hours prior to the meeting. Village staff will be please to make the necessary arrangements.

**DEXTER PLANNING COMMISSION
REGULAR MEETING
MONDAY, SEPTEMBER 2, 2014**

I. CALL TO ORDER AND ROLL CALL:

The meeting was called to order at 7:30 PM by Planning Commission Chairman Kowalski at the Dexter Senior Center located at 7720 Ann Arbor Street in Dexter, Michigan with roll call.

Matt Kowalski
Marni Schmid
Tom Stoner

Thomas Phillips
Scott Stewart-ab

James Smith
Joe Semifero

Also present: Michelle Aniol, Community Development Manager; and Carol Jones, Village Clerk.

II. APPROVAL OF THE MINUTES

1. Regular Meeting – August 4, 2014

Motion Smith; support Stoner to approve the minutes of the Regular Meeting of August 4, 2014 with the following corrections: under Mr. Semifero's report on page 2, add *in the future* to the end of the second bullet point; and in the same location under the third bullet point, the last sentence should read...*Under the Road Plan, some of the Village streets will be crack sealed this year and micro surfaced next year and continue in this pattern over the years.*

Unanimous voice vote approval with Stewart absent.

III. APPROVAL OF THE AGENDA

Motion Smith; support Phillips to approve the agenda as presented.

Unanimous voice vote approval with Stewart absent.

IV. PUBLIC HEARINGS

None

V. PRE-ARRANGED PARTICIPATION

None

VI. REPORTS

A. Chairman Report – Matt Kowalski

- There are two positions available on Planning Commission with the resignations of Molly Robinson and Mary Kimmel. There have been two applications received at the Village offices for these spots.

B. Planning Commissioners and Council Ex Officio Reports

Mr. Semifero had no updates at this time.

C. Community Development Office Reports – Michelle Aniol

Ms. Aniol provided her report in the packet. In addition she provided the following updates:

- There are two spaces being readied in the Dexter Crossing for businesses.
- The Jolly Pumpkin Tasting Room in the Industrial Park has opened.

VII. CITIZENS WISHING TO ADDRESS THE COMMISSION

None

VIII. OLD BUSINESS

A. Planning Commission representative to ZBA

Motion Smith; support Phillips to appoint Marni Schmid to be the Planning Commission's representative to the ZBA.

Unanimous voice vote approval with Stewart absent.

IX. NEW BUSINESS

A. Redevelopment Ready Communities Best Practices for Zoning – Discussion regarding RRC best practices for zoning.

Ms. Aniol explained that zoning is one of the elements of Redevelopment Ready Communities and suggested that having zoning regulations hyperlinked would be ideal. She also mentioned having or not having the sign ordinance included within the zoning ordinance online.

Commissioner Phillips spoke about being cautious and looking at practices that are best for the Dexter community.

B. Sign Regulations – Discussion regarding Ordinance Committee recommendations for goals and objectives for reviewing sign regulations, and discussion regarding temporary sign regulations.

Ms. Aniol highlighted the draft of the Goals and Objectives for review of sign regulations that would identify preferable sign materials and character; adding the review of signage to the site plan review process; address permits for temporary signs; and have the Goals and Objectives placed before Council as an informational item.

Commissioner Stoner showed an example of a temporary sign in Dexter Crossing sitting too close to the road.

C. Group Day Care Homes – Review and discussion of regulations to allow a group day care home in the Village Residential District.

Discussion items included the following:

- Potential changes to the ordinance regulations for Group Day Care Homes regarding lot size and play area.
- Does the requirement for indoor play area need to be a part of the ordinance or should it be a part of the building code?
- The question was raised if the proposed changes should be presented in a Public Hearing at the next Planning Commission meeting.

D. Election of Vice Chair

Motion Schmid; support Smith to nominate Thom Phillips as the Vice-Chair of the Planning Commission.

Unanimous voice vote approval with Stewart absent.

X. PROPOSED BUSINESS FOR NEXT AGENDA

October 6, 2014 – Public Hearing for Group Day Care Homes regulations
Council Comments regarding signs
CIP

XI. CITIZENS WISHING TO ADDRESS THE COMMISSION

None

XII. ADJOURNMENT

Motion Smith; support Stoner to adjourn at 8:29 PM.

Unanimous voice vote approval with Stewart absent

XIII. COMMUNICATIONS

Ms. Aniol spoke of the article distributed at the meeting regarding living in a city and having a discussion in the future regarding housing opportunities in the Village.

Respectfully submitted,

Carol J. Jones
Clerk, Village of Dexter

Approved for Filing: _____



OFFICE OF COMMUNITY DEVELOPMENT

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Memorandum

To: Planning Commission
Courtney Nicholls, Acting Village Manager
From: Michelle Aniol, Community Development Manager
Re: Report for October 6, 2014 Planning Commission Meeting
Date: October 2, 2014

Legislative Updates

Two weeks ago Representative Kowall (R-44th District) held a meeting at the Capital to present draft legislation designed to amend the DDA Act and consolidate all TIF acts into one without eliminating the ability of any. Brownfields were not included in the legislation. The HB 5856 was sent to the Commerce Committee for review and edits. The Committee's first meeting was Wed, September 24th. A substitute bill was introduced on Wed, October 1st that included a significant addition- gain sharing. Gain sharing of 25% of tax increment revenue to the other taxing jurisdictions by 2035, accomplishing this by sharing back 1.25% per year, starting 2015 for those already existing or by year 5 of a new authority. A complete analysis of this proposed legislation accompanies this memo.

Business Development News

- A new restaurant will be opening soon in the former Coney Island located at 8128 Main Street. The restaurant is aligned with Senate Coney Island, a family owned restaurant chain, known for quality and friendly service throughout southeast Michigan. Breakfast and lunch will be served seven days a week. Watch for grand opening!
- MC3 has submitted an Industrial Facilities Tax Exemption request for a 50% abatement of taxes on approximately \$4,884,200 in real property improvements and \$451,300 in personal property improvements at 2555 Bishop Circle West. Village Council will consider scheduling a public hearing for October 27th.
- Northern United Brewing Company (NUBC) submitted an application to expand its tasting room to accommodate private tastings, parties, tours, etc. The proposed expansion (see floor plan attached to this memo) would add 1,920 square feet to the existing 2,790 square foot tasting room for a total of 4,710 square feet, which is less than 15% of the total gross floor area of the facility. In addition, NUBC's proposed sanitary pre-treatment facility was approved and should be under construction.

To provide Council with some context, according to Section 3.02 of the Zoning Ordinance, the definition of a tasting room is as follows:

An establishment that allows customers to taste samples of wine, beer or other alcoholic beverage manufactured on site or that has a State of Michigan issued liquor license as a tasting room. A tasting room may include wine, beer, or other alcoholic beverages and related item sales, marketing events, special events, entertainment, and/or food service. Establishments that are classified by the State Liquor Control Board as bars, nightclubs, taverns, restaurants or Class C liquor licenses are not included within this definition.

Neither NUBC nor its accessory tasting room is classified as a bar, a nightclub, a tavern, and/or a restaurant by the State Liquor Control Commission. According to the MLCC, NUBC has been issued the following licenses for its facility at 2319 Bishop Circle East:

- Small Wine Maker – this license allows a tasting room at the same premise where the wine is produced
 - Wine Tasting Room – this license allows NUBC to operate an off-site winery tasting room off-site from the winery premises.
 - Micro Brewer – this license allows a tasting room at the same premise where the beer is produced
 - Small Distiller – this license allows a tasting room at the same premise where the spirits are produced.
 - Vender of Spirits – this is neither a license nor a permit, but rather a MLCC designation that the company has registered its products with the Commission.
- Deputy Homes submitted a preliminary zoning compliance application for Building A (the one with the existing foundations). Approval is pending submittal of the required Certificate of Insurance from the applicant.

Mathnasium, a math tutoring and learning center is proposed to open in Dexter Crossing.

Miscellaneous Updates

- Staff received training the week of Sept 29-Oct 3 on newly installed BS&A project tracking and reporting software.
- SEMCOG is hosting a membership meeting at Michigan Stadium on November 13, 2014. SEMCOG has invited its Washtenaw members to bring a display or materials highlighting a community project. Staff is coordinating with the Huron Watershed Council's Trail Towns Coordinator to put together a display.
- I will be out of the office to attend the annual Michigan Association of Planning (MAP) conference, Oct 8-10.
- DPS Director Schlaff and I met with Mr. and Mrs. Gilbert (7610 Third St) to discuss removal of the dilapidated buggy barn in the right-of-way and relocation of an existing fence. A fieldstone wall, complete with two sets of steps also encroaches into the right-of-way. Staff has reached out to Professor Ted Ligibel, Director of Historic Preservation at Eastern Michigan University for assistance with the wall and steps. Photos of the barn, stonewall and steps accompanies this memo.
- Staff addressed the Saline City Council regarding MSHDA's Target Market Analysis Grant, at its meeting Monday, September 15th. The Council approved its participation in the joint grant application, which means Dexter, and the cities of Chelsea, Saline and Ypsilanti can move forward with the application process.
- Staff is reviewing the Mill Creek Park Master Plan for recommendations the plan made regarding stormwater management and to identify opportunities to manage stormwater discharge for redevelopment sites in the area between Baker Road and Mill Creek, and Forest and Grand Streets.
- The DDA approved a proposal, submitted by ASTI Environmental, which outlines the steps needed to identify tasks and a cost range for both the Village and a potential new purchaser of the 3045 Broad Street site, based on conceptual site plans/studies and proposed density options.

Brief analysis of Draft 1 TIF legislation:

1. The bill amends the DDA act and essentially folds in all TIF capture acts into one (minus Brownfields and Nonprofit Railway Act – M1- which will remain on their own) to create a Municipal Development Authority. This is intended, from the perspective of those drafting the legislation, to make it more flexible for communities to use.
 - a. TIFAs, LDFAs, CIAs, DDAs, and Water Resource all rolled into this new act.
 - b. Eliminates Neighborhood TIFs, Historic Neighborhood TIFs and PIFAs because there is no evidence that there is any use of these happening currently.
 - c. Brownfield Act and Nonprofit Railway Act remain separate, although there are some aspects of brownfield remediation abilities added into this new act.
 - d. Also not touching the Next Michigan Act.
2. It also incorporates an element of gain sharing (sharing of 25% of tax increment revenues to the other taxing jurisdictions by 2035, accomplishing this by sharing back 1.25% per year starting in 2015 for those already existing or by year 5 of a new authority).
3. This would allow each of these Municipal Development Authorities to levy up to 2 mills and also puts in special assessment language similar to what is in the Principal Shopping District act.
4. TIF capture is limited to millages in place the day the authority is created. If you want to capture any future ones, you must amend your plan.
5. Allows TIF revenue to be saved for 5 years to allow for saving for projects but if not used after that timeframe then the money would flow back to the taxing jurisdictions, unless your TIF plan specifies what it is being saved for and for how long, up to 15 years.
6. Increase in transparency by putting information on websites and providing reports to other taxing jurisdictions. If these transparency pieces are not followed, PPT reimbursement for those TIF districts can be withheld. We have already been in contact with the administration to tell them this is not acceptable because it puts us on a slippery slope in the future if the legislature is looking for other ways to make communities comply with something.
7. Cap the amount of land that can be under a TIF to 50% of the land in the muni and also cap the amount of TV under a TIF to 35% of TV. The problem with this is that there is no mechanism statewide that we know of that can be used to even generate a list of communities that would be affected by this change.
8. Restricts use of TIF revenue to infrastructure projects only (no operational/Mgmt costs, marketing, etc). This is another big problem for us. Marketing and management are big components to the successful operation of these districts.
9. Changes valuation from assessed value to taxable value.



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Memorandum

To: Planning Commission
Courtney Nicholls, Village Manager

From: Michelle Aniol, Community Development Manager

Date: October 6, 2014

Re: Text Amendments to Sign Regulations

The Ordinance Committee recommendations for goals and objectives for reviewing sign regulations were presented to Village Council. Council had no objections, and even indicated a willingness to support hiring a planning consultant to work with staff and the Planning Commission to amend Article 7, Signs.

So, attached to this memo is a copy of the proposal from CWA in 2013. I respectfully request the Planning Commission review and discuss the scope of work and determine what, if any changes would be needed, especially considering this would be your first opportunity to not only amend the regulations, but also set the direction for the overall format of the Ordinance.

Additionally, the Planning Commission should decide if it wants to work solely with its current consultant (CWA) or send out an RFP for competitive bid.

TASK 1.0 ESTABLISHMENT OF STEERING COMMITTEE (MEETING 1)

1.1 We recommend a six (6) member committee made up of two (2) Planning Commissioners, two (2) Village Council members, one (1) business owner (downtown), and the Village Community Development Director.

The Committee would meet monthly to review sections of the Ordinance and provide comments and direction. We propose six (6) meetings with the Steering Committee.

1.2 We recommend the kick-off meeting to be held on a mutually agreeable date in July or August.

TASK 2.0 ASSESSMENT / SIGN PREFERENCING EXERCISE (MEETING 2)

Review all aspects of the current Ordinance with Village staff to understand administration issues.

2.1 Complete sign preferencing exercise with Steering Committee.

2.2 Compile results of exercise.

TASK 3.0 REVIEW PREFERENCING RESULTS - BROAD RECOMMENDATIONS (MEETING 3)

3.1 Review/discuss results

3.2 Regulatory preferences

3.3 Enforcement preferences

TASK 4.0 DRAFT LANGUAGE (BIG PICTURE) (MEETING 4)

Provide recommendations and receive comments on the following:

4.1 Sign Area

4.2 Sign Height

4.3 Sign Number

4.4 Sign Location

Zoning districts will be considered for each of the above.

TASK 5.0 DRAFT LANGUAGE (FULL DETAILS) (MEETING 5)

5.1 Full draft for review and comment.

5.2 Complete one (1) full revision.

TASK 6.0 DRAFT LANGUAGE TO PLANNING COMMISSION

6.1 Provide full draft for review and comment.

6.2 Complete one (1) full revision for public hearing.



CARLISLE | WORTMAN ASSOCIATES, INC.

SIGN REGULATIONS

VILLAGE OF DEXTER

PROPOSAL

JUNE 2012



Carlisle|Wortman Associates, Inc. has extensive experience in developing new and innovative sign regulation language. We are well-versed in the latest and legally defensible zoning techniques.

As the Village planning consultant, we are aware of the concerns and issues regarding the current sign ordinance. Through a collaborative effort of Village officials, residents, and business owners, we believe we can come to a lasting solution resulting in a fair and enforceable ordinance.

We will work closely with the Village through the development of the new regulations. Regular interaction and communication via telephone, e-mail, and face-to-face meetings will help facilitate updated regulations tailored to the Village.

The following work program outlines the suggested approach our firm would undertake in revising the Village of Dexter sign regulations.

TASK 1.0 ESTABLISHMENT OF STEERING COMMITTEE (MEETING 1)

- 1.1 We recommend a six (6) member committee made up of two (2) Planning Commissioners, two (2) Village Council members, one (1) business owner (downtown), and the Village Community Development Director.

The Committee would meet monthly to review sections of the Ordinance and provide comments and direction. We propose six (6) meetings with the Steering Committee.

- 1.2 We recommend the kick-off meeting to be held on a mutually agreeable date in July or August.

TASK 2.0 ASSESSMENT / SIGN PREFERENCING EXERCISE (MEETING 2)

Review all aspects of the current Ordinance with Village staff to understand administration issues.

- 2.1 Complete sign preferencing exercise with Steering Committee.
- 2.2 Compile results of exercise.



TASK 3.0 REVIEW PREFERENCING RESULTS - BROAD RECOMMENDATIONS (MEETING 3)

- 3.1 Review/discuss results
- 3.2 Regulatory preferences
- 3.3 Enforcement preferences

TASK 4.0 DRAFT LANGUAGE (BIG PICTURE) (MEETING 4)

Provide recommendations and receive comments on the following:

- 4.1 Sign Area
- 4.2 Sign Height
- 4.3 Sign Number
- 4.4 Sign Location

Zoning districts will be considered for each of the above.

TASK 5.0 DRAFT LANGUAGE (FULL DETAILS) (MEETING 5)

- 5.1 Full draft for review and comment.
- 5.2 Complete one (1) full revision.

TASK 6.0 DRAFT LANGUAGE TO PLANNING COMMISSION

- 6.1 Provide full draft for review and comment.
- 6.2 Complete one (1) full revision for public hearing.

Based on the work program, we propose the following cost estimate for your consideration.

Task	Principal Doug Lewan	Community Planner Laura Kreps	CAD/GIS	Support Staff
1.0	4	3		
2.0	4	8		
3.0	5	10		
4.0	5	10	5	
5.0	8	15	5	5
6.0	5	12		5
Hours	31	58	10	10
Average Hourly Rate	\$80 per hour	\$65 per hour	\$55 per hour	\$45 per hour
Subtotal	\$2,480	\$3,770	\$550	\$450
TOTAL	\$7,250			



DOUG LEWAN, AICP, PCP, PRINCIPAL received his Masters of Urban Planning from Wayne State University and a Bachelors Degree in Community Planning from Northern Michigan University. He acts as Managing Director of CWA, and was made a shareholder of the firm in 2002. Doug has more than twenty years of professional practice experience in the public and private sector, and has worked in site plan review, zoning ordinance amendments, corridor studies, land use planning, and recreation planning. He has also written zoning ordinances and master plans for numerous communities in Michigan. Additionally, he has acquired extensive experience with zoning questions and interpretations while working with the Zoning Board of Appeals in various communities. He leads the firm's Municipal Services Division, and is a Michigan Certified Zoning Administrator.



EDUCATION

MUP, Masters of Urban Planning | Wayne State University

BS, Community Planning | Northern Michigan University

EXPERIENCE

Community Planner, Carlisle|Wortman Associates, Inc.
Ann Arbor, MI, 1993-Present

Associate Planner, McKenna Associates
Farmington Hills, MI, 1992-1993

Planning and Economic Development Coordinator, Charter Township of Springfield
Davisburg, MI, 1988-1992

CAD Operator/Construction Inspector, Hubbell, Roth and Clark
Bloomfield Hills, MI, 1986-1988

CREDENTIALS

American Institute of Certified Planners |
License No. 13020

Professional Community Planner,
State of Michigan | Registration No. 654

Certified Zoning Administrator, State of Michigan

PROFESSIONAL ACTIVITIES

Member of MDEQ advisory group for the development
of "Zoning for Wellhead Protection" Bulletin

Speaker, Michigan Association of Planning seminars
on various planning topics

Speaker, Planning Seminar; "Defend Your Community
with Sound Planning and Zoning Decisions," 2011,
Dearborn, Michigan

Speaker, Michigan Association of Planning; "The ABC's
of Zoning Enforcement and Compliance," Annual
Conference 2001, Mackinac Island, Michigan

Speaker, Michigan Association of Planning;
"Nonconformity or Zoning Violation You be the Judge,"
Annual conference 2003, Grand Rapids, Michigan

Instructor, MSU Citizen Planner Program



LAURA K. KREPS, AICP is a community planner with over ten years of experience working as a professional planner both in municipal government and consulting. Mrs. Kreps has experience in zoning, land use and comprehensive planning, Tax Increment Financing, economic development, site plan review, capital improvement project programming, downtown development, and grant writing/administration. Prior to joining Carlisle|Wortman Associates in 2007, Mrs. Kreps worked for the City of Monroe in the capacities of land use planner, grant writer/administrator, and Downtown Development Authority staff planner. She currently serves as planner in numerous communities in Monroe, Wayne, and Washtenaw Counties. Mrs. Kreps is also a certified Main Street Manager.



EDUCATION

BS, Urban and Regional Planning | Michigan State University

EXPERIENCE

Community Planner, Carlisle|Wortman Associates, Inc.
Ann Arbor, MI, 2007-Present

Community Planner/Land Use Planner, City of Monroe
Michigan, 2000-2007

Site Acquisition Specialist, Prudential Dickson Hughes
Michigan, 1999-2000

PROFESSIONAL AFFILIATIONS

American Planning Association

Michigan Association of Planning

PROFESSIONAL CERTIFICATIONS

AICP Membership No. 120124

Michigan Municipal League Parliamentary
Procedure Training

Certified Main Street Manager

Michigan Economic Development
Association Practitioners Certification



LUCIE FORTIN, RLA has been a registered Landscape Architect practicing for over 25 years. While she is involved in many land use planning efforts, she specializes in historic preservation, natural resource management and most particularly, recreation planning, where she has lead numerous park, recreation, and trail/greenway designs and plans.



EDUCATION

MSLA, Master of Science, Landscape Architecture | University of Wisconsin

BAP, Landscape Architecture | Université de Montréal

EXPERIENCE

Landscape Architect, Carlisle|Wortman Associates, Inc.
Ann Arbor, MI, 1991-Present

Landscape Architect, Atwell-Hicks, Inc.
Ann Arbor, MI, 1987-1991

Landscape Architect, Environment Canada-Parks
Ottawa, Canada, 1986

Landscape Architect, Poirier Cardinal
Montréal, Canada, 1985

Teaching Assistant, Department of Landscape Architecture
University of Wisconsin, 1983-1985

PROFESSIONAL ACTIVITIES

Historic District Commission, City of Monroe, 1999-2002

Secretary, Michigan Chapter, American Society of Landscape Architects, 1998

Adjunct Professor, University of Michigan, Department of Landscape Architecture, 1996

Adjunct Professor, Lawrence Technological University, 1995

www.cwagplan.com

CREDENTIALS

Registered Landscape Architect,
State of Michigan

HONORS

Michigan Society of Planning Officials,
Honor Awards: 1995

Outstanding Graduate Publication Award, 1988
(Department of Landscape Architecture, University of Wisconsin-Madison)

Frederick Law Olmsted Scholarship, 1982 (Corporation
Première Québec)

PUBLICATIONS AND PRESENTATIONS

Co-author with Peter Jacobs, "L'histoire du paysage
urbain au Québec" | Habitat, Vol. 27 No. 3, 1984

Author, "The Evolution and Persistence of Three
Land Division Systems in the Green Bay Region of
Wisconsin" | Landscape Journal, Vol. 7 No. 1, 1988

Author, "Community Parks and Recreation Master
Planning" | Michigan Planner, Vol. 2 No. 10, 1998

Presenter, "How to Develop a Recreation Plan"
SEMCOG University, 2010



PLANNING

RETAINER SERVICES: Consulting support to local staff, officials, and planning commissions on a continuing basis. Such consultation includes attendance at meetings, interpretation of ordinances, training and education, and direction of staff on policies and procedures.

DEVELOPMENT REVIEW: Review of site plans, subdivisions, site condominiums, rezoning petitions, variance requests, and special use permits for conformance with ordinances and policies.

MASTER PLANNING: Preparation of community master plans, including demographic, land use, transportation, and environmental studies, as well as public visioning and input.

RECREATION PLANNING: Preparation of community recreation master plans, park master plans, greenway plans, and recreational facility design.

HISTORIC PRESERVATION: Preparation of historic district ordinances, historic district surveys and preservation strategies.

WIRELESS + TECHNOLOGICAL PLANNING: Communication tower and technology ordinance review, interpretation, and development. Objective review of tower proposals and plans. Master planning for wireless towers and technological infrastructure.

COMMUNITY INPUT/VISIONING: Coordination and facilitation of public input workshops, including visioning, goal setting and prioritization, data collection, and community buy-in.

GEOGRAPHIC INFORMATION: Land use analysis, mapping, presentation development, and computer-aided design services using GIS and CAD technology.

ZONING

ZONING + LAND USE: Preparation of comprehensive zoning regulation ordinances, single purpose land use ordinances, and environmental ordinances to fit within the context of a community's current regulations. Modification and updates to existing ordinances to meet current legal requirements. Development of model ordinance language.



ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT: Development of feasibility and market analysis. Preparation of industrial, commercial and waterfront development and redevelopment programs that consider labor characteristics, projected growth, and site and environmental characteristics, among others.

DOWNTOWN DEVELOPMENT: Preparation of downtown development and financing plans, streetscape plans, design guidelines, and other design improvements to enhance the economic and visual environment in downtowns and transportation corridors.

GREEN DEVELOPMENT

ENVIRONMENTAL CONSULTING: Site visits, preparation of site surveys, and analysis of natural resources. Consulting support to local staff, officials and planning commissions regarding environmental issues such as wetland, woodland, steep slope impacts, and construction site issues, such as soil erosion and stormwater.

ENVIRONMENTAL/OPEN SPACE PLANNING: Preparation of environmental preservation and open space plans, including identification and evaluation of ecosystems, community input and visioning, goal setting, and development of action plans. Preservation plans strive to integrate people into the natural environment while preserving/restoring connections between landscape features.

ENERGY PLANNING: Integration of energy efficiency and conservation into community master plans, ordinances and engineering/design standards. Preparation of ordinances to assimilate renewable and alternative energy systems into the community. CWA has three community planners who have earned the LEED AP credentials on staff.

WATERSHED PLANNING: Development of water quality planning tools, including watershed group facilitation, watershed management plan preparation, and water resource planning.

LOW IMPACT DEVELOPMENT: Assist with the integration of Low Impact Development (LID) approaches and techniques into local planning documents, ordinances, and engineering/design standards.

ENVIRONMENTAL ORDINANCES: Preparation of ecologically-based ordinances that allow for development while preserving the site's natural features and ecological functioning. Ordinances range from preserving open space links and ecosystems through clustering and open space developments, to feature-specific regulations such as wetlands protection, riparian buffers, and woodlands/tree preservation. Another area of expertise includes regulations pertaining to zoning design standards, such as setbacks, private roads, and parking areas.



OTHER COMMUNITY SERVICES

CAPITAL IMPROVEMENTS: Development of various capital planning tools, such as capital improvement plans and building feasibility studies. Facilitation of group meetings involving different municipal departments, elected officials and public leaders.

EMERGENCY MANAGEMENT: Research and preparation of hazard analysis and pre-and post-disaster mitigation plans. Risk assessment, mapping, and ordinance development.

PLANNING ADMINISTRATION: Provide administrative services including management of day-to-day planning, building and code enforcement activities.

ZONING + BUILDING CODE ENFORCEMENT: Field inspection and follow-up to resolve zoning code infractions. Review of construction documents for compliance with the construction codes related to building, plumbing, electrical, mechanical, and fire suppression. Resolution of non-compliance issues to create plans acceptable for permit issuance.

GRANT WRITING: Research for and preparation of grant applications for a wide array of activities, including transportation, recreation, brownfield redevelopment, environmental preservation, and downtown development projects.

EXPERT TESTIMONY: Research and testimony in land use and zoning disputes and condemnation.

