

Bartley, Landon

From: Bartley, Landon
Sent: Thursday, February 21, 2019 6:27 PM
To: Bartley, Landon
Subject: Medical Marijuana in Grand Rapids - February 21, 2019 update

Good evening,

I'm including you on this email because you have contacted me or another Planning staff member at some point about medical marijuana in Grand Rapids. If you no longer want to be on this list, please respond to let me know. If there are others that you think might want to be on the list, please forward this to them and have them contact me directly with questions or to be added to the list. Thank you.

Please set aside a few minutes to read this email thoroughly... there's a lot in this one.

Application Open Date Coming Soon

The window for the first round of core industry applications is approaching fast! As you know, we will begin accepting applications at 8:00 AM EST on Monday, March 4, 2019. Complete applications received by Friday, March 15, 2019 at 4:00 PM EDT will be accepted and entered into a draw currently scheduled to take place on April 12, 2019. If you haven't done so already, make sure to schedule a pre-application consultation with me right away. **I will generally not be available to meet during the first round application window.**

Also, if you haven't done so already, make sure you have talked with neighbors to develop your Good Neighbor Plans! Many neighborhood associations have been meeting with prospective applicants, and have limited availability to meet as we approach the application window. Good Neighbor Plan drafts need to be submitted with your application, but do not need to be complete at that time – just complete enough to be signed off on by the neighborhood representative. GNP's will need to be returned and complete no later than two weeks prior to the Planning Commission hearing for your application.

Another Informational Meeting – March 1, 2019

As we approach the application date, I have been receiving many, many questions. To help address these, I am sending this update today, but will also be presenting one more informational meeting to go over last-minute details. The workshop is free to attend and will also be livestreamed on [the City's Facebook page](#). It will be on **Friday, March 1, 2019, beginning at 1:00 PM**, in **City Commission Chambers on the 9th floor of City Hall**. City Hall is located at [300 Monroe Avenue NW, Grand Rapids MI 49503](#), with paid garage parking available in the Government Center garage beneath the building. I expect the workshop to last roughly 1.5 hours, and I will address much of what is in this update - the application process and timeline, MIVEDA, payments and refunds, and other policies, leaving time for questions. **Please let me know by email if you intend to come to the workshop so I have an idea of how many to expect, and if you have any questions so I can be sure to address those.** Thank you for your cooperation.

Website Changes and Plans going Forward

By now many of you have noticed that we've made some changes to our [medical marijuana webpage](#), breaking it into subpages to hopefully be a little more palatable than the uber-page that was previously there. No information has been removed.

Many of you have also noted that we've added the "influence areas" to the map, for your reference. Remember, influence areas simply affect consideration by the Planning Commission in that they will not consider more than one application per influence area at one time. We will be adding to the webpage as applications begin to be submitted. This will be in the form of a table on the main webpage, as well as notations on the interactive map. The table will include the following information:

Address of Proposed Facility	Influence Area	Type of Proposed Facility	Separation Distance if Facility is Approved	Queue Order (aka Draw Results)	Status of Application	Date of Hearing, if Scheduled
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On the interactive map, we will highlight properties for which an application has been received, color-coded by type, and will add a separation distance as a radius that will be dashed while in process, and solid once in effect.

Application Procedures

PAPER OPTION (2 forms required): Remember – both the Land Use application (Special Land Use for growers, processors, or provisioning centers, Director Review for safety compliance facilities or secure transporters) AND the Supplemental Application for Marijuana uses are required. These applications are available on the City's marijuana webpage, specifically on the ["Medical Marijuana Forms" subpage](#).

ONLINE OPTION (all-inclusive electronic form): We will be also accepting online applications. In order to create and submit an online application, you must register for an account, which can be done [here](#).

[The online application is now live and available here.](#)

As the application is now live, you may **begin** an application now, but will not be able to submit until the application window opens – Monday March 4 at 8:00 AM EST. You can save and exit, and return to an application in process. An advantage to applying during the first few days is that you will have more time to correct deficiencies if your application is found to be incomplete. However, there is no advantage in terms of draw order conferred by submitting immediately at 8:00 AM EST. We do not suggest waiting until the end of the first round window to submit your application. Core industry applications reviewed at the end of the first round window and found to be incomplete will have 2 business days to be corrected (from the time that we send notice of deficiencies to the email address on the application) before being rejected.

Core industry applications received after 4:00 PM EDT on Friday, March 15, 2019 will be accepted if complete, but will not be entered into the draw currently scheduled for April 12, and will be assigned to a Planning Commission hearing once all applications in the draw have been addressed.

Fees, Refunds, and Payment Procedures

The fee for all application types is \$5,000.00, payable when your application is submitted. At one point we had discussed the possibility of only the land use fee being due (\$2,015 for core industry, \$1,166 for support industry, with the balance due upon the land use going into effect). This is not the case. **The entire fee of \$5,000.00 (per license if co-located or stacked) is due upon application.** We will be able to refund part of this fee if applications are withdrawn at certain times. I will be able to explain this refund policy in more detail at next Friday's meeting.

