

**From:** Locksley Bryan <[locksley@nebrinaholdings.com](mailto:locksley@nebrinaholdings.com)>  
**Sent:** Monday, December 14, 2020 10:11 AM  
**To:** Markee, Kimberly <[kmarkee@waterfordmi.gov](mailto:kmarkee@waterfordmi.gov)>  
**Subject:** Medical Marihuana Facility License Ordinance Question

Hello,

I have a few inquiries regarding your marihuana ordinance, please see below:

- 1) Can you please provide a zoning map that lists the area where provisioning centers are eligible to be located?
- 2) For zoning could you provide clarity on the section 10-299(a)(1)(a), what is the minimum distance a marihuana facility should be located from a protected use?
- 3) Also, how will applications be scored? Will there be a lottery or is it first come first served?

Best,

Locksley

## **TOWNSHIP RESPONSE**

1. The Township Zoning Map only shows Zoning Districts, not properties within those Districts where provisioning centers may be located under the facility location requirements in Section 10-299(a)(1) of the Ordinance. A Zoning Map that does that will not be provided in response to this question. However, the Medical Marihuana Protected Location Map described in this Ordinance Section was approved as Exhibit A of the Township Board's November 23, 2020, Resolution Approving Medical Marihuana Facility License Procedures, Forms, and Fees that is posted on this webpage.
2. The required separation from protected locations under Ordinance Section 10-299(a)(1)a, is not a zoning requirement. Under this Section, separation of a proposed facility location from a Protected Location by a public street with 5 or more paved motor vehicle lanes is one way to satisfy the separation requirement in the Ordinance and does not involve a minimum distance measured in lineal feet. The 5 lane public streets for purposes of this Section are shown on the Medical Marihuana Protected Location Map. If separation by a 5 lane public street does not exist, the minimum distances are 750 feet for grower facilities and 500 feet for all other facilities.
3. The Medical Marihuana Facility Licensing Ordinance does not have a scoring system, does not involve a lottery, and is not first come first served. As explained in a Township Response to a P. Givens 12/2/2020 question:

“The suggestion that the process under the Township Medical Marihuana Facility Licensing Ordinance is “first come, first served” and will result in the first Applications that are received being awarded the two (2) available provisioning center licenses is not accurate and disregards

actual Ordinance language. The only significance of the order in which administratively complete Applications are filed is with respect to the order in which they will be considered by the Township Board per Sections 10-301(d) and 10-303(c).

**If there are competing administratively complete Applications, Section 10-302(d)(2) does not allow the Clerk to place any of them on a Township Board Agenda for consideration until all Township personnel reports under Section 10-302(b) on all of those Applications have been received.** Seven (7) of those Township personnel reports are required to include comparisons of Applications for the same type of license, without regard to the order in which they were filed.

Per Section 10-303(b), the Township Board's options at its first meeting to consider more than one (1) Application for the same type of facility license include postponing consideration of all such Applications, referring them to a committee for further review, investigation, and/or a recommendation, and referring them to the Township Attorney.

Finally, Section 10-304(a) provides as follows:

**In reviewing and acting on applications for facility licenses under this Ordinance, specifically including when there are more applications entitled to consideration for a type of facility license than are authorized under Section 10-298, the Township Board shall base its decisions on one or more of the following criteria consistent with the legislative intent expressed in Section 10-293 and the competent, material, and substantial evidence in the record.**

The Ordinance is structured to assure that competing Applications are considered on the merits, with the order in which administratively complete Applications are received determining the order in which they are placed on a Township Board Agenda for consideration.

Under the provisions outlined above, this is not a "first come, first served" Ordinance and there is no need for Applicants to get in line or a need for the Township to establish a procedure for that. All administratively complete Applications that are filed on January 4, 2021, will end up being placed on the same Township Board Agenda for consideration after all Township personnel reports on those Applications have been completed."