

Bartley, Landon

From: Bartley, Landon
Sent: Tuesday, December 03, 2019 12:07 PM
To: Bartley, Landon
Subject: Marijuana in Grand Rapids - December 3 update
Attachments: Marihuana Related Municipal Licensing Ordinance No. 2019-66.pdf

Good afternoon,

I'm including you on this email because you have contacted me or another Planning staff member at some point about marijuana in Grand Rapids.

We are in the process of compiling a list of FAQ's and will continually update them as we work to refine our process. That FAQ list will be posted to the website **and will generally replace these periodic update emails**. For questions of interpretation or specific business-related issues, please consult your own private legal counsel. The Planning Department will continue to answer application specific questions and those related to administration of the zoning ordinances.

Today's update is quite a long time coming. Since my last update in May, the Planning Commission has been at work considering the many applications before them. From 80 applications originally in the queue, twenty-one approvals are currently in effect, a handful of applications have been denied (with some currently in the appeals process), and many have been withdrawn or buffered out by others. Planning staff briefly presented information to the City Commission about this on September 10, 2019, with a memo and the presentation available online at <https://www.grandrapidsmi.gov/Government/Programs-and-Initiatives/Medical-Marijuana/Committee-of-the-Whole-Update-9-10-2019>. You can also view the list of applications in the queue and their status online at <https://www.grandrapidsmi.gov/Government/Programs-and-Initiatives/Medical-Marijuana/Applications>. You can sort the table of applications by clicking on a column heading. Please keep in mind that the table is only updated once decisions are effective, which typically takes at least two weeks.

Licensing Ordinance (& Recreational Opt-In)

On October 8, 2019, the City Commission adopted an ordinance that will require a local license for all marijuana uses in the City, including both medical and recreational license types. This ordinance represented a formal opt-in for recreational marijuana **but does not specify** which recreational license types will be allowed within the City, nor where. We are currently working to develop a land use ordinance which will govern recreational marijuana uses, and hope to have draft language available very early in 2020. **Until that time, I will not be able to advise you on where, by what process, or what type of recreational facilities will be allowed to operate within the City.**

We plan to begin accepting license applications for all marijuana uses in April 2020. Medical marijuana applications that have been approved by the Planning Commission will be able to use that approval as a temporary operating license for medical marijuana until that time, but will need to obtain a local license from the City once applications are available. There are no temporary licenses for recreational marijuana. I have attached the ordinance language as adopted, and you can also view videos and additional details online at <https://www.grandrapidsmi.gov/Government/Programs-and-Initiatives/Medical-Marijuana/Consideration-of-a-Marijuana-Licensing-Ordinance>.

Transferring properties & MIVEDA commitments

We have been receiving many questions about this. If a land use application is approved by the Planning Commission with conditions, that approval stays with the land, and not with the owner or operator. So, as an example, if a provisioning center has been approved at 123 Main Street for the fictional Phat Jointz, LLC, the provisioning center land use will remain at 123 Main Street even if Phat Jointz, LLC sells to the - also fictional - Purple Cushions, Inc.

Purple Kushions would at that point need to get a local license from the City (as of April 2020), and would also be subject to all conditions under which the land use was approved by the Planning Commission. If a MIVEDA was originally submitted by Phat Jointz at the time of application, the commitments made in the MIVEDA would be a condition of approval by the Planning Commission, and therefore Purple Kushions would need to honor those commitments for the term of the MIVEDA, which is three years from the date on which the provisioning center first was licensed by the State. The MIVEDA commitments that must be honored by the transferee, however, include those in the “local economy” category – that is, $\geq 15\%$ local hiring, $\geq 24\%$ MLBE participation, or ≥ 30 employees at ≥ 30 /hrs/week. If Phat Jointz had met the conditions for certain residency commitments at the time of application ($\geq 25\%$ ownership of the facility by residents of a given area), that commitment does **not** need to be honored by Purple Kushions. I hope this helps answer that question.

Queue order & order of applications being considered by the Planning Commission

The results of the draw that took place in April 2019 were used to set the order in which the Planning Commission would review applications. There were a total of 80 applications in the draw, and immediately following that draw there was a queue of 80 applications to go to the Planning Commission. We have received several more applications since the time of the draw, which are placed into the queue based on when the application has been found to be complete. As applications are considered and approved, denied, withdrawn, or buffered out, the queue is shortened. In some cases, applications later in the queue have been considered by the Planning Commission before applications that are earlier in the queue. This is because of **influence areas**, which are areas in which the application in question may influence another application, directly or indirectly, due to the required separation distance between facilities. Only one application per influence area can be considered by the Planning Commission during a meeting. Those influence areas with many applications have taken far longer to work through than those areas with few, which can result in an application in a more sparse influence area being considered ahead of another application in a more packed area. You can view a brief video explanation about this online here: <https://www.grandrapidsmi.gov/Government/Programs-and-Initiatives/Medical-Marijuana/Application-Process>

Please feel free to contact me as needed with questions and I will do my best to respond as I am able. As always, I encourage you to visit [the City's medical marijuana webpage](https://www.grandrapidsmi.gov/Government/Programs-and-Initiatives/Medical-Marijuana/Contacts) often, to be sure to stay as up-to-date as possible. All past update emails can be found at <https://www.grandrapidsmi.gov/Government/Programs-and-Initiatives/Medical-Marijuana/Contacts>. Keep in mind that the FAQ page that I mentioned **will be replacing these update emails**. I hope you have found this and past update emails to be helpful.

Best wishes,

Landon Bartley, AICP
Senior Planner
City of Grand Rapids
He/Him/His
616-456-4499
lbartley@grcity.us