

Whitewater Zoom is inviting you to a scheduled Zoom meeting.

Topic: Planning Commission

Time: March 2, 2022 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/84000095528?pwd=aXlIdkI2UW9Tck82VFVXN0o4WFFpUT09>

Meeting ID: 840 0009 5528

Passcode: 432821

Dial by your location:

312 626 6799 US (Chicago)

646 558 8656 US (New York)

Kim Mangus, Chairperson – pc4@whitewatertownship.org

Mickey Dean, Vice Chairperson – pc1@whitewatertownship.org

Mike Jacobson, Secretary – PO Box 159, Williamsburg MI 49690

Carlyle Wroubel – pc5@whitewatertownship.org

Alex Darrow – pc2@whitewatertownship.org

Al Keaton – PO Box 159, Williamsburg MI 49690

Vacancy – Township Board Representative

WHITEWATER TOWNSHIP PLANNING COMMISSION

AGENDA FOR REGULAR MEETING *March 2, 2022*

7:00 p.m., Whitewater Township Hall

Via ZOOM and in person

5777 Vinton Road, Williamsburg, MI 49690

Phone 231-267-5141/Fax 231-267-9020

1. Call to Order/Pledge Allegiance
2. Roll Call of Commission Members
3. Set/Adjust Meeting Agenda
4. Declaration of Conflict of Interest
5. **Public Comment:** Any person shall be permitted to address a meeting of the Planning Commission. Public comments shall be carried out in accordance with the following rules and procedures:
 - a. Comments shall be directed to the Commission, with questions directed to the Chair.
 - b. Any person wishing to address the Commission shall speak from the lectern and state his/her name and address.
 - c. Persons may address the commission on matters that are relevant to township planning and zoning issues.
 - d. No person shall be allowed to speak more than once on the same matter, excluding the time needed to answer Commission members' questions.
 - e. Public comment shall be limited to 3 minutes.
6. Public Hearing: SUP, New Veterinary Clinic on M72
7. Approval of minutes of February 4, 2022

8. Correspondence: Marihuana reverence information
9. Reports/Presentations/Announcements/Comments
 - a. Zoning Administrator, Hall:
 - b. Chair, Mangus:
 - c. Township Board Representative: No representative assigned
 - d. ZBA Representative, Wroubel:
10. Unfinished Business:
 - a. Master Plan Review: Mr. Grobbel Update
 - b. Bi-laws Yearly Review
 - c. Election of Officers
 - d. Article 25, Special Use Permits guidelines
 - e. Article 12, Setbacks – and corresponding recommendations
 - f. Marihuana proposed Zoning Ordinance amendments - Medical
11. New Business:
 - a. SUP, M72 Vet Clinic
 - b. Preliminary Review – Vet clinic
 - c. Preliminary Review – Site Condo
12. Next Regular Meeting April 6, 2022
13. Public Comment
14. Commission Discussion/Comments
15. Continuing Education: Year in Review
16. Adjournment

Whitewater Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities who are planning to attend. Contact the Township Clerk at 231-267-5141.

Whitewater Township

PLANNING and ZONING
1273 S. Seaman Road
P.O. Box 143
Wellston, Michigan 49689

Telephone (231) 848-4564
Fax (231) 848-7081
email: norzoning@kaltelnet.net

2/22/2022

Whitewater Township Planning and Zoning – SITE PLAN and SPECIAL USE - STAFF REPORT Case #2022-01-SLUP

Parcel #28-13-004-001-20

Property Address: 8976 E. M-72 Highway, Williamsburg, Michigan 49690

Zoning District: COMMERCIAL

Applicant / Agent: [Fowler, Paige | Crain Engineering, LLC]
[11490 Rickerd Ct]
[Williamsburg, Michigan 49690]

Phone: [248]-[342]-[6259]

Email: schwa289@gmail.com

Owner: [Send Brothers Properties, LLC]
[8976 E. M-72 Highway]
[Williamsburg, Michigan 49690]

Phone: [231]-[267]-[9010]

Email:

Tax Description: 28-13-004-001-20 PRT OF E 1/2 OF SE 1/4 OF SEC 4 T27N R9WCOM NW
COR OF SE 1/4 OF SE 1/4 TH E 495' TH S 152' TH E 289' TH N 363' TH W 289' TH
S 171' TH W 495' TH S 40' TO POB.

Requested 'USE' of property: *[Change of Use to Veterinary Clinics, veterinary hospitals, and related kennel facilities as listed in Article VIII, Section 8.11.L as a use permitted by special use permit]*

The Whitewater Township Zoning Ordinance divides the Township into districts in which specific uses are permitted which are mutually compatible. In addition, there may be certain other uses which may be appropriate to include in a district due to the specific circumstances surrounding the use, the impact on neighboring uses and public facilities. Such uses, because of their particular location or the particular nature of the service offered, may be established in a district through a Special Use Permit.

Introduction

The 'current' Send Brothers feed store facility is the subject property associated with this request. The applicant initiated conversation with staff via email in late August of 2021 by generally inquiring about the possibility of opening a veterinary clinic, and asking where that type of use would be permitted in Whitewater Township. The applicant and staff met for what was an informal process discussion shortly afterwards.

Whitewater Township

Send Brothers Feed Mart authorized the applicant Paige Fowler, and her selected (agent) Bill Crain of Crain Engineering, LLC to act as their agents in submitting this application for a change of use – special use.

The public notice for this hearing was published in the Traverse City Record-Eagle on February 13th, 2022. Notices were sent out to all property owners within 300' (three-hundred) feet on February 10th, 2022 – both, at least 15 days in advance as required.

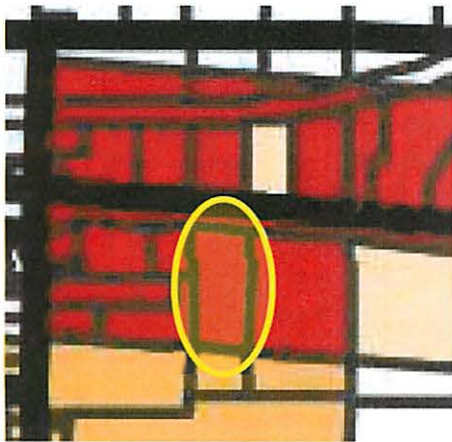
Specific Staff Comments will be in italics (like this) and shaded in yellow

SPECIFIC ZONING DISTRICT COMMENTARY

ARTICLE VIII: COMMERCIAL DISTRICT

8.11 USES PERMITTED BY SPECIAL USE PERMIT

8.11.L Veterinary clinics, veterinary hospitals, and related kennel facilities



FACT: The subject parcel / property is located in the C1-Commercial zoning district of Whitewater Township.

FACT: Veterinary clinics, veterinary hospitals, and related kennel facilities are listed as special uses in the C1-Commercial zoning district.

FACT: Article XXV, Section 25.18 of the Whitewater Township Zoning Ordinance does **NOT** allow Zoning Administrator review for a 'special' use.

DECISION: Based upon the facts recited immediately above, the application is placed upon the agenda of the planning commission; proper notice and publication was made stating the time, place and object of the hearing.

8.12 BUILDING SIZES, LOT SIZES AND YARD REQUIREMENTS

Article XII:

- **FACT:** There is no 'minimum' lot size listed for a lot / parcel located in the Commercial zoning district.
- Minimum lot width required is 100' (one-hundred) feet – **FACT:** the actual lot width is approximately 400' (four hundred) feet.
- **FACT:** The maximum lot width to depth ratio of 4:1 is not exceeded.

Whitewater Township

25.11.E Final Site Plan Review

Staff advised applicant (through their agent) that addressing all the required elements of a site plan was imperative to being placed on the agenda before the planning commission. The applicant provided packet addresses the requirements. Any areas that the applicant deemed as not applicable are to be justified by the applicant.

This is (more or less) a change of use

25.12 Standards for Decisions (site plan)

The Whitewater Township Zoning Ordinance contains no less than 18 (eighteen) independent standards that require findings during the review process. Several of these are inapplicable (in the opinion of staff). The applicant has been advised to justify any items that they believe are not applicable.

Staff Recommendation – Site Plan: Staff recommends that the planning commission (in addition to this report as an exhibit) make independent findings based upon this staff report and their own understanding of the proposed project; apply the site plan review standards as applicable and approve with any conditions if deemed necessary.

Special Use Permit (review) Standards

The Whitewater Township Zoning Ordinance, although lacking 'specific' special use standards, can be used to substantiate an affirmative decision that protects the general safety, health, and welfare of the community. You are, however, restricted to the actual language in Section 25.21 which is limited in its scope to the legal notification requirements.

Staff hereby affirms that Section 25.21 requirements have been completed after the public hearing is closed by the planning commission.

Staff Recommendation – Special Land Use: Staff recommends that the upon close of the required public hearing, that the requested special use be approved.

Respectfully submitted for Planning Commission review and action,

Robert A. Hall

Robert Hall
Zoning Administrator

DUE AFTER MAY GRANTING APPROVAL

Land Use Permit 200.00

Site Plan Review 500.00

Special Use 100.00

DUE WITH APPLICATION \$600.00

Special Use Permit/ Site Plan Review Application

WHITEWATER TOWNSHIP

5777 Vinton Road, PO Box 159

Williamsburg MI 49690

PH (231) 267-5141 Fax (231) 267-9020

Case No. _____
Date Rec. _____
Fee _____

Property Information

Parcel Number 13-004-001-20

Address 8976 E M72 Williamsburg MI 49690

Zoning District C1 Acres 6.44 Current Use FEND BROTHER FEED

Property Owner Information

Name FEND BROTHER FEED LLC

Address 8976 E M72 Williamsburg MI 49690

Phone _____ Fax _____

Applicant Information

Name Williamsburg Veterinary Hospital

Address 490 Kickapoo Ct Williamsburg MI 49690

Phone 248-342-6256 Fax schwa289@gmail.com

page fourier

Description of Proposed Use (Use reverse side or attach pages as needed)

Proposed Project will be for a Veterinary Hospital including surgeries, cleanings, sick out checks, ultrasounds and more

I hereby attest that the information on this application form is, to the best of my knowledge, true and accurate.

Page Fourier
Signature of Applicant

1/19/2022
Date

I hereby grant permission for members of the Whitewater Township Planning Commission and the Zoning Administrator to enter the above described property for the purposes of gathering information related the this application.

Signature of Property Owner

Date

ARTICLE XXV SECTION 25.10.1) PRELIMINARY

" 25.10.1) FINAL
1 DIGITAL COPY - 8 HARD COPIES

(11/17/22)

January 17, 2022

To Whom It May Concern:

The owner, Send Brothers Feed Mart authorizes Williamsburg Veterinary Hospital, Paige Fowler, applicant and William Crain, Crain Engineering, LLC to submit for a Special Use Permit on their behalf as the applicant.

Sincerely,

Mark Send



Crain Engineering, LLC
Engineering, Consulting & Design

7622 Bott Road
Buckley, MI 49620
Ph: (231) 947-7255
Cell: 231-632-4207
crainengineeringllc@gmail.com

February 16, 2022

Mr. Robert Hall, ZA
Whitewater Township
5777 Vinton Road
Williamsburg, MI 49690

RE: Williamsburg Veterinary Hospital

Dear Rob:

The submittal proposal is for a change of use from the Send Brothers Feed to the Williamsburg Veterinary Hospital. The proposal will be utilizing the existing site with minimal exterior modification, which include; sealing of existing asphalt, striping parking spaces, adding a short section of concrete sidewalk, replacing siding and windows on building. The site will need some additional landscaping along M-72 per current landscaping ordinance. Interior modifications to add more rooms for examinations/patient/waiting/bathroom, etc.

The existing site is serviced by an existing MDOT approved access from E M-72 for access by emergency services and utility vehicles.

Williamsburg Veterinary Hospital Operations

- Business Days – M-F 8-5:30
- Employees: initially 4 with a max of 8
- Veterinary services provided consist of:
 - Wellness appointments and vaccines
 - Sick pet appointments
 - Surgeries
 - Dental surgery and cleanings
 - Nail trims
 - Tech appointments
 - Ultrasounds
- Surgeries will be performed each morning
- Any inpatients will be going home by 4pm each day
- No boarding or medical boarding
- Deceased animals will be held in a freezer and will be picked up twice weekly by the crematory service.

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The attached siteplan shows the existing facility and proposed landscaping for the new use.

25-11.F.2.b: Existing topographic survey information: the topographic survey is not applicable because the proposed new operation will only be requiring updates to the existing building with exterior siding upgrades, windows, doors and major interior renovation to change from existing feed store to veterinary hospital. The topographic survey is not needed as no changes to the existing parking areas, site storm water control, and onsite facilities. Existing septic field is being used for new operations.

Sincerely,

Crain Engineering, LLC.

William Crain

William Crain, P.E.
Project Manager

25.11 F 1

- a) Provided
- b) Proof of ownership supplied(purchase agreement)
- c) Signed statement attached
- d) Owner/applicant names shown on plans
- e) Wetland area shown
- f) Existing buildings shown. No proposed building as part of this application
- g) All features are existing on site. No proposed site changes.
- h) Existing approved access to M-72.
- i) No new streets/access points
- j) Existing parking areas in place and no changes proposed
- k) Existing parking area will accommodate vehicle access for deliveries.
- l) Existing sidewalk, covered porch shown
- m) Existing septic field and well in place and to be reused.
- n) Existing power, telephone and water in place and be reused.
- o) No common open space proposed
- p) Existing sign in place and will be reused.
- q) Exterior lighting will be building mounted and shown on plan.
- r) No existing or proposed fencing.
- s) Combination of existing and proposed landscaping shown on attached plans.
- t) Future screened dumpster pad location shown on plans.
- u) No known site contaminated areas on subject property
- v) Existing features onsite shown
- w) No significant views onto and from adjacent site.
- x) Building plans attached
- y) Date of plan submittal on plans
- z) Plans sealed by engineer.

25.12

- A. All existing site features to remain as currently in place other than cosmetic changes to building exterior and interior remodeling to convert from feed store to animal hospital.
- B. All existing landscaping to remain with additional trees proposed along M-72.
- C. The current site has existing storm water control measures in place and will be retained as no sitework is required for new use.
- D. Non applicable
- E. Non applicable
- F. Site has existing access to M-72
- G. Existing sidewalk provides access to existing building
- H. Proposed/Future dumpster area shown and proposed to be screened.
- I. Proposed exterior lighting will meet article 29.00 and shown on attached plans.

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- J. Existing sign structure is in place and will be renovated for new business.
New sign to meet current article 30.00 regulation.**
- K. Non applicable**
- L. Non applicable**
- M. Siteplan has been submitted to GTco Health Department and MDOt with approvals.**
- N. Non applicable**
- O. Proposed use is an allowed use with the current zoning district by way of SUP**
- P. Existing site has current storm water control measures in place and with no site improvements other than building modifications, no site changes proposed.**
- Q. Non applicable**
- R. Non applicable.**

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PURCHASE AGREEMENT

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Date: December 28, 2021 (E. 12:15) ☐ a.m. ☒ p.m., eastern standard time

SELLING OFFICE: Real Estate One
Selling Brokerage

LISTING OFFICE: <u>Real Estate One</u>	<u>(231) 676-0600</u>
<u>Listing Brokerage</u>	<u>Agent Name/Email</u>
	<u>Phone #</u>

BUYER(S): Michael & Paige Fowler
Buyer's Name(s)

- 1. BUYER(S) OFFER TO BUY FROM SELLER(S), pursuant to the terms of this Purchase Contract (this "Agreement"), the following Property:**

Situated in the City/Twp. of Whitewater County of Grand Traverse . Michigan.

Located at 8976 E M-72 Williamsburg, Mi. 49690 ; Tax Parcel ID # 13-004-001-20

Legal description: Legal Description on file

For the sum of _____ Dollars \$_____

- 2. THE TERMS OF PAYMENT** shall be indicated by "X" below. Payment of such money shall be made in U.S. funds, through cash or cash equivalent payable to the appropriate title company or closing agent.

☐ **Cash** Payment of the full purchase price upon execution and delivery of Warranty Deed.

☒ **Lender Financing** Payment of the full purchase price upon execution and delivery of Warranty Deed, contingent upon Buyer's ability to obtain, at Buyer's expense, a Conventional mortgage loan in the of \$ To be determined. Buyer agrees to furnish evidence of lender's pre-approval and/or conditional loan commitment acceptable to Buyer, within five (5) business days of the effective date of this Agreement.

☐ **Seller Financing** \$ _____ payment upon execution and delivery of ☐ Land Contract or ☐ Purchase Money Note and Mortgage, wherein the balance of \$ _____ shall be payable to Seller in monthly installments of \$ _____ or more including interest at _____ % per annum, interest to start on date of closing and first installment payment to become due 30 days after closing. Balloon payment, if any, in _____ years. The obligation of Seller to consummate the sale is subject to Seller's approval of Buyer's credit worthiness, and Seller shall be entitled (without obligation therefor) to obtain a credit report in such regards from a credit reporting agency, if requested by Seller within five (5) business days from the effective date hereof. This credit evaluation contingency shall be deemed to have been waived if Seller fails to require a credit report in a timely manner or fails to submit written objection to any such credit report within five (5) business days of Seller's receipt of the same.

☒ **Other** See attached Addendum and/or Special Conditions at Paragraph 17 below.

3. **INSPECTION:** Buyer ☒ Does ☐ Does not elect to have a property inspection. If Buyer has elected the same, the inspection fees shall be paid by Buyer and Buyer's obligations shall be contingent upon satisfactory results (the "Inspection Contingency"). Buyer shall have 45 business days from the effective date of this Agreement to complete the inspection (the "Inspection Period"). If Buyer has objections to the results of the inspection, Buyer shall have three (3) business days from the final day of said Inspection Period to deliver to Seller written notice which specifies such objections and may include a request for the rendition of specified repairs at Seller's expense and/or a specified price reduction in the sale/purchase price (the "Repair Notice"). The Repair Notice shall not terminate this Purchase Contract. Buyer and Seller may thereafter (without obligation therefor) execute an Addendum to address and resolve the issues posed within the Repair Notice, and if the parties should fail to do so within three (3) business days after the delivery to Seller of the Repair Notice, Buyer shall thereafter have three (3) business days to deliver further notice to Seller that Buyer elects to either (i) waive the Inspection Contingency and thereby accepts the property "as is, with all faults", or to (ii) declare this Agreement null and void and receive a refund of the earnest money deposit. Failure of the Buyer to respond in writing within any of the time periods established above shall constitute Buyer's waiver of the Inspection Contingency.