MUNICIPAL SERVICE PARTNERS

CODE ENFORCEMENT SERVICES (CES): a division of Carlisle/Wortman Associates, Inc. assists communities through zoning ordinance and general code enforcement, construction plan review, consultation of construction code issues, and construction inspection services. CES also offers a full-service Building Department program.
www.cescode.com



OFFICE OF COMMUNITY DEVELOPMENT

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Memorandum

To: Planning Commission
Courtney Nicholls, Village Manager

From: Michelle Aniol, Community Development Manager

Date: October 6, 2014

Re: Revision to Proposed Amendments to Article 8 regarding Group Day Care Homes in Village Residential District

At your September meeting questions were raised regarding the origin/necessity of regulating indoor recreation space for Group Day Care Homes. According to the State of Michigan's *Licensing Rules for Family and Group Child Care Homes*, a child care homes must provide a minimum of 35 square feet per child of safe, usable, accessible indoor floor space, not including bathrooms and storage areas. This rule is part of the licensing process. Therefore the Planning Commission will need to determine if it wants to include the rule as a special use requirement.

The proposed amendment (below) demonstrates the amendment with the rule included:

19. Group Day Care Homes

- a. ~~Group day care homes shall have a minimum lot area~~The minimum lot area required for a group day care home shall be the same as the minimum lot area required for the zoning district in which the group day care home would be located. of one half acre (21,780 square feet).
- b. An on-site drive shall be provided for drop off/loading. This drive shall be arranged to allow maneuvers without affecting traffic flow on the public street.
- c. ~~There shall be a fenced, contiguous open space with a minimum area of 5,000 square feet provided on the same premises as the group day care home. The required open space shall not be located within a required front yard.~~
- d. ~~A minimum of thirty five (35) square feet of indoor play area shall be provided for each child. Indoor play area shall be computed exclusive of hallways, bathrooms, reception and office areas, kitchens, storage areas and closets, basements, except those which are finished and have dual means of egress, and areas used exclusively for rest or sleep. A group day care home shall provide a minimum of 35 square feet per child of safe, usable, accessible indoor floor space, not including bathrooms and storage areas.~~
- e. A minimum of ~~one hundred and fifty (150) square feet of outdoor play area for each child. The total~~ outdoor play area of two thousand (2,000) square feet shall ~~have a total minimum area of not less than five thousand (5000) square feet~~ be provided. The outdoor play area shall be and be fenced and screened with landscaping on the exterior side of the fence. The outdoor play area shall not be located within a primary front yard.



Michigan

OFFICE OF COMMUNITY DEVELOPMENT

8140 Main Street • Dexter, Michigan 48130-1092 • (734) 426-8303 • Fax (734) 426-5614

Memorandum

To: Planning Commission
Courtney Nicholls, Village Manager

From: Michelle Aniol, Community Development Manager

Re: Area Plan Approval Extension for Dexter Crossing Commercial Shopping Center
Plan dated September 17, 2014, received by Village on September 18, 2014

Applicant: Midwestern Consulting, representing Oxford Companies, LLC.

Date: September 30, 2014

Oxford Companies, LLC is requesting extension of the approved Area Plan for Dexter Crossing Commercial Shopping Center. The site is located at 7061 Dexter-Ann Arbor Road near the southeast corner of Dexter-Ann Arbor and Dan Hoey Road. The overall site is 9.49 acres and is zoned PUD within the Dexter-Ann Arbor Road Corridor Overlay district. The underlying zoning of the subject property is C-1, General Business.

Approvals

You will recall the Village Council approved a modified area plan for Dexter Crossing Commercial Shopping Center on December 10, 2012, based on a recommendation from the Planning Commission, which included the following conditions:

1. Recommendations by OHM regarding essential services, facilities and utilities, as cited in the November 15, 2012 review letter.
2. Resolution of specific items during the site plan review process, as cited in the CWA review letter dated, November 27, 2012, including the following:
 - a. General concept of the pedestrian element.
 - b. Sidewalk ramps on the southeast corner of the intersection updated to current ADA standards.
 - c. Demonstrate need for additional parking.
 - d. Detailed parking calculations.
 - e. Complete landscape plan.
 - f. Photometric plan and lighting details.
 - g. Location, placement and dimension of signage.
 - h. Floor plans and elevations.
3. Approval of building location and site arrangement by the Village Engineer.

Minutes from the December 3, 2012 Planning Commission and December 10, 2012 Village Council meetings are enclosed with this memo, along with the above reference Planning and Engineering consultant letters, for your convenience.

A minor amendment to the Approved Final Site Plan for Dexter Crossing Commercial was approved administratively on July 21, 2014, to allow the installation of 6 parking spaces. You will recall these spaces were needed to serve a new clinic at the north end of the shopping center, along with landscaping and an internal sidewalk connected to the public sidewalk on Dan Hoey Road.

Review Comments

No changes or additions to the approved area plan are proposed. The approved area plan calls for the construction of a 15,500 square foot single-story retail building on an outlot, along with approximately thirty (30) additional parking spaces. The proposed building will be a lease/build-to-suit. A portion of the existing parking lot and landscape islands will be reconfigured to accommodate the proposed building. All existing buildings on site and the remainder of the existing parking spaces and landscaping will remain. Additional site landscaping and additional pedestrian connections are also proposed as part of the project.

The site is currently served by existing public and franchise utilities. A portion of the existing on-site utilities will be removed and/or relocated to accommodate the proposed building. Access to the site will be provided by existing curb cuts onto Dexter-Ann Arbor and Dan Hoey Road. No improvements to the existing curb cuts are proposed as part of this project.

Extension of Plan Approval

According to Section 19.14A, an area plan expires two (2) years after approval unless a final site plan is submitted to the Planning Commission for approval. As of now, the final site plan has not been submitted. However, Section 19.15 allows the Village Council to approve an extension of an approved area plan (in this case for Dexter Crossing Commercial Shopping Center), based on a recommendation of the Planning Commission and by written agreement with Oxford Companies, LLC.

Suggested Motions

Based upon the information received from the applicant, reflected in minutes of this meeting, and in conformance with Section 19.15 of the Village of Dexter Zoning Ordinance, the Planning Commission recommends the Area Plan for Dexter Crossing Commercial Shopping Center, dated September 17, 2014 and submitted to the Village on September 18, 2014, be extended for two years (i.e. December 10, 2016).

In making this recommendation, the following additional conditions shall apply:

1. Recommendations by OHM regarding essential services, facilities and utilities, as cited in the November 15, 2012 review letter.
2. Resolution of specific items during the site plan review process, as cited in the CWA review letter dated, November 27, 2012, including the following:
 - a. General concept of the pedestrian element.
 - b. Sidewalk ramps on the southeast corner of the intersection updated to current ADA standards.
 - c. Demonstrate need for additional parking.
 - d. Detailed parking calculations.
 - e. Complete landscape plan.
 - f. Photometric plan and lighting details.
 - g. Location, placement and dimension of signage.
 - h. Floor plans and elevations.
3. Approval of building location and site arrangement by the Village Engineer.

OR

Move to **postpone** the action on the extension of approval of the Area Plan for Dexter Crossing Commercial Shopping Center, 7061 Dexter-Ann Arbor Road, plan dated 11/1/2012 until _____
(date) _____, to allow the applicant and Planning Commission time to address the following items:

1. _____
2. _____
3. _____

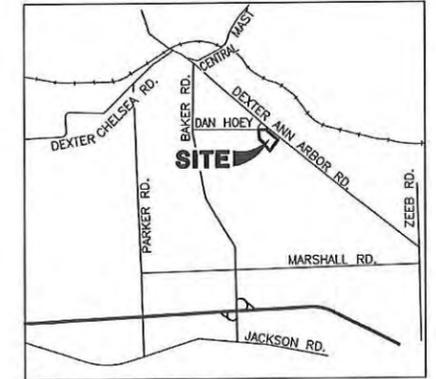
Please contact me prior to the meeting with questions. Thank you.

DEXTER CROSSINGS COMMERCIAL

VILLAGE OF DEXTER, WASHTENAW CO., MICHIGAN AREA PLAN - EXTENSION REQUEST A PLANNED UNIT DEVELOPMENT

CONSULTANT
MIDWESTERN CONSULTING, LLC
3815 PLAZA DRIVE
ANN ARBOR, MI 48108
PH: (734) 995-0200
ATTN: TOM COVERT

DEVELOPER/APPLICANT
DEXTER CROSSING ASSOCIATES, LLC
C/O OXFORD COMPANIES
210 S. FIFTH AVE.
ANN ARBOR, MI 48104
ATTN: ED FLAHERTY/LYLE BECKWITH



VICINITY MAP
(NO SCALE)

PROJECT NARRATIVE:

WE ARE REQUESTING AN EXTENSION TO THE APPROVED AREA PLAN FOR DEXTER CROSSING - COMMERCIAL CENTER.

- AS YOU KNOW SINCE PURCHASE AND THE APPROVAL OF THE NEW AREA PLAN IN 2012, OXFORD HAS BEEN BUSY MAKING IMPROVEMENTS TO THE SITE.
- SEALED THE PARKING SURFACES
 - ENHANCED THE BUILDING FAÇADE
 - GAINED TENANTS INCREASING THE VIBRANCY OF THE CENTER AS WELL AS DECREASING VACANCY
 - ADDED PARKING SPACES
 - RECONFIGURED A FEW BARRIER FREE SPACES
 - ADDED PEDESTRIAN SIDEWALKS
 - PERFORMED UTILITY MAINTENANCE
 - SCHEDULED / PROGRAMED SITE MAINTENANCE AND BEAUTIFICATION EFFORTS

THE AREA PLAN AS APPROVED WAS VERY INSTRUMENTAL IN ASSISTING OXFORD IN THESE ENDEAVORS IN THAT THE AREA PLAN AS APPROVED ANSWERED MANY QUESTIONS LEFT OPEN BY THE PREVIOUS AREA PLAN. WITH AN APPROVED AREA PLAN IN PLACE, THERE IS DEFINITION PUT TO THE GENERAL LOCATION OF THE FUTURE BUILDING AS WELL AS ADDRESSING; VEHICULAR ACCESS AND CIRCULATION; PEDESTRIAN ACCESS AND CIRCULATION; AND OPEN SPACE LOCATIONS. THIS CREATES SOME ASSURANCES WITH FUTURE TENANTS, AS WELL AS WITH EXISTING TENANTS WITH REGARD TO WHAT CAN BE EXPECTED IN THE NOT SO DISTANT FUTURE WITH REGARD TO DEVELOPMENT AT THE SITE.

ADDITIONALLY, WE WOULD NOTE THAT AS A PART OF TENANT IMPROVEMENTS AT THE SITE A SMALL NUMBER OF PARKING SPACES WERE APPROVED IN AN AMENDMENT TO THE FINAL SITE PLAN CONSISTENT WITH THE AREA PLAN AS APPROVED IN 2012. WITH THIS THERE WERE ALSO PEDESTRIAN WALK IMPROVEMENTS AS WELL AS BARRIER FREE PARKING IMPROVEMENTS. PLANS FOR WHICH WE HAVE INCLUDED WITH THIS SUBMITTAL FOR AREA PLAN EXTENSION.

SHEET INDEX

- 2012 AREA PLAN
1. COVER SHEET
 2. EXISTING CONDITIONS - SITE ANALYSIS
 3. CONCEPTUAL LAYOUT PLAN
 4. CONCEPTUAL LANDSCAPE PLAN
 5. CONCEPTUAL UTILITY ROUTING PLAN
 6. CONCEPTUAL GRADING & SOIL EROSION CONTROL PLAN
- 2014 AMENDMENT TO FINAL SITE PLAN
1. COVER SHEET
 2. EXISTING CONDITIONS & REMOVALS
 3. LAYOUT, LANDSCAPE, GRADING, & SOIL EROSION CONTROL PLAN



NOTE
PLAN IS AN AMENDMENT TO THE APPROVED FINAL SITE PLAN OF 5/22/98

RECEIVED
SEP 18 2014

VILLAGE OF DEXTER

DEXTER CROSSINGS COMMERCIAL

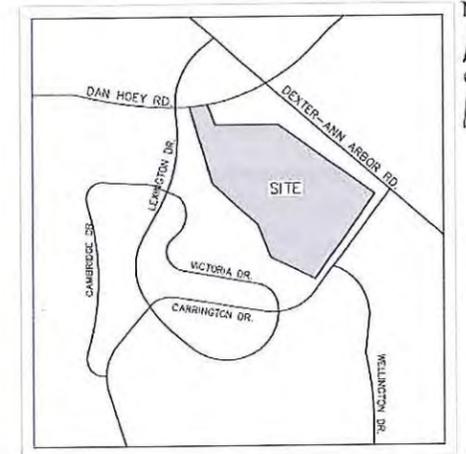
JOB No. 14099	DATE: 9/17/14	1
REVISIONS:	SHEET 1 OF	
REV. DATE:	CADD:TRF	
	ENG: TC	
	TECH: 14099CV1 EXTENSION.WG	

MIDWESTERN CONSULTING
Civil, Environmental and Transportation Engineers
Planners, Surveyors
Landscape Architects
3815 Plaza Drive
Ann Arbor, Michigan 48108
Phone: 734.995.0200
Fax 734.995.0599

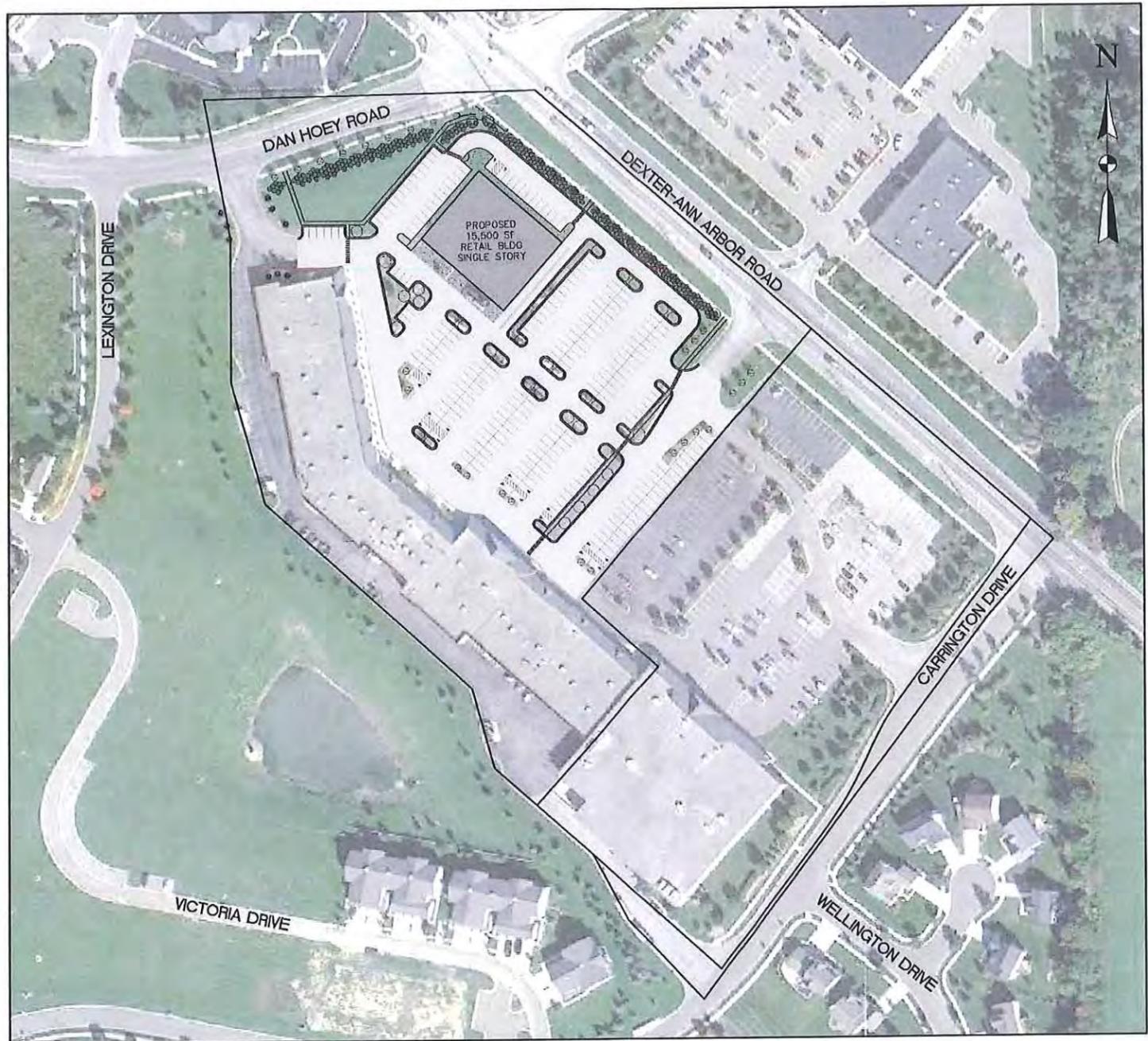
RELEASED FOR:	DATE	P.E. #

AREA PLAN FOR DEXTER CROSSINGS

7061 DEXTER-ANN ARBOR ROAD VILLAGE OF DEXTER, WASHTENAW COUNTY, MICHIGAN



VICINITY MAP
SCALE: 1" = 200'



AERIAL MAP
SCALE: 1" = 80'

PROJECT NARRATIVE

OXFORD COMPANY, LLC IS REQUESTING APPROVAL TO REDEVELOP A PORTION OF THE EXISTING DEXTER CROSSING SHOPPING CENTER FOR A NEW RETAIL BUILDING AND ASSOCIATED PARKING. THE SITE IS LOCATED AT 7061 DEXTER-ANN ARBOR ROAD NEAR THE SOUTHEAST CORNER OF DEXTER-ANN ARBOR ROAD AND DAN HOEY ROAD IN THE VILLAGE OF DEXTER. THE OVERALL SITE IS 9.49 ACRES IN SIZE AND IS ZONED FUS WITHIN DEXTER-ANN ARBOR ROAD CORRIDOR OVER LAY DISTRICT. THE UNDERLYING ZONING IS C-1.

THE PROPOSED PROJECT INCLUDES CONSTRUCTION OF A 815,500 SQUARE-FOOT SINGLE-STORY RETAIL BUILDING AND APPROXIMATELY 30 ADDITIONAL PARKING SPACES. THE PROPOSED BUILDING WILL BE A LEASE/BUILD-TO-SUIT. A PORTION OF THE EXISTING PARKING LOT AND LANDSCAPE ISLANDS WILL BE RECONFIGURED TO ACCOMMODATE THE PROPOSED BUILDING. ALL EXISTING BUILDINGS ON SITE AND THE REMAINDER OF THE EXISTING PARKING SPACES AND LANDSCAPING WILL REMAIN. ADDITIONAL SITE LANDSCAPING AND ADDITIONAL PEDESTRIAN CONNECTIONS ARE ALSO PROPOSED AS PART OF THIS PROJECT.

THE SITE IS CURRENTLY SERVED BY EXISTING PUBLIC AND FRANCHISE UTILITIES. A PORTION OF THE EXISTING ON-SITE UTILITIES WILL BE REMOVED/RELOCATED TO ACCOMMODATE THE PROPOSED BUILDING. ACCESS TO THE SITE WILL BE PROVIDED BY EXISTING CURB CUTS ONTO DEXTER-ANN ARBOR ROAD AND DAN HOEY ROAD. NO IMPROVEMENTS TO THE EXISTING CURB CUTS ARE PROPOSED AS PART OF THIS PROJECT.

SHEET INDEX

- 01 COVER SHEET
- 02 EXISTING CONDITIONS -- SITE ANALYSIS
- 03 CONCEPTUAL LAYOUT PLAN
- 04 CONCEPTUAL LANDSCAPE PLAN
- 05 CONCEPTUAL UTILITY ROUTING PLAN
- 06 CONCEPTUAL GRADING & SOIL EROSION CONTROL PLAN

DEVELOPER/APPLICANT/PROPERTY OWNER

OXFORD COMPANY, LLC
CONTACT: ANDREW SELINGER
312 SOUTH STATE, SECOND FLOOR
ANN ARBOR, MICHIGAN 48104
PH: 734.747.6000
FAX: 734.747.6999

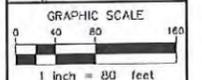
CIVIL ENGINEER/LANDSCAPE ARCHITECT

METRO CONSULTING ASSOCIATES
CONTACT: THOMAS J. COVERT; RIA, AICP, LEED AP
6001 SCHOONER DRIVE
BELLEVILLE, MICHIGAN 48111
PH: 734.483.1427
FAX: 734.483.3431
EMAIL: TCOVERT@METROCA.NET

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 6001 SCHOONER DRIVE
 BELLEVILLE, MICHIGAN 48111
 PHONE: 734-483-1427 FAX: 734-483-3431
 www.metroca.net



CLIENT NAME: OXFORD COMPANY, LLC
DEXTER CROSSINGS
 AREA PLAN
 COVER SHEET



MCA JOB #	1037-12-5579
DATE	11-01-2012
DRAWN BY	CB
CHECK BY	TC
BOOK/CREW	
ADDRESS	7061 DEXTER-ANN ARBOR
SECTION	B
TOWNSHIP	2 SOUTH
RANGE	5 EAST
COUNTY	VILLAGE OF DEXTER
COUNTY	WASHTENAW
SHEET	01

CONSTRUCTION SITE SAFETY IS THE RESPONSIBILITY OF THE CONTRACTOR. NEITHER THE OWNER NOR THE ENGINEER SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK, OF PERSONS ENGAGED IN THE WORK, OR OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.

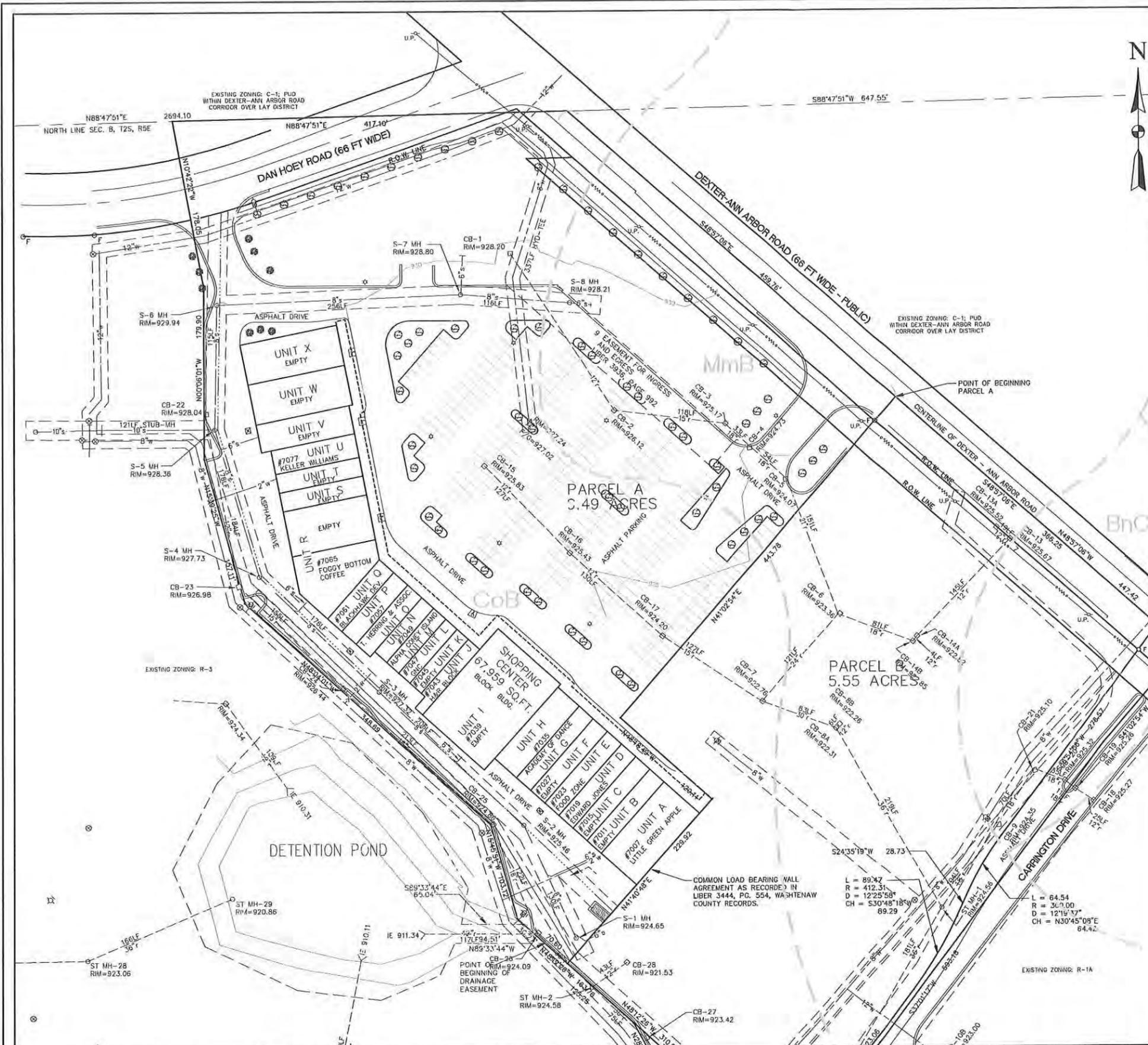
THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.



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PRELIMINARY - NOT FOR CONSTRUCTION

K:\2012\1037-12-5579\Drawings\New_Site\Area_Plan\037-12-5579-01_Cover.dwg, 10/23/2012 10:37 AM, dshree



LEGAL DESCRIPTION (BY OTHERS)

TAX PARCEL ID# HD-08-08-200-013, HD-08-08-200-019

PARCEL A:
A PARCEL OF LAND IN THE WEST 1/2 SECTION 8, T25, R5E, FORMERLY KNOWN AS SCIO TOWNSHIP, WASHINGTON COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 8; THENCE SOUTH 00°31'02" EAST 810.01 FEET ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 8; TO THE CENTERLINE OF DEXTER-ANN ARBOR ROAD; THENCE NORTH 48°57'08" WEST 43.66 FEET ALONG SAID CENTERLINE OF DEXTER-ANN ARBOR ROAD TO THE POINT OF BEGINNING;
THENCE S 41°02'54" W 130.85 FEET; THENCE S 37°01'17" W 593.18 FEET; THENCE N 43°22'19" W 137.62 FEET; THENCE N 28°45'01" W 84.54 FEET; THENCE N 48°12'26" W 163.78 FEET; THENCE N 15°45'51" W 103.12 FEET; THENCE N 48°04'01" W 348.69 FEET; THENCE N 15°39'25" W 157.11 FEET; THENCE N 00°05'01" W 179.90 FEET; THENCE N 10°42'22" W 178.05 FEET TO THE NORTH LINE OF SAID SECTION 8; THENCE N 88°47'51" E 417.10 FEET ALONG THE NORTH LINE OF SECTION 8 TO THE CENTERLINE OF DEXTER-ANN ARBOR ROAD; THENCE S 48°57'06" E 863.52 FEET ALONG THE CENTERLINE OF DEXTER-ANN ARBOR ROAD TO THE POINT OF BEGINNING.

