

## **Bartley, Landon**

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**From:** Bartley, Landon  
**Sent:** Thursday, August 16, 2018 2:07 PM  
**To:** Bartley, Landon  
**Subject:** Medical marihuana in Grand Rapids: Workshop follow-up

Greetings all,

Thank you for attending and/or watching the Grand Rapids medical marihuana workshop last week. I hope you found it to be useful. We have posted the video and handouts at the top of [the City's medical marihuana webpage](#).

If you did not attend or watch, I'm including you on this email anyway because you have contacted me at some point with questions about our ordinance or administration. If you'd rather not receive updates like this, please let me know by email.

Apologies in advance for the long email, but I want to give you as much information as I can, and always opt to include more rather than risk leaving something out. Please read this thoroughly.

A few follow-ups from the meeting:

### **1) LOTTERY**

Based on your comments at the meeting and after, **we are modifying the lottery process**. Any applications received between **8 AM Thursday, November 1, 2018** and **3:30 PM Friday November 9, 2018**, will be included in the initial lottery for order of Planning Commission consideration. Applications received after this time will still be received and reviewed, but - if accepted - will be considered by the Planning Commission after all complete applications in the lottery. We hope this relieves some of the pressure that came with the initial application window that we had originally proposed. Also, this allows the possibility for some last-minute prequalifications to be granted by the MMLB at their November 8 meeting.

On **Monday, November 12** staff will post the names of applicants and the addresses for their proposed facilities on the webpage. We will review applications that week for completeness. Complete applications will be entered into the lottery, which will take place on **Monday, November 19, 9:00 AM** at a public meeting that we will livestream on Facebook. The lottery will be held in **City Commission Chambers (9th floor City Hall, 300 Monroe Ave NW, Grand Rapids MI 49503**; the same location as last week's workshop). You are welcome to come in person, or can watch online. Attendance is not required for the draw results to count. Incomplete applications will not be entered into the lottery.

### **2) MAPS AND LIST OF POTENTIALLY SUITABLE PROPERTIES**

We continue to update our online mapping system for accuracy, and intend to publish another version with many significant updates by the end of the day today. (We have also replaced the "interactive maps" link on the webpage to point to this mapping system – it had previously linked to a different map. This was confusing and we have corrected the issue.) Thank you for your comments and questions, as these have been very helpful. As I mentioned in the meeting, we will continue to update the maps and the spreadsheet of properties as we are able. This is done using the best available information we have at the time of publishing. That said, **we still cannot confirm individual addresses**. The map and list is our best understanding of potentially suitable properties at a point in time, and applicants are ultimately responsible for confirming suitability. If you email me asking for me to check on a specific address, I cannot guarantee a response. As I mentioned before, we have been overwhelmed with emails and phone calls since the adoption of our ordinance.

[Please familiarize yourself with the medical marihuana webpage and the resources available on there.](#)

2A) A note about **residential buffers**: Please remember that these buffers are measured along a line (which may bend or curve, but does not turn corners) along the same street as the proposed facility's property. The buffer is

required from properties with residential **zoning**; NOT from commercially-zoned properties that are used residentially, or mixed-use properties with a residential component.

2B) Another note about **jurisdictional boundaries**: While the ordinance does not require a buffer from the boundaries of adjacent municipalities, **separation distances are STILL REQUIRED from uses in adjacent municipalities** as required by the Grand Rapids Ordinance, **except for residentially-zoned properties**. That includes schools, parks/playgrounds, substance use disorder programs, childcare centers, religious institutions, and other facilities (if and when adjacent municipalities opt in to the MMFLA). I honestly don't completely understand the legal reasoning for this. But, the City Attorney's office has advised me that this is the case, and I want to pass that along to you.

### 3) PRE-APPLICATION MEETINGS

Beginning next week, I will be scheduling pre-application meetings to discuss applications for local approval. I would suggest waiting to schedule a meeting until you have a location in mind, and/or have received prequalification from the State. I will typically be available at 9 am, 10 am, 11 am, or 2 pm. If you are interested in scheduling a meeting, **please do so by email, and let me know at least three dates and times** which you could be available. Meetings will need to be at my office, located on the third floor of the City's Development Center, at 1120 Monroe Ave NW, Grand Rapids MI 49503. I will be unable to meet off-site. Please schedule meetings this way instead of calling or stopping by the counter – I am not often available by these methods.

### 4) WHAT WE ARE WORKING ON

4A) When is a facility a facility? There was much spirited discussion at the workshop about this question (for the purposes of required separation distances). We are working to determine this and - **while I cannot yet guarantee this** - it is most likely that, for separation distance requirements to be in force, a facility will have land use rights upon **the effective date of its Special Land Use approval**. Separation distances would NOT be in force once an application is received/accepted. We will still be showing pending applications and buffer distances on the map – but the land use rights most likely cannot be conferred until local approval becomes effective. This is different than our original understanding, which was that the separation distance requirement would only be in force once the license is granted by LARA.

4B) What application materials will be protected? There were questions at the workshop about what sensitive information can be protected from FOIA requests, especially considering that we are requiring prequalification paperwork from the State. We are working on this, including administrative procedures to protect this information, and I will let you know when I receive guidance on this.

4C) What is needed for a VEDA? Especially because we believe that a Voluntary Equitable Development Agreement (VEDA) may be incentivized by helping to move an application's place up in line for Planning Commission consideration, we want to be able to provide you with as much guidance as possible, as quickly as possible. That said, the City Commission is not meeting until mid-September to discuss this topic. We hope to be able to update you with more information about this shortly after the Commission meets.

4D) Are there nonconforming (“grandfathered”) rights for an established facility that has a school open up nearby? We don't know the answer to this but at this point **do believe there may be such rights**. For all **other** land uses, if a medical marihuana facility has been licensed and established, it has rights to continue in its place, regardless of what sensitive use may open up nearby. This would continue as long as the facility does not close, which would be an abandonment of the use and therefore of its nonconforming rights. When we can make a determination about schools, I will let you know.

Final notes: I am happy to have you continue to email me with questions or concerns. While I cannot confirm the suitability of individual addresses, I will do my best to answer other questions as I am able in a timely manner. Your comments, suggestions, and questions have helped improve our maps and our procedures for administering the

ordinance in advance of its effective date. Even though I often cannot respond immediately, I do appreciate your correspondence.

Best wishes,

**Landon Bartley, AICP**

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