- 4. CLOSING:** The parties agree to close on To be determined, or before such date, if agreed upon by both parties.

A. ATTENTION CLOSING/ESCROW AGENTS:

- i. Seller and Buyer instruct Buyer's lender, closing and/or escrow agents that wire instructions and other nonpublic personal information must be conveyed by encrypted email, overnight courier, U.S. Mail or hand delivery only.**

INITIALS: Buyer: DE, ME Seller: RL / and / _____
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PURCHASE AGREEMENT

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- ii. Please take notice that pursuant to the terms of Buyer's agency agreement with Broker, Buyer agreed to pay Selling Broker a Broker Commission in the amount of \$95 in addition to the percentage amounts provided in the buyer agency agreement, MLS offer of cooperation and listing contract.

5. **LAND DIVISION AND MINERAL RIGHTS:** If property is not platted or condominiumized, Seller shall convey to Buyer the right to make: ☒ All available ☐ Zero for _____ divisions under the Michigan Land Division Act.
To the extent that Seller possesses oil, gas and mineral rights, they: ☐ shall ☐ shall not be conveyed to Buyer.

6. **SURVEY REPORT:** ☒ Certified Boundary Survey ☐ Mortgage Inspection Survey ☐ Stake Survey/Marked Corners (by licensed surveyor) to be obtained and/or provided within 45 business days of the effective date hereof and paid for by ☐ Buyer ☒ Seller ☐ Not Requested. The results of such survey must be reasonably satisfactory to Buyer, which contingency shall be deemed to have been waived if Buyer fails to submit written objection thereto within five (5) business days after rendition of the same.

7. **SELLERS DISCLOSURE AND LEAD BASED PAINT DISCLOSURE:** Buyer acknowledges receipt of same:
☐ Yes ☐ No ☒ Not Applicable

8. **OCCUPANCY:**

- A. Seller will provide to Buyer occupancy (i) ☒ Immediately after closing, or (ii) ☐ _____ days after closing by 12:00 noon, eastern standard time (the "Holdover Term"), or (iii) ☐ _____ in accordance with Paragraph 8(D) below.
- B. In the event that Seller is to maintain occupancy for the Holdover Term, Seller shall be obligated to pay the sum of \$ _____ per day as a "Holdover Charge". At closing, Seller shall pay \$ _____ as the full Holdover Charge for the Holdover Term, and a "Damage Deposit" of \$ _____, all of which shall be retained in escrow by
☐ Listing Broker, or ☐ Title/Escrow Agent, or
☐ Other (specify arrangements) _____.
- C. All sums placed into escrow pursuant to Paragraph 8(B) above are hereinafter collectively referred to as the "Holdover Escrow". Regardless of whether such funds have been designated above as a "Holdover Charge" or the "Damage Deposit", the entirety of all such funds within the Holdover Escrow shall be utilized for payment to Buyer of the Holdover Charge for any and all periods of Seller's post closing occupancy, and to secure and fund the obligations of Seller to deliver possession of the property in the condition required in Paragraph 8(E) below. If a balance of funds should remain in the Holdover Escrow subsequent to their application in the foregoing manner, the same shall be paid/reimbursed to Seller.
- D. If the property is occupied by tenants of Seller, (i) ☐ Seller will remove and vacate the tenants on or before closing, or (ii) ☐ Buyer will take the property subject to the rights of the tenants, with all rent to be prorated to the date of closing and all security deposits to be transferred to Buyer, through corresponding debits/credits within the closing documents.
- E. It is acknowledged and agreed between Buyer and Seller that in the event Seller is to maintain occupancy of the property subsequent to closing pursuant to Paragraph 8(A) above, such continued occupancy by the Seller (the "Holdover Occupancy") constitutes a contractually agreed period of holdover and a limited retention and reservation of Seller's rights of possession during and limited to the post closing period encompassed within the Holdover Term. Buyer and Seller further acknowledge and agree that the Holdover Occupancy and the terms of this Paragraph 8 do not constitute or otherwise create a landlord/tenant relationship between Buyer and Seller. Buyer and Seller agree, relative to the Holdover Occupancy, as follows:
- i. Seller shall be liable to Buyer for damage to the property caused by any act or omission of Seller during the Holdover Occupancy. Seller shall deliver possession of the property to the Buyer, upon expiration of the Holdover Term, in the same condition as that which existed at the time of closing. The obligations of the Seller in the present regards shall be secured and funded by the Holdover Escrow.
- ii. Seller shall be obligated for payment of all utility expense incurred throughout the Holdover Occupancy, which obligations shall be secured and funded by the Holdover Escrow. The Seller shall bear the obligation throughout the Holdover Occupancy to maintain for its benefit, liability and contents insurance coverage. Buyer shall bear the obligation throughout the Holdover Occupancy to maintain for its benefit, liability, contents and hazard insurance coverage.
- iii. Seller may only use the property, during the Holdover Occupancy, in a manner consistent with its past use and Seller may not allow additional occupants or assign or lease out any portion of the property.
- F. In the event the Seller should fail or refuse to vacate the property in a timely manner upon conclusion of the Holdover Term, the rights and obligations of Buyer and Seller shall be governed as follows:
- i. Paragraph 8(A) above and terms thereof shall be deemed to serve as the requisite demand for possession required by the Michigan Summary Proceedings Act (the "Act"), including but not limited to specification of the time within which Seller must take remedial action (delivery of possession to Buyer), which shall be deemed to be the date which concludes the Holdover Term.
- ii. Buyer shall be entitled to immediately file legal proceedings pursuant to the Act, to obtain a judgement for possession authorizing immediate issuance of a writ of restitution for immediate removal and eviction of Seller from the property. Any such judgement shall also award payment of all costs and expenses, including attorney fees, incurred by Buyer.

INITIALS: Buyer: PA / ME Seller: MS / MS

PURCHASE AGREEMENT

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- iii. Buyer shall be additionally entitled to receive a money judgement against Seller which may include an award which is double in amount to the daily Holdover Charge, for each day of the Seller's Holdover Occupancy. If no such daily Holdover Charge is specified above, Buyer shall be entitled to a judgement award for each day of Seller's Holdover Occupancy, which is double in amount to the daily fair market rental rate. The parties agree that due to the inconvenience and wide array of expenses which would be sustained by the Buyer as a result of any unauthorized Holdover Occupancy by Seller, as well as the difficulty in determining monetary damage to the Buyer, issuance of a judgement award double in amount to the Holdover Charge or fair market rental rate, is reasonable and is not a penalty.

9. **FIXTURES AND IMPROVEMENTS:** All improvements and appurtenances now in or on the property, which are attached or give the appearance of permanent attachment, are included in the purchase price, including but not limited to the following: carpet; lighting fixtures and their shades; all window treatments and coverings, screens, storm windows and doors; plumbing fixtures; water treatment systems (unless rented); water heater; mechanical systems; built-in appliances; mail box; all plantings and shrubbery; fence(s); garage door openers and transmitters.

ADDITIONS: Refrigerator ☐ Yes ☐ No Oven/Range ☐ Yes ☐ No Microwave ☐ Yes ☐ No
Washer ☐ Yes ☐ No Dryer ☐ Yes ☐ No Dishwasher ☐ Yes ☐ No
Television Mount(s) ☐ Yes ☐ No

☐ Other: To be determined and agreed upon by both buyers and sellers

10. **DEPOSIT:** Buyer shall deposit \$ (the "Deposit"), ☐ included herewith ☒ upon acceptance, evidencing Buyer's good faith, said Deposit to be held by the Selling Brokerage (unless otherwise agreed), in accordance with the terms hereof and state regulations, which Deposit shall apply as part of the purchase price. If this offer is not accepted, if title is not marketable and Buyer elects to obtain a refund of the Deposit in accordance with Paragraph 16 below, or if any contingency specified herein cannot be met within the time limits specified, the Deposit shall be refunded to the buyer forthwith, provided Buyer shall have the right to waive any Buyer contingency and proceed to closing. If the sale is not consummated because of the Seller's unauthorized failure or refusal to perform, then the commission shall be due and payable upon such refusal. If the sale is not closed, the Selling Brokerage or any other party holding the Deposit may (but shall have no obligation to) notify the Buyer and Seller of its intended disposition of the Deposit and unless it is thereafter notified in writing of a pending court action concerning the sale of the property or disposition of the Deposit, within 30 calendar days, all parties shall be deemed to have agreed to said intended disposition of the Deposit and to have waived any claims against the holder of the Deposit in such regard.
11. **REMEDIES:** In the event of default by Buyer, all deposits made hereunder may be forfeited as liquidated damages at Seller's election or alternatively, Seller may retain such deposits as partial payment of the purchase price and pursue all applicable legal or equitable remedies against Buyer. In the event of default by Seller the Buyer may pursue all applicable legal or equitable remedies against the Seller. In the event any legal or equitable action or proceeding between Buyer and Seller should transpire relative to the terms of this Agreement, the prevailing party shall be entitled to collect all out-of-pocket expenses and fees incurred in the prosecution and/or defense of the action or proceeding, including attorney fees.
12. **TAXES/PRORATIONS:** Rents, homeowner's/condominium dues, road maintenance fees, heating fuels and materials (other than L.P. gas, wood pellets, cord wood and the like) and similar expenses shall be adjusted and prorated as of the date of closing. L.P. gas, if any, shall be prorated to the date of the Buyer's possession, based upon the expense incurred therefor by Seller. Wood pellets, cord wood and the like shall be included within the sale price, unless the parties agree otherwise in writing. "Current Taxes" (defined as those property taxes billed or to be billed in the year the closing takes place), shall be prorated so that Seller shall be charged with such taxes from the first of the year to the closing date and Buyer shall be charged with such taxes for the balance of the year. If official bills for taxes prorated hereunder are not yet issued, proration shall be on the basis of tax bills for the previous year or latest millage rate multiplied by the latest taxable assessed value, whichever is more accurate. Property taxes shall be deemed to be paid in arrears and to cover the calendar year within which the tax bills are issued. Unless otherwise provided herein, the full outstanding balance of all governmental assessments, homeowner's association special assessments and all outstanding property taxes (other than "Current Taxes") shall be paid at closing by the Seller.
13. **BUYER AND SELLER ACKNOWLEDGE AND AGREE:**

- A. They have received an Agency Disclosure Form. Listing Broker/Agent is acting as the agent of Seller.
The Selling Broker/Agent is acting as (check one):
☐ Agent/Subagent of the Seller ☐ Dual Agent ☒ Buyer's Agent
☐ Designated Agent/in-house transaction ☐ Transaction Coordinator ☐ Other
- B. It is recommended that Buyer obtain a survey.
- C. It is recommended that Buyer obtain an inspection of the property to include, without limitation, all electrical, plumbing, structural and mechanical matters and any other pertinent aspects. If the Buyer desires and has so provided herein, he/she may obtain and pay costs of soil boring, use permits, and health department approvals for onsite septic and/or water systems. Because of potential conditions involving such matters as drainage, wetlands, critical dunes or other regulated matters, federal, state or local governmental approval may be required before excavation or construction commences.
- D. Neither Seller nor Realtors have made any warranties relative to the land, structures, improvements, fixtures, equipment, personal property or any other matters pertaining to the present transaction, which are not otherwise set forth within this Agreement.
- E. Buyer has personally examined the subject property and agrees to accept the same in its present condition, i.e., "as is, with all faults", except as may otherwise be specified herein and Buyer agrees that there are no other agreements or understandings in this regard, unless the same have been set forth within a written document signed by both Seller and Buyer.

INITIALS Buyer PF MF Seller RS

PURCHASE AGREEMENT

Page 4 of 5

- F. Seller shall bear the risk of loss and is responsible for fire and extended coverage of insurance until the sale is closed.
- G. The parties have been hereby advised to retain an attorney to review all documents including but not limited to this Purchase Contract, before signing the same, and to review all other pertinent aspects of the present transaction.
- H. Seller shall promptly provide to the Buyer a commitment for an owner's title insurance policy with standard coverage, in the amount of the purchase price, reflecting marketable title.
- I. If the terms of purchase is a new mortgage and the lender has issued timely written commitments but is delayed in consummating the security transaction, an extension of no more than 10 business days shall be allowed for closing.
- J. Neither the Listing Broker nor the Selling Broker have made any representation or warranty as to the future value of the subject property.
- K. This Agreement constitutes the entire agreement between Buyer and Seller and supersedes all prior understandings and/or agreements, if any. This Agreement shall insure to the benefit of and bind the parties hereto and their respective heirs, legal representatives, successors and assigns. If two or more persons execute this Agreement as Buyer or Seller, their obligations hereunder shall be joint and several.
- L. Time is of the essence.
- M. Discrimination because of race, creed, color, national origin, age, sex, handicap or marital status, with respect to the sale or lease of property, is prohibited by law.
14. **SELLER PAYS COSTS OF:** Applicable real estate commission; transfer tax; all documentation costs required to effect marketable title; Seller's attorney fees; owner's title insurance premium and Seller's attendant title company closing fee; preparation expense of Deed, Land Contract, Bill of Sale and/or other documents necessary to convey marketable title.
15. **BUYER PAYS COSTS OF:** Preparation of mortgage note and any other security instruments for Seller financing, except Land Contract; recording of Deed and/or security instruments, Buyer's attorney fees; Buyer's mortgage fees and costs (if any) and Buyer's attendant title company closing fee.
16. **OBJECTIONS TO TITLE:** If title to the property is not marketable and written notice thereof is provided to Seller by Buyer or Buyer's attorney, specifying Buyer's objections to the status of the title reflected within the commitment for title insurance, Seller shall have the right (but no obligation) to remedy the title defects within 30 calendar days and proceed to closing. Upon issuance and delivery of the title insurance commitment to the Buyer, Seller may (without obligation therefor), deliver to Buyer a written notice (the "Inquiry Notice") inquiring whether the Buyer has objections to the status of title reflected within the title insurance commitment. Buyer shall be deemed to have waived the right to object to the status of title in the event that Buyer fails to respond in writing to the Inquiry Notice, specifying a title objection, within ten (10) business days after delivery of the Inquiry Notice to the Buyer, provided the Inquiry Notice must specifically state that: "Pursuant to Paragraph 16 of the Purchase Contract, failure of the Buyer to respond to this Inquiry Notice within ten (10) business days shall waive the Buyer's right to object to the status of title." If Seller is unable or unwilling to remedy the title defects within the time provided above, Buyer shall then have the option (i) to accept title in its present condition, subject to such title defects, and proceed to closing, (ii) to pay any encumbrances constituting a sum certain and to deduct the same from the sale price at closing, or (iii) to obtain a full refund of the earnest money deposit, with full termination of Buyer's obligations under this Agreement.
17. **SPECIAL CONDITIONS OF SALE (if any):** Sale and closing is contingent on the following.
Approval of county and township zoning to convert to veterinary clinic.
A physical and environmental inspection of the building and accompanying property in accordance with this purchase agreement paid for by buyer.
A satisfactory title search and commitment in the full purchase price of the building and land as described paid by the seller.
Contingent on a bank appraisal equal to the purchase price of the building and the land.
Seller to have the propane station removed by the closing date.
18. **ELECTRONIC COMMUNICATIONS/COUNTERPART EXECUTION:** As an alternative to physical delivery, the parties agree that this Agreement, any amendment or modification of this Agreement and/or any written notice or communication in connection with this Agreement may be delivered to the Seller, in care of the Listing Realtor, and the Buyer, in care of the Selling Realtor, via electronic mail or by facsimile. Any such communication shall be deemed delivered at the time it is sent or transmitted. This Agreement and any addendum, amendment or modification hereto may be executed in identical counterparts, each of which taken together shall constitute one and the same agreement. The photostatic copy of the signature or initials of a party hereto, reflected through electronic mail, facsimile transmittal, photocopy duplication or otherwise, shall have the same and binding legal force and effect as an original signature or initials.
19. **ASSIGNMENT:** Buyer may assign his/her rights under this Agreement without restriction, in instances where Seller is to receive full payment in cash at closing without mortgage loan contingency. No such assignment shall, however, relieve or absolve the undersigned Buyer from performance of any obligations of "Buyer" set forth within this Agreement.
20. **BUYER'S OFFER:** The foregoing Purchase Contract is hereby submitted to Seller as Buyer's offer to purchase the subject property and this offer will expire if not accepted in writing by Seller by Dec 24 2021 at 5:00 ☐ AM ☒ PM, eastern standard time.

PURCHASE AGREEMENT

Page 5 of 5

Buyer's Signature

Paige Fowler

Date 12/21/21

Email schwa289@gmail

Print Name: ~~Paige Fowler~~

Buyer's Signature:

Michael Fowler

12/21/21

Email fowlerm9@gmail

Full Name:

Michael Fowler

Buyers Address:

11490 Bickard Ct Williamsburg, MI 49690

21. **SELLER'S ACCEPTANCE:** The foregoing Purchase Agreement is hereby:

☐ Accepted as written and binding on all parties (Or) ☐ Accepted subject to the terms of the Counteroffer set forth in Paragraph 22 below.

22. **SELLERS COUNTEROFFER:** This is Seller's Counteroffer to the Buyer's offer to purchase. Seller accepts the foregoing terms and conditions set forth within this Purchase Contract, provided Buyer agrees (pursuant to Paragraph 23 below) that such terms shall be modified and/or supplemented, in pertinent part, to hereafter provide as follows:

Seller's Signature:

Mark Send / Eric Send

Date: 12/28/21

Email: marksend71@gmail.com

Print Name

Mark Send / ERIC SEND

Seller's Signature:

Mark Send

Date: 12/28/21

Email:

Print Name:

Mark Send

Sellers Address:

8670 BATES RD Williamsburg, MI 49690

Seller reserves the right to continue to offer the subject property for sale and may accept another/third party offer at any time prior to receipt by Seller's Agent/Listing Broker, of a copy of this Counteroffer duly accepted and signed by Buyer. Unless this Counteroffer is accepted and delivered to Seller's Agent/Listing Broker prior to Seller's acceptance of another/third party offer, Seller's Counteroffer shall be deemed immediately and automatically revoked concurrent with Seller's acceptance of such other/third party offer, in which event Seller's Counteroffer shall be of no legal force or effect and held for naught, and the Deposit shall be returned to Buyer forthwith.

All terms and conditions of Seller's Counteroffer will otherwise expire, if not duly accepted and delivered by Buyer, on or prior to:

Date: _____ at _____ ☐ AM ☐ PM if not fully executed.