PARCEL B:
A PARCEL OF LAND IN THE WEST 1/2 SECTION 8, T25, R5E, FORMERLY KNOWN AS SCIO TOWNSHIP, WASHINGTON COUNTY, MICHIGAN, DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 8; THENCE SOUTH 00°31'02" EAST 810.01 FEET ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 8; TO THE CENTERLINE OF DEXTER-ANN ARBOR ROAD; THENCE NORTH 48°57'08" WEST 81.17 FEET ALONG SAID CENTERLINE OF DEXTER-ANN ARBOR ROAD TO THE POINT OF BEGINNING;
THENCE SOUTH 36°54'56" WEST 278.57 FEET; THENCE 64.54 FEET ALONG A CURVE TO THE LEFT WITH A CENTRAL ANGLE OF 12°19'37", 300.00 FOOT RADIUS, AND A CHORD BEARING SOUTH 30°45'08" WEST 64.42 FEET; THENCE SOUTH 24°35'19" WEST 28.73 FEET; THENCE 69.47 FEET ALONG THE ARC OF A CURVE TO THE RIGHT WITH A CENTRAL ANGLE OF 12°25'58", 412.31 FOOT RADIUS, AND A CHORD BEARING SOUTH 30°48'18" WEST 89.29; THENCE SOUTH 37°01'17" WEST 223.08 FEET; THENCE NORTH 48°12'26" WEST 310.98 FEET; THENCE NORTH 41°02'54" EAST 229.92 FEET; THENCE NORTH 48°18'49" WEST 129.11 FEET; THENCE NORTH 41°02'54" EAST 443.78 FEET TO THE CENTERLINE OF DEXTER-ANN ARBOR ROAD; THENCE SOUTH 48°57'08" EAST 368.25 FEET, ALONG THE CENTERLINE OF DEXTER-ANN ARBOR ROAD TO THE POINT OF BEGINNING.

SOIL TYPES

CoB - CONOVER LOAM, 0% - 4% SLOPES
MmB - MIAMI LOAM, 2% - 6% SLOPES
BnC - BOYER LOAMY SAND, 6% - 12% SLOPES

LEGEND

	EX. SPOT ELEVATION		EX. TELEPHONE MANHOLE
	EX. CONTOUR		EX. ELECTRIC MANHOLE
	EX. PROPERTY LINE		EX. ELECTRIC METER
	EX. ADJACENT PROPERTY LINE		EX. GAS METER
	EX. SECTION LINE		EX. LIGHT POLE
	EX. EASEMENT LINE		EX. TRAFFIC SIGNAL BOX
	EX. WETLAND LIMITS		EX. UNIDENTIFIED MANHOLE
	EX. CURB/PAVEMENT		EX. TRAFFIC SIGNAL POLE
	EX. FENCE		EX. UTILITY POLE
	EX. GRAVEL		EX. GUY WIRE
	EX. DITCH		EX. SIGN
	EX. GUARDRAIL		EX. MAILBOX
	EX. WATER MAIN		EX. TREE (CONIFEROUS)
	EX. WATER VALVE		EX. TREE (DECIDUOUS)
	EX. HYDRANT		EX. SECTION CORNER
	EX. WATER MANHOLE		FOUND IRON PIPE
	EX. WELL		FOUND IRON ROD
	EX. STORM SEWER		FOUND PK NAIL
	EX. STORM INLET/CATCH BASIN		FOUND CONC. MONUMENT
	EX. STORM MANHOLE		SET IRON ROD
	EX. STORM END SECTION		SET MAG NAIL
	EX. SANITARY SEWER		
	EX. SANITARY MANHOLE		
	EX. UNDERGROUND GAS		
	EX. GAS VALVE		
	EX. OVERHEAD ELECTRIC		
	EX. UNDERGROUND ELECTRIC		
	EX. UNDERGROUND CABLE		
	EX. TREELINE		
			SOIL TYPE
			SOIL LIMITS

METRO CONSULTING ASSOCIATES
8001 SCHOONER DRIVE
BELLEVILLE, MICHIGAN 48111
PHONE: 734.483.1427 FAX: 734.483.3431
www.metroca.net

CLIENT NAME: OXFORD COMPANY, LLC
DEXTER CROSSINGS
AREA PLAN
EXISTING CONDITIONS - SITE ANALYSIS

GRAPHIC SCALE
0 30 60 120
1 inch = 60 feet
(24"x36" DRAWINGS ONLY)

MCA JOB #: 1037-12-5579
DATE: 11-01-2012
DRAWN BY: CB
CHECK BY: TC
BOOK/CREW:
ADDRESS: 70N DEXTER-ANN ARBOR
SECTION: 8
TOWNSHIP: 2 SOUTH
RANGE: 5 EAST
COMMUNITY: VILLAGE OF DEXTER
COUNTY: WASHINGTON
SHEET: 02

CONSTRUCTION SITE SAFETY IS THE RESPONSIBILITY OF THE CONTRACTOR. NEITHER THE OWNER NOR THE ENGINEER SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK, OF PERSONS ENGAGED IN THE WORK, OR OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.

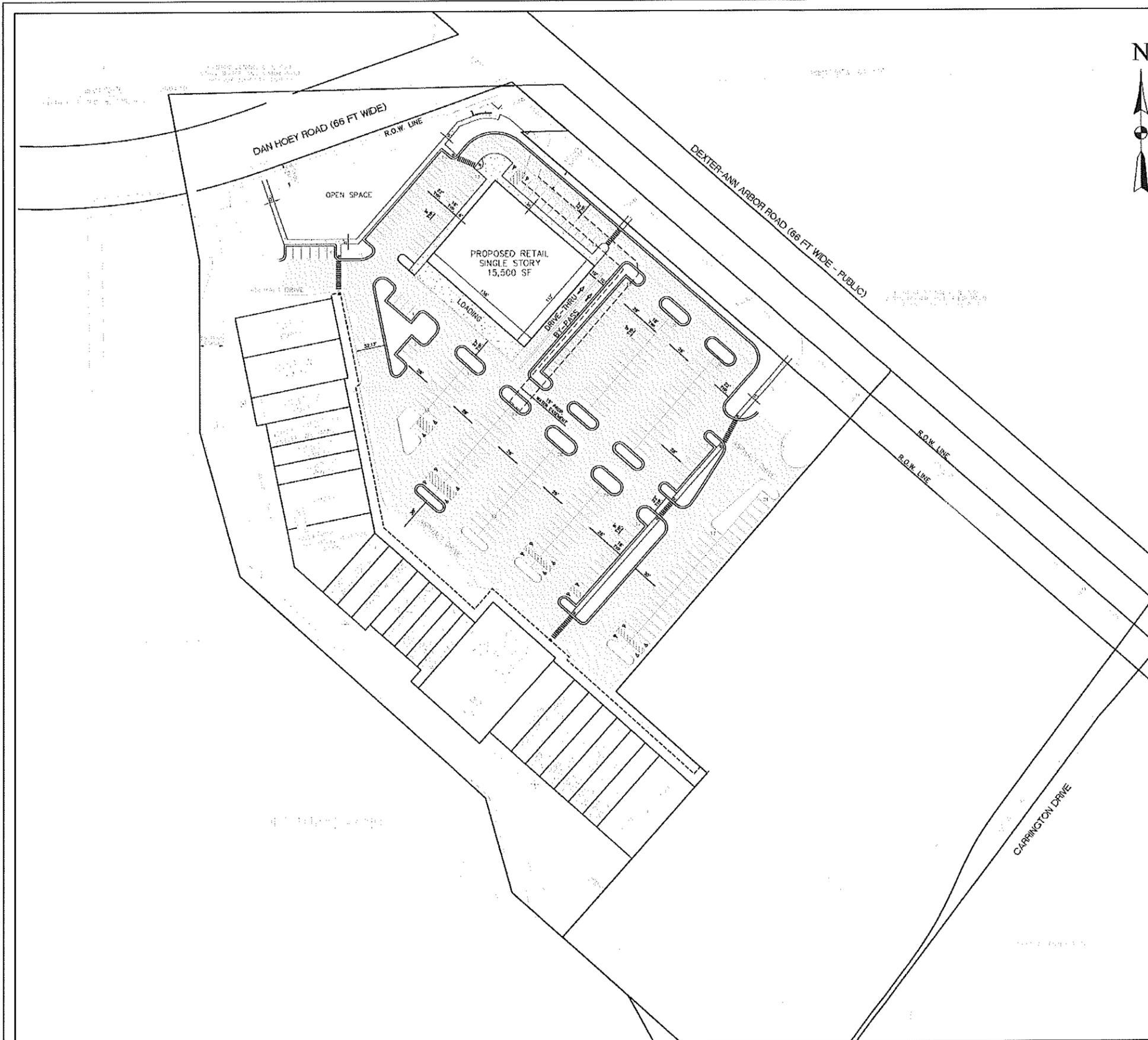
THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.



NOTE: BASE MAP INFORMATION PER AS-BUILT SURVEY COMPLETED BY MIDWESTERN CONSULTING DATED 01/03/2012. CONDITIONS FIELD VERIFIED BY METRO CONSULTING ASSOCIATES, OCTOBER 2012.

PRELIMINARY - NOT FOR CONSTRUCTION

K:\2012\1037_483_FOLDERS\1037-12-5579\2012-10-31\1037-12-5579-02.dwg, 10/26/2012, 2:10 PM, 84444



SITE DATA

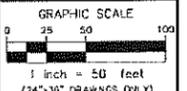
	REQUIRED/EXISTING	PROPOSED
ZONING	C-1: GEN. BUSINESS; PUD WITHIN DEXTER-ANN ARBOR ROAD CORRIDOR OVER LAY DISTRICT	C-1: GEN. BUSINESS; PUD WITHIN DEXTER-ANN ARBOR ROAD CORRIDOR OVER LAY DISTRICT
SITE AREA: LOT #/DTR:	2.00 ACRES MIN. 200' MIN.	9.49 ACRES 490' DEXTER-ANN ARBOR ROAD, 363' DAN HOEY ROAD
BUILDING SETBACKS		
FRONT:	25' MIN.	50' DEXTER-ANN ARBOR ROAD, 91' DAN HOEY ROAD
SIDE:	10' ONE / 20' TOTAL MIN.	N/A
REAR:	25' MIN.	31' EXST.
BUILDING FLOOR AREA:	467,909 SF EXST.	10,090 SF PROP. 483,459 SF TOTAL
BUILDING HEIGHT:	35/28 STORES MAX.	1 STORY
LOT COVERAGE (B.D.G.):	N/A	20.2%
PARKING SPACES:	251 REQ. / 257 EXST.	283
ACCESSIBLE:	12 REQ. / 19 EXST.	18
OPEN SPACE:	N/A	1.09 AC / 47,470 SF (11.9%)

LEGEND

EX. SPOT ELEVATION	EX. TELEPHONE MANHOLE
EX. CONTOUR	EX. ELECTRIC MANHOLE
EX. PROPERTY LINE	EX. ELECTRIC METER
EX. ADJACENT PROPERTY LINE	EX. GAS METER
EX. SECTION LINE	EX. LIGHT POLE
EX. EASEMENT LINE	EX. TRAFFIC SIGNAL BOX
EX. METLAND LIMITS	EX. UNIDENTIFIED MANHOLE
EX. CURB/PAVEMENT	EX. TRAFFIC SIGNAL POLE
EX. FENCE	EX. UTILITY POLE
EX. GRAVEL	EX. OIL WIRE
EX. 6 INCH	EX. SIGN
EX. GUARDRAIL	EX. WALDOX
EX. WATER MAIN	EX. TREE (CONIFEROUS)
EX. WATER VALVE	EX. TREE (DECIDUOUS)
EX. HYDRANT	EX. SECTION CORNER
EX. WELL	FOUND IRON PIPE
EX. WATER MANHOLE	FOUND IRON ROD
EX. WELL	FOUND PK NAIL
EX. STORM SEWER	FOUND CONC. MONUMENT
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EX. STORM MANHOLE	SET MAG NAIL
EX. STORM END SECTION	
EX. SANITARY SEWER	
EX. SANITARY MANHOLE	
EX. UNDERGROUND GAS	
EX. GAS VALVE	
EX. OVERHEAD ELECTRIC	
EX. UNDERGROUND ELECTRIC	
EX. UNDERGROUND CABLE	
EX. TREELINE	

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 8001 SCHOONER DRIVE
 BELLEVILLE, MICHIGAN 48111
 PHONE: 734.483.1427 FAX: 734.483.3431
 www.metrocc.net

CLIENT NAME: OXFORD COMPANY, LLC
DEXTER CROSSINGS
 AREA PLAN
 CONCEPTUAL LAYOUT PLAN



VCA JOB # 1037-12-5579
 DATE: 11-01-2012
 DRAWN BY: CB
 CHECK BY: TC
 BOOK/CREW:
 ADDRESS: 780 DEXTER-ANN ARBOR
 SECTION: B
 TOWNSHIP: 2 SOUTH
 RANGE: 5 EAST
 COMMUNITY: VILLAGE OF DEXTER
 COUNTY: WASHTENAW
 SHEETS: 03

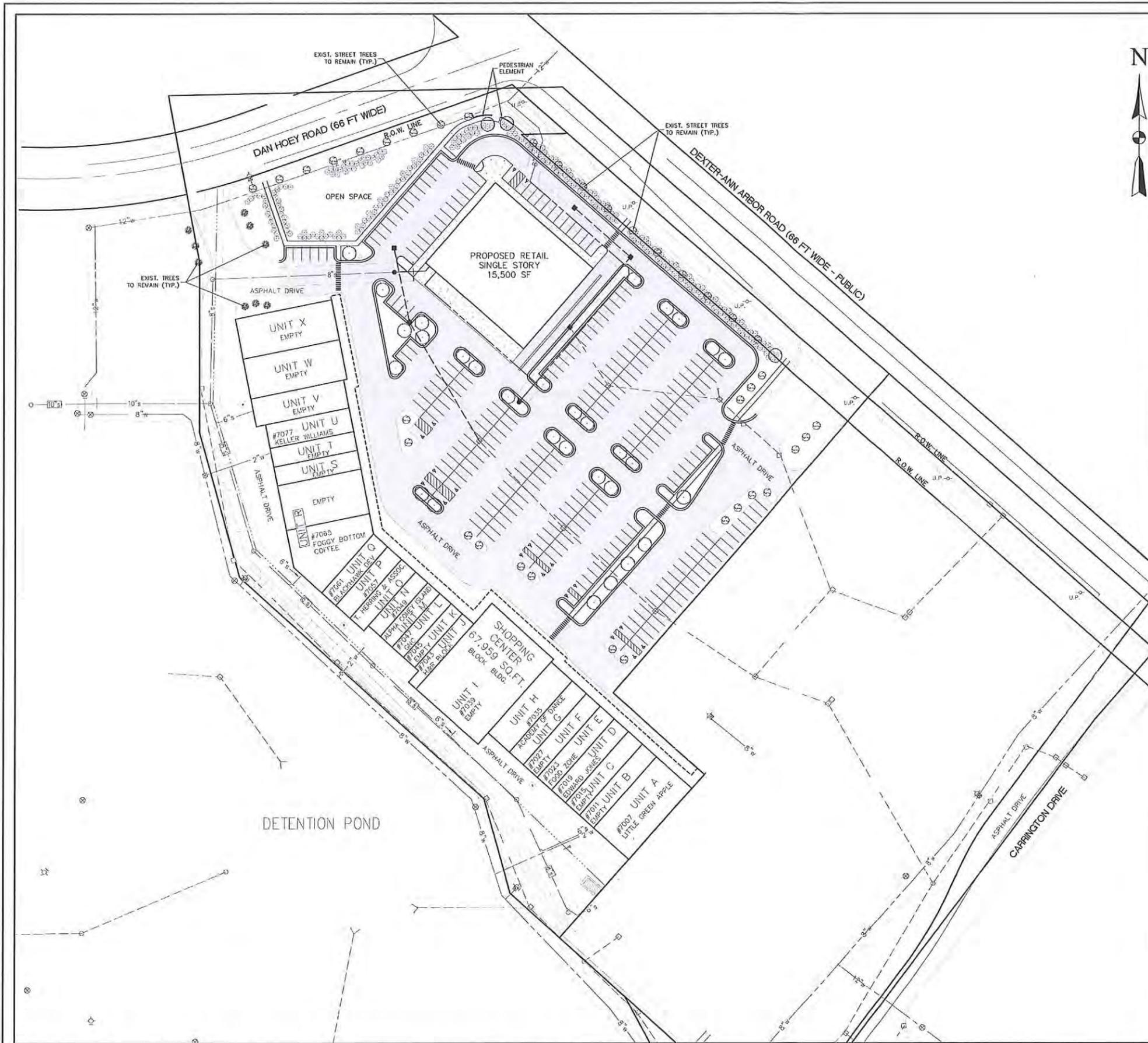
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CONSTRUCTION SITE SAFETY IS THE RESPONSIBILITY OF THE CONTRACTOR. NEITHER THE OWNER NOR THE ENGINEER SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK, OF PERSONS ENGAGED IN THE WORK, OR OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.
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PRELIMINARY - NOT FOR CONSTRUCTION



LANDSCAPE CALCULATIONS

RIGHT-OF-WAY SCREENING - DEXTER-ANN ARBOR ROAD (460 LF)		
WIDTH:	REQUIRED 10'-15'	PROPOSED 7.5'
SHRUBS:	154	154
RIGHT-OF-WAY SCREENING - DAN HOEY ROAD (363 LF)		
WIDTH:	REQUIRED 10'-15'	PROPOSED 4.0'
SHRUBS:	121	121
INTERIOR PARKING LOT LANDSCAPING (283 SPACES)		
LANDSCAPED AREA:	REQUIRED 1,887 SF	PROPOSED 12,761 SF
DECIDUOUS TREES:	19	30 (+12 EXIST. TO REMAIN)
STREET TREES - DEXTER-ANN ARBOR ROAD (460 LF)		
DECIDUOUS TREES:	REQUIRED 12	PROPOSED 2 (+10 EXIST. TO REMAIN)
STREET TREES - DAN HOEY ROAD (363 LF)		
DECIDUOUS TREES:	REQUIRED 10	PROPOSED 1 (+9 EXIST. TO REMAIN)
TOTAL LANDSCAPING		
DECIDUOUS TREES:	REQUIRED 41	PROPOSED 33 (+31 EXIST. TO REMAIN)
SHRUBS:	275	275

LANDSCAPE NOTES

- THIS PLAN IS FOR PLANTING LOCATIONS ONLY.
- SIZES SPECIFIED ARE MINIMUM SIZES TO BE INSTALLED.
- IN THE EVENT THE PLANT LIST DOES NOT MATCH THE PLAN, THE PLAN SHALL TAKE PRECEDENCE.
- ALL LANDSCAPING SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH VILLAGE STANDARDS IN A NEAT, HEALTHY AND WEED-FREE CONDITION, FREE FROM REFUSE AND DEBRIS. ANY DEAD, DISEASED OR DAMAGED PLANT MATERIAL IS TO BE REPLACED WITHIN ONE YEAR, OR THE NEXT APPROPRIATE PLANTING PERIOD, WHICHEVER COMES FIRST.
- ALL EXISTING TREES TO REMAIN THAT ARE DAMAGED DURING CONSTRUCTION SHALL BE REPLACED BY THE END OF THE FOLLOWING PLANTING SEASON.
- THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION OF ALL UNDERGROUND AND OVERHEAD UTILITIES. PLANT MATERIAL IS TO BE LOCATED SUCH THAT IT WILL NOT INTERFERE WITH ANY UNDERGROUND OR OVERHEAD UTILITIES. PLANTINGS WITHIN 15 FEET OF A FIRE HYDRANT SHALL NOT EXCEED 6 INCHES IN HEIGHT.
- PLANT TREES AND SHRUBS AT THE SAME GRADE LEVEL AT WHICH THEY WERE GROWN IN THE NURSERY. IF HEAVY CLAY SOILS ARE EVIDENT, PLANT TREES AND SHRUBS HIGHER, APPROXIMATELY 1/3 OF THE ROOT BALL ABOVE THE GRADE.
- REMOVE ALL TWINE, WIRE, NURSERY TREE GUARDS, TAGS AND INORGANIC MATERIAL FROM ROOT BALLS. FEEL BACK THE TOP 1/3 OF BURLAP FROM EARTH BALLS AND REMOVE ANY BURLAP AROUND TREE TRUNKS.
- ALL LANDSCAPE AREAS SHALL BE EXCAVATED OF ALL BUILDING/CONSTRUCTION MATERIAL AND POOR SOILS TO A DEPTH OF 18"-24" AND BACKFILLED WITH GOOD, MEDIUM TEXTURED PLANTING SOIL.
- BACKFILL DIRECTLY BEHIND ALL CURBS AND ALONG SIDEWALKS AND COMPACT TO TOP OF CURB OR WALK TO SUPPORT VEHICLE AND PEDESTRIAN WEIGHT WITHOUT SETTLING.
- ALL DISTURBED UNPAVED AREAS ARE TO BE SPREAD WITH A MINIMUM 4 INCHES OF TOPSOIL AND SEED.
- ALL LANDSCAPED AREAS SHALL BE PROVIDED WITH A READILY AVAILABLE WATER SUPPLY. NEWLY PLANTED MATERIALS SHALL BE REGULARLY WATERED UNTIL ESTABLISHED.
- IF AN APPROVED SPECIES IS NO LONGER ACCEPTABLE DUE TO SUCH THINGS AS INFESTATION OR DISEASE, A SUITABLE SIMILAR SPECIES SHALL BE USED AS REPLACEMENT. ANY PLANT SUBSTITUTIONS SHALL HAVE VILLAGE APPROVAL PRIOR TO INSTALLATION.
- RECOMMENDED PLANTING DATES ARE MARCH 1 TO MAY 15 FOR ALL MATERIALS AND OCTOBER 15 TO DECEMBER 15 FOR DECIDUOUS MATERIALS. PLANTINGS OUTSIDE THESE DATES SHALL HAVE PRIOR VILLAGE APPROVAL, AND MAY REQUIRE SPECIAL TREATMENT, SUCH AS EXTRA WATERING OR MULCHING, TO INCREASE SURVIVAL POTENTIAL.
- PLANT MATERIAL SHALL NOT INTERFERE WITH SIGHT DISTANCE TRIANGLES.

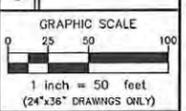
LEGEND

EX. SPOT ELEVATION	EX. TELEPHONE MANHOLE
EX. CONTOUR	EX. ELECTRIC MANHOLE
EX. PROPERTY LINE	EX. ELECTRIC METER
EX. ADJACENT PROPERTY LINE	EX. GAS METER
EX. SECTION LINE	EX. LIGHT POLE
EX. EASEMENT LINE	EX. TRAFFIC SIGNAL BOX
EX. WETLAND LIMITS	EX. UNIDENTIFIED MANHOLE
EX. CURB/PAVEMENT	EX. TRAFFIC SIGNAL POLE
EX. FENCE	EX. UTILITY POLE
EX. GRAVEL	EX. GUY WIRE
EX. & BITCH	EX. SIGN
EX. GUARDRAIL	EX. MAILBOX
EX. WATER MAIN	EX. TREE (CONIFEROUS)
EX. WATER VALVE	EX. TREE (DECIDUOUS)
EX. HYDRANT	EX. SECTION CORNER
EX. WATER MANHOLE	FOUND IRON PIPE
EX. WELL	FOUND IRON ROD
EX. STORM SEWER	FOUND PK NAIL
EX. STORM INLET/CATCH BASIN	FOUND CONC. MONUMENT
EX. STORM MANHOLE	SET IRON ROD
EX. STORM END SECTION	SET MAG NAIL
EX. SANITARY SEWER	
EX. SANITARY MANHOLE	
EX. UNDERGROUND GAS	
EX. GAS VALVE	
EX. OVERHEAD ELECTRIC	
EX. UNDERGROUND ELECTRIC	
EX. UNDERGROUND CABLE	
EX. TREETRINE	

ISSUED FOR:	AREA PLAN SUBMITTAL
DATE:	11-01-2012
REV:	0

METRO CONSULTING ASSOCIATES
 6001 SCHOONER DRIVE #48111
 BELLEVILLE, MICHIGAN
 PHONE: 734.483.1427 FAX: 734.483.3431
 www.metroca.net

CLIENT NAME: OXFORD COMPANY, LLC
DEXTER CROSSINGS
 AREA PLAN
 CONCEPTUAL LANDSCAPE PLAN



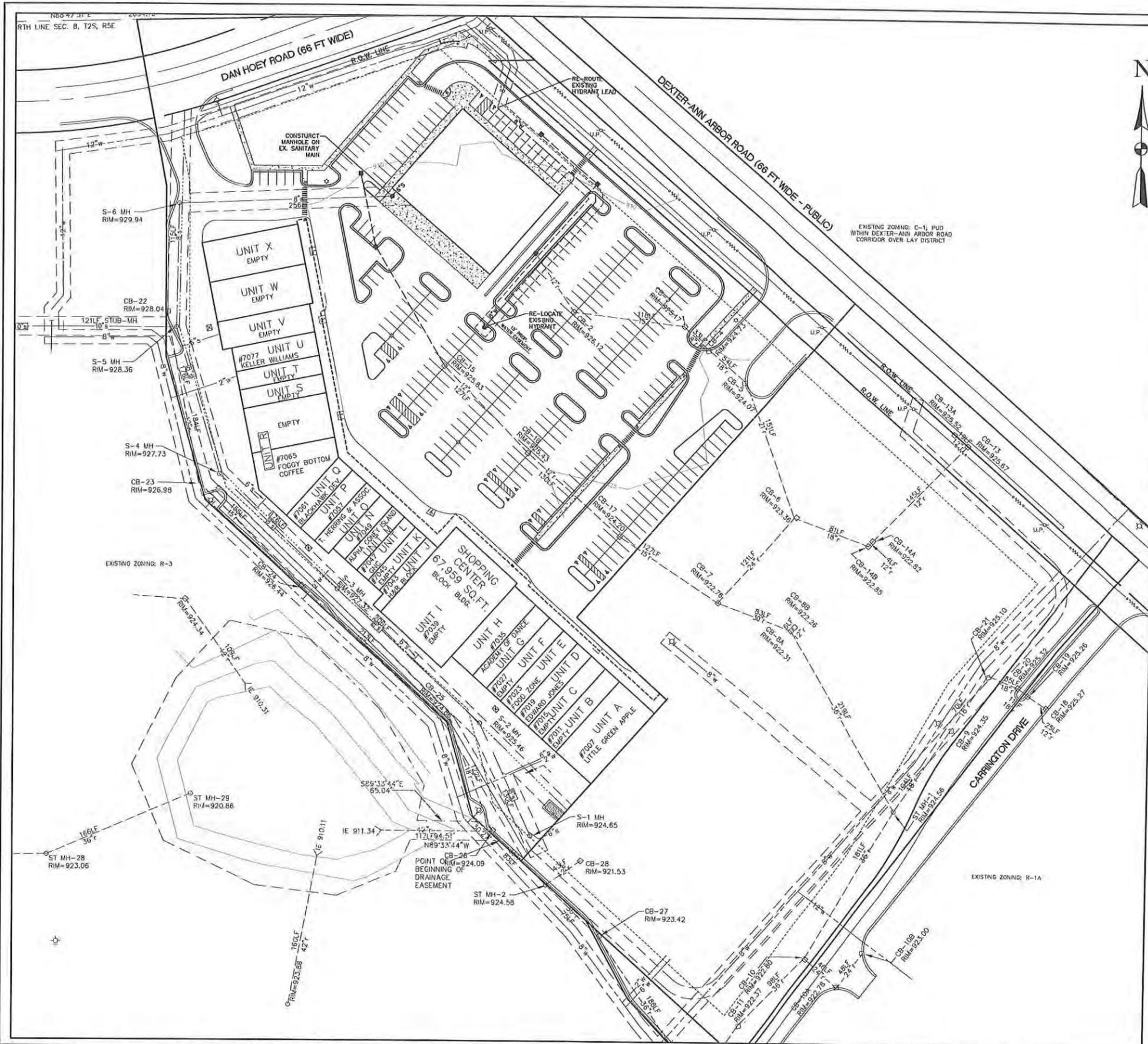
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DATE:	11-01-2012
DRAWN BY:	CB
CHECK BY:	TC
BOOK/CREW:	
ADDRESS:	700 DEXTER-ANN ARBOR
SECTION:	8
TOWNSHIP:	2 SOUTH
RANGE:	5 EAST
COMMUNITY:	VILLAGE OF DEXTER
COUNTY:	WASHTENAW
SHEETS:	04

CONSTRUCTION SITE SAFETY IS THE RESPONSIBILITY OF THE CONTRACTOR. NEITHER THE OWNER NOR THE ENGINEER SHALL BE EXPECTED TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK, OF PERSONS ENGAGED IN THE WORK, OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.