If you submit an application online, payment may be made via credit card, or you can choose to "defer payment." If you defer payment or submit your application and payment in person, do so at the City's Development Center (1120 Monroe Avenue NW, 3rd floor). We will provide invoices for deferred or cash payments, which must be received by the Grand Rapids City Treasurer within two business days of the application being submitted to avoid rejection of the application. Checks can be made out to the City of Grand Rapids.

FAQ

I have received several duplicate questions from potential applicants recently, the answers to which I suspect are of interest to a larger group.

Redundancy in Applications: For core industry uses, both the Special Land Use Application and Marijuana Supplemental Application Checklist are required. (For support industry uses, both Director Review and Marijuana Supplemental Application Checklist are required.) Some application items may seem redundant, as there is sometimes overlap between what is required for the normal land use application and what is required by the Marijuana Supplemental Application Checklist. I would suggest just being redundant... err on the side of too much information. I'd rather you include information twice than risk having an incomplete application! You can avoid some of this potential redundancy by applying online.

Along those lines, we strongly suggest clearly labeling (or naming files) any attachments exactly as they are named in the application and/or checklist. This will help staff identify your attachments and also will help you be sure that your application is complete.

Waivers of Separation Distances: If you will need a separation distance waiver from the Planning Commission, as applicants your responsibility is to notify the sensitive use (religious institution or substance use disorder program) of your intent to apply for land use approval and need a waiver, and demonstrate that you have notified them. This should be done before submitting your application. You do not need to go out and get a letter from the sensitive land use, although this would be a good way to show that you have notified them. We also recommend certified mail.

Supplemental Application Item 1 – Statement of Consent: The required statement of consent from the property owner – if you are under option or agreement to purchase the property, you are considered the owner, so sign a statement and submit a copy of the purchase agreement or option. The purchase agreement will be kept confidential.

Supplemental Application Item 2 – Facility Plans: You must submit the Facility Plan as required by LARA. However, this plan is required by LARA for Phase II license approval, and not Phase I. We understand that this can be a significant expense for applicants. Therefore, this plan will not be required at the time of application but will be required prior to the issuance of a Certificate of Occupancy, if approved by the Planning Commission.

Section 5.9.19.F. – One Application per Parcel: This Section reads “Only one application shall be processed per parcel; competing applications for the same parcel will be rejected.” Take care to be sure your application is the only one being submitted for a property. If we receive another application for a parcel, the **competing applicants will be given 2 business days to figure it out or they will both (all) be rejected.** To avoid this, if you believe that this may be the case for the property at which you're intending to submit an application, you'll want to coordinate with the seller/landlord ASAP.

Co-Location by Different Entities

Some growers have inquired about co-locating with other users, as in one or more independent provisioning centers on site, an independent processing lab, or even another grower. The MMFLA allows this under certain circumstances, and our ordinance also allows this.

The MIVEDA is a **three year commitment**

Any condition selected as part of a MIVEDA, submitted at the time of application, must be met for at least three years after beginning operations, and will be monitored annually. Such conditions will apply regardless of owner, operator, etc. So, for example, an applicant may have at least 25% of the company owned by residents of Kent County (but not the City), commit to hiring at least 15% of employees from residents of Grand Rapids, commit to 24% MicroLBE participation, and be able to demonstrate that their property does not require any separation distance waivers. Such a MIVEDA would qualify for 5 out of 8 possible conditions.

One, two, and three years down the road, the same conditions must be met. **This includes if the business is sold or otherwise transferred** – regardless of who owns the business, the conditions you commit to now will still apply for the next three years. This includes residency points – before the three years has passed, you will still need to be able to demonstrate that you have 25% of ownership by residents of the area used to claim points. Along those lines, we will be verifying the ownership structure of the prequalified entity with LARA. If you have modified your entity’s ownership to be able to claim residency points in the MIVEDA, be sure that such modifications have not changed your prequalification status.

We will monitor these conditions annually. Failing to meet these conditions for three years may result in adverse action! My point here is to be very careful when committing to MIVEDA conditions – you need to be able to ensure that you will not fail those commitments in the future.

Prequalification Status

Remember, it’s ok to submit if not prequalified ONLY as long as you are prequalified before the draw. Unless the MMLB adds meetings, this means that your entity must be prequalified at or before the March 21, 2019 MMLB meeting. We will be verifying prequalification status with LARA. If two different entities are both prequalified and intend to combine or otherwise have a joint venture for an application, this is acceptable, as long as all parties are individually prequalified.

Finally...

I want to remind you about an upcoming energy efficiency workshop that I mentioned during my previous informational meeting. The local chapter of the US Green Building Council is running several energy efficiency workshops, one of which will be in Grand Rapids on March 13th. It is a free event and includes lunch. It might be worth checking out, especially for facility types that can expect to use a lot of energy, such as growers. Details and registration are at <https://www.usgbcwm.org/it-pays-to-build-beyond-code-grand-rapids/>. Additionally, information about energy efficiency financing and incentives is also available on [the USGBC chapter’s website](#).

I know this is a lot to take in and I hope I am adequately addressing your many questions. As always, thank you for your continued comments and questions. And of course, I encourage you to visit [the City’s medical marijuana webpage](#) often, to be sure to stay as up-to-date as possible.

Best wishes,

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