23. **BUYERS RECEIPT AND ACCEPTANCE OF CHANGES:** In the event Seller has submitted to Buyer a Counteroffer, as reflected in Paragraph 22 above, Buyer does hereby accept the terms thereof.

Buyer's Signature: _____

Date: _____

Buyer's Signature: _____

Date: _____



Bill Crain <crainengineeringllc@gmail.com>

8976 E M-72, Williamsburg (Paige Fowler)

2 messages

Wiest, Jeremy (MDOT) <WiestJ@michigan.gov>
To: Bill Crain <crainengineeringllc@gmail.com>

Tue, Jan 18, 2022 at 8:36 AM

Bill,

The Michigan Department of Transportation's (MDOT) Traverse City office is in receipt of the proposed site plan (attached) for the property at 8976 E M-72, Williamsburg for Paige Fowler. It is our assumption that the new property owner is planning to reuse the exiting commercial driveway as is as well as they do not have any plans to expand the building nor the parking lot. If this is true then this e-mail serves as MDOT's consent to reuse the existing driveway.

Thank you for providing MDOT the opportunity to comment early in the review process. Please let our office know if you need anything further.

Jeremy

*Jeremy R Wiest, P.E.***Permit Engineer**

Michigan Department of Transportation

Traverse City Transportation Service Center

2084 US-31 South, Suite B

Traverse City, MI 49685

Cell Phone: 231-649-9907

From: Bill Crain <crainengineeringllc@gmail.com>
Sent: Monday, January 17, 2022 4:00 PM
To: Wiest, Jeremy (MDOT) <WiestJ@michigan.gov>
Subject: M-72 East - Williamsburg

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov

Jeremy, working on a project that will be a change of use from Send Brothers Feed to a small animal clinic. Property is located at [8976 E M72, Williamsburg, Whitewater Twp.](#) as part of the siteplan review and submittal process, a response from MDot is being requested. I have attached a siteplan for your reference.

Thanks



GRAND TRAVERSE COUNTY ENVIRONMENTAL HEALTH WELL & SEPTIC STATUS FORM - \$25

- ☐ DEMOLITION
 ☐ REMODEL/ ADDITION
 ☐ HOME REPLACEMENT
☒ CHANGE OF USE
 ☐ FILE REVIEW/OTHER _____

Property Address: 8976 E M-72
 Property Tax ID: 13-004-001-20 Township: Whitewater
 Owner's Name: SEND Brothers Feed Co.
 Owner's Mailing Address: 8976 E M-72 City, State, Zip: Williamsburg MI 49690
 Owner's Phone: 231-267-9010 Owner's email: _____
 Applicant (if other than owner): Williamsburg Veterinary Hospital
 Applicant Address: 11490 RICKERS COURT City, State, Zip: Williamsburg MI 49690
 Applicant Phone: 248-342-6259 Applicant Email: SCHWAZER@gmail.com

Brief summary of the proposed changes to the property:

Vet Hospital/Clinic

☐ RESIDENTIAL

Current # of Bedrooms: _____ Current # of Bathrooms: _____
 Proposed # of Bedrooms: _____ Proposed # of Bathrooms: _____
 Garbage Disposal: ☐ YES ☐ NO
 Other changes: _____

☒ COMMERCIAL (please attach a brief business plan)

Type of Facility: Vet Clinic/Hospital (340 gals/d)
 Current Max # of Employees: 4 Current # of Bathrooms: 1
 Proposed Max # of Employees: 8 @ 35 gals Proposed # of Bathrooms: 2
 Max Customers Per Day: 8-10 10210 > 340 gals/day
 Drinking Fountain: ☒ YES ☐ NO Type III Public

Please note that additional information may be required depending on proposed change or use

Signature of Owner/Contractor

Date

(TO BE COMPLETED BY SANITARIAN)

Grand Traverse County Environmental Health WELL & SEPTIC STATUS FORM

☐ EXISTING PERMIT AVAILABLE PERMIT # 23640 DATE OF ISSUE: 10/11/95
☐ EXISTING PERMIT NOT AVAILABLE Butch Strait Inspec. 1/11/22

☐ Well shall be properly plugged according to Part 127 of Act 368, P.A. 1978, as amended. Abandoned well plugging record shall be submitted to the Health Department. A new well may be required.

☐ Septic tank(s) and any other tank(s) associated with the wastewater system shall be pumped by a licensed septage hauler, crushed, and filled or removed. A new wastewater system may be required.

☒ Existing well meets current well construction code requirements and is approved for use as an:

☐ Private Residential Well

☐ Irrigation Well

☒ Public Well circle type: TYPE II

TYPE III

For Butch Strait.

☒ Existing septic system meets current design requirements for proposed use and meets all isolation requirements. Tank(s) Size(s): 1600g DBL, 1600g Final Disposal: 21x52
Existing septic system will serve:

☐ Residential home with _____ bedrooms

Garbage Disposal: YES NO

☒ Commercial facility with design daily flow of 800 gal/day 48 hr retention

☐ Other use with design daily flow of _____ gal/day

☐ Existing septic system does not meet current design requirements, but is considered "grand-fathered" for proposed use.

Comments: * Added Effluent Filter on outlet baffle on
Septic Tank, remove water softener from
septic system. *

[Signature]
Signature of Health Department Representative

1/18/22
Date

OFFICE USE ONLY

Receipt Date: 1/18/22

Receipt #: 54453

Initials: jm



EML17 Munich Pendant Eurotique Family



Catalog Number	
Notes	
Type	

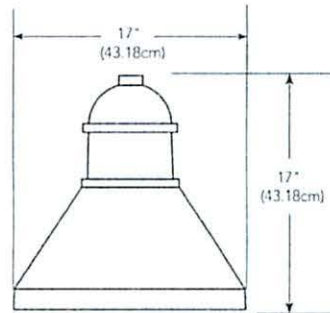
Introduction

The Munich is a European-styled pendant luminaire suitable for use with a variety of Eurotique decorative arms and poles.

Intended for use in pedestrian areas such as retail environments, public parks, city centers and commercial areas or other spaces with decorative requirements and a contemporary theme.

Specifications

EPA: 0.86ft²
Height: 17"
Diameter: 17"
Weight: 60 lbs



Ordering Information

EXAMPLE: EML17 ST 63LED 350MA 4K GCF R3 120 DDBXD

EML17

Series	Base	Performance Package		Color Temperature		Lens Option		Distribution		Voltage	Finish			
EML17	ST	Smooth	49LED 350MA	5,000 lumens	3K	3000K	GCF	Glass clear flat	R2	Type 2	MVOLT	DDBKD	Super durable dark bronze	
	RT	Ringed	49LED 525MA	6,700 lumens	4K	4000K	GCSG	Glass clear sag	R3	Type 3	120	DBLXD	Super durable black	
	FLT	Fluted	63LED 350MA	6,000 lumens	5K	5000K			R4	Type 4	208	DNAXD	Super durable natural aluminum	
			63LED 525MA	8,200 lumens					R5	Type 5	240	DWHXD	Super durable white	
												277	ANBK	Antique black
												347	ANDB	Antique dark bronze
												480	ANDG	Antique dark green
													ANVG	Antique verde green

WHITEWATER TOWNSHIP PLANNING COMMISSION
MINUTES FOR REGULAR MEETING
w/ public participation available via Zoom
February 4, 2022

Call to Order at 6:00 p.m.

Roll Call: In person: Dean, Jacobson, Wroubel, Darrow

Absent: Mangus, Keaton

Unfilled seats: Board Representative

Also in attendance: Chris Grobbel (via Zoom) and Recording Secretary MacLean

Set / Adjust Agenda: Set

Declaration of Conflict of Interest: None.

Public Comment:

Don Glenn, 9792 Bluff Trail, Republican candidate for the May 3, election for the Trustee position. Brief run-down of background.

Public Hearing: None

Approval of Minutes:

MOTION by Jacobson, second by Darrow to approve December 3, 2021, meeting minutes as amended (name corrections addressed).

Roll call: Dean-yes; Jacobson-yes; Keaton-n/a; Mangus-n/a; Wroubel-yes; Darrow-yes. All in favor. Motion carried.

Correspondence: (Included in packet)

Reports:

Zoning Administrator Report, Hall: Not available.

Chair's Report, Mangus: via Dean: The marijuana application process is still up in the air. No insight information on the litigation. Need to keep moving on the ordinances.

Township Board Rep., Not assigned.

ZBA Representative, Wroubel: No cases in December or January. Annual organizational meeting held in January where it was reported what the PC is and has been working on.

Committee Reports: None.

Additional Items: None.

Unfinished Business:

1. Master Plan (MP) Review, Mr. Grobbel: Two new sections coming your way, zoning ordinance and public input survey draft. Need input from the PC membership. Possible special meeting specifically for MP between the regular meetings. Consensus to keep getting the sections from Grobbel and to go ahead and have special meetings.
Complete streets is more about safety in our township, bike and pedestrian safety. By state law the various forms of transportation that must be included, bike traffic, pedestrian, auto.
Dean notes that we want to make sure the MP says what we mean and means what we say. We need to be able to explain it to the public.
2. Marijuana proposed Zoning Ordinance Amendments run through of the red line items. Consensus on the changes.
3. Article 12, Setbacks Wroubel notes the commercial campgrounds campsites are regulated by the state. TC State Park has 25'x30'-50' size sites. Current going size is more like 30'x50' with a 15' road. There are specific state regulations. Topography is going to self-regulate somewhat.
Darrow: Cabins per acre – 2 per acre seems like not very many.
Discussion of density / density maximum.
Needs to be looked at and addressed more in depth. Keep in mind the state regulations.
Table discussion to next month.

New Business:

1. Special Use Permit – Preliminary Site Plan Review, will bring next month for a Public Hearing/Site Plan Review.
2. Meeting Dates through April, Wednesdays. Propose February 16 at 7 for MP special meeting.
3. Article 25, Special Use Permit guidelines. Run through the red-line items. Consensus to approve the changes.
4. Election of Officers, - postpone to March meeting.
5. Resolution PC22-01, Meeting Schedule for 2022-2023
MOTION by Jacobson second by Darrow to adopt Resolution #PC22-01, meeting schedule.
Darrow-yes; Dean-yes; Jacobson-yes; Mangus-N/A; Wroubel-yes; Keaton-N/A. Motion carried.
6. Bylaws annual review Jacobson does want to include a Board member and notes the requirement in the Planning Commission ordinance. Wroubel notes that there are pros and cons to having a Board member, personally in favor of having a Board member. Consensus to have a Board representative to have connectivity.
Keep the dates the same – Wednesday, consensus.
Change “Training shall be . . .” to “training may be. . .” Consensus yes to change.
Defer vote next month.

Next Regular Meeting is scheduled for March 2, 2022.

Proposed special meeting February 16, 2022, 7 p.m. Master Plan review

Next meeting agenda: Article 12, Site Plan Review; Article 25, Setbacks (campsites / campgrounds) MP review; Election of Officers; Marihuana ordinances; Bylaws review/vote

Public Comment:

Lisa Bowerman, 8306 Crisp – regarding the proposal of the Moore Rd / Crisp Rd / M72 project: Is there a difference between campground and RV park? Park models are homes that can be moved but are rarely moved. Concerns: Crisp Road traffic, Crisp Road can't just be fixed (according to the county) and traffic impact. Dean notes: RV park falls under the umbrella of Commercial Campground.

Linda Slopsema – supplied detailed info in the packet regarding the marihuana ordinance. Economic development in the information supplied by Grobbel recommends clustering like businesses and uses.

Commission Discussion/Comments: Wroubel: RV Park is under the Commercial Campground umbrella. Basic Campgrounds and RV Park and Park Model parks are all very different.

Continuing Education: Year in Review. Postpone to March.

Adjournment: 8:11 p.m.

Respectfully Submitted
Lois MacLean,
Recording Secretary



Paper Application Instruction Booklet **Medical Marijuana Facility Licensing**

Password protected correspondence received. You are able to open it, it is just not able to be included with the combined packet file. The following links will take you to the document.

[Microsoft Word - Application Instruction Booklet - Combined \(michigan.gov\)](#)

OR

https://www.michigan.gov/mra/-/media/Project/Websites/mra/MMFL-Paper-Applications-Forms-and-Resources/Paper-Application-Instructions/Application_Instruction_Booklet_660113_7.pdf?rev=e96e41f2c482453f85ac39a4e8f08c1d&hash=2F0CD4965185B574B97FD7777B599DC3



MUNICIPAL GUIDE

MUNICIPAL GUIDE

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Medical Facility Licensing Questions

What provisions in the Medical Marijuana Facilities Licensing Act (MMFLA) are relevant to municipalities?

[Section 205](#) of the [MMFLA](#) is relevant for municipalities that are considering allowing or restricting medical marijuana facilities' operations within the municipality.

Below are the relevant provisions in the [MMFLA](#) related to municipalities. The Marijuana Regulatory Agency (MRA) is unable to provide legal interpretation of statutory provisions that fall under municipal authority. If clarification on any of the provisions below that fall under municipal authority is needed, the MRA recommends that you consider consulting an attorney:

- Sec. 102.(q): "Municipality" means a city, township, or village."
- Sec. 201.1: "Except as otherwise provided in this act, if a person has been granted a state operating license and is operating within the scope of the license, the licensee and its agents are not subject to any of the following for engaging in activities described in subsection (2):
 - (a) Search or inspection, except for an inspection authorized under this act by law enforcement officers, the municipality, or the department."
- Sec. 201.3: "Except as otherwise provided in this act, a person who owns or leases real property upon which a marijuana facility is located and who has no knowledge that the licensee violated this act is not subject to any of the following for owning, leasing, or permitting the operation of a marijuana facility on the real property:
 - d) Search or inspection, except for an inspection authorized under this act by law enforcement officers, the municipality, or the department."
- Sec. 205.1: "A municipality may adopt an ordinance to authorize 1 or more types of marijuana facilities within its boundaries and to limit the number of each type of marijuana facility. A municipality may adopt other ordinances relating to marijuana facilities within its jurisdiction, including zoning regulations, but shall not impose regulations regarding the purity or pricing of marijuana or interfering or conflicting with this act or rules for licensing marijuana facilities. A municipality that adopts an ordinance under this subsection that authorizes a marijuana facility shall provide the department with all of the following on a form prescribed and provided by the department:
 - (a) An attestation that the municipality has adopted an ordinance under this subsection that authorizes the marijuana facility.
 - (b) A description of any zoning regulations that apply to the proposed marijuana facility within the municipality
 - (c) The signature of the clerk of the municipality or his or her designee.
 - (d) Any other information required by the department."
- Sec. 205.2: "A municipal ordinance may establish an annual, nonrefundable fee of not more than \$5,000.00 to help defray administrative and enforcement costs associated with the operation of a marijuana facility in the municipality."

- Sec. 205.3: “The department may require a municipality to provide the following information to the department on a form prescribed and provided by the department regarding a licensee who submits an application for license renewal:
 - (a) Information that the board declares necessary to determine whether the licensee’s license should be renewed.
 - (b) A description of a violation of an ordinance or a zoning regulation adopted under the subsection (1) committed by the licensee, but only if the violation relates to activities licensed under this act and rules or the Michigan Medical Marihuana Act.
 - (c) Whether there has been a change to an ordinance or a zoning regulation adopted under subsection (1) since the license was issued to the licensee and a description of the change.”
- Sec. 205.4: “Information a municipality obtains from an applicant under this section is exempt from disclosure under the Freedom of Information Act, 1976 PA 442, MCL 15.246. Except as otherwise provided in this subsection, information a municipality provides to the department under this section is subject to disclosure under the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246.”
- Sec. 401.1: “Beginning December 15, 2017, a person may apply to the board for state operating licenses in the categories of class A, B, C grower; processor; provisioning center; secure transporter; and safety compliance facility as provided in this act. The application shall be made under oath on a form provided by the board and shall contain information as prescribed by the board, including, but not limited to, all of the following:
 - (j) A paper copy or electronic posting website reference for the ordinance or zoning restriction that the municipality adopted to authorize or restrict operating 1 or more marihuana facilities in the municipality.
 - (k) A copy of the notice informing the municipality by registered mail that the applicant has applied for a license under this act. The applicant shall also certify that it has delivered the notice to the municipality or will do so by 10 days after the date the applicant submits the application for a license to the board.”
- Sec. 401.6: “By 10 days after the date the applicant submits an application to the board, the applicant shall notify the municipality by registered mail that it has applied for a license under this act.”
- Sec. 503.1: “A secure transporter license authorizes the license to store and transport marihuana and money associated with the purchase or sale of marihuana between marihuana facilities for a fee upon request of a person with legal custody of that marihuana or money. It does not authorize transport to a registered qualifying patient or registered primary caregiver. If a secure transporter has its primary place of business in a municipality that has adopted an ordinance under section 205 authorizing that marihuana facility, the secure transporter may travel through any municipality.”

Does a municipal ordinance have to opt in or opt out for medical facilities?

If a municipality intends to authorize the operation of medical marijuana facilities within the municipality, the municipality must adopt an ordinance that specifically authorizes the operation

of medical marijuana facilities within the municipality. If no ordinance is in place, the Marijuana Regulatory Agency will not issue a license to a facility in that municipality.

Can the Marijuana Regulatory Agency (MRA) tell a municipality what should be included in the municipality's ordinance and zoning regulations?

The MRA does not provide legal advice or interpretation regarding issues that fall under municipal authority. Please review [Section 205](#) of the [Medical Marijuana Facilities Licensing Act](#) for information about municipal authority regarding ordinance and zoning regulations.

If you still have questions after your review, you may wish to consider consulting with an attorney.

Does the Marijuana Facilities Licensing Act prohibit facilities from being within a certain distance to a school?

No, but the municipality may have ordinance or zoning requirements that require a facility be a certain distance from the school. For more information please review [Section 205 of the Medical Marijuana Facilities Licensing Act](#) or contact the municipality where your facility will operate.

Can the municipality charge an application fee?

Yes, pursuant to [Section 205.2](#) of the [Medical Marijuana Facilities Licensing Act \(MMFLA\)](#):

“A municipal ordinance may establish an annual, nonrefundable fee of not more than \$5,000.00 to help defray administrative and enforcement costs associated with the operation of a marijuana facility in the municipality.”

How does the medical marijuana facility licensing process work?

