

Bartley, Landon

From: Bartley, Landon
Sent: Thursday, October 18, 2018 8:03 AM
To: Bartley, Landon
Subject: Medical Marihuana in Grand Rapids - October 18 Update

Good morning,

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

The Grand Rapids City Commission had a work session last Tuesday during which they discussed the City's medical marijuana ordinance at length; including, but not limited to, separation distance waivers, the prequalification requirement, regulations for safety compliance facilities and secure transporters, and the potential contents of a VEDA policy for marijuana. I have attached the discussion guide that staff prepared for the work session which outlines some of the issues that we have been finding with the ordinance and some possible solutions. The video of the entire work session can be viewed on [our medical marijuana webpage](#). In this email, I want to sum up major takeaways from the work session and outline the next steps for the ordinance as they stand today.

TAKEAWAYS FROM THE WORK SESSION

1) Waivers (POLICY): The City Commission discussed waivers of the required separation distance that may be granted from religious institutions, substance use disorder programs, and public parks and playgrounds. The suggestion from Commission was to treat the private party waiver (for religious institutions and substance use disorder programs) as a default option – so the separation distance would be waived **unless** that party responded negatively. Staff was also directed to develop some sort of opt-out mechanism, whereby private parties not interested in offering any waiver whatsoever can opt out from doing so and be placed on a “do not call” list, in the hopes that industry interests will not contact them with a waiver request. For public parks and playgrounds, the Commission will hold a public hearing to determine if the separation distance from a City park should be waived. It is anticipated that park waiver requests will be batched for the Commission's consideration prior to the acceptance of Special Land Use applications.

2) Pre-qualification (ORDINANCE): There has been discussion about removing the City's requirement that an applicant be pre-qualified by the State prior to applying for local approval. There are some very strong opinions from all sides on this matter. The City Commission indicated that they would favor eliminating the pre-qualification requirement during the work session. Instead, evidence that all necessary paperwork and fees had been submitted to the State of Michigan (pending approval) would be the new revised application provision. This modification will require an ordinance amendment and involves a public hearing before the Planning Commission. Please refer to the “Next Steps” section below for more information.

3) Separation distances (ORDINANCE): The Commission determined that separation distance requirements could be relaxed for provisioning centers **only when co-located with a grow and/or processor in an industrial zone district** to 1,000 feet. Additionally, the separation requirements and/or Special Land Use requirement could be removed for safety compliance facilities and secure transporters. This would also be considered by the Planning Commission as an ordinance amendment with a public hearing.

4) VEDA/Equitable Development Goals (POLICY): The Commission gave staff guidance on what items they would like to incentivize with an optional document that could be called a “pick list,” “development goal menu,” “VEDA,” “WEEDA,”

or any other name. Their comments focused heavily on local applicants, MLBE contracting, and to some extent on environmental/energy efficiency aspects. Staff is drafting a policy reflecting Commissioners' comments and will present a draft for their review on November 13th (see the "Next Steps" below). In addition, there was discussion about the process used to set the Planning Commission agenda. The City Commission expressed a desire to see those applications that offered a VEDA and met other policy goals as having the ability to be in a higher order tier than applications that meet minimum requirements (see #6 below).

5) Other ordinance amendments (ORDINANCE): There is a raft of minor wording changes that will be brought to the Planning Commission, and then to the City Commission, that are not substantive but are rather meant to clarify and correct the ordinance as adopted. Significant amendments may include limiting applications to one per property and allowing the separation distance (between marihuana facilities) to come into effect prior to Special Land Use approval; a regulatory ordinance component may be proposed as well for provisional approvals.

6) Application Process and fees/refunds (POLICY): Following the Commission's remarks, it is expected that there will be some sort of draw that would assign the order of consideration by the Planning Commission using a multi-tiered process with divided rounds depending upon the level of local commitment, VEDA or other factors that met the Commission's policy priorities. It is important to note that no land use rights will ever be randomly assigned – the draw would simply establish the order of Planning Commission consideration for the first round of applications. Staff is also working on policies that would clarify when payment is expected, and allowing for partial or full refunds of the fee under certain circumstances.

NEXT STEPS

1) ORDINANCE AMENDMENTS: Some of the changes outlined above will come in the form of amendments to the Zoning Ordinance. Ordinance amendments are first considered by the Planning Commission, and will have a public hearing before the Planning Commission makes a recommendation to the City Commission. We expect to have this public hearing on Thursday, November 8 at 3:00 PM. The Planning Commission meets in Room 201, on the second floor of [1120 Monroe Avenue NW, Grand Rapids MI 49503](#). You are welcome to attend in person, or can view a live stream of the meeting on the [City of Grand Rapids Development Center's Facebook page](#). Proposed amendment language will be available online at http://grandrapidscitymi.ig2.com/Citizens/Detail_Meeting.aspx?ID=4665 approximately two weeks prior to the public hearing. If you have comments, you should express them in person at the public hearing, or email or mail them to me directly.

Following the Planning Commission's hearing and decision, the City Commission would then review the ordinance amendments. Their "first reading" of the amendment language will be on November 27, 2018 in their Committee of the Whole's morning meeting. At their November 13 meeting (see Policy Amendments) we will ask them whether or not they will be holding a public hearing in addition to that done by the Planning Commission. If there will be a public hearing, we will know on November 13 and I will advise you of that via this email list.

2) POLICY AMENDMENTS: Policy changes are adopted by the City Commission only and do not require a public hearing or Planning Commission review. Proposed policies will be discussed by the Commission on November 13, 2018 at their Committee of the Whole morning meeting, which will be livestreamed on the [City's Facebook page](#). If there is a vote needed, the vote will take place at that evening's regular Commission meeting. Details about both meetings will be available online at http://grandrapidscitymi.ig2.com/Citizens/Detail_Meeting.aspx?ID=4572, and I will also email this list as information becomes available.

A FINAL NOTE

Many of you have been asking me to host another practitioner workshop, similar to the one I hosted in August. I am happy to do so and plan to host another one, but will wait until we have some of these final details ironed out, policies in place, and ordinance amendments through the process. At this point I expect that the next workshop will be

sometime in December or early January. When I schedule a workshop, I will let you know via this email list, and will also livestream the workshop again.

As always, I encourage you to visit the City's medical marihuana webpage (<https://www.grandrapidsmi.gov/MedicalMarihuana>). I am certainly happy to answer your questions as I am able, but I am often not readily available and often the answers you are looking for can be found on that webpage.

Best wishes,

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