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PRELIMINARY - NOT FOR CONSTRUCTION



LEGEND

	PR. SPOT ELEVATION
	PR. CONTOUR
	PR. DRAINAGE ARROW
	PR. DITCH/SWALE
	PR. EASEMENT LINE
	PR. SETBACK LINE
	PR. CURB/PAVEMENT
	PR. FENCE
	PR. ASPHALT PAVEMENT
	PR. CONCRETE PAVEMENT
	PR. CONCRETE WALK
	PR. GUARDRAIL
	PR. SIDEWALK RAMP
	PR. WATER MAIN
	PR. WATER VALVE
	PR. HYDRANT
	PR. WATER VALVE IN MANHOLE
	PR. WELL
	PR. STORM SEWER
	PR. STORM INLET/CATCH BASIN
	PR. STORM MANHOLE
	PR. STORM END SECTION
	PR. DOWNSPOUT CONNECTION
	PR. SANITARY SEWER
	PR. SANITARY MANHOLE
	PR. CLEANOUT
	PR. UTILITY CROSSING LOCATION
	PR. UNDERGROUND GAS
	PR. GAS VALVE
	PR. LIGHT POLE
	EX. WATER MAIN
	EX. WATER VALVE
	EX. HYDRANT
	EX. WATER MANHOLE
	EX. WELL
	EX. STORM SEWER
	EX. STORM INLET/CATCH BASIN
	EX. STORM MANHOLE
	EX. STORM END SECTION
	EX. SANITARY SEWER
	EX. SANITARY MANHOLE
	EX. UNDERGROUND GAS
	EX. GAS VALVE
	EX. OVERHEAD ELECTRIC
	EX. UNDERGROUND ELECTRIC
	EX. UNDERGROUND CABLE
	EX. TELEPHONE MANHOLE
	EX. ELECTRIC MANHOLE
	EX. ELECTRIC METER
	EX. GAS METER
	EX. LIGHT POLE
	EX. TRAFFIC SIGNAL BOX
	EX. UNIDENTIFIED MANHOLE
	EX. TRAFFIC SIGNAL POLE
	EX. UTILITY POLE
	EX. GUY WIRE

ISSUED FOR:	AREA PLAN SUBMITTAL
DATE:	11-01-2012
REV:	0

METRO CONSULTING ASSOCIATES
 6001 SCHOONER DRIVE
 BELLEVILLE, MICHIGAN 48111
 PHONE: 734.483.1427 FAX: 734.483.3431
 www.metrocon.net

CLIENT NAME: OXFORD COMPANY, LLC
DEXTER CROSSINGS
 AREA PLAN
 CONCEPTUAL UTILITY ROUTING PLAN

GRAPHIC SCALE
 0 30 60 120
 1 Inch = 60 feet
 (24"x36" DRAWINGS ONLY)

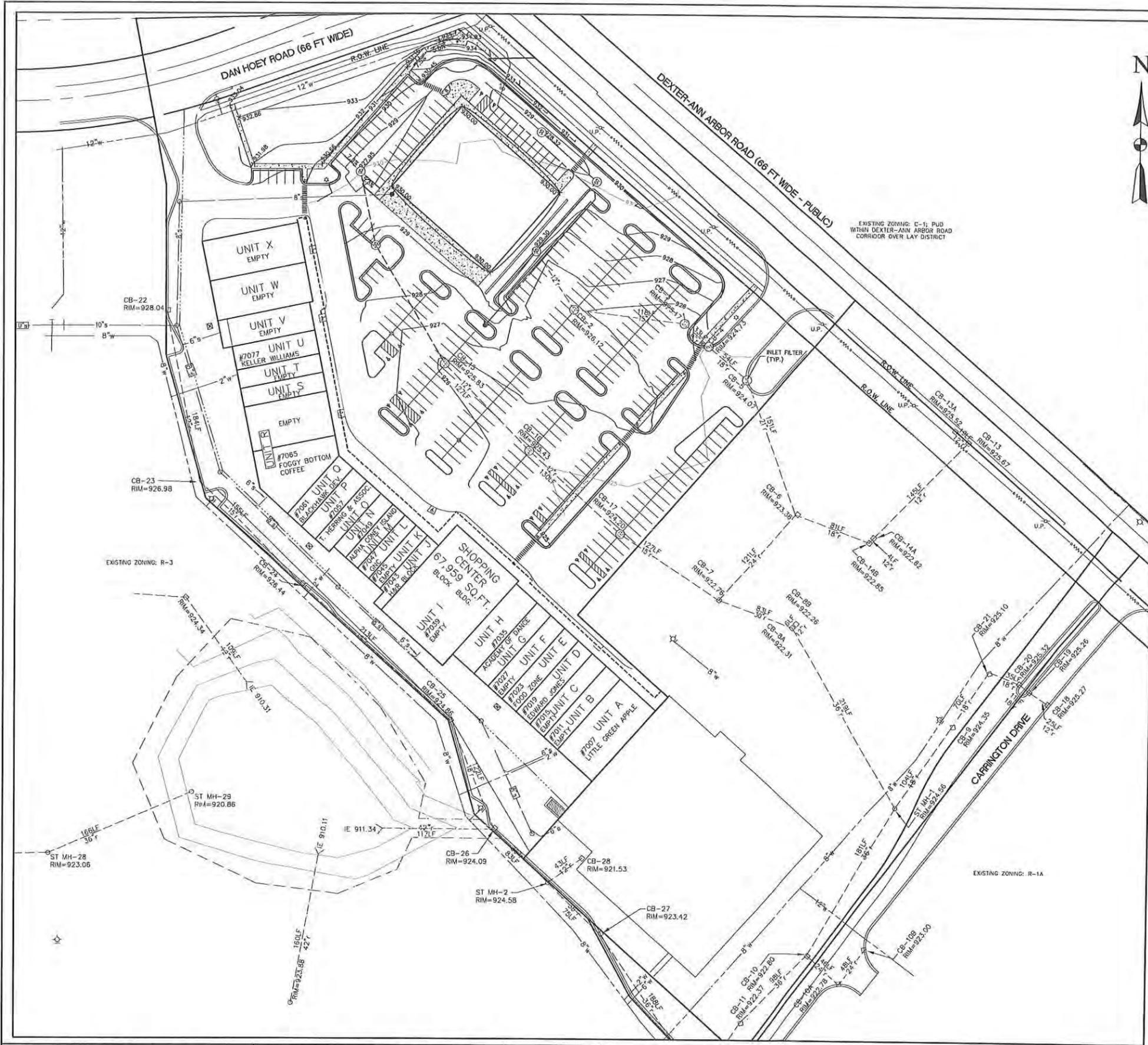
MCA JOB #: 1037-12-5579
 DATE: 11-01-2012
 DRAWN BY: CB
 CHECK BY: TC
 BOOK/CREW:
 ADDRESS: 7061 DEXTER-ANN ARBOR
 SECTION: 8
 TOWNSHIP: 2 SOUTH
 RANGE: 5 EAST
 COMMUNITY: VILLAGE OF DEXTER
 COUNTY: WASHTENAW
 SHEET: 05

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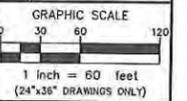
LEGEND

	PR. SPOT ELEVATION
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	PR. CONCRETE WALK
	PR. GUARDRAIL
	PR. SIDEWALK RAMP
	PR. WATER MAN
	PR. WATER VALVE
	PR. HYDRANT
	PR. WATER VALVE IN MANHOLE
	PR. WELL
	PR. STORM SEWER
	PR. STORM INLET/CATCH BASIN
	PR. STORM MANHOLE
	PR. STORM END SECTION
	PR. DOWNSPOUT CONNECTION
	PR. SANITARY SEWER
	PR. SANITARY MANHOLE
	PR. CLEANOUT
	PR. UTILITY CROSSING LOCATION
	PR. UNDERGROUND GAS
	PR. GAS VALVE
	EX. LIGHT POLE
	EX. WATER MAN
	EX. WATER VALVE
	EX. HYDRANT
	EX. WATER MANHOLE
	EX. WELL
	EX. STORM SEWER
	EX. STORM INLET/CATCH BASIN
	EX. STORM MANHOLE
	EX. STORM END SECTION
	EX. SANITARY SEWER
	EX. SANITARY MANHOLE
	EX. UNDERGROUND GAS
	EX. GAS VALVE
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	EX. ELECTRIC MANHOLE
	EX. ELECTRIC METER
	EX. GAS METER
	EX. LIGHT POLE
	EX. TRAFFIC SIGNAL BOX
	EX. UNIDENTIFIED MANHOLE
	EX. TRAFFIC SIGNAL POLE
	EX. UTILITY POLE
	EX. GUY WIRE

ISSUED FOR:	AREA PLAN SUBMITTAL
REV:	0
DATE:	11-01-2012

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 PHONE: 734-483.1427 FAX: 734-483.3431
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CLIENT NAME: OXFORD COMPANY, LLC
DEXTER CROSSINGS
 AREA PLAN
 CONCEPTUAL GRADING &
 SOIL EROSION CONTROL PLAN



MCA JOB #	1037-12-5579
DATE:	11-01-2012
DRAWN BY:	CB
CHECK BY:	TC
BOOK/CREW:	
ADDRESS:	7061 DEXTER-ANN ARBOR
SECTION:	B
TOWNSHIP:	2 SOUTH
RANGE:	5 EAST
COMMUNITY:	VILLAGE OF DEXTER
COUNTY:	WASHTENAW
SHEET:	06

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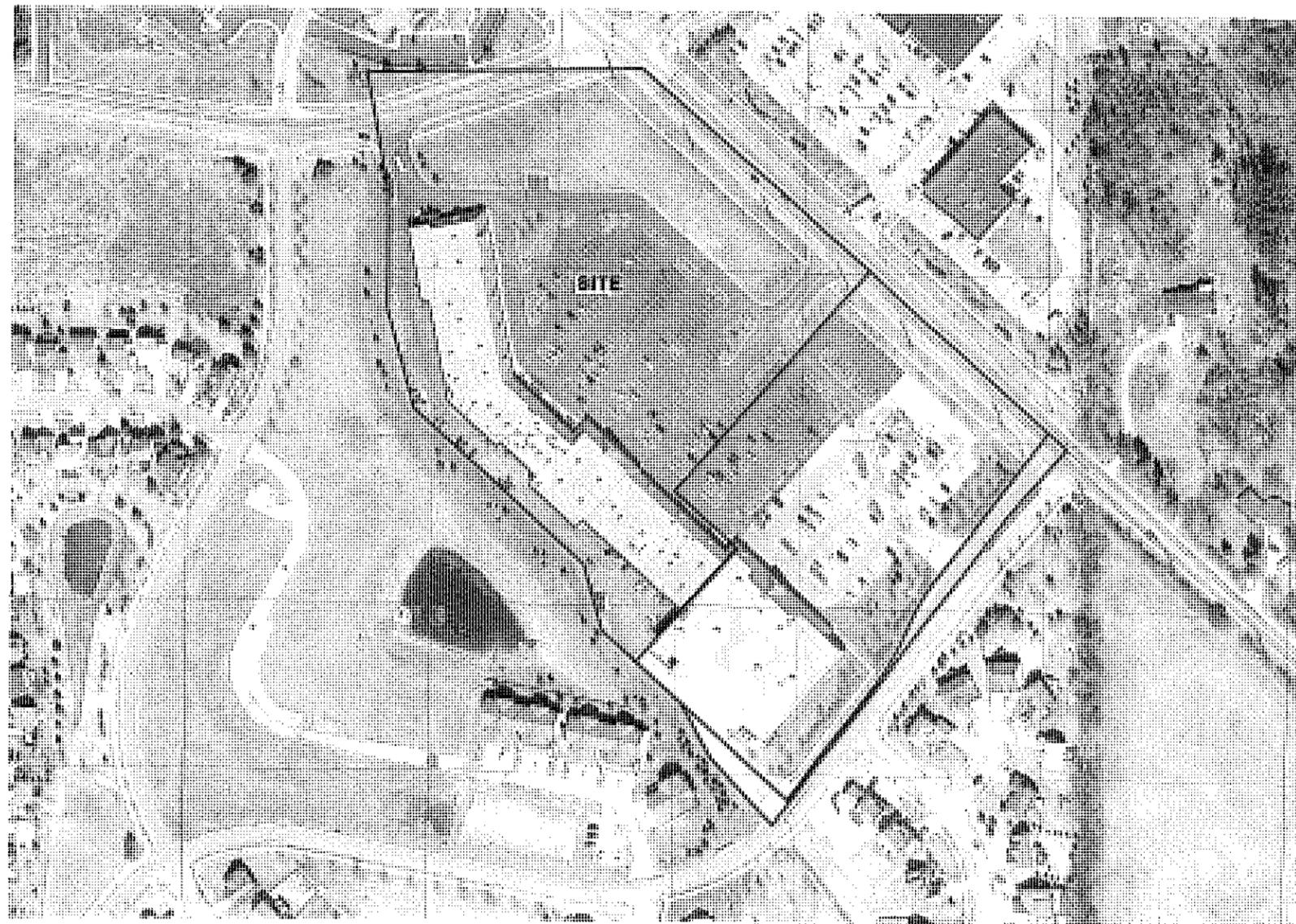
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DEXTER CROSSINGS COMMERCIAL

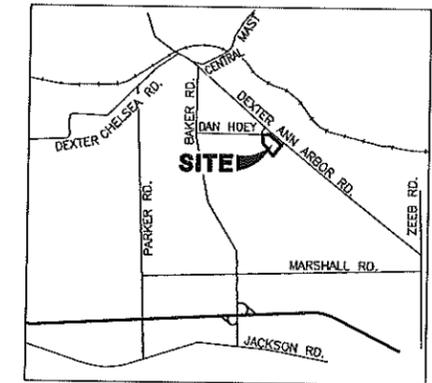
VILLAGE OF DEXTER, WASHTENAW CO., MICHIGAN AMENDMENT TO FINAL SITE PLAN A PLANNED UNIT DEVELOPMENT

CIVIL ENGINEER/PLANNER
MIDWESTERN CONSULTING, LLC
3815 PLAZA DRIVE
ANN ARBOR, MI 48108
PH: (734) 995-0200
ATTN: TOM COVERT

DEVELOPER/APPLICANT
DEXTER CROSSING ASSOCIATES, LLC
C/O OXFORD COMPANIES
210 S. FIFTH AVE.
ANN ARBOR, MI 48104
ATTN: ED FLAHERTY/LYLE BECKWITH



NOTE
PLAN IS AN AMENDMENT TO THE APPROVED FINAL
SITE PLAN OF 5/22/98



VICINITY MAP
(NO SCALE)

PROJECT NARRATIVE

THE PROPOSED PROJECT IS TO MOVE THE LOCATION OF THREE APPROVED PARKING SPACES AND ADD 3 PARKING SPACES TO THE SITE IN THE VICINITY OF THE WESTERN END OF THE BUILDING. BASED WITH THE ADDITION OF TENANT AT THE WESTERN END OF THE BUILDING IT HAS COME TO OUR ATTENTION THAT THE PARKING WOULD BETTER SERVE THIS UNIT IF IT WERE MOVED TO A LOCATION DIFFERENT TO THE CURRENTLY APPROVED FINAL SITE PLAN. WITH THIS WE WOULD ALSO LIKE TO CONSTRUCT 3 ADDITIONAL SPACES TO SERVE THIS UNIT AND THE PATRONS TO THIS UNIT.

WITH THIS PROJECT WE ARE NOT PROPOSING ANY NEW SITE UTILITIES; WE ANTICIPATE THE STORM WATER PATTERNS TO REMAIN UNCHANGED; AND WE WILL BE ADDING TWO (2) TREES AND TWELVE (12) SHRUBS AS REQUIRED BY THE LANDSCAPE SCREENING REQUIREMENTS.

SHEET INDEX

1. COVER SHEET
2. EXISTING CONDITIONS & REMOVALS
3. LAYOUT, LANDSCAPE, GRADING, AND SOIL EROSION CONTROL PLAN

DEXTER CROSSINGS COMMERCIAL

JOB No. 14099	DATE: 6/25/14	1	
REVISIONS:	SHEET 1 OF		
REV. PER VILLAGE REVIEW	7/3/14		CADD: DAG
REV. PER VILLAGE COUNCIL MEETING	7/15/14		ENG: TC
		TECH: 1409901.DWG	

MIDWESTERN CONSULTING

MC Civil, Environmental and Transportation Engineers
Planners, Surveyors
Landscape Architects

3815 Plaza Drive
Ann Arbor, Michigan 48108
Phone: 734.995.0200
Fax: 734.995.0599

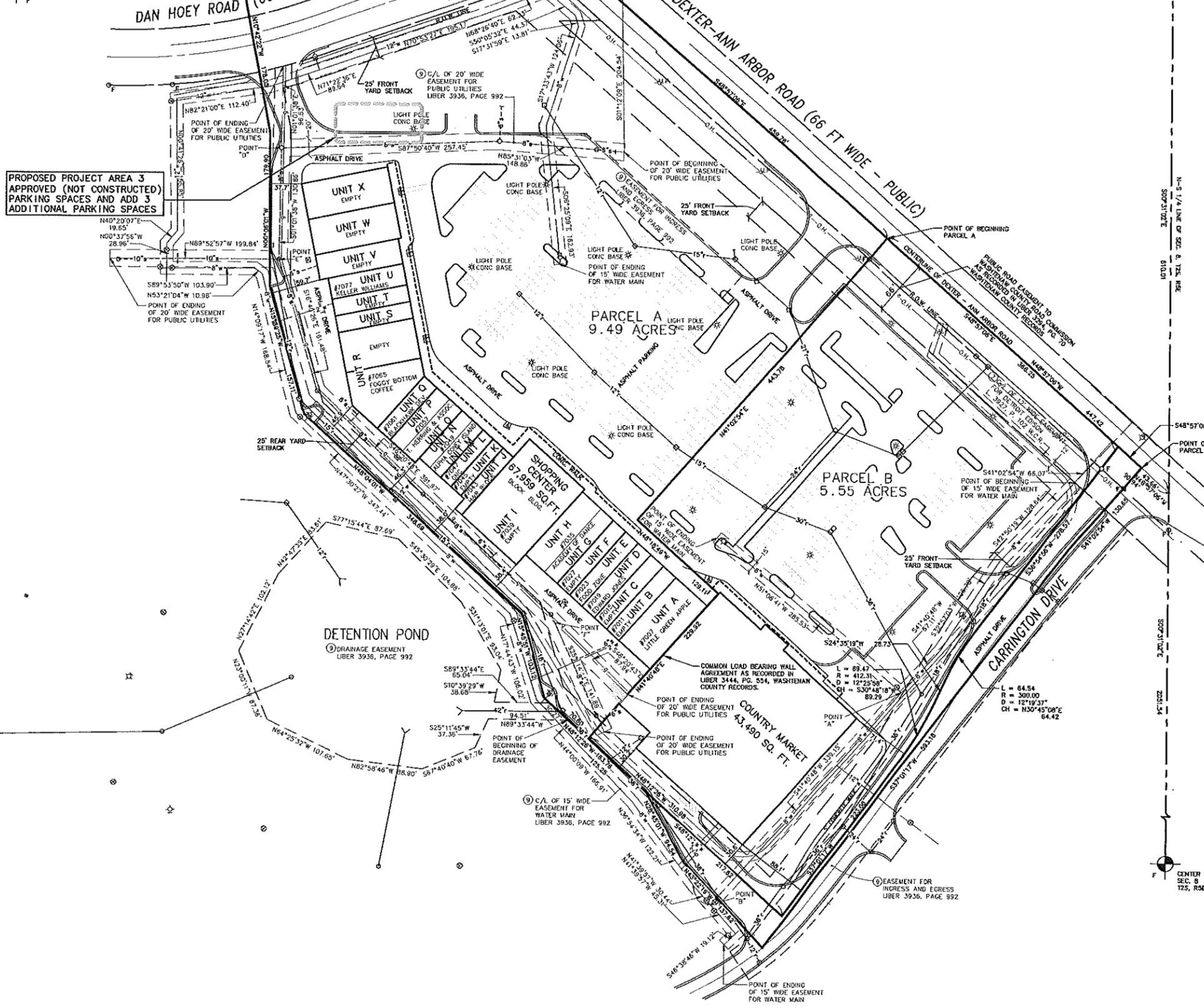
RELEASED FOR:	DATE

P.E. #

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HW COR.
SEC. 8
T2S, R5E



PROPOSED PROJECT AREA 3
APPROVED (NOT CONSTRUCTED)
PARKING SPACES AND ADD 3
ADDITIONAL PARKING SPACES

MICHIGAN PLANNING ASSOCIATES, INC. 2115 OAKWOOD DRIVE, ANN ARBOR, MI 48104



SCALE: 1" = 60'



MIDWESTERN CONSULTING
Civil, Environmental and
Transportation Engineers
Planners, Surveyors
Landscape Architects
3615 Plaza Drive
Ann Arbor, Michigan 48108
Phone: 734.995.0260
Fax: 734.995.0599

CLIENT
DEXTER CROSSINGS ASSOCIATES, LLC
210 S. FIFTH AVE.
ANN ARBOR, MI 48104
ED FLAHERTY/LYLE BECKWITH

DEXTER CROSSINGS COMMERCIAL
AMENDMENT TO FINAL SITE PLAN
EXISTING CONDITIONS

2

DATE: 6/25/14	REV. DATE:	REV. DATE:	REV. DATE:
SHEET 2 OF	NO. OF SHEETS:	NO. OF SHEETS:	NO. OF SHEETS:
DATE: 6/25/14	REV. DATE:	REV. DATE:	REV. DATE:
NO. OF SHEETS:	NO. OF SHEETS:	NO. OF SHEETS:	NO. OF SHEETS:

LEGAL DESCRIPTION

PARCEL A - DEXTER CROSSINGS:
A parcel of land in the West 1/2 Section 8, T2S, R5E, formerly known as Scio Township, Washtenaw County, Michigan, described as follows:
Commencing at the North 1/4 corner of said Section 8; thence South 00°31'02" East 610.01 feet along the North-South 1/4 line of said Section 8, to the centerline of Dexter-Ann Arbor Road; thence North 48°57'08" West 43.66 feet along said centerline of Dexter-Ann Arbor Road to the Point of Beginning; thence S 41°02'54" W 130.65 feet; thence S 37°01'17" W 593.18 feet; thence N 43°22'19" W 137.62 feet; thence N 28°45'01" W 94.54 feet; thence N 48°12'25" W 163.76 feet; thence N 15°45'51" W 103.12 feet; thence N 48°04'01" W 348.69 feet; thence N 15°39'25" W 157.11 feet; thence N 00°08'01" W 179.90 feet; thence N 10°42'22" W 178.05 feet to the North line of said Section 8; thence N 68°47'51" E 417.10 feet along the North line of Section 8 to the centerline of Dexter-Ann Arbor Road; thence S 48°57'06" E 863.52 feet along the centerline of Dexter-Ann Arbor Road to the Point of Beginning.

PARCEL B - COUNTRY MARKET:
A parcel of land in the West 1/2 Section 8, T2S, R5E, formerly known as Scio Township, Washtenaw County, Michigan, described as follows:
Commencing at the North 1/4 corner of said Section 8; thence South 00°31'02" East 610.01 feet along the North-South 1/4 line of said Section 8, to the centerline of Dexter-Ann Arbor Road; thence North 48°57'08" West 81.17 feet along said centerline of Dexter-Ann Arbor Road to the Point of Beginning; thence South 36°54'56" West 278.57 feet; thence 64.54 feet along a curve to the left with a central angle of 12°19'37", 300.00 foot radius, and a chord bearing South 30°45'08" West 64.42 feet; thence South 24°35'19" West 28.73 feet; thence 89.47 feet along the arc of a curve to the right with a central angle of 12°25'58", 412.31 foot radius, and a chord bearing South 30°48'18" West 89.29 feet; thence South 37°01'17" West 223.08 feet; thence North 48°12'26" West 310.98 feet; thence North 41°40'48" East 229.92 feet; thence North 48°18'49" West 129.11 feet; thence North 41°02'54" East 443.78 feet to the centerline of Dexter-Ann Arbor Road; thence South 48°57'06" East 366.25 feet, along the centerline of Dexter-Ann Arbor Road to the Point of Beginning.