The medical marijuana facility licensing process is a two process step:

Prequalification (Step 1) Application

The first step in the process is prequalification. During prequalification, the Marijuana Regulatory Agency (MRA) vets the entities and individuals who are applicants for the proposed medical marijuana facility by conducting criminal and financial background checks to verify their eligibility for licensure.

If the applicant is denied for prequalification, the MRA sends the applicant a Notice of Denial letter advising the applicant the prequalification application is denied. Denied applicants have 21 days to request a public investigative hearing. At the hearing, the applicant has an opportunity to demonstrate they are eligible for licensure. After the public investigative hearing, the

Executive Director of the MRA either affirms or reverses the Licensing Division's decision to deny the application. If the Executive Director affirms the decision to deny the application, the applicant has the ability to pursue additional legal action in the courts to reverse the decision.

If the applicant is approved for prequalification, the MRA sends the applicant a Notice of Determination letter advising the applicant that prequalification status has been granted and is approved for two years.

Facility License (Step 2) Application

The second step in the medical marijuana facilities licensing process is the facility license application. During the facility license application process, the MRA reviews the facility license application documents and requests that the MRA Enforcement Division (Field Operations) and the Bureau of Fire Services (BFS), if applicable, inspect the facility.

Facility inspections are conducted after all facility license application deficiencies have been resolved. The MRA will not perform building inspections if [Attestation I – Confirmation of Section 205 Compliance - Part 1: Municipality](#) has not been completed by the municipality.

Please note that a facility license application may be denied. Some reasons for denial include, but are not limited to, the applicant's failure to resolve application deficiencies or lack of municipal authorization to operate.

If a facility license application is denied, the MRA sends the applicant a Notice of Denial letter advising the applicant the facility license application is denied. Denied applicants have 21 days to request a public investigative hearing. At the hearing, the applicant has an opportunity to demonstrate they are eligible for licensure. After the public investigative hearing, the Executive Director of the MRA either affirms or reverses the Licensing Division's decision to deny the application. If the Executive Director affirms the decision to deny the application, the applicant has the ability to pursue additional legal action in the courts to reverse the decision.

If the MRA approves the facility license application, a state license will be issued to the applicant after the regulatory assessment fee is paid.

Renewal Application

A medical marijuana facility license is issued for a one-year period from the date of the licensee's original licensure approval. If a licensee decides to renew their license, they will need to submit a renewal application.

During the renewal process, the licensee must submit the licensure fee payment and a renewal application prior to the licensee's expiration date. The MRA reviews the renewal application to ensure the facility is compliant with tax obligations, municipal ordinances, and the MRA's [rules and regulations](#).

If the MRA approves the renewal application, the expiration date of the state license is extended by one year.

What type of licenses are available under the Medical Marihuana Facilities Licensing Act (MMFLA)?

The following licenses types are available under the [MMFLA](#) and associated [administrative rules](#):

- Class A Grower (may grow up to 500 marijuana plants)
- Class B Grower (may grow up to 1,000 marijuana plants)
- Class C Grower (may grow up to 1,500 marijuana plants)
- Processor
- Provisioning Center
- Safety Compliance Facility
- Secure Transporter

What are the touchpoints between the Marijuana Regulatory Agency (MRA) and municipalities during the medical marijuana facility licensing process?

The following touchpoints exist between the MRA and municipalities during the medical marijuana facility licensing process:

Attestation I – Confirmation of Section 205 Compliance - Part 1: Municipality

The medical marijuana facility license application (Step 2) requires that [Attestation I – Confirmation of Section 205 Compliance - Part 1: Municipality](#) be completed by the municipal clerk or designee of the municipality in which the proposed facility will be located.

After signing the attestation in the presence of a notary, the municipal clerk or designee should return the form to the applicant so the applicant can submit the attestation with their facility license application.

By signing this attestation, the municipality is attesting the municipality has adopted an ordinance authorizing the operation of medical marijuana facilities within the municipality and the proposed facility is in compliance with all municipal regulations and ordinances. The municipality is also confirming that they will report any changes to municipal ordinances adopted under [Section 205](#) of the [Medical Marihuana Facilities Act \(MMFLA\)](#) and will report any violations of municipal regulations or ordinances to MRA-Enforcement@michigan.gov.

If the municipality signs this attestation, the MRA will consider the applicant compliant with all municipal regulations and will approve the applicant for a medical marijuana facility license if all licensing requirements have been met.

If the municipality does not sign this attestation, the MRA will not request or perform the required inspections to determine if the applicant has met all licensing requirements.

Certified Mail Receipt with Letter Sent to Municipality

[Section 401.1 \(k\)](#) of the [MMFLA](#) requires that an applicant send the MRA a copy of the notice informing the municipality by registered mail that the applicant has applied for a license under

the [MMFLA](#). The applicant shall also certify that it has delivered the notice to the municipality or will do so by 10 days after the date the applicant submits the application for a license...”

The [medical marijuana facility license application checklist](#) states that the MRA requires a copy of the certified mail receipt along with the letter that was sent to the municipality notifying the municipality that the applicant’s facility application was submitted to the MRA.

[Page 9 of the facility license application](#), under Part 2, requires the facility’s municipality information. This section also asks for information on the certified mail receipt – if the notice was sent and the date the notice was sent to the municipality.

Notification of State Operating License Determination – Granted:

This determination letter is sent to the municipality after the facility license application has been approved, the regulatory assessment fee has been paid, and the license has been issued. This letter is sent by email to the email address provided in the “Clerk (or designee) Email Address” field of Attestation I: Part 1. The subject line of this email will be “Notification of State Operating License Determination – Entity Name” (e.g., Notification of State Operating License Determination – Michigan Marijuana LLC). The municipality determination letter of approval will be provided as an attachment.

Notification of State Operating License Determination – Denied:

This determination letter is sent to the municipality after a facility license application has been denied. This letter is sent by email to the email address provided in the “Clerk (or designee) Email Address” field of Attestation I: Part 1. The subject line of this email will be “Notification of State Operating License Determination – Entity Name” (e.g., Notification of State Operating License Determination – Michigan Marijuana LLC). The municipality determination letter of denial will be provided as an attachment.

Please note that an application is not officially denied unless an applicant fails to request a public investigative hearing or the applicant has exhausted all administrative remedies and legal appeals for the denial. Therefore, a municipality will not receive this letter until an applicant is officially denied.

Attestation I – Renewal

The medical marijuana facility license renewal application requires that [Attestation I – Renewal](#) be completed by the municipal clerk or designee of the municipality in which the licensee is operating. After signing the attestation in the presence of a notary, the municipal clerk or designee should return the form to the licensee so it may be submitted with their license renewal application.

Within the attestation, the municipal clerk or designee must indicate if the licensee has or has not violated a municipal ordinance or zoning regulation pursuant to [Section 205](#) of the [MMFLA](#). If a violation has occurred, the municipal clerk or designee should provide an attachment along with the attestation describing the violation.

The municipal clerk or designee must also indicate if there has been a change to a municipal ordinance or zoning regulation adopted under [Section 205](#) of the [MMFLA](#). If a change has occurred, the municipal clerk or designee should provide an attachment along with the attestation describing the change.

If the municipality signs the this attestation, the MRA will consider the licensee compliant with all municipal regulations and will renew the licensee's medical marijuana facility license if all licensing requirements have been met.

Violations of Municipal Ordinances or Zoning Regulations

The municipality should report any violations of municipal ordinances or zoning regulations by licensees located in the municipality to MRA-Enforcement@michigan.gov.

Changes to Municipal Ordinances or Zoning Regulations

The municipality should report any changes to municipal ordinances or zoning regulations related to medical marijuana facilities to MRA-Enforcement@michigan.gov.

How do municipalities confirm to the Marijuana Regulatory Agency (MRA) that an applicant is authorized to operate a medical facility in the municipality?

Municipalities confirm to the MRA that an applicant is authorized to operate a medical marijuana facility in the municipality by completing [Attestation I – Confirmation of Section 205 Compliance - Part 1: Municipality](#).

If confirmation of municipal compliance is received, the MRA will approve the applicant for a medical marijuana facility license if all licensing requirements have been met.

Does an applicant have to notify the municipality when the applicant submits a facility license (Step 2) application?

Yes. [Section 401.1 \(k\)](#) of the [Medical Marijuana Facilities Act \(MMFLA\)](#) requires that an applicant send the Marijuana Regulatory Agency (MRA) a copy of the notice informing the municipality by registered mail that the applicant has applied for a license under the [MMFLA](#). The applicant shall also certify that it has delivered the notice to the municipality or will do so by 10 days after the date the applicants submits the application for a license..."

The [medical marijuana facility license application checklist](#) states that the MRA requires a copy of the certified mail receipt along with the letter that was sent to the municipality notifying the municipality that the applicant's facility application was submitted to MRA.

[Page 9 of the facility license application](#), under Part 2, requires the facility's municipality information. This section also asks for information on the certified mail receipt – if the notice was sent and the date the notice was sent to the municipality.

Is a municipality notified when a facility license (Step 2) application is approved or denied?

Yes. The Marijuana Regulatory Agency will notify the municipality after a facility license application determination has been made. See below for a description of the two letters.

Notification of State Operating License Determination – Granted:

This determination letter is sent to the municipality after the facility license application has been approved, the regulatory assessment fee has been paid, and the license has been issued. This letter is sent by email to the email address provided in the “Clerk (or designee) Email Address” field of [Attestation I – Confirmation of Section 205 Compliance - Part 1: Municipality](#). The subject line of this email will be “Notification of State Operating License Determination – Entity Name” (e.g., Notification of State Operating License Determination – Michigan Marijuana LLC). The municipality determination letter of approval will be provided as an attachment.

Notification of State Operating License Determination – Denied:

This determination letter is sent to the municipality after the facility license application has been denied. This letter is sent by email to the email address provided in the “Clerk (or designee) Email Address” field of [Attestation I – Confirmation of Section 205 Compliance - Part 1: Municipality](#). The subject line of this email will be “Notification of State Operating License Determination – Entity Name” (e.g., Notification of State Operating License Determination – Michigan Marijuana LLC). The municipality determination letter of denial will be provided as an attachment.

Please note that an application is not officially denied unless an applicant fails to request a public investigative hearing or the applicant has exhausted all administrative remedies and legal appeals for the denial. Therefore, a municipality will not receive this letter until an applicant is officially denied.

When an applicant renews a license, does the applicant have to confirm to the Marijuana Regulatory Agency (MRA) that he or she still has municipal authorization to operate a facility within the municipality?

Yes. The municipality is required to sign [Attestation I – Renewal](#) when an applicant renews their medical marijuana facility license. If the municipality signs this attestation, the MRA will consider the licensee compliant with all municipal regulations and will renew the licensee’s medical marijuana facility license.

By signing this attestation, the municipality is attesting that they are in compliance with the municipal ordinance requirement of [Section 205](#) of the [MMFLA](#). The municipality is also confirming that they are reporting changes to municipal ordinances adopted under [Section 205](#) of the [MMFLA](#) and have reported any violations of municipal regulations or ordinances to MRA-Enforcement@michigan.gov.

After signing the attestation in the presence of a notary, the municipal clerk or designee should return the form to the applicant so the applicant can submit the attestation with the renewal application.

Adult-Use Establishment Licensing Questions

What provisions in the Michigan Regulation and Taxation of Marihuana Act (MRTMA) are relevant to municipalities?

[Section 6](#) of the [MRTMA](#) is relevant for municipalities that are considering allowing or restricting adult-use marijuana establishments' operations within the municipality.

Below are the relevant provisions in the [MRTMA](#) related to municipalities. The Marijuana Regulatory Agency (MRA) is unable to provide legal interpretation of statutory provisions that fall under municipal authority. If clarification on any of the provisions below that fall under municipal authority is needed, the MRA recommends that you consider consulting an attorney:

- Sec. 3.(q).: "Municipality" means a city, village, or township."
- Sec. 6.1.: "Except as provided in section 4, a municipality may completely prohibit or limit the number of marihuana establishments within its boundaries."
- Sec. 6.2.: "A municipality may adopt other ordinances that are not unreasonably impracticable and do not conflict with this act or any rule promulgated pursuant to this act and that:
 - (b) establish reasonable restrictions on public signs related to marihuana establishments;
 - (c) regulate the time, place, and manner of operation of marihuana establishments and of the production, manufacture, sale, or display of marihuana accessories;
 - (d) authorize the sale of marihuana for consumption in designated areas that are not accessible to persons under 21 years of age, or at special events in limited areas and for a limited time; and
 - (e) designate a violation of the ordinance and provide for a penalty for that violation by a marihuana establishment, provided that such violation is a civil infraction and such penalty is a civil fine of not more than \$500."
- Sec. 6.3.: "A municipality may adopt an ordinance requiring a marihuana establishment with a physical location within the municipality to obtain a municipal license, but may not impose qualifications for licensure that conflict with this act or rules promulgated by the department."
- Sec. 6.4.: "A municipality may charge an annual fee of not more than \$5,000 to defray application, administrative, and enforcement costs associated with the operation of the marihuana establishment in the municipality."
- Sec. 6.5.: "A municipality may not adopt an ordinance that restricts the transportation of marihuana through the municipality or prohibits a marihuana grower, a marihuana processor, and a marihuana retailer from operating within a single facility or from operation at a location shared with a marihuana facility operating pursuant to the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801."
- Sec. 9.1.: "Each application for a state license must be submitted to the department. Upon receipt of a complete application and application fee, the department shall forward a copy of the application to the municipality in which the marihuana establishment is to be located, determine whether the applicant and the premises qualify for the state license and comply with this act, and issue the appropriate state license or send the applicant a notice of

rejection setting forth specific reasons why the department did not approve the state license application within 90 days.

- Sec. 9.3.: “Except as otherwise provided in this section, the department shall approve a state license application and issue a state license if:
 - (b) the municipality in which the proposed marihuana establishment will be located does not notify the department that the proposed marihuana establishment is not in compliance with an ordinance consistent with section 6 of this act and in effect at the time of application;
 - (c) the property where the proposed marihuana establishment is to be located is not within an area zoned exclusively for residential use and is not within 1,000 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12, unless a municipality adopts an ordinance that reduces this distance requirement;
- Sec. 9.4.: “If a municipality limits the number of marihuana establishments that may be licensed in the municipality pursuant to section 6 of this act and that limit prevents the department from issuing a state license to all applicants who meet the requirements of subsection 3 of this section, the municipality shall decide among competing applications by a competitive process intended to select applicants who are best suited to operate in compliance with this act within the municipality.”
- Sec. 14.3.: “The department shall expend money in the [marihuana regulation] fund first for the implementation, administration, and enforcement of this act, and second, until 2022 or for at least two years, to provide \$20 million annually to one or more clinical trials that are approved by the United States food and drug administration and sponsored by a non-profit organization or researcher within an academic institution researching the efficacy of marihuana in treating the medical conditions of United States armed services veterans and preventing veteran suicide. Upon appropriation, unexpended balances must be allocated as follows:
 - (a) 15% to municipalities in which a marihuana retail store or a marihuana microbusiness is located, allocated in proportion to the number of marihuana retail stores and marihuana microbusinesses within the municipality;

Does a municipal ordinance have to opt in or opt out for adult-use establishments?

To avoid an adult-use establishment license from being issued within the municipality, a municipality must opt out of the [Michigan Regulation and Taxation of Marihuana Act \(MRTMA\)](#) by passing a municipal ordinance that completely prohibits adult-use marijuana establishments.

The municipality is also able to opt in to the [MRTMA](#) by passing a municipal ordinance that authorizes the operation of marijuana establishments within the municipality. An authorizing ordinance may also limit the number of marijuana establishments that operate within the municipality.

For further information on municipal ordinances, refer to [Section 6](#) of the [MRTMA](#).

Can the Marijuana Regulatory Agency (MRA) tell a municipality what should be included in the municipality's ordinance and zoning regulations?

The MRA does not provide legal advice or interpretation regarding issues that fall under municipal authority. Please review [Section 6](#) of the [Michigan Regulation and Taxation of Marijuana Act](#) for information about municipal authority over adult-use marijuana establishments.

If you still have questions after your review, you may wish to consider consulting with an attorney.

Does the Michigan Regulation and Taxation of Marijuana Act (MRTMA) prohibit adult-use establishments from being within a certain distance to a school?

Yes. Pursuant to [Section 9.3.\(c\)](#) of the [MRTMA](#), the property where the proposed marijuana establishment will be located cannot be within 1,000 feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12, unless a municipality adopts an ordinance that reduces this distance requirement.

Please note that a municipality may exercise its authority to reduce the distance via ordinance in two ways:

- 1) Define the way in which the distance is measured (e.g. door to door, along streets),
OR
- 2) Reduce the distance requirement outright (e.g. 500 feet instead of 1,000).

If a municipality has not adopted an ordinance reducing the distance requirement, the Marijuana Regulatory Agency (MRA) will not issue a license for an adult-use establishment that is within 1,000 feet of the school. The MRA will measure the 1,000 feet perimeter as the direct distance from property line to property line when making this determination.

Can the municipality charge an application fee?

Yes. Pursuant to [Section 6.4.](#) of the [Michigan Regulation and Taxation of Marijuana Act](#):

“A municipality may charge an annual fee of not more than \$5,000 to defray application, administrative, and enforcement costs associated with the operation of the marijuana establishment in the municipality.”

Does money collected from adult-use establishments taxes or fees go to municipalities?

Yes, a portion does but not immediately. Money in the fund is first used to repay the initial appropriation from the general fund used to implement the [Michigan Regulation and Taxation of Marihuana Act \(MRTMA\)](#). Next, \$20M per year for at least 2 years is used for Food and Drug Administration (FDA) approved clinical trials. After that money is distributed to municipalities, counties, the school aid fund, and the transportation fund. Please see the relevant [MRTMA](#) provision below.

Pursuant to [Section 14](#) of the [MRTMA](#):

1. The marihuana regulation fund is created in the state treasury. The department of treasury shall deposit all money collected under section 13 of this act and the department shall deposit all fees collected in the fund. The state treasurer shall direct the investment of the fund and shall credit the fund interest and earnings from fund investments. The department shall administer the fund for auditing purposes. Money in the fund shall not lapse to the general fund.

2. Funds for the initial activities of the department to implement this act shall be appropriated from the general fund. The department shall repay any amount appropriated under this subsection from proceeds in the fund.

3. The department shall expend money in the fund first for the implementation, administration, and enforcement of this act, and second, until 2022 or for at least two years, to provide \$20 million annually to one or more clinical trials that are approved by the United States food and drug administration and sponsored by a non-profit organization or researcher within an academic institution researching the efficacy of marihuana in treating the medical conditions of United States armed services veterans and preventing veteran suicide. Upon appropriation, unexpended balances must be allocated as follows:

(a) 15% to municipalities in which a marihuana retail store or a marihuana microbusiness is located, allocated in proportion to the number of marihuana retail stores and marihuana microbusinesses within the municipality;

(b) 15% to counties in which a marihuana retail store or a marihuana microbusiness is located, allocated in proportion to the number of marihuana retail stores and marihuana microbusinesses within the county;

(c) 35% to the school aid fund to be used for K-12 education; and

(d) 35% to the Michigan transportation fund to be used for the repair and maintenance of roads and bridges.

How does the adult-use licensing process work?

The adult-use establishment licensing process is divided into two steps: the prequalification application and the establishment license application.

Prequalification (Step 1) Application

The first step in the process is prequalification. During prequalification, the Marijuana Regulatory Agency (MRA) vets the entities and individuals who are applicants for the proposed adult-use marijuana establishment by conducting criminal and financial background checks to verify their eligibility for licensure.

If the applicant is denied prequalification, the MRA sends the applicant a Notice of Denial letter advising the applicant the prequalification application is denied. Denied applicants have 21 days to request a public investigative hearing. At the hearing, the applicant has an opportunity to demonstrate they are eligible for licensure. After the public investigative hearing, the Executive Director of the MRA either affirms or reverses the Licensing Division's decision to deny the application. If the Executive Director affirms the decision to deny the application, the applicant has the ability to pursue additional legal action in the courts to reverse the decision.

If the applicant is approved for prequalification, the MRA sends the applicant a Notice of Determination letter advising the applicant that prequalification status has been granted and is approved for two years.

Establishment License (Step 2) Application

The second step in the adult-use establishment licensing process is the establishment license application. During the establishment license application process, the MRA reviews the establishment license application documents and requests that the MRA Enforcement Division (Field Operations) and the Bureau of Fire Services (BFS), if applicable, inspect the establishment.

Establishment inspections are conducted after all establishment license application deficiencies have been resolved. The MRA will not perform building inspections if [Attestation 2-C - Confirmation of Section 6 Compliance - Part 1: Municipality](#) has not been completed by the municipality.

Please note that an establishment license application may be denied. Some reasons for denial include, but are not limited to, the applicant's failure to resolve application deficiencies or lack of municipal authorization to operate.

If an establishment license application is denied, the MRA sends the applicant a Notice of Denial letter advising the applicant the establishment license application is denied. Denied applicants have 21 days to request a public investigative hearing. At the hearing, the applicant has an opportunity to demonstrate they are eligible for licensure. After the public investigative hearing, the Executive Director of the MRA either affirms or reverses the Licensing Division's decision to deny the application. If the Executive Director affirms the decision to deny the application, the applicant has the ability to pursue additional legal action in the courts to reverse the decision.

If the MRA approves the establishment license application, a state license will be issued to the applicant after the initial licensure fee is paid.

Renewal

An adult-use license is issued for a one-year period from the date of the licensee's original licensure approval. If a licensee decides to renew their license, they must submit a renewal application.

During the renewal process, the licensee must submit the licensure fee payment and a renewal application prior to the licensee's expiration date. The MRA reviews the renewal application to ensure the establishment is compliant with tax obligations, municipal ordinances, and the MRA [rules and regulations](#).

If the MRA approves the renewal application, the expiration date of the state license is extended by one year.

What types of licenses are available under the Michigan Regulation and Taxation of Marihuana Act (MRTMA)?

The following license types are available under the [MRTMA](#) and associated [administrative rules](#):

- Class A Marijuana Grower (may grow up to 100 plants)
- Class B Marijuana Grower (may grow up to 500 plants)
- Class C Marijuana Grower (may grow up to 2,000 plants)
- Excess Marijuana Grower (may grow up to 2,000 plants, depending on the adult-use licensee's medical marijuana plant allowance)
- Marijuana Microbusiness (may grow up to 150 plants, process, and retail)
- Marijuana Processor
- Marijuana Retailer
- Marijuana Safety Compliance Facility
- Marijuana Secure Transporter
- Designed Consumption Establishment
- Marijuana Event Organizer
- Temporary Marijuana Event

What are the touchpoints between the Marijuana Regulatory Agency (MRA) and municipalities during the adult-use licensing process?

The following touchpoints exist between the MRA and municipalities during the adult-use licensing process:

Attestation 2-C – Confirmation of Section 6 Compliance - Part 1: Municipality

The adult-use establishment license (Step 2) application requires that [Attestation 2-C - Confirmation of Section 6 Compliance - Part 1: Municipality](#) be completed by the municipal clerk or designee of the municipality in which the proposed establishment will be located.

After signing the attestation in the presence of a notary, the municipal clerk or designee should return the form to the applicant so the applicant can submit the attestation with their establishment license application.

By signing this attestation, the municipality is attesting the municipality has not adopted an ordinance prohibiting adult-use marijuana establishments within the municipality and the proposed establishment is in compliance with all municipal ordinances and zoning regulations.

The municipality is also confirming that they will report any changes to municipal ordinances adopted under [Section 6](#) of the [Michigan Regulation and Taxation of Marihuana Act \(MRTMA\)](#) and will report any violations of municipal regulations or ordinances to MRA-Enforcement@michigan.gov.

If the municipality signs this attestation, the MRA will consider the applicant compliant with all municipal regulations and will approve the applicant for an adult-use establishment license if all licensing requirements have been met.

If the municipality does not sign this attestation, the MRA will not request or perform the required inspections to determine if the applicant has met all licensing requirements.

Municipal Notification Letter

After receiving an establishment license application with a completed [Attestation 2-C - Confirmation of Section 6 Compliance - Part 1: Municipality](#), the MRA sends a municipality notification letter by email to the email address provided in the “Clerk (or designee) Email Address” field of this attestation. This email will come from MRA-AdultUseLicensing@michigan.gov. The subject line of this email will be “Municipality Notification – Applicant Name - Application Number” (e.g., Municipality Notification – Michigan Marijuana LLC AU-RA-000099). The municipality notification letter will be provided as an attachment and includes the applicant name, supplemental applicant names, address of the proposed establishment, and the type of marijuana establishment license the applicant applied for. Due to the FOIA provision in [Section 9\(7\)](#) of the the [MRTMA](#) [“7. Information obtained from an applicant related to licensure under this act is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.”], application records are not disclosed.

After the municipality receives the municipality notification letter, no action is required by the municipality unless the applicant named in the letter is non-compliant with a municipal ordinance adopted under [Section 6](#) of the [MRTMA](#). If the applicant is in violation of a municipal ordinance adopted under [Section 6](#) of the [MRTMA](#), the municipality should notify the MRA pursuant to the instructions provided in the letter.

Confirmation of Municipal Compliance

After an establishment license application has passed the required inspections, the adult-use licensing analyst will request confirmation of municipal compliance to ensure no changes have occurred within the municipality or with the applicant since the Municipal Notification Letter was sent. The email will come from noreply@accela.com with the subject “Confirmation of Municipal Compliance.”

Pursuant to the instructions in the email, the municipality must send an email to MRA-AdultUseLicensing@michigan.gov confirming that no ordinances have been adopted prohibiting adult-use marijuana establishments and that the proposed establishment is in compliance with all regulations and ordinances within the municipality. The MRA will not move forward with the application until confirmation of municipal compliance has been received.

Due to the statutory requirement in [MRTMA](#) that adult-use marijuana establishment applications must be approved or denied within 90 days of receipt, the adult-use analyst will follow up on the confirmation of municipal compliance email via phone or email as necessary until a response is received.

Municipality Determination Letter

The municipality determination letter is sent to the municipality after the establishment license application determination has been made.

The municipality determination letter is sent by email to the email address provided in the “Clerk (or designee) Email Address” field of [Attestation 2-C -Confirmation of Section 6 Compliance - Part 1: Municipality](#). The subject line of this email will be “Municipality Determination Letter – Applicant Name – Application Number” (e.g., Municipality Determination Letter – Michigan Marijuana LLC – AU-RA-001234). The municipality determination letter will be provided as an attachment and will indicate the applicant name, application number, address of the establishment, and whether the license has been approved or the application has been denied.

If the license has been approved, this letter is sent after the initial licensure fee has been paid and the license has been issued. This email will come from MRA-AdultUseLicensing@michigan.gov.

If the license has been denied, this letter is sent if the applicant did not request a public investigative hearing within 21 days the denial determination or if the result of a public investigative hearing remains a denial determination. This email will come from noreply@accela.com.

Please note that an application is not officially denied unless an applicant fails to request a public investigative hearing or the applicant has exhausted all administrative remedies and legal appeals for the denial. Therefore, a municipality will not receive this letter until an applicant is officially denied.

Attestation R-B – Confirmation of Section 6 Compliance

The adult-use establishment license renewal application requires that [Attestation R-B – Confirmation of Section 6 Compliance](#) be completed by the municipal clerk or designee of the municipality in which the licensee is operating. After signing the attestation in the presence of a notary, the municipal clerk or designee should return the form to the licensee so it may be submitted with their license renewal application.

Within the attestation, the municipal clerk or designee must indicate if the licensee has or has not violated a municipal ordinance or zoning regulation pursuant to [Section 6](#) of the [MRTMA](#). If a violation has occurred, the municipal clerk or designee should provide an attachment along with the attestation.

The municipal clerk or designee must also indicate if there has been a change to a municipal ordinance or zoning regulation adopted pursuant to [Section 6](#) of the [MRTMA](#). If a change has occurred, the municipal clerk or designee should provide an attachment describing the violation along with the attestation.

If the municipality signs this attestation, the MRA will consider the licensee compliant with all municipal regulations and will renew the licensee’s adult-use establishment license if all licensing requirements have been met.

Violations of Municipal Ordinances or Zoning Regulations

The municipality should report any violations of municipal ordinances or zoning regulations by licensees located in the municipality to MRA-Enforcement@michigan.gov.

Changes to Municipal Ordinances or Zoning Regulations

The municipality should report any changes to municipal ordinances or zoning regulations related to adult-use establishments to MRA-Enforcement@michigan.gov.

How do municipalities confirm to the Marijuana Regulatory Agency (MRA) that an adult-use applicant is compliant with municipal ordinances and zoning regulations?

Municipalities confirm to the MRA that an adult-use applicant is in compliance with municipal ordinances and zoning regulations by completing [Attestation 2-C -Confirmation of Section 6 Compliance - Part 1: Municipality](#).

Before a license is issued, the MRA will also send a Confirmation of Municipal Compliance email to the email address provided for the municipal clerk or designee to confirm that the information on the attestation is accurate and that no changes have occurred within the municipality or with the applicant since the attestation was signed.

If confirmation of municipal compliance is received, the MRA will approve the applicant for an adult-use establishment license if all licensing requirements have been met.

What happens after the municipality signs Attestation 2-C – Confirmation of Section 6 Compliance – Part 1: Municipality?

After signing [Attestation 2-C -Confirmation of Section 6 Compliance - Part 1: Municipality](#) in the presence of a notary, the municipal clerk or designee should return the form to the applicant so it may be submitted with their establishment license (Step 2) application.

If the municipality signs this attestation, the Marijuana Regulatory Agency (MRA) will consider the applicant compliant with all municipal regulations and will approve the applicant for an adult-use establishment license if all licensing requirements have been met.

If the municipality does not sign this attestation, the MRA will not request or perform the required inspections to determine if the applicant has met all licensing requirements.

Does an applicant have to notify the municipality when they submit an adult-use establishment license (Step 2) application?

No, the applicant is not required to notify the municipality upon submitting an adult-use establishment license application. However, the Marijuana Regulatory Agency will send a

municipal notification letter by email to the email address provided in the “Clerk (or designee) Email Address” field of the completed [Attestation 2-C -Confirmation of Section 6 Compliance - Part 1: Municipality](#) notifying the municipality that an adult-use license has been applied for within the municipality.

Is a municipality notified when an adult-use establishment license (Step 2) application is approved or denied?

Yes. The Marijuana Regulatory Agency will notify the municipality after an establishment license application determination has been made.

This letter will be sent by email to the email address provided in the “Clerk (or designee) Email Address” field of [Attestation 2-C -Confirmation of Section 6 Compliance - Part 1: Municipality](#). The subject line of this email will be “Municipality Determination Letter – Applicant Name – Application Number” (e.g., Municipality Determination Letter – Michigan Marijuana LLC – AU-RA-001234). The municipality determination letter will be provided as an attachment and will indicate the applicant name, application number, address of the establishment, and whether the license has been granted or the application has been denied.

When an adult-use licensee renews a license, do they have to confirm to the Marijuana Regulatory Agency that they are still compliant with municipal ordinances and zoning regulations?

Yes. To confirm that an adult-use licensee is still compliant with municipal ordinances and zoning regulations when renewing an adult-use establishment license, the renewal application requires that [Attestation R-B – Confirmation of Section 6 Compliance](#) be completed by the municipal clerk or designee of the municipality in which the licensee is operating.

Enforcement Questions

When does the Marijuana Regulatory Agency (MRA) inspect a proposed marijuana business (medical facility or adult-use establishment) and what is included in the inspection?

The MRA conducts several types of inspections of marijuana businesses:

Pre-Licensure

This inspection occurs after a marijuana business has applied to the MRA for a marijuana license and is in the Step 2 application phase. During this time, the MRA inspectors will communicate with the applicant and conduct an inspection of basic building requirements that need to be met in order to pass the required Pre-Licensure inspection. Some of these requirements include security cameras, partitioning from other businesses in certain cases, and a valid Certificate of Occupancy (or its equivalent) from the local municipality.

Should a business not pass the Pre-Licensure inspection, the MRA inspectors will work with the applicant to bring them into compliance and a passing inspection or advise the MRA Licensing Division that the applicant is unable to pass this requirement. An inspection report is always generated and provided to the applicant after each inspection.

30-Day Post-Licensure

This inspection occurs approximately 30-calendar days after a licensee receives their marijuana license from the MRA. The focus is to bring the licensee into compliance with several functions that can only occur when a business has the license. This includes, but is not limited to, tagging of marijuana products with the statewide monitoring system (Metrc), product labelling compliance, employee suitability for employment and employee training, product storage compliance, adherence to the Executive Orders related to COVID, plant count limits, and more.

The intent of this inspection is to highlight the multitude of rule requirements a new licensee must adhere to in order to remain in compliance with state statutes and rules. Any deficiencies are noted, and a re-inspection will be scheduled until the licensee passes. An inspection report is always generated and provided to the licensee after each inspection.

Semi-Annual

This inspection occurs approximately every six months and is similar to the 30-Day Post-Licensure inspection in detail. This inspection is focused on ensuring the licensee maintains compliance with state statutes and rules. Any deficiencies are noted, and a re-inspection will be scheduled until the licensee passes. An inspection report is always generated and provided to the licensee after each inspection.

Other

This inspection occurs whenever a business reports a need for any change or modification they want to make to the physical structure or equipment at the business. The MRA also uses this inspection type at our discretion to conduct an inspection at a time of our choosing. Any deficiencies are noted, and a re-inspection will be scheduled until the licensee passes. An inspection report is always generated and provided to the licensee after each inspection.

What role does the Bureau of Fire Services have in the Marijuana Regulatory Agency's (MRA) inspection process?

The Bureau of Fire Services (BFS) conducts Pre-Licensure, Semi-Annual, and Other inspections just like the MRA. The BFS utilizes the NFPA 1 of 2018 fire code as a foundation of their inspections. Prior to some inspections, the BFS perform plan reviews of grow, microbusiness, and processor license types due to the fire risks associated with growing and processing marijuana, along with the possible presence of a multitude of chemicals.

Like the MRA, the BFS inspectors and plan reviewers communicate with marijuana business applicants and licensees and perform inspections of the marijuana businesses in an effort to bring them into compliance with the NFPA 1 of 2018. Any deficiencies are noted, and a re-inspection will be scheduled until the licensee passes, or the BFS will advise the MRA that the business is out of compliance.

What role does a municipality play in the inspection process?

The local municipality's main role in state inspections is to issue a Certificate of Occupancy (or its equivalent) for the proposed marijuana business. Municipality personnel are always welcome to join the Marijuana Regulatory Agency and the Bureau of Fire Services inspections and they are always welcome to share any issues, concerns, or business deficiencies to MRA-Enforcement@michigan.gov.

Does a municipality need to provide an applicant for licensure with a certificate of occupancy?

Yes, or its equivalent. This document is required for a proposed marijuana business to pass Pre-Licensure inspections and receive a state license.

After an applicant is granted a license, does the Marijuana Regulatory Agency conduct additional inspections?

Yes. Please see the answer to the FAQ "When does the Marijuana Regulatory Agency (MRA) inspect a facility or establishment and what is included in the inspection?"

If a municipality adopts an ordinance regarding medical facilities or adult-use establishments, should the municipality submit a copy of the ordinance to the Marijuana Regulatory Agency (MRA)?

Yes. The MRA frequently updates documents located at www.michigan.gov/MRA that inform the public what municipalities do, or do not, permit regarding marijuana businesses.

Does the Marijuana Regulatory Agency (MRA) monitor licensees and enforce compliance with municipal and zoning ordinances?

The MRA does not enforce local municipal zoning ordinances. The MRA will, however, receive any report of non-compliance or judgment from local municipalities/courts and that information may have state licensing implications. Feel free to send this information to MRA-Enforcement@michigan.gov.

If a municipality determines that a licensee has violated a municipal ordinance, should the municipality report the violation to the Marijuana Regulatory Agency?

Yes. Please report the violations to MRA-Enforcement@michigan.gov.

Is a municipality responsible for enforcing licensee's compliance with the Medical Marijuana Facilities Licensing Act, Michigan Regulation and Taxation of Marijuana Act, and the administrative rules?

Municipalities can enforce state statutes, the jurisdiction of creating and enforcing the [administrative rules](#) is incumbent on the Marijuana Regulatory Agency.

If a municipality becomes aware of unlicensed or illegal marijuana operations, should the municipality report it to the Marijuana Regulatory Agency (MRA) or law enforcement?