- Tax ID Numbers: HD-08-08-200-013, HD-08-08-200-019.
Being Subject to:
- Easement for Overhead/Underground Easement (Right-of-Way) and in favor of The Detroit Edison Company; Ameritech Telephone Company and Continental Cable of Michigan as set forth in instrument recorded January 28, 2000 in Liber /Book 3727, Page/Folio 102. (Plotted)
 - Terms and conditions of Development Agreement by and between the Village of Dexter and Blackhawk Development Corporation, recorded November 12, 1998 in Liber 3807, Page 104. (Nothing to Plot)
 - Reciprocal Easement Agreement by and between Shamrock Development Co., L.L.C., a Michigan limited liability company and Dexter Crossing L.L.C., a Michigan limited liability company, recorded June 17, 1997 in Liber 3444, Page 554 and amended by Amendment to and Modification of Reciprocal Easement Agreement and Operating Agreement, dated March 24, 2000 in Liber 3936, Page 992. (Plotted)
 - Memorandum of Operation Agreement by and between Blackhawk Development Corporation and Shamrock Development Co., L.L.C., dated June 11, 1997 and recorded June 17, 1997 in Liber 3444, Page 550. (Nothing to Plot)
 - Easements for Right-of-Way and in favor of Michigan Bell Telephone Company as set forth in instrument recorded February 9, 1946 in Liber/Book 411, Page/Folio 197. (N/A, North of Dexter Road)
 - Rights of the public any governmental unit in any part of the land taken, deeded or used for street, road or highway purposes.



OFFICE OF COMMUNITY DEVELOPMENT

8140 Main Street • Dexter, Michigan 48130-1092 • (734) 426-8303 • Fax (734) 426-5614

Memorandum

To: Planning Commission
Courtney Nicholls, Village Manager

From: Michelle Aniol, Community Development Manager

Date: October 6, 2014

Re: Agenda Items IX.A, Baker Road Corridor and IX.B, Huron Street

Enclosed with this memo you will find excerpts from the Master Plan and CIP regarding the Baker Road Corridor. A discussion regarding future improvements, sidewalk/crosswalk safety and tree planting has been added to the Planning Commissions agenda at the request the Chair, Matt Kowalski.

For safety reasons Washtenaw County Sheriff installed temporary "No Parking" signs on both sides of Huron Street, starting the weekend of September 27th. No parking will only be enforced on Saturdays and Sundays, while the Cider Mill is open and Central Street is closed. To assist the Cider Mill owners, Staff prepared a map of alternative parking areas within a 5-minute walk to the Cider Mill, which the Mill posted on its website and Facebook page. A copy of the map is enclosed with this memo.

The reason for instituting the "no parking" policy was to ensure public safety equipment has access in case of an emergency situation. For that reason, staff is requesting the Planning Commission address seasonal parking issues regarding the Dexter Cider Mill and Huron Street.

5. Encourage residential or mixed-use development (including residential uses) as a buffer between adjacent residential areas and other uses within this planned area. Such uses shall not create adverse impacts on existing or proposed residential uses, and will be scaled, designed and landscaped so as to complement and enhance the adjacent properties.
6. Encourage preservation of natural features and development of parks and consider their interrelationship with existing parkland, natural areas and adjacent neighborhoods.
7. Encourage high quality site and building designs that include the latest “green” technology and contribute to strong neighborhoods, vital shopping districts and desirable employment centers.
8. Manage access to development by encouraging consolidation of curb cuts and shared driveway access. Parking lots should be shared when possible and located in the rear or on the side of buildings when possible.
9. Integrate public gathering spaces at key points of interest and entrances to intersections within a pedestrian/non-motorized circulation system.
10. Evaluate the ARC, Dexter-Ann Arbor Road Corridor Overlay District to ensure accommodation of a compatible and complementary mix of uses within this planned mixed use area.
11. Utilize form-based code ideals and concepts for spatial relation and dimensional requirements.



Baker Road Corridor – Mixed Use

Encourage common design elements promoting continuation of the downtown theme along the Baker Road Corridor.

The Baker Road Corridor is defined as the area bounded by Ann Arbor Street to the north and the Dexter Community School property to the south along Baker Road, and is considered a “gateway” to the village center.

Objectives:

1. Guide development to foster the responsible use of land, preserve natural features, and to make best use of existing public services, utilities and infrastructure.

2. Encourage cohesive and distinct development of a mix of commercial, office, service and residential uses within this area which serves as a transitional area between the downtown area and adjacent single-family residential developments.
3. Upgrade existing infrastructure within the corridor to assist and meet the needs of the redevelopment potential within the corridor.
4. Organize commercial development into compact, unified commercial centers that complement the scale and character of existing development or that promote the desired character for areas where new development/redevelopment is planned.
5. Avoid piecemeal or scattered development and discourage uncoordinated commercial strip development. Where individual parcels of land are to be developed for commercial uses, encourage coordination with adjacent properties, including common parking and drives in order to reduce the number of access points to public roads.
6. Encourage residential or mixed-use development (including residential uses) as a buffer between adjacent residential areas and other uses within this planned area. Such uses shall not create adverse impacts on existing or proposed residential uses, and will be scaled, designed and landscaped so as to complement and enhance the adjacent properties.
7. Encourage high quality site and building designs that include the latest "green" technology and contribute to strong neighborhoods, vital shopping districts and desirable employment centers.
8. Encourage preservation of natural features and development of parks and consider their interrelationship with existing parkland, natural areas and adjacent neighborhoods.
9. Encourage common design elements throughout the corridor to provide visual consistency throughout the district. Design elements should promote



the continuation of the downtown streetscape theme and include landscaping, signage, lighting and architectural design.

10. Manage access to development by encouraging consolidation of curb cuts and shared driveway access. Parking lots should be shared when possible and located in the rear or on the side of buildings when possible.
11. Integrate public gathering spaces at key points of interest and entrances to intersections within a pedestrian/non-motorized circulation system. Specifically, by promoting a connection to the future parkland and open space adjacent to the Baker Road Corridor and along the Mill Creek. Collaborate with Dexter Community Schools for interconnection with their Outdoor Lab property.
12. Improve pedestrian access (sidewalks/bike trails) from adjacent neighborhoods to the Baker Road planned mixed-use area.
13. Coordinate with Dexter Schools to improve the traffic flow into and across the school campus focusing on improvements to the Dan Hoey/Baker and Shield/Baker intersections.
14. Develop a Baker Road Mixed-Use Overlay District to ensure accommodation of a compatible and complementary mix of uses within this planned mixed-use area. Utilize form-based code ideals and concepts for spatial relation and dimensional requirements.

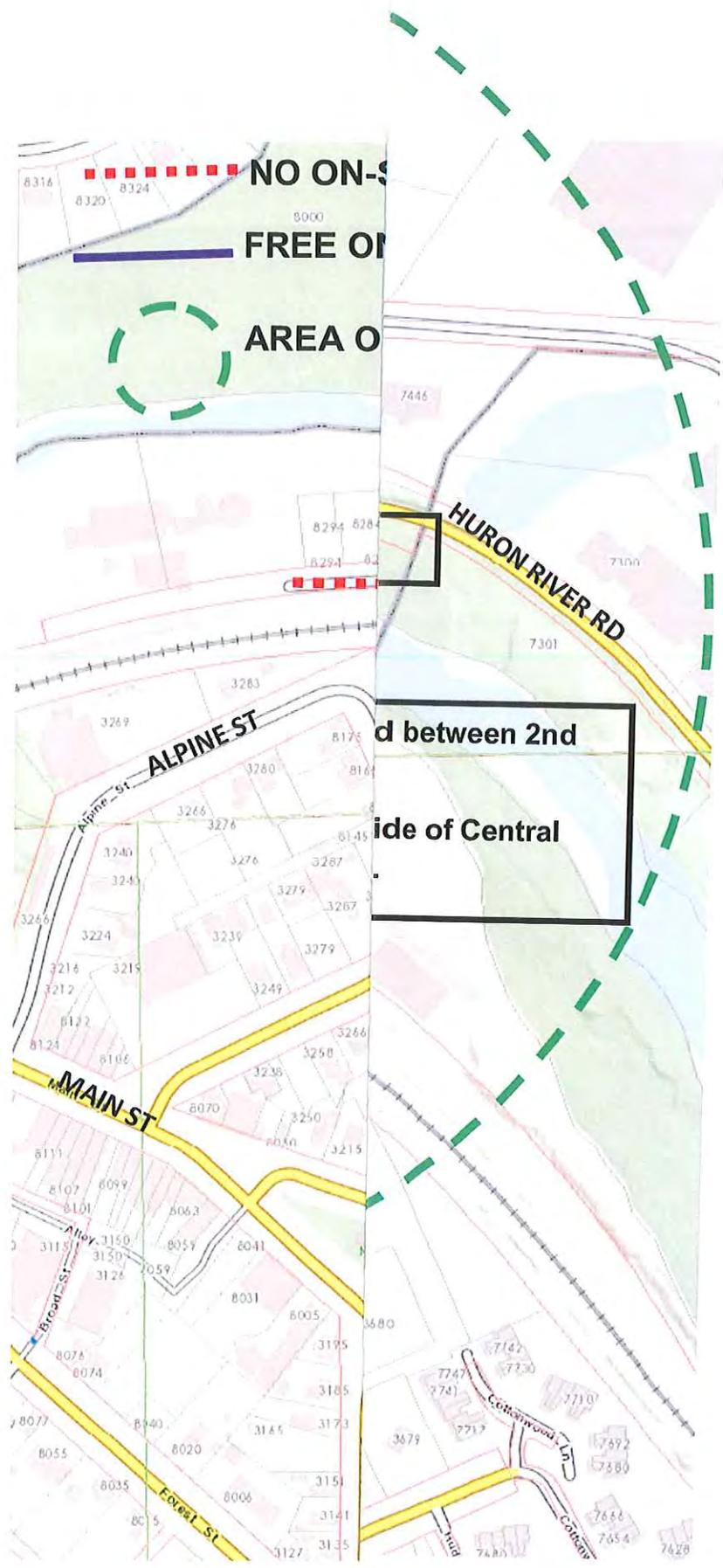
Commercial

Provide commercial areas that meet the needs of Village residents in terms of location and services offered.

Objectives:

1. Guide development to foster the responsible use of land, preserve natural features and to make best use of existing public services, utilities and infrastructure.
2. Organize commercial development shall be organized into compact, unified commercial centers that complement the scale and character of existing development or that promote the desired character for areas where new



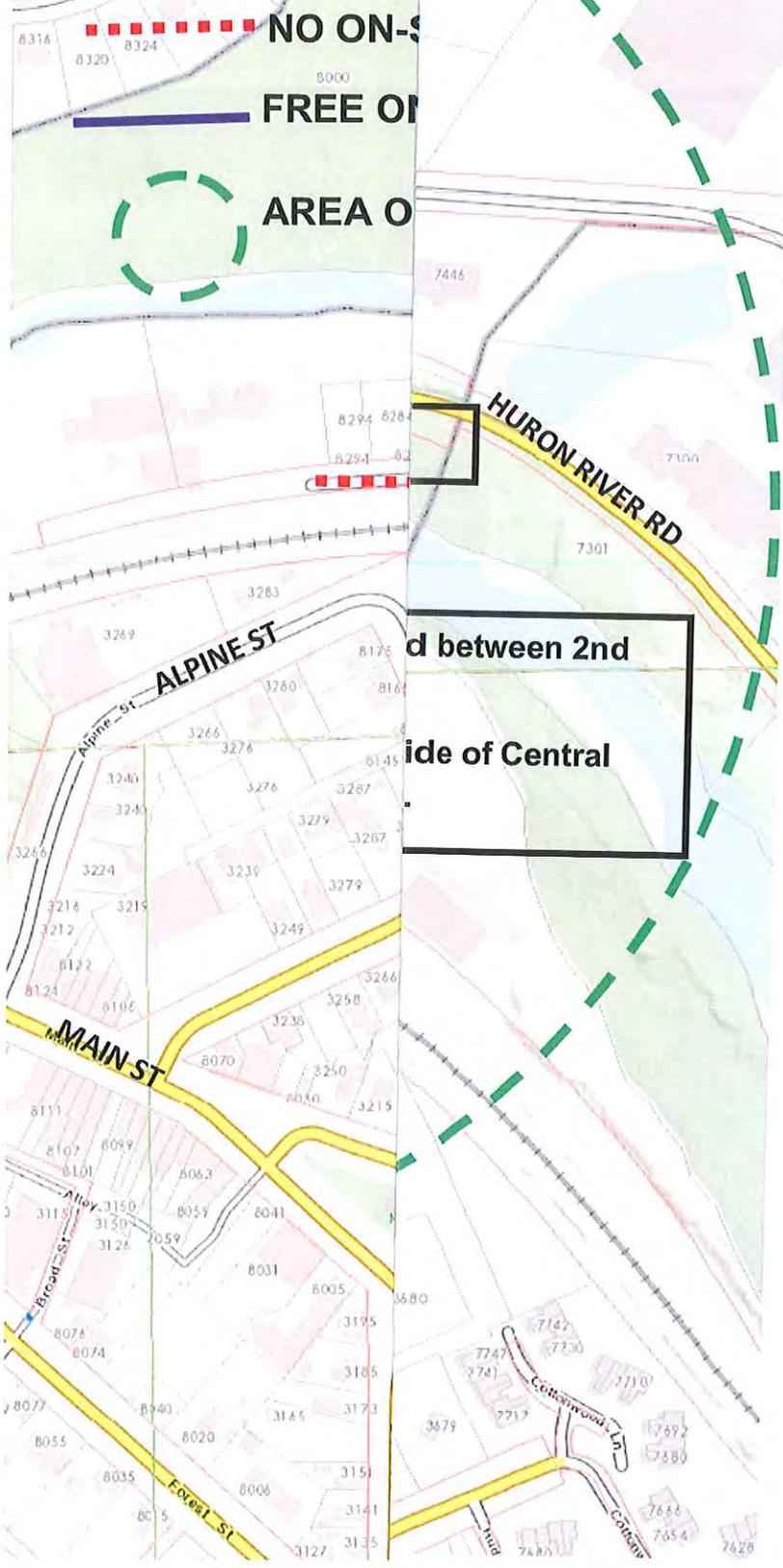


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Michigan

OFFICE OF COMMUNITY DEVELOPMENT

8140 Main Street • Dexter, Michigan 48130-1092 • (734) 426-8303 • Fax (734) 426-5614

Memorandum

To: Planning Commission
Courtney Nicholls, Village Manager

From: Michelle Aniol, Community Development Manager

Date: October 6, 2014

Re: Pending Legislation regarding Medical Marijuana

Staff consulted the Village Attorney, Steve Estey and his colleague, Mike Vogt regarding the proposed medical marijuana legislation and if the Village should establish a moratorium to study the issue. Based on our conversation until more is known about 1) when the legislation will pass and 2) how it will be interpreted, a moratorium would be premature.

As the legislation is currently written, regulation of a "medical marijuana provisioning center" (i.e. commercial dispensary) would be up to local units of government. However, the Governor is concerned that the current legislation would set up a regulatory spectrum where some municipalities would not regulate a commercial dispensary while others would hyper-regulate them. The Governor wants the state to play a larger role in regulation, which could take any regulation of commercial MM dispensaries out of the hands of the locals. If that happens, there would be no reason to establish a moratorium.

The proposed legislation and analyses accompanies this memo.

SUBSTITUTE FOR
HOUSE BILL NO. 5104

A bill to amend 2008 IL 1, entitled
"Michigan medical marihuana act,"
by amending sections 3, 4, 7, and 8 (MCL 333.26423, 333.26424,
333.26427, and 333.26428), sections 3, 4, and 8 as amended by 2012
PA 512, and by adding section 4a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 3. Definitions.

2 Sec. 3. As used in this act:

3 (a) "Bona fide physician-patient relationship" means a
4 treatment or counseling relationship between a physician and
5 patient in which all of the following are present:

6 (1) The physician has reviewed the patient's relevant medical
7 records and completed a full assessment of the patient's medical

1 history and current medical condition, including a relevant, in-
2 person, medical evaluation of the patient.

3 (2) The physician has created and maintained records of the
4 patient's condition in accord with medically accepted standards.

5 (3) The physician has a reasonable expectation that he or she
6 will provide follow-up care to the patient to monitor the efficacy
7 of the use of medical marihuana as a treatment of the patient's
8 debilitating medical condition.

9 (4) If the patient has given permission, the physician has
10 notified the patient's primary care physician of the patient's
11 debilitating medical condition and certification for the **MEDICAL**
12 use of ~~medical~~ marihuana to treat that condition.

13 (b) "Debilitating medical condition" means 1 or more of the
14 following:

15 (1) Cancer, glaucoma, positive status for human
16 immunodeficiency virus, acquired immune deficiency syndrome,
17 hepatitis C, amyotrophic lateral sclerosis, Crohn's disease,
18 agitation of Alzheimer's disease, nail patella, or the treatment of
19 these conditions.

20 (2) A chronic or debilitating disease or medical condition or
21 its treatment that produces 1 or more of the following: cachexia or
22 wasting syndrome; severe and chronic pain; severe nausea; seizures,
23 including but not limited to those characteristic of epilepsy; or
24 severe and persistent muscle spasms, including but not limited to
25 those characteristic of multiple sclerosis.

26 (3) Any other medical condition or its treatment approved by
27 the department, as provided for in section 6(k).

1 (c) "Department" means the department of licensing and
2 regulatory affairs.

3 (d) "Enclosed, locked facility" means a closet, room, or other
4 comparable, stationary, and fully enclosed area equipped with
5 secured locks or other functioning security devices that permit
6 access only by a registered primary caregiver or registered
7 qualifying patient. Marihuana plants grown outdoors are considered
8 to be in an enclosed, locked facility if they are not visible to
9 the unaided eye from an adjacent property when viewed by an
10 individual at ground level or from a permanent structure and are
11 grown within a stationary structure that is enclosed on all sides,
12 except for the base, by chain-link fencing, wooden slats, or a
13 similar material that prevents access by the general public and
14 that is anchored, attached, or affixed to the ground; located on
15 land that is owned, leased, or rented by either the registered
16 qualifying patient or a person designated through the departmental
17 registration process as the primary caregiver for the registered
18 qualifying patient or patients for whom the marihuana plants are
19 grown; and equipped with functioning locks or other security
20 devices that restrict access to only the registered qualifying
21 patient or the registered primary caregiver who owns, leases, or
22 rents the property on which the structure is located. Enclosed,
23 locked facility includes a motor vehicle if both of the following
24 conditions are met:

25 (1) The vehicle is being used temporarily to transport living
26 marihuana plants from 1 location to another with the intent to
27 permanently retain those plants at the second location.

House Bill No. 5104 (H-2) as amended December 11, 2013

1 (2) An individual is not inside the vehicle unless he or she
2 is either the registered qualifying patient to whom the living
3 marihuana plants belong or the individual designated through the
4 departmental registration process as the primary caregiver for the
5 registered qualifying patient.

6 (e) "Marihuana" means that term as defined in section 7106 of
7 the public health code, 1978 PA 368, MCL 333.7106.

8 (F) "MARIHUANA-INFUSED PRODUCT" MEANS A TOPICAL FORMULATION,
9 TINCTURE, BEVERAGE, EDIBLE SUBSTANCE, OR SIMILAR PRODUCT CONTAINING
10 ANY USABLE MARIHUANA THAT IS INTENDED FOR HUMAN CONSUMPTION IN A
11 MANNER OTHER THAN SMOKE INHALATION. [MARIHUANA-INFUSED PRODUCT SHALL NOT
BE CONSIDERED A FOOD FOR PURPOSES OF THE FOOD LAW, 2000 PA 92, MCL
289.1101 TO 289.8111.]

12 (G) ~~(f)~~—"Medical use OF MARIHUANA" means the acquisition,
13 possession, cultivation, manufacture, EXTRACTION, use, internal
14 possession, delivery, transfer, or transportation of marihuana,
15 USABLE MARIHUANA, or paraphernalia relating to the administration
16 of USABLE marihuana to treat or alleviate a registered qualifying
17 patient's debilitating medical condition or symptoms associated
18 with the debilitating medical condition.

19 (H) ~~(g)~~—"Physician" means an individual licensed as a
20 physician under Part 170 of the public health code, 1978 PA 368,
21 MCL 333.17001 to 333.17084, or an osteopathic physician under Part
22 175 of the public health code, 1978 PA 368, MCL 333.17501 to
23 333.17556.

24 (I) ~~(h)~~—"Primary caregiver" or "caregiver" means a person who
25 is at least 21 years old and who has agreed to assist with a
26 patient's medical use of marihuana and who has not been convicted
27 of any felony within the past 10 years and has never been convicted

1 of a felony involving illegal drugs or a felony that is an
2 assaultive crime as defined in section 9a of chapter X of the code
3 of criminal procedure, 1927 PA 175, MCL 770.9a.

4 (J) ~~(i)~~—"Qualifying patient" or "patient" means a person who
5 has been diagnosed by a physician as having a debilitating medical
6 condition.

7 (K) ~~(j)~~—"Registry identification card" means a document issued
8 by the department that identifies a person as a registered
9 qualifying patient or registered primary caregiver.

10 (I) ~~(k)~~—"Usable marihuana" means the dried leaves, and flowers,
11 PLANT RESIN, OR EXTRACT of the marihuana plant, and any mixture or
12 preparation thereof, but does not include the seeds, stalks, and
13 roots of the plant.

14 (M) "USABLE MARIHUANA EQUIVALENT" MEANS THE AMOUNT OF USABLE
15 MARIHUANA IN A MARIHUANA-INFUSED PRODUCT THAT IS CALCULATED AS
16 PROVIDED IN SECTION 4(C).

17 (N) ~~(l)~~—"Visiting qualifying patient" means a patient who is
18 not a resident of this state or who has been a resident of this
19 state for less than 30 days.

20 (O) ~~(m)~~—"Written certification" means a document signed by a
21 physician, stating all of the following:

22 (1) The patient's debilitating medical condition.

23 (2) The physician has completed a full assessment of the
24 patient's medical history and current medical condition, including
25 a relevant, in-person, medical evaluation.

26 (3) In the physician's professional opinion, the patient is
27 likely to receive therapeutic or palliative benefit from the

1 medical use of marihuana to treat or alleviate the patient's
2 debilitating medical condition or symptoms associated with the
3 debilitating medical condition.

4 4. Protections for the Medical Use of Marihuana.

5 Sec. 4. (a) A qualifying patient who has been issued and
6 possesses a registry identification card shall not be subject to
7 arrest, prosecution, or penalty in any manner, or denied any right
8 or privilege, including but not limited to civil penalty or
9 disciplinary action by a business or occupational or professional
10 licensing board or bureau, for the medical use of marihuana in
11 accordance with this act, provided that the qualifying patient
12 possesses an amount of marihuana that does not exceed 2.5 ounces of
13 usable marihuana **AND USABLE MARIHUANA EQUIVALENTS**, and, if the
14 qualifying patient has not specified that a primary caregiver will
15 be allowed under state law to cultivate marihuana for the
16 qualifying patient, 12 marihuana plants kept in an enclosed, locked
17 facility. Any incidental amount of seeds, stalks, and unusable
18 roots shall also be allowed under state law and shall not be
19 included in this amount. The privilege from arrest under this
20 subsection applies only if the qualifying patient presents both his
21 or her registry identification card and a valid driver license or
22 government-issued identification card that bears a photographic
23 image of the qualifying patient.

24 (b) A primary caregiver who has been issued and possesses a
25 registry identification card shall not be subject to arrest,
26 prosecution, or penalty in any manner, or denied any right or
27 privilege, including but not limited to civil penalty or

1 disciplinary action by a business or occupational or professional
2 licensing board or bureau, for assisting a qualifying patient to
3 whom he or she is connected through the department's registration
4 process with the medical use of marihuana in accordance with this
5 act. The privilege from arrest under this subsection applies only
6 if the primary caregiver presents both his or her registry
7 identification card and a valid driver license or government-issued
8 identification card that bears a photographic image of the primary
9 caregiver. This subsection applies only if the primary caregiver
10 possesses an amount of **USABLE marihuana AND USABLE MARIHUANA**
11 **EQUIVALENTS** that does not exceed:

12 (1) 2.5 ounces ~~of usable marihuana~~ for each qualifying patient
13 to whom he or she is connected through the department's
14 registration process; and

15 (2) for each registered qualifying patient who has specified
16 that the primary caregiver will be allowed under state law to
17 cultivate marihuana for the qualifying patient, 12 marihuana plants
18 kept in an enclosed, locked facility; and

19 (3) any incidental amount of seeds, stalks, and unusable
20 roots.

21 (C) FOR PURPOSES OF DETERMINING USABLE MARIHUANA EQUIVALENCY,
22 1 OUNCE OF USABLE MARIHUANA SHALL BE CONSIDERED EQUIVALENT TO THE
23 FOLLOWING:

24 (1) 16 OUNCES OF MARIHUANA-INFUSED PRODUCT IF IN A SOLID FORM.

25 (2) 7 GRAMS OF MARIHUANA-INFUSED PRODUCT IF IN A GASEOUS FORM.

26 (3) 72 FLUID OUNCES OF MARIHUANA-INFUSED PRODUCT IF IN A
27 LIQUID FORM.

1 (D) ~~(e)~~—A person shall not be denied custody or visitation of
2 a minor for acting in accordance with this act, unless the person's
3 behavior is such that it creates an unreasonable danger to the
4 minor that can be clearly articulated and substantiated.

5 (E) ~~(d)~~—There shall be a presumption that a qualifying patient
6 or primary caregiver is engaged in the medical use of marihuana in
7 accordance with this act if the qualifying patient or primary
8 caregiver:

9 (1) is in possession of a registry identification card; and

10 (2) is in possession of an amount of marihuana **AND USABLE**
11 **MARIHUANA** that does not exceed the amount allowed under this act.
12 The presumption may be rebutted by evidence that conduct related to
13 marihuana **AND USABLE MARIHUANA** was not for the purpose of
14 alleviating the qualifying patient's debilitating medical condition
15 or symptoms associated with the debilitating medical condition, in
16 accordance with this act.

17 (F) ~~(e)~~—A registered primary caregiver may receive
18 compensation for costs associated with assisting a registered
19 qualifying patient in the medical use of marihuana. Any such
20 compensation shall not constitute the sale of controlled
21 substances.