The municipality is always free to inform state and local law enforcement. If they inform the MRA, we will forward this information to the Michigan State Police.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

MARIJUANA REGULATORY AGENCY

MARIHUANA LICENSES

Filed with the secretary of state on June 22, 2020

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the executive director of the marijuana regulatory agency by section 206 of the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27206, sections 7 and 8 of the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27957 and 333.27958, and Executive Reorganization Order No. 2019-2, MCL 333.27001)

R 420.1, R 420.2, R 420.3, R 420.4, R 420.5, R 420.6, R 420.7, R 420.8, R. 420.9, R 420.10, R 420.11, R 420.12, R 420.13, R 420.14, R 420.15, R 420.16, R 420.17, R 420.18, R 420.19, R 420.20, R 420.21, R 420.22, R 420.23, R 420.24, R 420.25, R 240.26, R 420.27, R 240.28, and R 420.29 are added to the Michigan Administrative Code as follows:

R 420.1 Definitions.

Rule 1. (1) As used in these rules:

(a) "Acts" refers to the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801, and the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27951 to 333.27967, when applicable.

(b) "Agency" means the marijuana regulatory agency.

(c) "Applicant" means a person who applies for a marihuana license, subject to paragraphs (i) and (ii):

(i) For purposes of this definition, an applicant includes a managerial employee of the applicant, a person holding a direct or indirect ownership interest of more than 10% in the applicant, and the following for each type of applicant:

(A) For an individual or sole proprietorship: the proprietor and spouse.

(B) For a partnership and limited liability partnership: all partners and their spouses.

(C) For a limited partnership and limited liability limited partnership: all general and limited partners, not including a limited partner holding a direct or indirect ownership interest of 10% or less who does not exercise control over or participate in the management of the partnership, and their spouses.

(D) For a limited liability company: all members and managers, not including a member holding a direct or indirect ownership interest of 10% or less who does not exercise control over or participate in the management of the company, and their spouses.

(E) For a privately held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, all stockholders, not including those holding a direct or indirect ownership interest of 10% or less, and their spouses.

(F) For a publicly held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, all stockholders, not including those holding a direct or indirect ownership interest of 10% or less, and their spouses.

(G) For a multilevel ownership enterprise: any entity or person that receives or has the right to receive more than 10% of the gross or net profit from the enterprise during any full or partial calendar or fiscal year.

(H) For a nonprofit corporation: all individuals and entities with membership or shareholder rights in accordance with the articles of incorporation or the bylaws and their spouses.

(I) For a trust, any beneficiary who receives or has the right to receive more than 10% of the gross or net profit of the trust during any full or partial calendar or fiscal year and their spouses.

(ii) For purposes of this definition, an applicant does not include:

(A) A person who provides financing to an applicant or licensee under a bona fide financing agreement at a reasonable interest rate unless the person exercises control over or participates in the management of the marihuana business.

(B) A franchisor who grants a franchise to an applicant, if the franchisor does not have the right to receive royalties based upon the sale of marihuana or marihuana-infused products by the applicant who is a franchisee. Nothing in this subrule shall be construed to preclude a franchisor from charging an applicant who is a franchisee a fixed fee. As used in this definition, the terms “franchise,” “franchisor,” and “franchisee” have the meanings set forth in section 2 of the franchise investment law, 1974 PA 269, MCL 445.1502.

(C) A person receiving reasonable payment for rent on a fixed basis under a bona fide lease or rental obligation unless the person exercises control over or participates in the management of the marihuana business.

(D) A person receiving reasonable payment under a licensing agreement or contract approved by the agency concerning the licensing of intellectual property including, but not limited to, brands and recipes.

(E) A person who receives a percentage of profits as an employee if the employee does not meet the definition of “managerial employee” and the employee does not receive more than 10% of the gross or net profit from the licensee during any full or partial calendar or fiscal year.

(F) A person who receives a bonus as an employee if the employee is on a fixed wage or salary and the bonus is not more than 25% of the employee’s pre-bonus annual compensation or if the bonus is based upon a written incentive/bonus program that is not out of the ordinary for the services rendered.

(d) “Building” means a combination of materials forming a structure affording facility, establishment, or shelter for use or occupancy by individuals or property. Building includes a part or parts of the building and all equipment in the building. A building does not include a building incidental to the use for agricultural purposes of the land on which the building is located.

(e) “Bureau of fire services” or “BFS” means the bureau of fire services in the department of licensing and regulatory affairs.

(f) “Common ownership” means 2 or more state licenses or 2 or more equivalent licenses held by one person under the Michigan regulation and taxation of marihuana act.

(g) “Complete application” means an application that includes all of the information required in R 420.2 through R 420.11.

(h) “Department” means the department of licensing and regulatory affairs.

(i) “Designated consumption establishment” means a commercial space that is licensed by the agency and authorized to permit adults 21 years of age and older to consume marihuana products at the location indicated on the state license issued under the Michigan regulation and taxation of marihuana act.

(j) “Director” means the director of the department of licensing and regulatory affairs or his or her designee.

(k) “Employee” means a person performing work or service for compensation. “Employee” does not include individuals providing trade or professional services who are not normally engaged in the operation of a marihuana business.

(l) “Equivalent licenses” means any of the following held by a person:

(i) A marihuana grower license of any class issued under the Michigan regulation and taxation of marihuana act and a grower license, of any class, issued under the medical marihuana facilities licensing act.

(ii) A marihuana processor license issued under the Michigan regulation and taxation of marihuana act and a processor license issued under the medical marihuana facilities licensing act.

(iii) A marihuana retailer license issued under the Michigan regulation and taxation of marihuana act and a provisioning center license issued under the medical marihuana facilities licensing act.

(iv) A marihuana secure transporter license issued under the Michigan regulation and taxation of marihuana act and a secure transporter license issued under the medical marihuana facilities licensing act.

(v) A marihuana safety compliance facility license issued under the Michigan regulation and taxation of marihuana act and a safety compliance facility license issued under the medical marihuana facilities licensing act.

(m) “Excess marihuana grower” means a license issued to a person holding 5 class C marihuana grower licenses and licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

(n) “Immature plant” means a nonflowering marihuana plant that is no taller than 8 inches from the growing or cultivating medium and no wider than 8 inches produced from a cutting, clipping, tissue culture, or seedling that is in a growing or cultivating medium or in a growing or cultivating container.

(o) “Managerial employee” means those employees who have the ability to control and direct the affairs of the marihuana business or have the ability to make policy concerning the marihuana business, or both.

(p) “Marihuana business” means a marihuana facility under the medical marihuana facilities licensing act, or a marihuana establishment under the Michigan regulation and taxation of marihuana act, or both.

(q) “Marihuana business location plan” means a marihuana facility plan under the medical marihuana facilities licensing act, or a marihuana establishment plan under the Michigan regulation and taxation of marihuana act, or both.

(r) “Marihuana establishment” means a location at which a licensee is licensed to operate a marihuana grower, marihuana safety compliance facility, marihuana processor, marihuana microbusiness, marihuana retailer, marihuana secure transporter, or any other type of marihuana-related business licensed to operate by the agency under the Michigan regulation and taxation of marihuana act.

(s) “Marihuana event organizer” means a person licensed to apply for a temporary marihuana event license under these rules.

(t) “Marihuana facility” means a location at which a licensee is licensed to operate under the medical marihuana facilities licensing act.

(u) “Marihuana license” means a state operating license issued under the medical marihuana facilities licensing act, or a state license issued under the Michigan regulation and taxation of marihuana act, or both.

(v) “Marihuana product” means marihuana or a marihuana-infused product, or both, as those terms are defined in the acts unless otherwise provided for in these rules.

(w) “Marihuana tracking act” means the marihuana tracking act, 2016 PA 282, MCL 333.27901 to 333.27904.

(x) “Marihuana transporter” means a secure transporter under the medical marihuana facilities licensing act or a marihuana secure transporter under the Michigan regulation and taxation of marihuana act, or both.

(y) “Medical marihuana facilities licensing act” or “MMFLA” means the medical marihuana facilities licensing act, 2016 PA 281, MCL 333.27101 to 333.27801.

(z) “Michigan medical marihuana act” means the Michigan Medical Marihuana Act, 2008 IL 1, MCL 333.26421 to 333.26430.

(aa) “Michigan regulation and taxation of marihuana act” or “MRTMA” means the Michigan Regulation and Taxation of Marihuana Act, 2018 IL 1, MCL 333.27951 to 333.27967.

(bb) “Proposed marihuana business” means a proposed marihuana establishment under the Michigan regulation and taxation of marihuana act or a proposed marihuana facility under the medical marihuana facilities licensing act, or both.

(cc) “These rules” means the administrative rules promulgated by the agency under the authority of the medical marihuana facilities licensing act, the marihuana tracking act, the Michigan regulation and taxation of marihuana act, and Executive Reorganization Order No. 2019-2, MCL 333.27001.

(dd) “Same location” means separate marihuana licenses that are issued to multiple marihuana businesses that are authorized to operate at a single property but with separate business suites, partitions, or addresses.

(ee) “Special license” means a state license as described under section 8 of the Michigan regulation and taxation of marihuana act, MCL 333.27958, and issued pursuant to section 9 of that act, MCL 333.27959.

(ff) “Stacked license” means more than 1 marihuana license issued to a single licensee to operate as a class C grower as specified in each license at a marihuana business under the medical marihuana facilities licensing act, or under the Michigan regulation and taxation of marihuana act, or both.

(gg) “Tag” or “RFID tag” means the unique identification number or Radio Frequency Identification (RFID) issued to a licensee by the agency for tracking, identifying, and verifying marihuana plants, marihuana products, and packages of marihuana product in the statewide monitoring system.

(hh) “Temporary marihuana event license” means a state license held by a marihuana event organizer under the Michigan regulation and taxation of marihuana act, for an event where the onsite sale or consumption of marihuana products, or both, are authorized at the location indicated on the state license.

(2) Terms defined in the acts have the same meanings when used in these rules unless otherwise indicated.

R 420.2 Licensure; application; background investigation; consent to inspections, investigations, and audits; disclosure of confidential records; interest in other state license; fee; additional costs.

Rule 2. (1) A person may apply to the agency for marihuana licenses and special licenses as provided in the acts and these rules.

(2) The agency shall use information provided on the application as a basis to conduct a thorough background investigation on the applicant. The agency shall notify the applicant of a deficiency and provide instructions for submitting a complete application. The applicant shall timely respond to the notice of the deficiency in accordance with R. 420.5.

(3) An applicant must provide written consent to investigations of compliance, regular inspections, examinations, searches, seizures, and auditing of books and records and to disclosure to the agency and its agents of otherwise confidential records, including tax records held by any federal, state, or local agency, or credit bureau or financial institution, while applying for or holding a marihuana license as authorized under the acts and these rules.

(4) An applicant must certify that the applicant does not have any interest in any other marihuana license that is prohibited under the acts.

(5) A nonrefundable application fee must be paid at the time of filing to defray the costs associated with the background investigation conducted by the agency. The agency shall set the amount of the application fee for each category and class of license by rule. If the costs of the investigation and processing the application exceed the application fee, the applicant shall pay the additional amount to the agency. All information, records, interviews, reports, statements, memoranda, or other data supplied to or used by the agency in the course of its review or investigation of an application for a marihuana license under the acts shall be disclosed only in accordance with the acts.

R420.3 Application procedure; requirements.

Rule 3. (1) A person shall apply for a marihuana license on the form created by the agency accompanied by the nonrefundable application fee as prescribed in these rules. Each question on the application must be answered by the applicant, under oath, in its entirety and all attestations, disclosures, and information requested and required by the agency, the acts, and these rules must be submitted in the application. Failure to comply with these rules and the application requirements in the acts is grounds for denial of the application.

(2) A person may submit a partial application under these rules on the condition that it is to prequalify to complete the remaining application requirements. This application has a pending status until all application requirements in these rules are completed, or the agency denies the partial or complete application. The agency shall not issue a marihuana license at this stage of the application process. The finding of prequalification status for a pending application is valid for 2 years after the agency issues a notice of prequalification status. After 2 years has expired, the applicant may be required to submit a new application and pay a new nonrefundable application fee.

(3) The agency may request additional disclosures and documentation to be furnished to the agency. The applicant shall submit the information requested by the agency within 5 days pursuant to R. 420.5 or the application may be denied.

R420.4 Application requirements; financial and criminal background.

Rule 4. (1) Each applicant shall disclose the identity of any other person who controls, either directly or indirectly, the applicant, including, but not limited to, date of birth, government issued identification, and any other documents required by the agency.

(2) Each applicant shall disclose the financial information required in the acts and these rules on a form created by the agency, including the following:

(a) For an applicant seeking licensure under the medical marihuana facilities licensing act, required information includes, but is not limited to, all of the following:

(i) Financial statements regarding all of the following:

(A) A pecuniary interest.

(B) Any deposit of value of the applicant or made directly or indirectly to the applicant, or both.

(C) Financial accounts including, but not limited to, all of the following: funds, savings, checking, or other accounts including all applicable account information, such as the name of the financial institution, names of the account holders, account type, account balances, and a list of all loans types specified by the agency, amounts, securities, or lender information.

(ii) Property ownership information, including, but not limited to, deeds, leases, rental agreements, real estate trusts, or purchase agreements.

(iii) Tax information, including, but not limited to, W-2 and 1099 forms, and any other information required by the agency.

(iv) Disclosure by the applicant of the identity of any other person who meets either of the following:

(A) Controls, directly or indirectly, the applicant.

(B) Is controlled, directly or indirectly, by the applicant or by a person who controls, directly or indirectly, the applicant.

(v) Each applicant shall disclose all shareholders holding a direct or indirect interest of greater than 5%, officers, and directors in the proposed marihuana facility.

(vi) The sources and total amount of the applicant's capitalization to operate and maintain the proposed marihuana facility in compliance with R 420.11.

(vii) A financial statement attested by a certified public accountant (CPA), on a form created by the agency, including a foreign-attested CPA statement, or its equivalent if applicable on capitalization pursuant to R 420.11.

(viii) Information on the financial ability of the applicant to purchase and maintain adequate liability and casualty insurance in compliance with R 420.10.

(ix) Any other documents, disclosures, or attestations created or requested by the agency that are not inconsistent with the acts or these rules.

(b) For an applicant seeking licensure under the Michigan regulation and taxation of marihuana act required information includes, but is not limited to, all of the following:

(i) Tax information, including, but not limited to:

(A) W-2 forms for the most recent tax year.

(B) 1099 forms for the most recent tax year.

(ii) Any other information required by the agency.

(3) Each applicant shall disclose all shareholders holding a direct or indirect interest of greater than 5%, officers, and directors in the proposed marihuana establishment.

(4) Each applicant shall disclose the applicant's business organizational documents filed with this state, any other state, local county, or foreign entity, if applicable, including proof of

registration to do business in this state and certificate of good standing from this state, any other state, or foreign entity, if applicable.

(5) Each applicant shall disclose to the agency criminal and financial background information and regulatory compliance as provided under the acts and these rules on a form created by the agency.

(6) Each applicant shall provide written consent to a criminal and financial background investigation as authorized under the acts and these rules.

(7) Each applicant shall provide an attestation acknowledging that sanctions may be imposed for violations on a licensee while licensed or after the marihuana license has expired, as provided in the acts and these rules.

(8) Each applicant shall provide an attestation affirming a continuing duty to provide information requested by the agency and to cooperate in any investigation, inspection, inquiry, or hearing.

(9) Each applicant shall disclose any noncompliance with any regulatory requirements, all legal judgments, lawsuits, legal proceedings, charges, or government investigations, whether initiated, pending, or concluded, against the applicant, that are related to business operations, including, but not limited to fraud, environmental, food safety, tobacco, alcohol, labor, employment, worker's compensation, discrimination, and tax laws and regulations, in this state or any other jurisdiction.

(10) Each applicant shall disclose any application or issuance of any commercial license or certificate issued in this state or any other jurisdiction that meets the requirements under the acts and these rules.

(11) Each applicant shall provide any other documents or attestations created by, or make any disclosures requested by, the agency that are not inconsistent with the acts or these rules.

(12) An applicant shall submit in the application any information requested and required by the acts and these rules.

(13) Each applicant seeking licensure under the medical marihuana facilities licensing act must submit one set of fingerprints to the department of state police in accordance with section 402 of the MMFLA, MCL 333.27402.

(14) Each applicant seeking licensure under the Michigan regulation and taxation of marihuana act shall provide an attestation acknowledging that the applicant must have a physical structure for the marihuana establishment and pass the prelicensure inspection within 60 days of a complete application being submitted to the agency. Failure to pass the prelicensure inspection within 60 days of the complete application being submitted to the agency may result in the application being denied in accordance with R 420.12.

(15) An applicant shall provide an attestation signed by a representative of the department of treasury and the applicant, verifying that the applicant is not delinquent in the payment of sales, excise, or any other taxes.

(16) An applicant seeking licensure under the Michigan regulation and taxation of marihuana act shall provide a social equity plan detailing a plan to promote and encourage participation in the marihuana industry by people from communities that have been disproportionately impacted by marihuana prohibition and enforcement and to positively impact those communities.

R. 420.5 Application requirements; complete application.

Rule 5. (1) A complete application for a marihuana license must include all the information specified in these rules and all of the following:

- (a) A description of the type of marihuana business that includes all of the following:
 - (i) An estimate or actual number of employees.
 - (ii) The projected or actual gross receipts.
 - (iii) A business plan.
 - (iv) The proposed location of the marihuana business.
 - (v) A security plan, as required under the acts and these rules.
- (b) A copy of the proposed marihuana business location plan as required under R 420.8.
- (c) An applicant shall pass the preclosure inspection as determined by the agency and as required in R 420.9.
- (d) Confirmation of compliance with any municipal ordinances the municipality may have adopted under the medical marihuana facilities licensing act, or the Michigan regulation and taxation of marihuana act, whichever act is applicable. For purposes of these rules, confirmation of compliance must be on an attestation form prepared by the agency that contains all of the following:
 - (i) For an applicant seeking licensure under the medical marihuana facilities licensing act, written affirmation that the municipality has adopted an ordinance under section 205 of the MMFLA, MCL 333.27205, including if applicable, a description of any limitations on the number of each type of marihuana facility.
 - (ii) For an applicant seeking licensure under the Michigan regulation and taxation of marihuana act, verification that the municipality has not adopted an ordinance prohibiting marihuana establishments.
 - (iii) For an applicant seeking licensure under the medical marihuana facilities licensing act, description of any regulations within the municipality that apply to the proposed marihuana business.
 - (iv) The date and signature of the clerk of the municipality or his or her designee on the attestation form attesting that the information stated in the document is correct.
 - (v) The date and signature of the applicant.
 - (vi) The marihuana business name and address.
 - (vii) Attestation that any changes that occur with municipal approvals, the municipal ordinance, or any violations of a municipal or zoning ordinance will be reported to the agency.
- (e) The disclosure of the following persons:
 - (i) For an applicant seeking licensure under the medical marihuana facilities licensing act, persons that have a beneficial interest as required in section 303(1)(g) of the MMFLA, MCL 333.27303.
 - (ii) For an applicant seeking licensure under the Michigan regulation and taxation of marihuana act, persons who have a direct or indirect ownership interest in the marihuana establishment.
- (2) Each applicant shall provide any additional information and documents requested by the agency not inconsistent with the acts and these rules.
- (3) Each applicant shall provide any other documents, disclosures, or attestations created or requested by the agency that are not inconsistent with the acts and these rules.
- (4) If the agency identifies a deficiency in an application, the agency shall notify the applicant and the applicant shall submit the missing information or proof that the deficiency has been corrected to the agency within 5 days of the date the applicant received the deficiency notice.

(5) The failure of an applicant to correct a deficiency within 5 days of notification by the agency may result in the denial of the application. An applicant denied under this subrule is not barred from reapplying by submitting a new application and application fee.

R 420.6 State license under the Michigan regulation and taxation of marihuana act; issuance; qualifications; ineligibility.

Rule 6. (1) The agency shall issue a state license under the Michigan regulation and taxation of marihuana act to a qualified applicant whose application has been approved for issuance and who pays the required licensure or excess background investigation fees within 10 days of the state license being approved for issuance. Failure to pay the fees required under R 420.7 may result in a denial of state license.

(2) An applicant is ineligible to receive a state license if any of the following circumstances exist:

(a) The applicant has a prior conviction that involved distribution of a controlled substance to a minor.

(b) The applicant has knowingly submitted an application for a state license under the Michigan regulation and taxation act that contains false information.

(c) The applicant is an employee, advisor, or consultant of the agency involved in the implementation, administration, or enforcement of the Michigan regulation and taxation of marihuana act or these rules pursuant to section 7 of the Michigan regulation and taxation of marihuana act, MCL 333.27957.

(d) The applicant holds an elective office of a governmental unit of this state, another state, or the federal government; is a member of or employed by a regulatory body of a governmental unit in this state, another state, or the federal government; or is employed by a governmental unit of this state. This subdivision does not apply to an elected officer of or employee of a federally recognized Indian tribe or to an elected precinct delegate.

(e) The applicant, if an individual, is not a resident of this state on the date of filing the application for a class A marihuana grower or for a marihuana microbusiness license. The requirements in this subdivision do not apply after December 6, 2021.

(f) The applicant does not hold a state operating license pursuant to the MMFLA and is applying for a marihuana retailer, marihuana processor, class B marihuana grower, class C marihuana grower, or a marihuana secure transporter license under the Michigan regulation and taxation of marihuana act and these rules. The requirements in this subdivision do not apply after December 6, 2021.

(g) The agency determines the municipality in which the applicant's proposed marihuana establishment will operate has adopted an ordinance that prohibits marihuana establishments or that the proposed establishment is noncompliant with an ordinance adopted by the municipality under section 6 of the Michigan regulation and taxation of marihuana act, MCL 333.27956.

(h) The applicant will hold an ownership interest in both a marihuana safety compliance facility or in a marihuana secure transporter and in a marihuana grower, a marihuana processor, a marihuana retailer, or a marihuana microbusiness, in violation of section 9 of the Michigan regulation and taxation of marihuana act, MCL 333.27959.

(i) The applicant will hold an ownership interest in both a marihuana microbusiness and in a marihuana grower, a marihuana processor, a marihuana retailer, a marihuana safety compliance facility, or a marihuana secure transporter, in violation of section 9 of the Michigan regulation and taxation of marihuana act, MCL 333.27959.

(j) The applicant will hold an ownership interest in more than 5 marihuana growers or in more than 1 marihuana microbusiness, in violation of section 9 of the Michigan regulation and taxation of marihuana act, MCL 333.27959.

(k) The applicant fails to meet other criteria established in these rules.

(3) In determining whether to grant a state license to an applicant, the agency may also consider all of the following:

(a) Whether the applicant or anyone meeting the definition of applicant has a pattern of convictions involving dishonesty, theft, or fraud that indicate the proposed marihuana establishment is unlikely to be operated with honesty and integrity.

(b) Whether the applicant has been served with a complaint or other notice filed with any public body regarding payment of any tax required under federal, state, or local law that has been delinquent for 1 or more years.

(c) Whether the applicant has a history of noncompliance with any regulatory requirements, all legal judgments, lawsuits, legal proceedings, charges, or government investigations, whether initiated, pending, or concluded, against the applicant, that are related to business operations, including, but not limited to fraud, environmental, food safety, labor, employment, worker's compensation, discrimination, and tax laws and regulations, in this state or any other jurisdiction.

(d) Whether the applicant meets other standards in rules applicable to the state license category.

(4) The agency shall review all applications for state licenses and shall inform each applicant of the agency's decision.

(5) An applicant or licensee has a continuing duty to provide information requested by the agency and to cooperate in any investigation, inquiry, or hearing conducted by the agency.

Rule 420.7 Application; fees; assessment.

Rule 7. (1) At the beginning of each state fiscal year, the agency may increase the fees collected under the Michigan regulation and taxation of marihuana act by 10% in order to pay for implementation, administration, and enforcement of that act and these rules.

(2) An applicant for a marihuana license shall submit an application that is accompanied by the nonrefundable application fee of \$6,000 upon initial application.

(3) If the costs of the investigation and processing the application exceed the application fee, the applicant shall pay the additional amount.

(4) Additional fees for state licenses under MRTMA are listed in table 1:

TABLE 1

State License Type	Initial Licensure Fee	Renewal Fee
Class A Marihuana Grower	\$4,000	Bottom 33% - \$3,000 Middle 33% - \$4,000 Top 33% - \$5,000
Class B Marihuana Grower	\$8,000	Bottom 33% - \$6,000 Middle 33% - \$8,000 Top 33% - \$10,000
Class C Marihuana Grower	\$40,000	Bottom 33% - \$30,000 Middle 33% - \$40,000 Top 33% - \$50,000

Designated Consumption Establishment	\$1,000	\$1,000
Excess Marihuana Grower	\$40,000	Bottom 33% - \$30,000 Middle 33% - \$40,000 Top 33% - \$50,000
Marihuana Event Organizer	\$1,000	\$1,000
Marihuana Microbusiness	\$8,000	Bottom 33% - \$6,000 Middle 33% - \$8,000 Top 33% - \$10,000
Marihuana Processor	\$40,000	Bottom 33% - \$30,000 Middle 33% - \$40,000 Top 33% - \$50,000
Marihuana Retailer	\$25,000	Bottom 33% - \$20,000 Middle 33% - \$25,000 Top 33% - \$30,000
Marihuana Safety Compliance Facility	\$25,000	Bottom 33% - \$20,000 Middle 33% - \$25,000 Top 33% - \$30,000
Marihuana Secure Transporter	\$25,000	Bottom 33% - \$20,000 Middle 33% - \$25,000 Top 33% - \$30,000
Temporary Marihuana Event	See R 420.26	N/A

(5) The agency shall establish and publish annually the regulatory assessment for licensees under the medical marihuana facilities licensing act pursuant to section 603 of the MMFLA, MCL 333.27603.

(6) The renewal fees for marihuana grower, excess marihuana grower, and marihuana processor licenses are determined by the gross weight transferred by the licensee. The agency shall determine whether the gross weight transferred by the licensee is in the top third, middle third, or bottom third for gross weight transferred in that fiscal year compared against all other licensees for the license held. The licensee shall then pay the corresponding fee outlined in subrule (4) of this rule.

(7) The renewal fees for marihuana retailers and marihuana microbusiness licenses are determined by the gross retail sales by the licensee. The agency shall determine whether the gross retail sales made by the licensee is in the top third, middle third, or bottom third for gross retail sales in that fiscal year compared against all other licensees for the license held. The licensee shall then pay the corresponding fee outlined in subrule (4) of this rule.

(8) The renewal fee for a marihuana secure transporter license is determined by the net weight transported by the licensee. The agency shall determine whether the net weight transported by the licensee is in the top third, middle third, or bottom third for net weight transported in that fiscal year compared against all other marihuana secure transporter licensees. The licensee shall then pay the corresponding fee outlined in subrule (4) of this rule.

(9) The renewal fee for marihuana safety compliance facilities is determined by the number of tests completed by the licensee. The agency shall determine whether the number of tests completed by the licensee is in the top third, middle third, or bottom third for number of tests completed in that fiscal year compared against all other marihuana safety compliance facilities. The licensee shall then pay the corresponding fee outlined in subrule (4) of this rule.

(10) An applicant shall pay the initial licensure fees or regulatory assessment, if applicable, on or before the date the licensee begins operating and the renewal fee annually thereafter, pursuant to these rules.

(11) The agency shall not issue a marihuana license until a complete application is submitted, the fees required under these rules are paid, and the agency determines that the applicant is qualified to receive a marihuana license under the acts and these rules. An applicant under the MRTMA must pay initial licensure fees within 10 days of approval of the marihuana license or within 90 days of a complete application being submitted, whichever date is first. An applicant under the MMFLA must pay initial licensure fees within 10 days of approval of the marihuana license. An applicant must pay renewal fees upon submission of the application for renewal. Failure to pay the required fee may be grounds for the denial of a marihuana license in accordance with Rule 420.12.

R 420.8 Marihuana business location plan.

Rule 8. (1) An applicant shall submit a marihuana business location plan for the proposed marihuana business as required in these rules and upon request by the agency. Upon the request of the agency, an applicant or licensee may be required to submit a revised marihuana business location plan.

(2) The marihuana business location plan must include, but is not limited to, all of the following:

(a) The type of proposed marihuana business, the location of the marihuana business, a description of the municipality where the marihuana business will be located, and any of the following, if applicable:

(i) A statement in the marihuana business location plan that a combination of marihuana licenses will operate as separate marihuana businesses at the same location, as provided under these rules.

(ii) A statement in the marihuana business location plan that the applicant has or intends to apply to stack a marihuana license at the proposed marihuana business as provided under these rules.

(iii) A marihuana business location plan submitted for an applicant seeking licensure under the Michigan regulation and taxation of marihuana act and these rules must include a statement in the marihuana business location plan that equivalent licenses will operate at the same location.

(b) A diagram of the marihuana business including, but not limited to, all of the following:

(i) The proposed marihuana business's size and dimensions.

(ii) Specifications of the marihuana business.

(iii) Physical address.

(iv) Location of common entryways, doorways, or passageways.

(v) Public entries and exits.

(vi) Limited access areas and restricted access areas within the marihuana business.

(vii) An indication of the distinct areas or structures for separate marihuana businesses at the same location as provided in these rules.

(c) A detailed floor plan and layout that includes all of the following:

(i) Dimensions of the marihuana business including interior and exterior rooms.

(ii) Maximum storage capabilities.

(iii) Number of rooms.

(iv) Dividing structures.

(v) Fire walls.

(vi) Entrances and exits.

- (vii) Locations of hazardous material storage.
- (viii) Quantities of hazardous materials, such as chemical, flammable/combustible liquids and gases, and the expected daily consumption of the hazardous materials.
- (d) Means of egress, including, but not limited to, delivery and transfer points.
- (e) Construction details for structures and fire-rated construction for required walls.
- (f) Building structure information, including but not limited to, new, pre-existing, freestanding, or fixed.
- (g) Building type information, including, but not limited to, commercial, warehouse, industrial, retail, converted property, house, mercantile building, pole barn, greenhouse, laboratory, or center.
- (h) Zoning classification and zoning information.
- (i) If the proposed marihuana business is in a location that contains multiple tenants and any applicable occupancy restrictions.
- (j) A proposed security plan that demonstrates the proposed marihuana business meets the security requirements specified in these rules.
- (k) Any other information required by the agency if not inconsistent with the acts and these rules.
- (3) Any changes or modifications to the marihuana business location plan under this rule must be reported to the agency and may require preapproval by the agency.
- (4) The agency may provide a copy of the marihuana business location plan to the BFS, local fire department, Michigan state police, local law enforcement, and building officials for use in review and planning.
- (5) The agency may reinspect the marihuana business to verify the plan at any time during the business's hours of operation and may require that the plan be resubmitted upon renewal.

R 420.9 Prelicensure investigation; proposed marihuana establishment inspection.

Rule 9. (1) An applicant for a marihuana license shall submit to a prelicensure physical inspection of a proposed marihuana business, as determined by the agency.

(2) The agency shall establish an inspection process to confirm that the applicants and proposed marihuana businesses meet the requirements of the acts and these rules.

(3) The agency shall investigate an applicant in accordance with the acts and these rules.

(4) The agency, through its investigators, agents, auditors, or the state police shall conduct inspections and examinations of an applicant and a proposed marihuana business in accordance with the acts and these rules.

(5) An applicant shall submit proof to the agency of both of the following:

(a) A certificate of use and occupancy as required pursuant to section 13 of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1513, and these rules. If this certificate is not available, the agency may accept alternative documentation from the building authority.

(b) If applicable, a fire safety inspection as specified in these rules.

R 420.10 Proof of financial responsibility; insurance.

Rule 10. (1) Before a marihuana license is issued or renewed, the licensee or renewal applicant shall file a proof of financial responsibility for liability for bodily injury to lawful users resulting from the manufacture, distribution, transportation, or sale of adulterated marihuana or adulterated marihuana-infused products on the form prescribed by the agency, for an amount not

less than \$100,000.00. If the proof required in this subrule is a bond, the bond must be in a format acceptable to the agency.

(2) In addition to the requirements in subrule (1) of this rule, a marihuana transporter shall show proof of auto insurance, vehicle registration, and registration as a commercial motor vehicle, as applicable, for any vehicles used to transport marihuana product as required by the acts and these rules.

(3) For an applicant seeking licensure under the Michigan regulation and taxation of marihuana act, proof of financial responsibility for liability for bodily injury is not required for a marihuana event organizer license. A marihuana event organizer licensee shall file a proof of financial responsibility for liability for bodily injury when applying for a temporary marihuana event license.

(4) In addition to the proof of financial responsibility requirements contained in subrule (1) of this rule, a renewal applicant or licensee holding a license under the medical marihuana facilities licensing act shall also carry commercial general liability insurance covering premises liability for an amount not less than \$100,000.00. An applicant shall provide proof of commercial general liability insurance covering the premises liability to the agency no later than 60 days after a state operating license is issued or renewed.

R 420.11 Capitalization requirements; medical marihuana facilities licensing act.

Rule 11. (1) An applicant for initial licensure under the medical marihuana facilities licensing act shall disclose the sources and total amount of capitalization to operate and maintain a proposed marihuana facility.

(2) The total amounts of capitalization based on the type of marihuana facility specified in the application for a state operating license are as follows:

- (a) Grower - Class A: \$150,000.00.
- (b) Grower - Class B: \$300,000.00.
- (c) Grower - Class C: \$500,000.00.
- (d) Processor: \$300,000.00.
- (e) Provisioning Center: \$300,000.00.
- (f) Secure Transporter: \$200,000.00.
- (g) Safety Compliance Facility: \$200,000.00.

(3) An applicant under the MMFLA shall provide proof to the agency of the capitalization amounts specified in subrule (2)(a) to (g) of this rule from both of the following sources:

(a) Not less than 25% is in liquid assets to cover the initial expenses of operating and maintaining the proposed marihuana facility, as specified in the application. As used in this subdivision, "liquid assets" include assets easily convertible to cash, including, but not limited to, cash, certificates of deposit, 401(k) plans, stocks, and bonds.

(b) Proof of the remaining capitalization to cover the initial expenses of operating and maintaining the proposed marihuana facility may include, but is not limited to, additional liquid assets as described in subdivision (a) of this subrule or equity in real property, supplies, equipment, fixtures, or any other nonliquid asset.

(4) The applicant shall provide proof that there is no lien or encumbrance, except for a mortgage encumbering the real property, on the asset provided as a source of capitalization. For purposes of this subrule, if the encumbrance is a mortgage on the real property then the applicant shall disclose the value of the equity of the real property less any mortgage.

(5) The capitalization amounts and sources must be validated by Certified Public Accountant (CPA) attested financial statements. The applicant shall disclose any of the capitalization sources that are foreign and a foreign CPA or its equivalent shall attest to the validation, and a domestic CPA shall attest to that foreign validation.

R 420.12 Denial of a marihuana license; additional reasons.

Rule 12. (1) If an applicant fails to comply with the applicable act or these rules, a marihuana license may be denied by the agency as provided under the applicable act and these rules.

(2) In addition to the reasons for denial in the acts, a marihuana license may be denied by the agency for the following reasons:

(a) The applicant's marihuana business location plan does not fully comply with the acts or these rules.

(b) The applicant's proposed marihuana business or marihuana business is substantially different from the marihuana business location plan pursuant to R 420.8 and these rules.

(c) The agency is unable to access the proposed marihuana business for prelicensure agency inspection or the applicant denied the agency access to the proposed marihuana business.

(d) The applicant made a material misrepresentation on the application.

(e) The applicant failed to correct a deficiency within 5 days of notification by the agency in accordance with the acts and these rules.

(f) The applicant failed to satisfy the confirmation of compliance by a municipality in accordance with the acts and these rules.

(g) The applicant is operating or was operating a proposed marihuana business without a marihuana license.

(h) The applicant has knowingly submitted an application containing false information.

(i) The applicant has failed to pay required fees pursuant to these rules.

(j) The applicant has failed to comply with these rules and the application requirements pursuant to these rules.

(k) The applicant has been delinquent with the payment of taxes required under federal, state, or local law for 1 or more years.

(l) The applicant fails to provide notifications or reports to the agency pursuant to these rules.

(m) The applicant or anyone meeting the definition of applicant has a pattern of convictions involving dishonesty, theft, or fraud that indicate the proposed marihuana business is unlikely to be operated with honesty and integrity.

(n) For an applicant seeking licensure under the Michigan regulation and taxation of marihuana act, the applicant failed to receive a passing prelicensure inspection within 60 days of a complete application being submitted to the agency.

(o) For an applicant seeking licensure under the Michigan regulation and taxation of marihuana act, the applicant or anyone meeting the definition of applicant has a conviction involving distribution of a controlled substance to a minor pursuant to section 8 of the MRTMA, MCL 333.27958.