22 (G) ~~(f)~~—A physician shall not be subject to arrest,
23 prosecution, or penalty in any manner, or denied any right or
24 privilege, including but not limited to civil penalty or
25 disciplinary action by the Michigan board of medicine, the Michigan
26 board of osteopathic medicine and surgery, or any other business or
27 occupational or professional licensing board or bureau, solely for

1 providing written certifications, in the course of a bona fide
2 physician-patient relationship and after the physician has
3 completed a full assessment of the qualifying patient's medical
4 history, or for otherwise stating that, in the physician's
5 professional opinion, a patient is likely to receive therapeutic or
6 palliative benefit from the medical use of marihuana to treat or
7 alleviate the patient's serious or debilitating medical condition
8 or symptoms associated with the serious or debilitating medical
9 condition, provided that nothing shall prevent a professional
10 licensing board from sanctioning a physician for failing to
11 properly evaluate a patient's medical condition or otherwise
12 violating the standard of care for evaluating medical conditions.

13 (H) ~~(g)~~—A person shall not be subject to arrest, prosecution,
14 or penalty in any manner, or denied any right or privilege,
15 including but not limited to civil penalty or disciplinary action
16 by a business or occupational or professional licensing board or
17 bureau, for providing a registered qualifying patient or a
18 registered primary caregiver with marihuana paraphernalia for
19 purposes of a qualifying patient's medical use of marihuana.

20 (I) ~~(h)~~—Any marihuana, **USABLE MARIHUANA**, marihuana
21 paraphernalia, or licit property that is possessed, owned, or used
22 in connection with the medical use of marihuana, as allowed under
23 this act, or acts incidental to such use, shall not be seized or
24 forfeited.

25 (J) ~~(i)~~—A person shall not be subject to arrest, prosecution,
26 or penalty in any manner, or denied any right or privilege,
27 including but not limited to civil penalty or disciplinary action

1 by a business or occupational or professional licensing board or
2 bureau, solely for being in the presence or vicinity of the medical
3 use of marihuana in accordance with this act, or for assisting a
4 registered qualifying patient with using or administering marihuana
5 OR USABLE MARIHUANA.

6 (K) ~~(j)~~ A registry identification card, or its equivalent,
7 that is issued under the laws of another state, district,
8 territory, commonwealth, or insular possession of the United States
9 that allows the medical use of marihuana by a visiting qualifying
10 patient, or to allow a person to assist with a visiting qualifying
11 patient's medical use of marihuana, shall have the same force and
12 effect as a registry identification card issued by the department.

13 (I) ~~(k)~~ Any registered qualifying patient or registered primary
14 caregiver who sells marihuana OR USABLE MARIHUANA to someone who is
15 not allowed to use marihuana for medical purposes ~~MEDICAL USE OF~~
16 MARIHUANA under this act shall have his or her registry
17 identification card revoked and is guilty of a felony punishable by
18 imprisonment for not more than 2 years or a fine of not more than
19 \$2,000.00, or both, in addition to any other penalties for the
20 distribution of marihuana.

21 (M) A PERSON IS NOT SUBJECT TO ARREST, PROSECUTION, OR PENALTY
22 IN ANY MANNER, AND SHALL NOT BE DENIED ANY RIGHT OR PRIVILEGE,
23 INCLUDING, BUT NOT LIMITED TO, CIVIL PENALTY OR DISCIPLINARY ACTION
24 BY A BUSINESS OR OCCUPATIONAL OR PROFESSIONAL LICENSING BOARD OR
25 BUREAU, FOR MANUFACTURING MARIHUANA-INFUSED PRODUCT IF THE PERSON
26 IS ANY OF THE FOLLOWING:

27 (1) A REGISTERED PATIENT, MANUFACTURING FOR HIS OR HER OWN

House Bill No. 5104 (H-2) as amended December 11, 2013
as amended December 12, 2013

1 PERSONAL USE.

2 (2) A PRIMARY CAREGIVER, MANUFACTURING FOR THE USE OF A
3 PATIENT TO WHOM HE OR SHE IS CONNECTED THROUGH THE DEPARTMENT'S
4 REGISTRATION PROCESS.

5 (3) A MEDICAL MARIHUANA PROVISIONING CENTER.

6 (N) EXCEPT WHEN BEING MANUFACTURED OR CONSUMED, ANY MARIHUANA-
7 INFUSED PRODUCT MUST BE INDIVIDUALLY PACKAGED AND CLEARLY LABELED
8 WITH ALL OF THE FOLLOWING:

9 (1) THE WEIGHT OF THE MARIHUANA-INFUSED PRODUCT [IN OUNCES. THERE
SHALL BE A REBUTTABLE PRESUMPTION THAT THE LISTED WEIGHT OF THE
MARIHUANA-INFUSED PRODUCT IS TRUE AND CORRECT].

10 (2) THE NAME OF THE INDIVIDUAL WHO MANUFACTURED THE MARIHUANA-
11 INFUSED PRODUCT.

12 (3) THE DATE ON WHICH THE MARIHUANA-INFUSED PRODUCT WAS
13 MANUFACTURED.

14 (4) IF THE PATIENT RECEIVED THE MARIHUANA-INFUSED PRODUCT FROM
15 HIS OR HER PRIMARY CAREGIVER OR A MEDICAL MARIHUANA PROVISIONING
16 CENTER, THE DATE ON WHICH THE TRANSACTION OCCURRED.

17 (5) IF THE PATIENT RECEIVED THE MARIHUANA-INFUSED PRODUCT FROM
18 HIS OR HER PRIMARY CAREGIVER OR A MEDICAL MARIHUANA PROVISIONING
19 CENTER, THE NAME OF THE PRIMARY CAREGIVER OR MEDICAL MARIHUANA
20 PROVISIONING CENTER.

21 (O) EACH OF THE FOLLOWING IS A [FELONY PUNISHABLE BY IMPRISONMENT
22 FOR NOT MORE THAN 2 YEARS, A FINE OF UP TO \$2,000.00], OR BOTH:

23 (1) A QUALIFYING PATIENT SHALL NOT TRANSFER A MARIHUANA-
24 INFUSED PRODUCT TO ANY INDIVIDUAL.

25 (2) A REGISTERED CAREGIVER SHALL NOT TRANSFER A MARIHUANA-
26 INFUSED PRODUCT TO ANY INDIVIDUAL WHO IS NOT A QUALIFYING PATIENT
27 TO WHOM HE OR SHE IS CONNECTED THROUGH THE DEPARTMENT'S

House Bill No. 5104 (H-2) as amended December 12, 2013
1 REGISTRATION PROCESS.

2 (3) A MEDICAL MARIHUANA PROVISIONING CENTER SHALL NOT TRANSFER
3 A MARIHUANA-INFUSED PRODUCT TO ANY INDIVIDUAL WHO IS NOT A
4 QUALIFYING PATIENT OR REGISTERED CAREGIVER.

[(P) IN A PUBLIC PLACE, THE PRIVILEGE FROM ARREST UNDER SUBSECTION
(A) OR (B) DOES NOT APPLY UNLESS ALL OF THE FOLLOWING APPLY:

(1) THE USABLE MARIHUANA AND MARIHUANA-INFUSED PRODUCT ARE PACKAGED
AND EACH PACKAGE IS LABELED WITH THE WEIGHT OF THE USABLE MARIHUANA.

(2) THE TOTAL WEIGHT INDICATED ON THE PACKAGE LABELS IS NOT MORE
THAN THE AMOUNT PERMITTED UNDER SUBSECTION (A) OR (B). THE INDICATED
WEIGHT IS PRESUMED TO BE TRUE AND CORRECT. HOWEVER, THIS PRESUMPTION DOES
NOT PROHIBIT A LAW ENFORCEMENT OFFICIAL FROM ARRESTING AN INDIVIDUAL IF
THERE IS AN ARTICULABLE SUSPICION THAT THE INDICATED WEIGHT IS NOT
CORRECT AND THE TOTAL WEIGHT IS GREATER THAN THE AMOUNT PERMITTED UNDER
SUBSECTION (A) OR (B).]

5 SEC. 4A. (1) THIS SECTION DOES NOT APPLY UNLESS THE MEDICAL
6 MARIHUANA PROVISIONING CENTER REGULATION ACT IS ENACTED INTO LAW.

7 (2) [A] PERSON IS NOT SUBJECT TO
8 ARREST, PROSECUTION, OR CRIMINAL PENALTY FOR A TRANSFER OR USE OF
9 MARIHUANA OR USABLE MARIHUANA EQUIVALENTS IN AN AMOUNT AUTHORIZED
10 BY LAW AND IN CONFORMITY WITH ANY RESTRICTIONS IN THIS ACT OR THE
11 MEDICAL MARIHUANA PROVISIONING CENTER REGULATION ACT. [HOWEVER, A
QUALIFYING PATIENT OR REGISTERED CAREGIVER SHALL NOT TRANSFER MORE THAN
50 OUNCES OF USABLE MARIHUANA TO A MEDICAL MARIHUANA PROVISIONING CENTER
DURING A 60-CALENDAR-DAY PERIOD.]

12 7. Scope of Act.

13 Sec. 7. (a) The medical use of marihuana is allowed under
14 state law to the extent that it is carried out in accordance with
15 the provisions of this act.

16 (b) This act shall not permit any person to do any of the
17 following:

18 (1) Undertake any task under the influence of marihuana, when
19 doing so would constitute negligence or professional malpractice.

20 (2) Possess marihuana OR USABLE MARIHUANA, or otherwise engage
21 in the medical use of marihuana:

22 (A) in a school bus;

23 (B) on the grounds of any preschool or primary or secondary
24 school; or

25 (C) in any correctional facility.

26 (3) Smoke marihuana:

27 (A) on any form of public transportation; or

1 (B) in any public place.

2 (4) Operate, navigate, or be in actual physical control of any
3 motor vehicle, aircraft, or motorboat while under the influence of
4 marihuana.

5 (5) Use marihuana OR **USABLE MARIHUANA** if that person does not
6 have a serious or debilitating medical condition.

7 (c) Nothing in this act shall be construed to require:

8 (1) A government medical assistance program or commercial or
9 non-profit health insurer to reimburse a person for costs
10 associated with the medical use of marihuana.

11 (2) An employer to accommodate the ingestion of marihuana OR
12 **USABLE MARIHUANA** in any workplace or any employee working while
13 under the influence of marihuana OR **USABLE MARIHUANA**.

14 (d) Fraudulent representation to a law enforcement official of
15 any fact or circumstance relating to the medical use of marihuana
16 to avoid arrest or prosecution shall be punishable by a fine of
17 \$500.00, which shall be in addition to any other penalties that may
18 apply for making a false statement or for the use of marihuana OR
19 **USABLE MARIHUANA** other than use undertaken pursuant to this act.

20 (e) All other acts and parts of acts inconsistent with this
21 act do not apply to the medical use of marihuana as provided for by
22 this act.

23 8. Affirmative Defense and Dismissal for Medical Marihuana.

24 Sec. 8. (a) Except as provided in section 7(b), a patient and
25 a patient's primary caregiver, if any, may assert the medical
26 purpose for using marihuana OR **USABLE MARIHUANA** as a defense to any
27 prosecution involving marihuana OR **USABLE MARIHUANA**, and this

1 defense shall be presumed valid where the evidence shows that:

2 (1) A physician has stated that, in the physician's
3 professional opinion, after having completed a full assessment of
4 the patient's medical history and current medical condition made in
5 the course of a bona fide physician-patient relationship, the
6 patient is likely to receive therapeutic or palliative benefit from
7 the medical use of marihuana to treat or alleviate the patient's
8 serious or debilitating medical condition or symptoms of the
9 patient's serious or debilitating medical condition;

10 (2) The patient and the patient's primary caregiver, if any,
11 were collectively in possession of a quantity of marihuana **AND**
12 **USABLE MARIHUANA** that was not more than was reasonably necessary to
13 ensure the uninterrupted availability of marihuana **OR USABLE**
14 **MARIHUANA** for the purpose of treating or alleviating the patient's
15 serious or debilitating medical condition or symptoms of the
16 patient's serious or debilitating medical condition; and

17 (3) The patient and the patient's primary caregiver, if any,
18 were engaged in the acquisition, possession, cultivation,
19 manufacture, use, delivery, transfer, or transportation of
20 marihuana, **USABLE MARIHUANA**, or paraphernalia, relating to the use
21 ~~of marihuana to treat or alleviate the patient's serious or~~
22 ~~debilitating medical condition or symptoms of the patient's serious~~
23 ~~or debilitating medical condition.~~ **MEDICAL USE OF MARIHUANA.**

24 (b) A person may assert the medical purpose for using
25 marihuana **OR USABLE MARIHUANA** in a motion to dismiss, and the
26 charges shall be dismissed following an evidentiary hearing where
27 the person shows the elements listed in subsection (a).

1 (c) If a patient or a patient's primary caregiver demonstrates
2 the patient's medical purpose for using marihuana OR USABLE
3 MARIHUANA pursuant to this section, the patient and the patient's
4 primary caregiver shall not be subject to the following for the
5 patient's medical use of marihuana:

6 (1) disciplinary action by a business or occupational or
7 professional licensing board or bureau; or

8 (2) forfeiture of any interest in or right to property.

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-Michigan News

7:50 PM TUE SEPTEMBER 23, 2014

Changes Likely Before Governor Snyder Will Approve Medical Marijuana Bills

By [JAKE NEHER](#) (@PEOPLE/JAKE-NEHER)**Gov. Snyder close to supporting medical marijuana dispensaries, edibles**

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0:44

Jake Neher reports.

It looks like Gov. Rick Snyder could be close to supporting bills that would relax restrictions on medical marijuana in Michigan.

Supporters of House Bills [4271](#)<http://legislature.mi.gov/doc.aspx?2013-HB-4271>and [5104](#) (<http://legislature.mi.gov/doc.aspx?2013-HB-5104>) say they are now turning

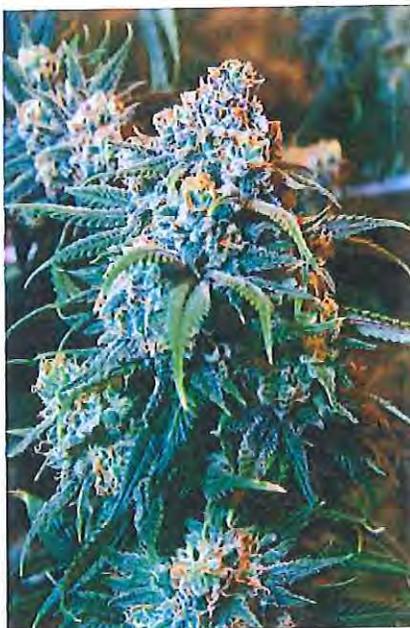
their attention to winning the governor's support. The first bill would allow

medical marijuana dispensaries in

Michigan in communities that OK them.

The second would let patients use edible

and other non-smokable forms of cannabis.

<http://mediad.publicbroadcasting.net/p/wemu/files/201409/Pot.jpg>*Credit wikimedia commons*

But advocates and lawmakers working on the legislation say the governor's office wants some changes before he will commit to signing the bills. As it is written now, the legislation would leave it mostly up to local governments to regulate dispensaries. But it appears Snyder wants the state to play a bigger role.

"There was some concern that this could be very patchwork, where some municipalities just aren't even regulating them and some could be hyper-regulating them," said state Rep. Mike Callton, R-Nashville, who introduced the dispensaries bill. "And the suggestion was that really, to do a good job, it should be regulated at a statewide level."

And Callton says he agrees.

"Not everyone will like it. But I think it makes it overall a better bill and will make medical marijuana better, as far as availability to patients, that it be more professional,

safer," he said.

"I think we're getting so close for such a controversial bill. I think we're getting so close."

The bills still need to clear the state Senate. Majority Leader Randy Richardville, R-Monroe, says he's now a "real believer" in the benefits of medical marijuana, and hopes to hold a vote before the November election.

Gov. Snyder's office declined to comment on the legislation while discussions are still going on.

Democratic candidate for governor Mark Schauer came out in support of the bills this week.

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Sus • 7 days ago
 December 31st is the new deadline. If the Governor does not sign by then, we have to start all over from square one.

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SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4271

A bill to regulate medical marihuana provisioning centers and other related entities; to provide for the powers and duties of certain state and local governmental officers and entities; to provide immunity for persons engaging in medical marihuana-related activities in compliance with this act; to prescribe penalties and sanctions and provide remedies; and to allow the promulgation of rules.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "medical marihuana provisioning center regulation act".

3 Sec. 2. As used in this act:

4 (a) "Debilitating medical condition" means that term as
5 defined in section 3 of the Michigan medical marihuana act, MCL
6 333.26423.

1 (b) "Excluded felony offense" means a felony involving illegal
2 drugs or a felony that is an assaultive crime as defined in section
3 9a of chapter X of the code of criminal procedure, 1927 PA 175, MCL
4 770.9a.

5 (c) "Marihuana" means that term as defined in section 3 of the
6 Michigan medical marihuana act, MCL 333.26423.

7 (d) "Medical marihuana" means marihuana for medical use as
8 that term is defined in section 3 of the Michigan medical marihuana
9 act, MCL 333.26423.

10 (e) "Medical marihuana provisioning center" or "provisioning
11 center" means a commercial entity located in this state that
12 acquires, possesses, manufactures, delivers, transfers, or
13 transports medical marihuana and sells, supplies, or provides
14 medical marihuana to registered qualifying patients, directly or
15 through the patients' registered primary caregivers. Provisioning
16 center includes any commercial property, whether owned or leased,
17 where medical marihuana is sold to registered qualifying patients
18 and registered primary caregivers. The location used by a primary
19 caregiver to assist a qualifying patient connected to the caregiver
20 through the department's medical marihuana registration process in
21 accordance with the Michigan medical marihuana act is not a
22 provisioning center for purposes of this act.

23 (f) "Michigan medical marihuana act" means the Michigan
24 medical marihuana act, 2008 IL 1, MCL 333.26421 to 333.26430.

25 (g) "Municipality" means a city, township, or village.

26 (h) "Paraphernalia" means drug paraphernalia as defined in
27 section 7451 of the public health code, 1978 PA 368, MCL 333.7451,

1 that is or may be used in association with medical marihuana.

2 (i) "Provisioning center agent" means a principal officer,
3 board member, employee, or operator, or any other individual acting
4 as an agent of a provisioning center.

5 (j) "Registered primary caregiver" means a person who has a
6 valid, unexpired registry identification card as a primary
7 caregiver or who satisfies the criteria listed in section 9(b) or
8 (c) of the Michigan medical marihuana act, MCL 333.26429, and
9 possesses the documentation that constitutes a valid registry
10 identification card under that section.

11 (k) "Registered qualifying patient" means a person who meets
12 any of the following requirements:

13 (i) Has a valid, unexpired registry identification card as a
14 qualifying patient.

15 (ii) Satisfies the criteria listed in section 9(b) or (c) of
16 the Michigan medical marihuana act, MCL 333.26429, and possesses
17 the documentation that constitutes a valid registry identification
18 card under that section.

19 (l) "Registry identification card" means that term as defined
20 in section 3 of the Michigan medical marihuana act, MCL 333.26423.

21 (m) "Safety compliance facility" means a municipally licensed
22 entity that tests marihuana produced for medical use for
23 contaminants.

24 (n) "Safety compliance facility agent" means a principal
25 officer, board member, employee, operator, or agent of a safety
26 compliance facility.

27 (o) "Usable marihuana" means the dried leaves, flowers, plant

1 resin, or extract of the marihuana plant, but does not include the
2 seeds, stalks, or roots of the plant.

3 (p) "Visiting qualifying patient" means a patient who is not a
4 resident of this state or who has been a resident of this state for
5 less than 30 days and who possesses a registry identification card,
6 or its equivalent, that was issued under the laws of another state,
7 district, territory, commonwealth, or insular possession of the
8 United States and that allows the use of medical marihuana by the
9 patient.

10 Sec. 3. (1) Except as otherwise provided in this act, if a
11 provisioning center has been granted any applicable required
12 municipal registration or license and is operating in compliance
13 with this act and any applicable municipal ordinance, the
14 provisioning center and the provisioning center agents acting on
15 its behalf are not subject to any of the following for engaging in
16 activities described in subsection (2):

17 (a) Criminal penalties under state law or local ordinances.

18 (b) State or local civil prosecution.

19 (c) Search or inspection, except for an inspection authorized
20 by the municipality.

21 (d) Seizure.

22 (e) Any sanction, including disciplinary action or denial of a
23 right or privilege, by a business or occupational or professional
24 licensing board or bureau.

25 (2) Activities that are exempt from regulation and sanctions
26 under subsection (1) include all of the following:

27 (a) Purchasing, receiving, selling, or transferring marihuana

1 from or to visiting qualifying patients, registered qualifying
2 patients, registered primary caregivers, or provisioning centers.

3 (b) Purchasing or receiving medical marihuana from 1 or more
4 other provisioning centers if purchasing or receiving medical
5 marihuana from the provisioning center is not prohibited by the
6 municipality where the provisioning center is located.

7 (c) Purchasing or receiving medical marihuana from a
8 registered qualifying patient or a registered primary caregiver if
9 purchasing or receiving medical marihuana from a registered
10 qualifying patient or registered primary caregiver is not
11 prohibited by the municipality where the provisioning center is
12 located and if the amount purchased does not exceed the registered
13 qualifying patient's or registered primary caregiver's medical
14 marihuana possession limits under the Michigan medical marihuana
15 act.

16 (d) Processing medical marihuana.

17 (e) Possessing or manufacturing paraphernalia.

18 (f) Possessing medical marihuana processed by the provisioning
19 center or obtained pursuant to subdivision (a) or (b) on the
20 provisioning center premises or while the medical marihuana is
21 being transported pursuant to this section.

22 (g) Processing or manufacturing nonsmokable forms of medical
23 marihuana.

24 (h) If not prohibited by municipal law, transporting medical
25 marihuana between the provisioning center and another provisioning
26 center or a safety compliance facility.

27 (i) Transporting or delivering medical marihuana or

1 paraphernalia to the residence of a registered qualifying patient
2 or a registered primary caregiver if transportation and delivery
3 are not prohibited by the municipality in which the transportation
4 and delivery occur.

5 (j) Supplying, selling, providing, transferring, or delivering
6 medical marihuana, paraphernalia, or related supplies and
7 educational materials in compliance with the procedures and
8 limitations detailed in section 7(11) to (13) and the testing and
9 labeling requirements in section 7(4).

10 Sec. 3a. An entity that, on the effective date of this act, is
11 operating in this state as a provisioning center, is operating and
12 continues to otherwise operate in compliance with this act, and is
13 not prohibited by any applicable municipal ordinance may continue
14 to operate as a provisioning center under this act if it applies
15 for a license, unless the application is denied. An entity
16 described in this section is considered a provisioning center under
17 this act, and the entity and the agents acting on its behalf are
18 eligible for the immunity provided in this act and are subject to
19 the penalties, sanctions, and remedies prescribed or provided in
20 this act.

21 Sec. 4. (1) Except as otherwise provided in this act, a safety
22 compliance facility that has been granted any applicable required
23 municipal registration or license and is operating in compliance
24 with any applicable municipal ordinance and this act is not subject
25 to any of the following for engaging in activities described in
26 subsection (2):

27 (a) Criminal penalties under state law or local ordinances.

1 (b) State or local civil prosecution.

2 (c) Search or inspection, except for an inspection authorized
3 by the municipality.

4 (d) Seizure.

5 (e) Any sanction, including disciplinary action or denial of a
6 right or privilege, by a business or occupational or professional
7 licensing board or bureau.

8 (2) Activities that are exempt from regulation and sanction
9 under subsection (1) include all of the following:

10 (a) Acquiring or possessing medical marihuana obtained from
11 registered qualifying patients, registered primary caregivers, or
12 provisioning centers.

13 (b) Returning the medical marihuana to the registered
14 qualifying patient, registered primary caregiver, or provisioning
15 center that delivered the medical marihuana to the safety
16 compliance facility.

17 (c) Transporting medical marihuana to or from a registered
18 qualifying patient, registered primary caregiver, or provisioning
19 center.

20 (d) Possessing medical marihuana on the safety compliance
21 facility's premises for testing, if the medical marihuana was
22 obtained pursuant to subdivision (a) or (b).

23 (e) Receiving compensation for actions permitted pursuant to
24 this section and municipal law.

25 Sec. 5. (1) A municipality may prohibit the operation of
26 provisioning centers or safety compliance facilities within the
27 municipality. If a municipality permits the operation of

1 provisioning centers, it must provide for licensing of the
2 facilities. A provisioning center is not exempt under section 3
3 from state criminal and civil penalties if it operates in a
4 municipality that prohibits provisioning centers. A safety
5 compliance facility is not exempt under section 4 from state
6 criminal and civil penalties if it operates in a municipality that
7 prohibits safety compliance facilities.

8 (2) A municipality may enact an ordinance to impose and
9 enforce local licensing and operational requirements on
10 provisioning centers or safety compliance facilities. A
11 municipality may require and issue or deny a registration or
12 license to a provisioning center or safety compliance facility and
13 may regulate operations and impose civil or criminal penalties for
14 the violations of the local ordinance or licensing and operational
15 requirements. A municipality may charge a registration or licensing
16 fee for a provisioning center or safety compliance facility that
17 does not exceed the costs to the municipality of regulation,
18 licensing, testing, and inspection.

19 (3) A provisioning center or safety compliance facility
20 located in a municipality that requires a registration or license
21 is exempt under section 3 or 4 from criminal penalties only if the
22 provisioning center or safety compliance facility holds that
23 license or registration.

24 (4) A municipality shall require, as a condition of
25 registration or licensure, that a provisioning center or a safety
26 compliance facility provide results of testing of its medical
27 marihuana and medical marihuana products for quality control,

1 purity, contaminants, or any other analysis to protect the health
2 and safety of registered qualifying patients and to assure
3 compliance with this act and an ordinance adopted by the
4 municipality as described in this section.

5 Sec. 6. (1) The exemptions for a provisioning center or safety
6 compliance facility under section 3 or 4 apply only if the
7 indicated activities are carried out in compliance with this act.

8 (2) This act does not limit the ability of a primary caregiver
9 to assert the medical purpose defense provided in section 8 of the
10 Michigan medical marihuana act, 2008 IL 1, MCL 333.26428, to any
11 prosecution involving marihuana.

12 Sec. 7. (1) Unless explicitly allowed by a municipal ordinance
13 that was in effect before the effective date of this act, a
14 provisioning center or a safety compliance facility shall not be
15 located within 1,000 feet of the property line of a preexisting
16 primary or secondary school.

17 (2) A provisioning center shall not share office space with a
18 physician.

19 (3) The premises of a provisioning center shall have a
20 security alarm system that is enabled when a provisioning center
21 agent is not present.

22 (4) A provisioning center shall not sell, transfer, or
23 provide a preparation that includes usable marihuana for
24 ingestion or topical application unless the preparation has been
25 tested by a safety compliance facility and is enclosed in a
26 container that bears a securely affixed label displaying all of
27 the following information:

1 (a) The name of the registered qualifying patient or
2 visiting qualifying patient for whom the preparation is
3 obtained.

4 (b) Certification that the product has been tested by a
5 licensed safety compliance facility as required in section 12
6 and does not contain detectable mold, mildew, fungi, or
7 pesticides.

8 (c) The total weight of the preparation and the weight of the
9 usable marihuana in the container. The weight of usable marihuana
10 in the container shall be calculated as the same fraction of the
11 total weight of the usable marihuana that was used in preparing the
12 product as the fraction that the preparation in the container is of
13 the total amount of product made from that usable marihuana. If the
14 provisioning center does not prepare the usable marihuana for
15 ingestion or topical application, it shall obtain documentation
16 from the preparer with the information necessary to determine the
17 usable marihuana content.

18 (d) The words "WARNING: This product contains marihuana. For a
19 registered qualifying patient's medical use only." or substantially
20 similar text.

21 (5) A provisioning center that advertises medical marihuana
22 for sale shall not include an image of a marihuana leaf or a
23 marihuana cigarette and shall not depict favorably or promote
24 nonmedical, social use of marihuana in the advertisement.

25 (6) A provisioning center or safety compliance facility shall
26 not knowingly employ an individual who has been convicted of an
27 excluded felony offense during the immediately preceding 10-year

1 period or who is under 21 years of age. A provisioning center or
2 safety compliance facility shall perform a background check on an
3 individual before he or she is offered employment to verify that he
4 or she has not been convicted of an excluded felony offense during
5 the immediately preceding 10-year period.

6 (7) A provisioning center shall maintain records listing each
7 individual employed by the provisioning center, including the
8 beginning employment date and the date a municipal registering or
9 licensing background check was performed.

10 (8) A provisioning center shall not allow on-site consumption
11 of medical marihuana, except that a provisioning center agent or
12 employee who is a registered qualifying patient may be permitted to
13 use a medical marihuana-infused topical product.

14 (9) A provisioning center shall not provide more usable
15 marihuana or marihuana-infused products in solid form, gaseous
16 form, or liquid form to an individual in any 10-day period than the
17 amount for which the individual is granted immunity for possession
18 under the Michigan medical marihuana act and shall not receive more
19 than 50 ounces of usable marihuana or marihuana-infused products in
20 solid form, gaseous form, or liquid form during any 60-calendar-day
21 period from a qualifying patient or registered caregiver.

22 (10) A provisioning center shall ensure compliance with the
23 limit under subsection (9) by maintaining internal, confidential
24 records that specify the amount of medical marihuana provided to or
25 received from each registered qualifying patient and registered
26 primary caregiver and whether it was provided to or received from
27 the registered primary caregiver or directly to the registered

1 qualifying patient. Each entry shall include the date and time the
2 medical marihuana was provided. Entries shall be maintained for at
3 least 90 days. For any registered qualifying patient or registered
4 qualifying caregiver in possession of a registry identification
5 card, a record shall be kept using the patient's or caregiver's
6 registry identification card number instead of the patient's or
7 caregiver's name. Confidential records under this act are subject
8 to reasonable inspection by a municipal employee authorized to
9 inspect provisioning centers under municipal law to ensure
10 compliance with this act, but may be stored off-site. Confidential
11 records under this act are exempt from disclosure under the freedom
12 of information act, 1976 PA 442, MCL 15.231 to 15.246. Except as
13 otherwise required by a court order, a provisioning center shall
14 not disclose confidential records to any person other than a
15 municipal employee performing an inspection in compliance with this
16 subsection or to a provisioning center agent.

17 (11) A provisioning center agent shall not provide, transfer,
18 or sell medical marihuana to an individual knowing that the
19 individual is not a registered qualifying patient, registered
20 primary caregiver, or provisioning center agent working on behalf
21 of a provisioning center that is not prohibited from operating or
22 obtaining medical marihuana from other provisioning centers under
23 municipal law.

24 (12) Before medical marihuana is provided or sold from a
25 provisioning center, in addition to complying with subsection (13),
26 a provisioning center agent shall do 1 of the following:

27 (a) Verify that the individual requesting medical marihuana

1 holds what the provisioning center agent reasonably believes to be
2 a valid, unexpired registry identification card.

3 (b) Require the individual requesting medical marihuana to do
4 all of the following:

5 (i) Certify that he or she is a qualifying patient who
6 submitted a valid, complete application for a registry
7 identification card under the Michigan medical marihuana act at
8 least 20 days earlier.

9 (ii) Certify that, to the best of his or her knowledge, this
10 state has not denied the application described in subparagraph (i)
11 or issued a registry identification card.

12 (iii) Present a copy of the completed registry identification
13 card application and proof of receipt by the state department that
14 processes medical marihuana registry identification card
15 applications at least 20 days before the date of the requested sale
16 or transaction.

17 (c) If the individual requesting medical marihuana indicates
18 that he or she is a provisioning center agent, make a diligent,
19 good-faith effort to verify that the individual is a provisioning
20 center agent for a provisioning center that is allowed to operate
21 by a municipality.

22 (13) Before medical marihuana is provided or sold from a
23 provisioning center, a provisioning center agent shall make a
24 diligent, good-faith effort to determine that the individual named
25 in the registry identification card or other documentation
26 submitted under subsection (12) is the individual seeking to obtain
27 medical marihuana, by examining what the provisioning center agent

1 reasonably believes to be valid government-issued photo
2 identification.

3 (14) An individual who is under 21 years of age or who has
4 been convicted of an excluded felony offense during the immediately
5 preceding 10-year period shall not serve as a provisioning center
6 agent or safety compliance facility agent.

7 (15) A provisioning center agent shall not, for monetary
8 compensation, refer an individual to a physician.

9 (16) A provisioning center or safety compliance facility shall
10 not permit a physician to advertise in a provisioning center or
11 safety compliance facility or to hold any financial interest in or
12 receive any compensation from the provisioning center or safety
13 compliance facility.

14 (17) A provisioning center agent or safety compliance facility
15 agent shall not transport or possess medical marihuana on behalf of
16 the provisioning center or safety compliance facility in or upon a
17 motor vehicle or any self-propelled vehicle designed for land
18 travel unless all of the following conditions are met:

19 (a) The agent possesses a document signed and dated by a
20 manager or operator of the provisioning center or safety compliance
21 facility that employs the agent, stating the agent's name, the date
22 the medical marihuana will be transported, the approximate amount
23 of medical marihuana transported, and the name of the provisioning
24 center or safety compliance facility from which the medical
25 marihuana is being transported.

26 (b) The medical marihuana is located in 1 or more of the
27 following:

1 (i) An enclosed locked container, such as a safe, briefcase, or
2 other case.

3 (ii) The trunk of the vehicle.

4 (iii) A space that is inaccessible from the passenger
5 compartment of the vehicle.

6 Sec. 8. (1) A provisioning center that violates section 7(1)
7 or (2) is responsible for a state civil infraction and may be
8 ordered to pay a civil fine of not more than \$5,000.00. A
9 municipality in which the provisioning center or safety compliance
10 facility operates in violation of section 7(1) or (2) may petition
11 the court for an injunction to close the provisioning center or
12 safety compliance facility.

13 (2) A person who violates section 7(3) to (10), (15), or (16)
14 is responsible for a state civil infraction and may be ordered to
15 pay a civil fine of not more than \$1,000.00.

16 (3) A person who transfers medical marihuana in violation of
17 section 7(11) to (13) or who works in violation of section 7(14) is
18 not exempt under section 3 or 4 from arrest, prosecution, or
19 criminal or other penalties.

20 (4) A person who violates section 7(17) is guilty of a
21 misdemeanor punishable by imprisonment for not more than 93 days or
22 a fine of not more than \$500.00, or both.

23 Sec. 9. (1) A municipality may establish procedures to suspend
24 or revoke a registration, license, or other permission to operate
25 if a provisioning center knowingly or negligently allows medical
26 marihuana to be provided to an individual who is not a registered
27 qualifying patient or registered primary caregiver or if a

1 provisioning center or safety compliance facility commits multiple
2 or serious violations of this act or 1 or more local ordinances.

3 (2) This act does not require the violation of federal law and
4 does not give immunity from prosecution under federal law.

5 (3) This act does not prevent federal enforcement of federal
6 law.

7 (4) Sections 3, 4, and 10 do not exempt a provisioning
8 center or its agents, safety compliance facility or its agents,
9 visiting qualifying patient, registered qualifying patient, or
10 registered primary caregiver from criminal penalties or civil
11 prosecution under a law of general application that would apply
12 even if medical marihuana or paraphernalia were not involved.

13 (5) A provisioning center or safety compliance facility is
14 not exempt from criminal or civil prosecution or sanctions for
15 cultivating marihuana.

16 Sec. 10. (1) Except as otherwise provided in this act, a
17 visiting qualifying patient, registered qualifying patient, or
18 registered primary caregiver who supplies, sells, transfers, or
19 delivers marihuana to a provisioning center that is registered,
20 licensed, or otherwise allowed by the municipality in which it
21 operates in compliance with this act is not subject to any of the
22 following for engaging in that activity:

23 (a) Criminal penalties under state law or local ordinances.

24 (b) State or local civil prosecution.

25 (c) Search or inspection, except for an inspection authorized
26 by the municipality.

27 (d) Seizure.

1 (e) Any sanction, including disciplinary action or denial of a
2 right or privilege, by a business or occupational or professional
3 licensing board or bureau.

4 (2) Except as otherwise provided in this act, a registered
5 qualifying patient is not subject to any of the inspections or
6 sanctions listed in subsection (1)(a) to (e) for any of the
7 following:

8 (a) Purchasing or acquiring usable marihuana or marihuana-
9 infused products in solid form, gaseous form, or liquid form from 1
10 or more provisioning centers if the amount purchased or acquired in
11 any 10-day period is not more than the amount for which the
12 individual is granted immunity for possession under the Michigan
13 medical marihuana act.

14 (b) Supplying, selling, transferring, or delivering medical
15 marihuana to a provisioning center that is registered, licensed, or
16 otherwise allowed by the municipality in which it operates if all
17 of the following requirements are met:

18 (i) The medical marihuana was produced by the registered
19 qualifying patient or registered primary caregiver.

20 (ii) The municipality in which the provisioning center operates
21 allows the transfer of medical marihuana from a registered
22 qualifying patient to a provisioning center.

23 (iii) The amount of medical marihuana transferred does not
24 exceed the amount of medical marihuana the registered qualifying
25 patient is allowed to possess under the Michigan medical marihuana
26 act.

27 (3) Except as otherwise provided in this act, a registered

1 primary caregiver is not subject to any of the inspections or
2 sanctions listed in subsection (1)(a) to (e) for any of the
3 following:

4 (a) Purchasing or acquiring usable marihuana or marihuana-
5 infused products in solid form, gaseous form, or liquid form from 1
6 or more provisioning centers if the amount purchased or acquired in
7 any 10-day period is not more than the amount for which the
8 individual is granted immunity for possession under the Michigan
9 medical marihuana act.

10 (b) Supplying, selling, transferring, or delivering medical
11 marihuana to a provisioning center that is registered, licensed, or
12 otherwise allowed by the municipality in which it operates if all
13 of the following requirements are met:

14 (i) The medical marihuana was produced by the registered
15 primary caregiver and is excess medical marihuana above the amount
16 necessary to satisfy the needs of the registered qualifying
17 patients the primary caregiver is designated to serve.

18 (ii) The municipality in which the provisioning center operates
19 allows the transfer of medical marihuana from a registered primary
20 caregiver to a provisioning center.

21 (iii) The amount of medical marihuana transferred does not
22 exceed the amount of medical marihuana the registered primary
23 caregiver is allowed to possess under the Michigan medical
24 marihuana act.

25 Sec. 11. (1) A municipality shall not issue a license to a
26 laboratory as a safety compliance facility unless the laboratory is
27 able to accurately determine whether any of the following are

1 present in marihuana, edible marihuana products, and marihuana-
2 infused products that are sold or may be sold at medical marihuana
3 provisioning centers in this state:

4 (a) Mold, mildew, or fungi.

5 (b) Pesticides.

6 (2) A laboratory shall not handle, test, or analyze marihuana
7 after March 31, 2015 unless the laboratory meets all of the
8 following conditions:

9 (a) The laboratory is licensed as a safety compliance facility
10 by a local municipality.

11 (b) A person with a direct or indirect interest in the
12 laboratory does not have a direct or indirect financial interest in
13 a provisioning center, marihuana producer, certifying physician, or
14 any other entity that may financially benefit from the production,
15 manufacture, dispensing, sale, purchase, or use of marihuana.

16 (c) The laboratory employs at least 1 individual who has
17 earned a bachelor's degree or higher in the chemical or biological
18 sciences and has a minimum of 1 year of postgraduate laboratory
19 experience to oversee and be responsible for laboratory testing.

20 (d) The laboratory is accredited by a private laboratory
21 accreditation service.

22 Sec. 12. (1) Beginning April 1, 2015, a provisioning center
23 shall not distribute or sell any product containing marihuana
24 unless the product has been tested for mold, mildew, fungi, and
25 pesticides by a licensed safety compliance facility and does not
26 contain detectable mold, mildew, fungi, or pesticides. A
27 provisioning center shall make the laboratory test results

1 available upon request to a qualifying patient, a primary
2 caregiver, the licensing municipality, or a physician who has
3 certified a qualifying patient.

4 (2) If a medical marihuana provisioning center elects to
5 manufacture and distribute a marihuana-infused product, as defined
6 in the Michigan medical marihuana act, the medical marihuana
7 provisioning center must comply with all of the following:

8 (a) Keep the grounds of the provisioning center under the
9 control of the operator free from improperly stored equipment,
10 litter, waste, refuse, and uncut weeds or grass and assure that
11 floors, walls, ceilings, and equipment are kept clean and in good
12 repair.

13 (b) Keep food preparation areas separated from poisons,
14 undesirable microorganisms, chemicals, filth, or other extraneous
15 material by partition, location, or other effective means.
16 Marihuana is not prohibited in food preparation areas under this
17 subdivision.

18 (c) Provide adequate lighting in all areas where food or food
19 ingredients are examined, processed, or stored, and in hand washing
20 areas, toilet rooms, and places where equipment or utensils are
21 cleaned.

22 (d) Provide adequate ventilation or control equipment to
23 minimize odors and noxious fumes, dust, or vapors, including steam,
24 in areas where they may contaminate food.

25 (e) Ensure that all provisioning center equipment and utensils
26 are suitable for their intended use and are designed and
27 constructed with material and workmanship that allows them to be

1 cleanable and properly maintained.

2 (f) Ensure that the provisioning center is properly equipped
3 with adequate sanitary facilities and accommodations.

4 (g) Ensure that the provisioning center has a water supply
5 that is sufficient for the operations intended and is derived from
6 an approved source.

7 (h) Ensure that all sewage and liquid waste is disposed of in
8 a public or municipal sewerage system, or, if an adequate public
9 disposal system is not available, in an approved septic tank system
10 or by another acceptable method that does not create a nuisance,
11 insanitary condition, or public health hazard.

12 (i) Provide employees with adequate, completely enclosed
13 toilet rooms and conveniently located associated hand washing
14 facilities that are maintained in a sanitary condition and kept in
15 good repair at all times.

16 (j) Provide adequate and convenient facilities for hand
17 washing that are furnished with hot and cold or tempered running
18 water, effective hand cleaning and sanitizing preparations,
19 disposable sanitary towel service or suitable drying devices, and
20 easily cleanable waste receptacles.

21 (k) Provide for conveying, storing, and disposal of rubbish
22 and offal in a manner that minimizes odor, prevents waste from
23 becoming an attractant or a harbor or breeding place for vermin,
24 and prevents contamination of food, food contact surfaces, ground
25 surfaces, and water supplies.

26 (l) Maintain the building, fixtures, and other physical
27 facilities of the provisioning center in good repair and in

1 sanitary condition.

2 (m) Prohibit live birds or other animals in the provisioning
3 center, except that a guide dog accompanying a blind person is
4 permitted in selling areas.

5 (n) Clean all utensils and product contact surfaces of
6 equipment as frequently as necessary to prevent contamination of
7 food and food products and all nonproduct contact surfaces of
8 equipment used in food preparation areas as frequently as necessary
9 to minimize accumulation of dust, dirt, food particles, and other
10 debris.

11 (o) Conduct all operations in receiving, inspecting,
12 transporting, packaging, segregating, preparing, processing, and
13 food storing areas in accordance with good sanitation principles
14 and take all reasonable precautions to assure that production
15 procedures do not contribute contamination, such as filth, harmful
16 chemicals, undesirable microorganisms, or any other objectionable
17 material, to the processed product.

18 (p) Conduct all food processing, packaging, storage, and
19 transporting of food under conditions and controls that minimize
20 the potential for undesirable bacterial or other microbiological
21 growth, toxin formation, or deterioration or contamination of the
22 processed product, product ingredients, or product containers.

23 (q) Ensure that all food and drink is clean and wholesome, and
24 manufactured, handled, stored, prepared, transported, offered for
25 sale, and sold in a manner that keeps it safe for human
26 consumption.

27 (r) Not allow an individual who is affected by a disease in a

1 communicable form, a carrier of such a disease, or afflicted with
2 boils, sores, infected wounds, or other abnormal sources of
3 microbiological contamination to work in the provisioning center in
4 any capacity in which there is a reasonable possibility that food
5 or food ingredients will become contaminated or that the disease
6 will be transmitted to other individuals.

7 (s) Require all individuals working in direct contact with
8 food preparation, food ingredients, or surfaces coming into contact
9 with food ingredients to do all of the following:

10 (i) Wear clean outer garments, maintain a high degree of
11 personal cleanliness, and conform to hygienic practices while on
12 duty to the extent necessary to prevent contamination of food
13 products.

14 (ii) Before starting work, after each absence from the work
15 station, and at any other time when hands may have become soiled or
16 contaminated, wash their hands thoroughly in an adequate hand
17 washing facility and sanitize their hands if necessary to prevent
18 contamination.

19 (iii) Remove any jewelry that cannot be adequately sanitized and
20 all insecure jewelry from hands when food is manipulated by hand.

21 (iv) Maintain any gloves used in food handling in an intact,
22 clean, and sanitary condition and use only gloves made of an
23 impermeable material, except when that usage would be inappropriate
24 or incompatible with the work involved.

25 (v) Wear effective hairnets, headbands, or caps to constrain
26 the hair properly.

27 (vi) Refrain from storing clothing or other personal

1 belongings, eating, drinking, or using tobacco in any form in areas
2 where food or food ingredients are exposed, or in areas used for
3 washing equipment or utensils.

4 (vii) Take any other necessary precautions to prevent
5 contamination of foods with microorganisms or other foreign
6 substances, including, but not limited to, perspiration, hair,
7 cosmetics, tobacco, chemicals, and medicants.

8 (3) Subsection (2) does not prohibit a municipality from
9 imposing additional regulations on medical marihuana provisioning
10 centers that elect to manufacture and distribute a marihuana-
11 infused product.

12 (4) The local county health department shall inspect a
13 provisioning center at least annually for compliance with
14 subsections (2) and (3). The provisioning center shall pay for all
15 costs associated with the inspection under this subsection.

16 Enacting section 1. This act takes effect April 1, 2015.

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5104

A bill to amend 2008 IL 1, entitled
"Michigan medical marihuana act,"
by amending sections 3, 4, 7, and 8 (MCL 333.26423, 333.26424,
333.26427, and 333.26428), sections 3, 4, and 8 as amended by 2012
PA 512, and by adding section 4a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 3. Definitions.

2 Sec. 3. As used in this act:

3 (a) "Bona fide physician-patient relationship" means a
4 treatment or counseling relationship between a physician and
5 patient in which all of the following are present:

6 (1) The physician has reviewed the patient's relevant medical
7 records and completed a full assessment of the patient's medical

1 history and current medical condition, including a relevant, in-
2 person, medical evaluation of the patient.

3 (2) The physician has created and maintained records of the
4 patient's condition in accord with medically accepted standards.

5 (3) The physician has a reasonable expectation that he or she
6 will provide follow-up care to the patient to monitor the efficacy
7 of the use of medical marihuana as a treatment of the patient's
8 debilitating medical condition.

9 (4) If the patient has given permission, the physician has
10 notified the patient's primary care physician of the patient's
11 debilitating medical condition and certification for the **MEDICAL**
12 use of ~~medical~~ marihuana to treat that condition.

13 (b) "Debilitating medical condition" means 1 or more of the
14 following:

15 (1) Cancer, glaucoma, positive status for human
16 immunodeficiency virus, acquired immune deficiency syndrome,
17 hepatitis C, amyotrophic lateral sclerosis, Crohn's disease,
18 agitation of Alzheimer's disease, nail patella, or the treatment of
19 these conditions.

20 (2) A chronic or debilitating disease or medical condition or
21 its treatment that produces 1 or more of the following: cachexia or
22 wasting syndrome; severe and chronic pain; severe nausea; seizures,
23 including but not limited to those characteristic of epilepsy; or
24 severe and persistent muscle spasms, including but not limited to
25 those characteristic of multiple sclerosis.

26 (3) Any other medical condition or its treatment approved by
27 the department, as provided for in section 6(k).

1 (c) "Department" means the department of licensing and
2 regulatory affairs.

3 (d) "Enclosed, locked facility" means a closet, room, or other
4 comparable, stationary, and fully enclosed area equipped with
5 secured locks or other functioning security devices that permit
6 access only by a registered primary caregiver or registered
7 qualifying patient. Marihuana plants grown outdoors are considered
8 to be in an enclosed, locked facility if they are not visible to
9 the unaided eye from an adjacent property when viewed by an
10 individual at ground level or from a permanent structure and are
11 grown within a stationary structure that is enclosed on all sides,
12 except for the base, by chain-link fencing, wooden slats, or a
13 similar material that prevents access by the general public and
14 that is anchored, attached, or affixed to the ground; located on
15 land that is owned, leased, or rented by either the registered
16 qualifying patient or a person designated through the departmental
17 registration process as the primary caregiver for the registered
18 qualifying patient or patients for whom the marihuana plants are
19 grown; and equipped with functioning locks or other security
20 devices that restrict access to only the registered qualifying
21 patient or the registered primary caregiver who owns, leases, or
22 rents the property on which the structure is located. Enclosed,
23 locked facility includes a motor vehicle if both of the following
24 conditions are met:

25 (1) The vehicle is being used temporarily to transport living
26 marihuana plants from 1 location to another with the intent to
27 permanently retain those plants at the second location.

1 (2) An individual is not inside the vehicle unless he or she
2 is either the registered qualifying patient to whom the living
3 marihuana plants belong or the individual designated through the
4 departmental registration process as the primary caregiver for the
5 registered qualifying patient.

6 (e) "Marihuana" means that term as defined in section 7106 of
7 the public health code, 1978 PA 368, MCL 333.7106.

8 (F) "MARIHUANA-INFUSED PRODUCT" MEANS A TOPICAL FORMULATION,
9 TINCTURE, BEVERAGE, EDIBLE SUBSTANCE, OR SIMILAR PRODUCT CONTAINING
10 ANY USABLE MARIHUANA THAT IS INTENDED FOR HUMAN CONSUMPTION IN A
11 MANNER OTHER THAN SMOKE INHALATION. MARIHUANA-INFUSED PRODUCT SHALL
12 NOT BE CONSIDERED A FOOD FOR PURPOSES OF THE FOOD LAW, 2000 PA 92,
13 MCL 289.1101 TO 289.8111.

14 (G) ~~(f)~~ "Medical use OF MARIHUANA" means the acquisition,
15 possession, cultivation, manufacture, **EXTRACTION**, use, internal
16 possession, delivery, transfer, or transportation of marihuana,
17 **USABLE MARIHUANA**, or paraphernalia relating to the administration
18 of **USABLE** marihuana to treat or alleviate a registered qualifying
19 patient's debilitating medical condition or symptoms associated
20 with the debilitating medical condition.

21 (H) ~~(g)~~ "Physician" means an individual licensed as a
22 physician under Part 170 of the public health code, 1978 PA 368,
23 MCL 333.17001 to 333.17084, or an osteopathic physician under Part
24 175 of the public health code, 1978 PA 368, MCL 333.17501 to
25 333.17556.

26 (I) ~~(h)~~ "Primary caregiver" or "caregiver" means a person who
27 is at least 21 years old and who has agreed to assist with a

1 patient's medical use of marihuana and who has not been convicted
2 of any felony within the past 10 years and has never been convicted
3 of a felony involving illegal drugs or a felony that is an
4 assaultive crime as defined in section 9a of chapter X of the code
5 of criminal procedure, 1927 PA 175, MCL 770.9a.

6 (J) ~~(i)~~—"Qualifying patient" or "patient" means a person who
7 has been diagnosed by a physician as having a debilitating medical
8 condition.

9 (K) ~~(j)~~—"Registry identification card" means a document issued
10 by the department that identifies a person as a registered
11 qualifying patient or registered primary caregiver.

12 (L) ~~(k)~~—"Usable marihuana" means the dried leaves, ~~and flowers,~~
13 **PLANT RESIN, OR EXTRACT** of the marihuana plant, ~~and any mixture or~~
14 ~~preparation thereof,~~ but does not include the seeds, stalks, and
15 roots of the plant.

16 (M) **"USABLE MARIHUANA EQUIVALENT" MEANS THE AMOUNT OF USABLE**
17 **MARIHUANA IN A MARIHUANA-INFUSED PRODUCT THAT IS CALCULATED AS**
18 **PROVIDED IN SECTION 4(C).**

19 (N) ~~(l)~~—"Visiting qualifying patient" means a patient who is
20 not a resident of this state or who has been a resident of this
21 state for less than 30 days.

22 (O) ~~(m)~~—"Written certification" means a document signed by a
23 physician, stating all of the following:

24 (1) The patient's debilitating medical condition.

25 (2) The physician has completed a full assessment of the
26 patient's medical history and current medical condition, including
27 a relevant, in-person, medical evaluation.

1 (3) In the physician's professional opinion, the patient is
2 likely to receive therapeutic or palliative benefit from the
3 medical use of marihuana to treat or alleviate the patient's
4 debilitating medical condition or symptoms associated with the
5 debilitating medical condition.

6 4. Protections for the Medical Use of Marihuana.

7 Sec. 4. (a) A qualifying patient who has been issued and
8 possesses a registry identification card shall not be subject to
9 arrest, prosecution, or penalty in any manner, or denied any right
10 or privilege, including but not limited to civil penalty or
11 disciplinary action by a business or occupational or professional
12 licensing board or bureau, for the medical use of marihuana in
13 accordance with this act, provided that the qualifying patient
14 possesses an amount of marihuana that does not exceed **A TOTAL OF**
15 **2.5 ounces of BOTH usable marihuana AND USABLE MARIHUANA**
16 **EQUIVALENTS**, and, if the qualifying patient has not specified that
17 a primary caregiver will be allowed under state law to cultivate
18 marihuana for the qualifying patient, 12 marihuana plants kept in
19 an enclosed, locked facility. Any incidental amount of seeds,
20 stalks, and unusable roots shall also be allowed under state law
21 and shall not be included in this amount. The privilege from arrest
22 under this subsection applies only if the qualifying patient
23 presents both his or her registry identification card and a valid
24 driver license or government-issued identification card that bears
25 a photographic image of the qualifying patient.

26 (b) A primary caregiver who has been issued and possesses a
27 registry identification card shall not be subject to arrest,

1 prosecution, or penalty in any manner, or denied any right or
2 privilege, including but not limited to civil penalty or
3 disciplinary action by a business or occupational or professional
4 licensing board or bureau, for assisting a qualifying patient to
5 whom he or she is connected through the department's registration
6 process with the medical use of marihuana in accordance with this
7 act. The privilege from arrest under this subsection applies only
8 if the primary caregiver presents both his or her registry
9 identification card and a valid driver license or government-issued
10 identification card that bears a photographic image of the primary
11 caregiver. This subsection applies only if the primary caregiver
12 possesses an ~~A~~ **TOTAL** amount of **USABLE** marihuana **AND USABLE**
13 **MARIHUANA EQUIVALENTS** that does not exceed:

14 (1) 2.5 ounces of ~~usable marihuana~~ for each qualifying patient
15 to whom he or she is connected through the department's
16 registration process; and

17 (2) for each registered qualifying patient who has specified
18 that the primary caregiver will be allowed under state law to
19 cultivate marihuana for the qualifying patient, 12 marihuana plants
20 kept in an enclosed, locked facility; and

21 (3) any incidental amount of seeds, stalks, and unusable
22 roots.

23 (C) **FOR PURPOSES OF DETERMINING USABLE MARIHUANA EQUIVALENCY,**
24 **1 OUNCE OF USABLE MARIHUANA SHALL BE CONSIDERED EQUIVALENT TO THE**
25 **FOLLOWING:**

26 (1) 16 OUNCES OF MARIHUANA-INFUSED PRODUCT IF IN A SOLID FORM.

27 (2) 7 GRAMS OF MARIHUANA-INFUSED PRODUCT IF IN A GASEOUS FORM.

1 (3) 72 FLUID OUNCES OF MARIHUANA-INFUSED PRODUCT IF IN A
2 LIQUID FORM.

3 (D) ~~(e)~~—A person shall not be denied custody or visitation of
4 a minor for acting in accordance with this act, unless the person's
5 behavior is such that it creates an unreasonable danger to the
6 minor that can be clearly articulated and substantiated.

7 (E) ~~(d)~~—There shall be a presumption that a qualifying patient
8 or primary caregiver is engaged in the medical use of marihuana in
9 accordance with this act if the qualifying patient or primary
10 caregiver:

11 (1) is in possession of a registry identification card; and

12 (2) is in possession of an amount of marihuana OR USABLE
13 MARIHUANA AND USABLE MARIHUANA EQUIVALENTS that does not exceed the
14 amount allowed under this act. The presumption may be rebutted by
15 evidence that conduct related to marihuana OR USABLE MARIHUANA was
16 not for the purpose of alleviating the qualifying patient's
17 debilitating medical condition or symptoms associated with the
18 debilitating medical condition, in accordance with this act.

19 (F) ~~(e)~~—A registered primary caregiver may receive
20 compensation for costs associated with assisting a registered
21 qualifying patient in the medical use of marihuana. Any such
22 compensation shall not constitute the sale of controlled
23 substances.

24 (G) ~~(f)~~—A physician shall not be subject to arrest,
25 prosecution, or penalty in any manner, or denied any right or
26 privilege, including but not limited to civil penalty or
27 disciplinary action by the Michigan board of medicine, the Michigan

1 board of osteopathic medicine and surgery, or any other business or
2 occupational or professional licensing board or bureau, solely for
3 providing written certifications, in the course of a bona fide
4 physician-patient relationship and after the physician has
5 completed a full assessment of the qualifying patient's medical
6 history, or for otherwise stating that, in the physician's
7 professional opinion, a patient is likely to receive therapeutic or
8 palliative benefit from the medical use of marihuana to treat or
9 alleviate the patient's serious or debilitating medical condition
10 or symptoms associated with the serious or debilitating medical
11 condition, provided that nothing shall prevent a professional
12 licensing board from sanctioning a physician for failing to
13 properly evaluate a patient's medical condition or otherwise
14 violating the standard of care for evaluating medical conditions.

15 (H) ~~(g)~~—A person shall not be subject to arrest, prosecution,
16 or penalty in any manner, or denied any right or privilege,
17 including but not limited to civil penalty or disciplinary action
18 by a business or occupational or professional licensing board or
19 bureau, for providing a registered qualifying patient or a
20 registered primary caregiver with marihuana paraphernalia for
21 purposes of a qualifying patient's medical use of marihuana.

22 (I) ~~(h)~~—Any marihuana, **USABLE MARIHUANA**, marihuana
23 paraphernalia, or licit property that is possessed, owned, or used
24 in connection with the medical use of marihuana, as allowed under
25 this act, or acts incidental to such use, shall not be seized or
26 forfeited.

27 (J) ~~(i)~~—A person shall not be subject to arrest, prosecution,

1 or penalty in any manner, or denied any right or privilege,
2 including but not limited to civil penalty or disciplinary action
3 by a business or occupational or professional licensing board or
4 bureau, solely for being in the presence or vicinity of the medical
5 use of marihuana in accordance with this act, or for assisting a
6 registered qualifying patient with using or administering marihuana
7 OR USABLE MARIHUANA.

8 (K) ~~(j)~~ A registry identification card, or its equivalent,
9 that is issued under the laws of another state, district,
10 territory, commonwealth, or insular possession of the United States
11 that allows the medical use of marihuana by a visiting qualifying
12 patient, or to allow a person to assist with a visiting qualifying
13 patient's medical use of marihuana, shall have the same force and
14 effect as a registry identification card issued by the department.

15 (I) ~~(k)~~ Any registered qualifying patient or registered primary
16 caregiver who sells marihuana OR USABLE MARIHUANA to someone who is
17 not allowed to use marihuana for medical purposes MEDICAL USE OF
18 MARIHUANA under this act shall have his or her registry
19 identification card revoked and is guilty of a felony punishable by
20 imprisonment for not more than 2 years or a fine of not more than
21 \$2,000.00, or both, in addition to any other penalties for the
22 distribution of marihuana.

23 (M) A PERSON IS NOT SUBJECT TO ARREST, PROSECUTION, OR PENALTY
24 IN ANY MANNER, AND SHALL NOT BE DENIED ANY RIGHT OR PRIVILEGE,
25 INCLUDING, BUT NOT LIMITED TO, CIVIL PENALTY OR DISCIPLINARY ACTION
26 BY A BUSINESS OR OCCUPATIONAL OR PROFESSIONAL LICENSING BOARD OR
27 BUREAU, FOR MANUFACTURING MARIHUANA-INFUSED PRODUCT IF THE PERSON

1 IS ANY OF THE FOLLOWING:

2 (1) A REGISTERED PATIENT, MANUFACTURING FOR HIS OR HER OWN
3 PERSONAL USE.

4 (2) A PRIMARY CAREGIVER, MANUFACTURING FOR THE USE OF A
5 PATIENT TO WHOM HE OR SHE IS CONNECTED THROUGH THE DEPARTMENT'S
6 REGISTRATION PROCESS.

7 (3) A MEDICAL MARIHUANA PROVISIONING CENTER.

8 (N) EXCEPT WHEN BEING MANUFACTURED OR CONSUMED, ANY MARIHUANA-
9 INFUSED PRODUCT MUST BE INDIVIDUALLY PACKAGED AND CLEARLY LABELED
10 WITH ALL OF THE FOLLOWING:

11 (1) THE WEIGHT OF THE MARIHUANA-INFUSED PRODUCT IN OUNCES.
12 THERE SHALL BE A REBUTTABLE PRESUMPTION THAT THE LISTED WEIGHT OF
13 THE MARIHUANA-INFUSED PRODUCT IS TRUE AND CORRECT.

14 (2) THE NAME OF THE INDIVIDUAL WHO MANUFACTURED THE MARIHUANA-
15 INFUSED PRODUCT.

16 (3) THE DATE ON WHICH THE MARIHUANA-INFUSED PRODUCT WAS
17 MANUFACTURED.

18 (4) IF THE PATIENT RECEIVED THE MARIHUANA-INFUSED PRODUCT FROM
19 HIS OR HER PRIMARY CAREGIVER OR A MEDICAL MARIHUANA PROVISIONING
20 CENTER, THE DATE ON WHICH THE TRANSACTION OCCURRED.

21 (5) IF THE PATIENT RECEIVED THE MARIHUANA-INFUSED PRODUCT FROM
22 HIS OR HER PRIMARY CAREGIVER OR A MEDICAL MARIHUANA PROVISIONING
23 CENTER, THE NAME OF THE PRIMARY CAREGIVER OR MEDICAL MARIHUANA
24 PROVISIONING CENTER.

25 (O) EACH OF THE FOLLOWING IS A FELONY PUNISHABLE BY
26 IMPRISONMENT FOR NOT MORE THAN 2 YEARS, A FINE OF UP TO \$2,000.00,
27 OR BOTH:

1 (1) A QUALIFYING PATIENT SHALL NOT TRANSFER A MARIHUANA-
2 INFUSED PRODUCT TO ANY INDIVIDUAL.

3 (2) A REGISTERED CAREGIVER SHALL NOT TRANSFER A MARIHUANA-
4 INFUSED PRODUCT TO ANY INDIVIDUAL WHO IS NOT A QUALIFYING PATIENT
5 TO WHOM HE OR SHE IS CONNECTED THROUGH THE DEPARTMENT'S
6 REGISTRATION PROCESS.

7 (3) A MEDICAL MARIHUANA PROVISIONING CENTER SHALL NOT TRANSFER
8 A MARIHUANA-INFUSED PRODUCT TO ANY INDIVIDUAL WHO IS NOT A
9 QUALIFYING PATIENT OR REGISTERED CAREGIVER.

10 (P) IN A PUBLIC PLACE, THE PRIVILEGE FROM ARREST UNDER
11 SUBSECTION (A) OR (B) DOES NOT APPLY UNLESS ALL OF THE FOLLOWING
12 APPLY:

13 (1) THE USABLE MARIHUANA AND MARIHUANA-INFUSED PRODUCT ARE
14 PACKAGED AND EACH PACKAGE IS LABELED WITH THE WEIGHT OF THE USABLE
15 MARIHUANA.

16 (2) THE TOTAL WEIGHT INDICATED ON THE PACKAGE LABELS IS NOT
17 MORE THAN THE AMOUNT PERMITTED UNDER SUBSECTION (A) OR (B). THE
18 INDICATED WEIGHT IS PRESUMED TO BE TRUE AND CORRECT. HOWEVER, THIS
19 PRESUMPTION DOES NOT PROHIBIT A LAW ENFORCEMENT OFFICIAL FROM
20 ARRESTING AN INDIVIDUAL IF THERE IS AN ARTICULABLE SUSPICION THAT
21 THE INDICATED WEIGHT IS NOT CORRECT AND THE TOTAL WEIGHT IS GREATER
22 THAN THE AMOUNT PERMITTED UNDER SUBSECTION (A) OR (B).

23 SEC. 4A. (1) THIS SECTION DOES NOT APPLY UNLESS THE MEDICAL
24 MARIHUANA PROVISIONING CENTER REGULATION ACT IS ENACTED INTO LAW.

25 (2) A PERSON IS NOT SUBJECT TO ARREST, PROSECUTION, OR
26 CRIMINAL PENALTY FOR A TRANSFER OR USE OF MARIHUANA OR USABLE
27 MARIHUANA EQUIVALENTS IN AN AMOUNT AUTHORIZED BY LAW AND IN

1 CONFORMITY WITH ANY RESTRICTIONS IN THIS ACT OR THE MEDICAL
2 MARIHUANA PROVISIONING CENTER REGULATION ACT. HOWEVER, A QUALIFYING
3 PATIENT OR REGISTERED CAREGIVER SHALL NOT TRANSFER MORE THAN 50
4 OUNCES OF USABLE MARIHUANA TO A MEDICAL MARIHUANA PROVISIONING
5 CENTER DURING A 60-CALENDAR-DAY PERIOD.

6 7. Scope of Act.

7 Sec. 7. (a) The medical use of marihuana is allowed under
8 state law to the extent that it is carried out in accordance with
9 the provisions of this act.

10 (b) This act shall not permit any person to do any of the
11 following:

12 (1) Undertake any task under the influence of marihuana, when
13 doing so would constitute negligence or professional malpractice.

14 (2) Possess marihuana OR USABLE MARIHUANA, or otherwise engage
15 in the medical use of marihuana:

16 (A) in a school bus;

17 (B) on the grounds of any preschool or primary or secondary
18 school; or

19 (C) in any correctional facility.

20 (3) Smoke marihuana:

21 (A) on any form of public transportation; or

22 (B) in any public place.

23 (4) Operate, navigate, or be in actual physical control of any
24 motor vehicle, aircraft, or motorboat while under the influence of
25 marihuana.

26 (5) Use marihuana OR USABLE MARIHUANA if that person does not
27 have a serious or debilitating medical condition.

1 (c) Nothing in this act shall be construed to require:

2 (1) A government medical assistance program or commercial or
3 non-profit health insurer to reimburse a person for costs
4 associated with the medical use of marihuana.

5 (2) An employer to accommodate the ingestion of marihuana OR
6 **USABLE MARIHUANA** in any workplace or any employee working while
7 under the influence of marihuana OR **USABLE MARIHUANA**.

8 (d) Fraudulent representation to a law enforcement official of
9 any fact or circumstance relating to the medical use of marihuana
10 to avoid arrest or prosecution shall be punishable by a fine of
11 \$500.00, which shall be in addition to any other penalties that may
12 apply for making a false statement or for the use of marihuana OR
13 **USABLE MARIHUANA** other than use undertaken pursuant to this act.

14 (e) All other acts and parts of acts inconsistent with this
15 act do not apply to the medical use of marihuana as provided for by
16 this act.

17 8. Affirmative Defense and Dismissal for Medical Marihuana.

18 Sec. 8. (a) Except as provided in section 7(b), a patient and
19 a patient's primary caregiver, if any, may assert the medical
20 purpose for using marihuana OR **USABLE MARIHUANA** as a defense to any
21 prosecution involving marihuana OR **USABLE MARIHUANA**, and this
22 defense shall be presumed valid where the evidence shows that:

23 (1) A physician has stated that, in the physician's
24 professional opinion, after having completed a full assessment of
25 the patient's medical history and current medical condition made in
26 the course of a bona fide physician-patient relationship, the
27 patient is likely to receive therapeutic or palliative benefit from

1 the medical use of marihuana to treat or alleviate the patient's
2 serious or debilitating medical condition or symptoms of the
3 patient's serious or debilitating medical condition;

4 (2) The patient and the patient's primary caregiver, if any,
5 were collectively in possession of a quantity of marihuana OR
6 **USABLE MARIHUANA** that was not more than was reasonably necessary to
7 ensure the uninterrupted availability of marihuana OR **USABLE**
8 **MARIHUANA** for the purpose of treating or alleviating the patient's
9 serious or debilitating medical condition or symptoms of the
10 patient's serious or debilitating medical condition; and

11 (3) The patient and the patient's primary caregiver, if any,
12 were engaged in the acquisition, possession, cultivation,
13 manufacture, use, delivery, transfer, or transportation of
14 marihuana, **USABLE MARIHUANA**, or paraphernalia, relating to the use
15 ~~of marihuana to treat or alleviate the patient's serious or~~
16 ~~debilitating medical condition or symptoms of the patient's serious~~
17 ~~or debilitating medical condition.~~ **MEDICAL USE OF MARIHUANA.**

18 (b) A person may assert the medical purpose for using
19 marihuana OR **USABLE MARIHUANA** in a motion to dismiss, and the
20 charges shall be dismissed following an evidentiary hearing where
21 the person shows the elements listed in subsection (a).

22 (c) If a patient or a patient's primary caregiver demonstrates
23 the patient's medical purpose for using marihuana OR **USABLE**
24 **MARIHUANA** pursuant to this section, the patient and the patient's
25 primary caregiver shall not be subject to the following for the
26 patient's medical use of marihuana:

27 (1) disciplinary action by a business or occupational or

1 professional licensing board or bureau; or

2 (2) forfeiture of any interest in or right to property.

3 Enacting section 1. This amendatory act takes effect April 1,

4 2015.



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
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House Bill 4271 (Substitute S-1 as reported)
Sponsor: Representative Mike Callton
House Committee: Judiciary
Senate Committee: Government Operations

CONTENT

The bill would enact the "Medical Marihuana Provisioning Center Regulation Act" to provide that criminal, civil, or other sanctions would not apply to a medical marihuana provisioning center or its agents, a safety compliance facility, a registered qualifying patient, a visiting qualifying patient, or a registered primary caregiver, for specified activities involving the purchase, receipt, sale, possession, or transfer of marihuana, including those described below:

- A medical marihuana provisioning center could purchase, receive, sell, or transfer marihuana to or from registered qualifying patients, registered primary caregivers, or other provisioning centers, if it had been granted any applicable municipal registration or license and were operating in compliance with the Act.
- A safety compliance facility could acquire or possess medical marihuana obtained from, and return it to, registered qualifying patients, registered primary caregivers, and provisioning centers, if the facility had been granted any applicable required municipal registration or license and were operating in compliance with the Act.
- A registered qualifying patient, a visiting qualifying patient, or a registered primary caregiver could purchase or acquire usable marihuana or marihuana-infused products from a provisioning center.
- A registered qualifying patient or a registered primary caregiver could supply or sell medical marihuana to a provisioning center.

The bill also would do the following:

- Allow a municipality (a city, village, or township) to prohibit the operation of provisioning centers or safety compliance facilities within the municipality.
- Require a municipality to provide for the licensure of provisioning centers if it permitted their operation.
- Allow a municipality to impose and enforce licensing and operational requirements on provisioning centers or safety compliance facilities.
- Limit the proximity of a provisioning center or safety compliance facility to a school.
- Prohibit a provisioning center from selling or providing a preparation that included usable marihuana for ingestion or topical application unless it had been tested by a safety compliance facility and was in a container that met labeling requirements.
- Prohibit a provisioning center from providing more usable marihuana or marihuana-infused products to an individual in any 10-day period than allowed under the Michigan Medical Marihuana Act, or receiving more than 50 ounces of usable marihuana or marihuana-infused products during any 60-day period from a qualifying patient or registered caregiver.
- Require a provisioning center agent to verify that an individual requesting medical marihuana was a qualifying patient or a provisioning center agent.

- Prohibit a provisioning center or safety compliance facility from employing a person who was under 21 years old or who had been convicted of a felony involving illegal drugs or assault within the previous 10 years, and prohibit such a person from serving as a center or facility agent.
- Prohibit a provisioning center or safety compliance facility agent from transporting medical marihuana in a motor vehicle unless certain conditions were met, and provide that a violation would be a misdemeanor.
- Provide that other violations of the proposed Act would be State civil infractions.
- Provide that a provisioning center or safety compliance center would not be exempt from criminal or civil prosecution or sanctions for cultivating marihuana.
- Prohibit a laboratory from handling or testing marihuana after March 31, 2015, unless it was licensed as a safety compliance facility by a local municipality and met other conditions.
- Prohibit a provisioning center from distributing or selling any product containing marihuana after March 31, 2015, unless it had been tested for mold, mildew, fungi, and pesticides by a licensed safety compliance facility and did not contain any of those substances.
- Require a provisioning center to comply with various requirements if it elected to manufacture and distribute a marihuana-infused product.

"Medical marihuana provisioning center" would mean a commercial entity located in this State that acquires, possesses, manufactures, delivers, transfers, or transports medical marihuana and sells, supplies, or provides medical marihuana to registered qualifying patients, directly or through their registered primary caregivers. The term would include any commercial property where medical marihuana was sold to registered qualifying patients and registered primary caregivers. The location used by a primary caregiver to assist a qualifying patient connected to the caregiver through the medical marihuana registration process in accordance with the Michigan Medical Marihuana Act (MMMA) would not be a provisioning center for purposes of the proposed Act.

"Registered qualifying patient" would mean a person who either has a valid, unexpired registry identification card as a qualifying patient, or satisfies the qualifications under the MMMA for a person who is deemed to have a valid registry ID card and possesses the documentation that constitutes such a card.

"Visiting qualifying patient" would mean a patient who is not a Michigan resident or who has been a resident of this State for less than 30 days, and who possesses a registry identification card, or its equivalent, that was issued under the laws of another state, district, territory, commonwealth, or insular possession of the United States and that allows the use of medical marihuana by the patient.

"Registered primary caregiver" would mean a person who has a valid, unexpired registry ID card as a primary caregiver or who satisfies the criteria for someone who is deemed to have a valid registry ID card and possesses the documentation that constitutes such a card.

"Safety compliance facility" would mean a municipally licensed entity that tests marihuana produced for medical use for contaminants.

"Medical marihuana" would mean marihuana for medical use as that term is defined in the MMMA.

"Usable marihuana" would mean the dried leaves, flowers, plant resin, or extract of the marihuana plant, but would not include the seeds, stalks, or roots of the plant.

The bill would take effect on April 1, 2015.

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have no fiscal impact on State government. Any increase in fine revenue from the proposed State civil infractions would be allocated to public libraries.

There could be increased cost to local government for enforcement of the proposed misdemeanor. There also could be increased legal costs if a municipality petitioned the court for the closure of a center or facility or to ensure safety compliance.

In addition, a city, village, or township that chose to enact an ordinance regulating medical marihuana provisioning centers or safety compliance facilities would have additional administrative and enforcement responsibilities and, depending on the terms of the local ordinance, registration or license fee revenue to cover all or a portion of the costs of regulation. A municipality that chose to prohibit the operation of provisioning centers or safety compliance facilities would avoid the cost of the regulation of those facilities; however, it potentially would incur costs to enforce a local prohibition against those entities. A county with a provisioning center would have new responsibilities under the bill to inspect provisioning centers at least annually. The provisioning centers would be required to pay the cost of the inspection.

Date Completed: 7-30-14

Fiscal Analyst: John Maxwell
Elizabeth Pratt

Floorhb4271

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.

Legislative Analysis



MEDICAL MARIHUANA PROVISIONING CENTERS

Mary Ann Cleary, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4271 (Substitute H-3)
Sponsor: Rep. Mike Callton, D.C.
Committee: Judiciary

Complete to 12-11-13

A SUMMARY OF HOUSE BILL 4271 AS REPORTED BY COMMITTEE 12-10-13

The bill would create the Medical Marihuana Provisioning Center Regulation Act to, among other things:

- ❖ Authorize cities, townships, and villages to either allow or prohibit by ordinance the operation of provisioning centers and/or safety compliance facilities within their jurisdictions.
- ❖ Grant civil, criminal, and administrative immunity for certain allowable conduct by provisioning centers or safety compliance facilities, and for certain individuals. This could include supplying, selling, transferring, or delivering marihuana to a provisioning center by a qualifying patient or visiting qualifying patient or a primary caregiver.
- ❖ Grandfather-in existing medical marihuana dispensaries if in compliance with this act.
- ❖ Subject a provisioning center or safety compliance facility to state criminal or civil penalties if operating in a jurisdiction that prohibits such entities.
- ❖ Except for the Michigan Medical Marihuana Act (MMMA), specify that all other acts and parts of acts that are inconsistent with the MMPCR Act would not apply to the MMPCR Act.
- ❖ Prohibit either a provisioning center or safety compliance facility from knowingly employing a person convicted of certain felonies within the preceding 10 years. Background checks would be required of any potential employee.
- ❖ Prohibit a provisioning center from sharing office space with a physician; selling, transferring, or providing a preparation that includes usable marihuana in an edible form or for topical application unless labeled as prescribed in the bill; allowing on-site consumption of medical marihuana; and referring an individual to a physician.
- ❖ Require a provisioning center to have an enabled alarm system when unattended; require certain recordkeeping for a period of 90 days; and provide, sell, or transfer

medical marihuana only to a registered qualifying patient, registered primary caregiver, or provisioning center agent and limit the amount of usable marihuana provided to allowable amounts under the MMMA.

- ❖ Create state civil infractions and misdemeanor offenses for certain prohibited conduct.
- ❖ Prohibit, beginning April 1, 2015, a provisioning center from distributing or selling any marihuana product unless tested for and cleared of certain contaminants, such as mold, by a safety compliance facility.
- ❖ Require annual inspections and adherence to food code laws for any provisioning center electing to manufacture and distribute a marihuana-infused product as defined in the MMMA.
- ❖ Specify the act would not prevent federal enforcement of federal law.

FISCAL IMPACT:

House Bill 4271 (H-3) would not have a significant fiscal impact on the Department of Licensing and Regulatory Affairs (LARA). HB 4271 (H-3) would have an indeterminate fiscal impact on local units of government, if a local unit of government elects to sanction the operation of provisioning centers and/or safety compliance facilities within its jurisdiction. Whether the fiscal impact is positive or negative, and the extent of the impact, would be dependent on the costs of implementing and enforcing state and local regulatory requirements and on whether fees established and charged by local units of governments would be sufficient to support the regulatory costs.

POSITIONS:

The following entities offered support for the bill:

ACLU of Michigan
Criminal Defense Attorneys of Michigan
City of Ann Arbor
Advanced Hydroponic Growers Supply
National Medical Marihuana Coalition
National Patients' Rights Association
Cannabis Patients United
Michigan NORML
Michigan Saber Project
Phoenix Consulting
Safer Michigan Coalition
The Compassion Chronicles
Conservative Christians for Cannabis Reform
3rd Coast Compassion Center

Michigan Chapter of Americans for Safer Access
Students for Sensible Drug Policy
Michigan Moms United
Cannabis Stakeholders Group
Pediatric Cannabis Therapy

The following entities indicated *opposition* for the bill:

Department of State Police
Department of Attorney General

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Paul Holland

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.