(p) For an applicant seeking licensure under the Michigan regulation and taxation of marihuana act, the applicant holds a state operating license under the MMFLA and has failed to file or is delinquent in the payment of the sales tax required under the general sales tax act, 1933 PA 167, MCL 205.51 to 205.78, or the excise tax required under section 601 of the MMFLA, MCL 333.27601.

(q) For an applicant seeking licensure under the Michigan regulation and taxation of marihuana act, the applicant holds a state license and has failed to file or is delinquent in the payment of the sales tax required under the general sales tax act, 1933 PA 167, MCL 205.51 to 205.78, or the excise tax required under section 13 of the MRTMA, MCL 333.27963.

R 420.13 Renewal of marihuana license.

Rule 13. (1) A marihuana license is issued for a 1-year period and is renewable annually. A licensee shall apply to renew a marihuana license on a form established by the agency. The licensee shall pay the required fee upon submission of the application for renewal. The marihuana license may be renewed no more than 90 days before the expiration of the marihuana license, if the licensee has submitted the renewal form required by the agency and, if applicable, the licensee has paid any additional background investigation charge assessed by the agency under these rules. The agency shall include on the renewal form, a statement requesting renewal of the marihuana license and all of the following information:

(a) To the extent that information has changed or not been previously reported, updated personal, business, and financial information, as the agency may require, related to the eligibility of the licensee to continue to hold the marihuana license for which renewal is requested under the acts and these rules. For a licensee seeking renewal under the medical marihuana facilities licensing act required information may also be related to the suitability and general fitness of the licensee and include, without limitation, information regarding the identification, integrity, moral character, reputation, relevant business experience, ability, probity, and financial experience, ability, and responsibility of the licensee and each person required to be qualified for renewal of the license under the MMFLA. To the extent that the information has changed or has not been previously reported, updated information on the marihuana business.

(b) A statement under oath by the licensee that the information provided in the licensee's annual renewal form is current, complete, true, and accurate, and that the licensee has fulfilled its obligation under the acts and these rules to notify the agency of any change in information provided in its original marihuana license application and subsequent annual renewal form or forms previously filed, if applicable.

(c) Attestation by the municipality on a form created by the agency regarding a licensee who submits an application for marihuana license renewal which shall include, but not be limited to, both of the following:

(i) A description of any violation, if applicable, of an ordinance or a zoning regulation adopted pursuant to section 205 of the medical marihuana facilities licensing act, MCL 333.27205, or section 6 of the Michigan regulation and taxation of marihuana act, MCL 333.27956, committed by the licensee, but only if the violation relates to activities licensed under the acts or these rules.

(ii) Whether there has been a change to an ordinance or a zoning regulation adopted pursuant to section 205 of the medical marihuana facilities licensing act, MCL 333.27205, or section 6 of the Michigan regulation and taxation of marihuana act, MCL 333.27956, since the marihuana license was issued to the licensee and a description of the change.

(d) An attestation by the licensee that the licensee's annual renewal form provides all information and documentation required by the agency to establish that the licensee is eligible, qualified, and suitable to have its marihuana license renewed and is ready and able to continue conducting its marihuana business in compliance with the acts and these rules throughout the new 1-year time period for which the license is to be renewed.

(e) Other relevant information and documentation that the agency may require to determine the licensee's eligibility to have its marihuana license renewed under the licensing standards of the acts and these rules.

(2) Failure to comply with any of the provisions of the acts and these rules may result in the nonrenewal of a marihuana license. The agency shall not renew a marihuana license unless the agency determines, as part of the license renewal, that each person required by the acts and these rules to meet licensing standards is eligible, qualified, and suitable under the relevant licensing standards.

(3) The licensee shall meet the requirements of the acts and any other renewal requirements set forth in these rules.

(4) The agency may refuse to renew a marihuana license and issue a notice of nonrenewal if the licensee fails to apply for renewal in accordance with section 402 of the medical marihuana facilities licensing act, MCL 333.27402, as applicable, and this rule. In addition, the agency may refuse to renew a marihuana license and issue a notice of nonrenewal if the agency determines, after reviewing the licensee's annual renewal form, that the marihuana license should not be renewed because the licensee's annual renewal form does not provide the information and documentation required by the agency to determine that the licensee is eligible, qualified, and suitable to continue to be licensed and ready and able to continue conducting its marihuana business in compliance with the acts and these rules.

(5) If a license renewal application for a license under the medical marihuana facilities licensing act is not submitted by the license expiration date, the license may be renewed within 60 days after its expiration date upon submission of the required application, payment of the required fees, and satisfaction of any renewal requirements. The licensee may continue to operate during the 60 days after the license expiration date if the licensee submits the renewal application to the agency and complies with the other requirements for renewal.

(6) The agency shall send a renewal notice to the last known address of a licensee on file with the agency. The failure of a licensee to notify the agency of a change of address does not extend the expiration date of a license and may result in disciplinary action.

(7) A marihuana licensee who is served with a notice of nonrenewal may request a hearing pursuant to these rules.

(8) If the licensee does not request a hearing in writing within 21 days after service of the notice of nonrenewal, the notice of nonrenewal becomes the final order of the agency.

(9) A person who has not applied for marihuana license renewal for any and all licenses that are due for renewal shall cease and desist operation and is subject to any sanctions or fines, or both, in accordance with the acts and these rules.

R 420.14 Notification and reporting.

Rule 14. (1) Applicants have a continuing duty to provide the agency with up-to-date contact information and shall notify the agency in writing of any changes to the mailing addresses, phone numbers, electronic mail addresses, and other contact information they provide the agency.

(2) Applicants shall report to the agency any changes to the marihuana business operations that are required in the acts and these rules, as applicable.

(3) Applicants shall report to the agency any proposed material changes to the marihuana business before making a material change that may require prior authorization by the agency. Material changes include, but are not limited to, the following:

(a) Change in owners, officers, members, or managers.

- (b) Change of processing machinery or equipment.
- (c) A description of a violation of an ordinance or a zoning regulation adopted pursuant to section 205 of the medical marihuana facilities licensing act, MCL 333.27205, or section 6 of the Michigan regulation and taxation of marihuana act, MCL 333.27956, committed by the licensee, but only if the violation relates to activities licensed under the acts, the Michigan medical marihuana act, and these rules.
- (d) The addition or removal of persons named in the application or disclosed.
- (e) Change in entity name.
- (f) Any attempted transfer, sale, or conveyance of an interest in a marihuana license.
- (g) Any change or modification to the marihuana business before or after licensure that was not preinspected, inspected, or part of the marihuana business location plan or final inspection including, but not limited to, all of the following:
 - (i) Operational or method changes requiring inspection under these rules.
 - (ii) Additions or reductions in equipment or processes at a marihuana business.
 - (iii) Increase or decrease in the size or capacity of the marihuana business.
 - (iv) Alterations of ingress or egress.
 - (v) Changes that impact security, fire safety, and building safety.
- (4) An applicant shall notify the agency within 1 business day of becoming aware of or within 1 business day of when the applicant should have been aware of any of the following:
 - (a) Adverse reactions to a marihuana product sold or transferred by any licensee.
 - (b) Criminal convictions, charges, or civil judgments against an applicant in this state or any other state, federal, or foreign jurisdiction.
 - (c) Regulatory disciplinary action taken against an applicant by this state or any other state, federal, or foreign jurisdiction, including any pending action.
- (5) The applicant shall notify the agency within 10 days of the initiation or conclusion of any new judgments, lawsuits, legal proceedings, charges, or government investigations, whether initiated, pending, or concluded, that involve the applicant.
- (6) Failure to provide notifications or reports to the agency pursuant to this rule may result in sanctions or fines, or both.

R 420.15 Notifications of diversion, theft, loss, or criminal activity.

Rule 15. (1) Applicants shall notify the agency and local law enforcement authorities within 24 hours of becoming aware of or within 24 hours of when the applicant should have been aware of the theft or loss of any marihuana product or criminal activity at the marihuana business.

(2) Failure to notify as required under subrule (1) of this rule may result in sanctions or fines, or both.

R 420.16 Inspection; investigation

Rule 16. (1) The agency shall do all of the following with respect to inspections and investigations of applicants, licensees, proposed marihuana businesses, and marihuana business operations:

- (a) Oversee and conduct inspections through its investigators, agents, auditors, or the state police of proposed marihuana businesses and marihuana businesses to ensure compliance with the acts and these rules.
- (b) Inspect and examine marihuana businesses and proposed marihuana businesses.
- (c) Inspect, examine, and audit records of the licensee.

(2) The agency may investigate individuals employed by proposed marihuana businesses and marihuana businesses.

(3) As authorized by the acts, a licensee may not refuse the agency access to the marihuana business during the hours of operation. The agency may access the marihuana business without a warrant and without notice to the licensee during the marihuana business's hours of operation.

(4) The agency may place an administrative hold on a marihuana product and order that no sales or transfers occur during an investigation for an alleged violation or violation of the acts or these rules.

(5) The agency may inspect, examine, and audit relevant records of the licensee. If a licensee fails to cooperate with an investigation, the agency may impound, seize, assume physical control of, or summarily remove records from a proposed marihuana business or marihuana business as authorized under the acts and these rules.

(6) The agency may eject or exclude, or authorize the ejection or exclusion of, an individual from a proposed marihuana business or marihuana business if that individual violates the acts, a final order, or these rules.

(7) The agency may take any reasonable or appropriate action to enforce the acts and these rules.

(8) This rule does not limit the application of any other remedies or sanctions that are available through local, state, and federal laws, the acts, and these rules.

(9) As used in this rule, "record" means books, ledgers, documents, writings, photocopies, correspondence, electronic storage media, electronically stored records, money receptacles, equipment in which records are stored, including data or information in the statewide monitoring system, or any other document that is used for recording information.

R 420.17 Stacked license.

Rule 17. (1) A licensee holding a license as a grower under the medical marihuana facilities licensing act, or a marihuana grower under the Michigan regulation and taxation of marihuana act, or both, may apply to stack class C licenses at a marihuana business specified in the marihuana license application. The licensee shall pay a separate initial licensure fee or regulatory assessment, as applicable, for each marihuana license issued and stacked and may be subject to additional fees under these rules.

(2) A licensee that has been issued stacked licenses is subject to all the requirements of the acts and these rules.

R 420.18 Changes to licensed marihuana business.

Rule 18. (1) Any change or modification to the marihuana business after licensure is governed by the standards and procedures set forth in these rules and any regulations adopted pursuant to the acts. Any material change or modification to the marihuana business must be approved by the agency before the change or modification is made.

(2) Any change of a location of a marihuana business after licensure requires notification to the agency prior to the change of location, must be approved by the agency, requires a new marihuana license application under these rules, and may include, but is not limited to, all of the following:

- (a) Additional application fees.
- (b) Additional inspections by the agency or BFS.
- (c) Initial licensure fees or regulatory assessment, as applicable, or both.

(3) A licensee shall produce written documentation from the municipality approving the proposed new marihuana business location, and confirmation of compliance with any municipal ordinances the municipality adopted under the acts. For purposes of these rules, confirmation of compliance must be on an attestation form prepared by the agency that contains all of the information required in these rules.

R 420.19 Communities disproportionately impacted by marihuana prohibition.

Rule 19. (1) Pursuant to section 8 of the Michigan regulation and taxation of marihuana act, MCL 333.27958, the agency shall establish a plan that promotes and encourages participation in the marihuana industry by people from communities that have been disproportionately impacted by marihuana prohibition and enforcement and to positively impact those communities.

(2) The agency shall publish information about the plan which must include, but not be limited to, all of the following:

(a) The criteria used to select communities that have been disproportionately impacted by marihuana prohibition and enforcement.

(b) Based on the selection criteria, a list of the communities that have been disproportionately impacted by marihuana prohibition and enforcement.

(c) The requirements persons in those communities must meet to utilize services and resources offered through the plan.

(d) The services and resources that are available to those communities and qualifying persons residing in and planning to operate a marihuana establishment in those communities selected in subdivision (b) of this subrule.

(e) Specific goals and objectives for the plan.

(3) The agency shall collect data to measure its progress towards achieving the specific goals and objectives outlined in subrule (2)(e) of this rule.

(4) The agency shall publish a list of services and resources offered through the plan, which must include, but not be limited to, all of the following:

(a) Education and outreach to the communities and potential applicants from the community.

(b) Waiving or reducing fees for qualified applicants from the communities.

(c) Increased assistance with the application process for applicants from these communities.

(d) Coordinating communities', applicants', and licensees' utilization of resources that will allow participation in the marihuana industry.

R 420.20 Financial Statements

Rule 20. Each licensee under the Michigan regulation and taxation of marihuana act shall transmit to the agency financial statements of the licensee's total operations. The financial statements shall be reviewed by a certified public accountant in a manner and form prescribed by the agency. The certified public accountant must be licensed in this state under article 7 of the occupational code, 1980 PA 299, MCL 339.720 to 339.736. The compensation for the certified public accountant shall be paid directly by the licensee to the certified public accountant. The agency shall issue an advisory bulletin to instruct licensees on the time and manner in which to submit the financial statements.

PART 2. SPECIAL LICENSES UNDER THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT

R 420.21 Special licenses; eligibility.

Rule 21. (1) A person may apply to the agency for a special license as described under section 8 of the Michigan regulation and taxation of marihuana act, MCL 333.27958, and issued pursuant to section 9 of the act, MCL 333.27959, and these rules. A person may apply to the agency for a special license in the following categories:

- (a) Designated consumption establishment license. A designated consumption establishment license is valid for 1 year.
- (b) Excess marihuana grower license. An excess marihuana grower license is valid for 1 year.
- (c) Marihuana event organizer license. A marihuana event organizer license is valid for 1 year.
- (d) Temporary marihuana event license. A temporary marihuana event license is valid for a minimum of 1 day and ends on the date specified on the state license.

(2) An applicant shall meet the requirements of the Michigan regulation and taxation of marihuana act and these rules to be eligible for a special license.

(3) A person that allows consumption of marihuana products on the premises of a non-residential location and charges a fee for entry, sells goods or services while individuals are consuming on the premises, or requires membership for entry shall acquire a designated consumption establishment or temporary marihuana event license.

R 420.22 Designated consumption establishment license.

Rule 22. (1) An applicant for a designated consumption establishment license is subject to and shall meet the requirements of the Michigan regulation and taxation of marihuana act and these rules.

(2) A person may apply for a designated consumption establishment license on the form created by the agency accompanied by the nonrefundable application fee as prescribed in these rules. An application for a designated consumption establishment license must be made under oath on a form provided by the agency. A complete application for a designated consumption establishment license must contain the information required in these rules and information regarding the designated consumption establishment including, but not limited to, all of the following:

(a) A designated consumption establishment plan for the proposed consumption establishment. Upon the request of the agency, an applicant or licensee may be required to submit a revised designated consumption establishment plan. The plan must include a diagram of the designated consumption establishment including, but not limited to, all of the following:

- (i) The proposed establishment's size and dimensions.
 - (ii) Specifications of the designated consumption establishment.
 - (iii) Physical address.
 - (iv) Location of common entryways, doorways, or passageways.
 - (v) Means of public entry or exit.
 - (vi) An indication of the distinct areas or structures for separate marihuana establishments at the same location as provided in these rules.
- (b) A detailed floor plan and layout that includes all of the following:
- (i) Dimensions of the consumption establishment including interior and exterior rooms.
 - (ii) Number of rooms.

- (iii) Dividing structures.
- (iv) Fire walls.
- (v) Entrances and exits.
- (vi) Locations of hazardous material storage, if applicable.
- (vii) Means of egress.
- (c) Construction details for structures and fire-rated construction for required walls.
- (d) Building structure information, including but not limited to, new, pre-existing, freestanding, or fixed.
- (e) Building type information, including, but not limited to, commercial, warehouse, industrial, retail, converted property, house, building, mercantile building, pole barn, greenhouse, laboratory, or center.
- (f) Zoning classification and zoning information.
- (g) If the proposed designated consumption establishment is in a location that contains multiple tenants, any applicable occupancy restrictions.
- (h) A business plan that includes a description of the proposed hours of operation.
- (i) Proof of possession of the premises where the proposed designated consumption establishment will be located and, if the premises are leased, written permission from the owner of the premises approving the applicant's use of the designated consumption establishment for marihuana consumption.
- (j) A responsible operations plan that includes a detailed explanation of how employees will monitor and prevent over-intoxication, underage access to the designated consumption establishment, the illegal sale or distribution of marihuana or marihuana products within the consumption establishment, and any other potential criminal activity on the premises.
- (k) A documented employee training that addresses all components of the responsible operations plan.
- (l) A marihuana product destruction and waste management plan that meets the requirements of these rules, as applicable, for destroying and disposing of marihuana waste left at the marihuana establishment.
- (m) Any other information required by the agency if not inconsistent with the Michigan regulation and taxation of marihuana act and these rules.
- (3) The agency may provide a copy of the marihuana establishment plan to the BFS, local fire department, building officials, the Michigan state police, and local law enforcement for use in pre-incident review and planning.
- (4) An applicant shall pay the fees required under these rules.
- (5) An applicant is subject to the precensure investigation and proposed establishment inspection required under these rules.
- (6) An applicant is subject to the proof of financial responsibility and insurance requirements under these rules.
- (7) A designated consumption establishment shall have the following characteristics:
 - (a) A smoke-free area for employees to monitor the marihuana consumption area.
 - (b) A ventilation system that directs air from the marihuana consumption area to the outside of the building through a filtration system sufficient to remove visible smoke, consistent with all applicable building codes and ordinances, and adequate to eliminate odor at the property line, if consumption by inhalation is permitted.
 - (c) A location physically separated from areas where smoking is prohibited and where smoke does not infiltrate into nonsmoking areas or buildings.

(8) The agency may determine an applicant is ineligible or deny an application for the reasons specified in these rules, as applicable.

R 420.23 Excess marihuana grower license.

Rule 23. (1) An applicant for an excess marihuana grower license is subject to and shall meet the requirements of the Michigan regulation and taxation of marihuana act and these rules.

(2) An excess marihuana grower license authorizes sale of marihuana, other than seeds, seedlings, tissue cultures, immature plants, and cuttings, to a marihuana processor or marihuana retailer.

(3) An excess marihuana grower license shall only be issued to a person who holds 5 stacked class C marihuana grower licenses issued by the agency under the Michigan regulation and taxation of marihuana act and at least 2 grower class C licenses issued by the agency under the MMFLA.

(4) A person may apply for an excess marihuana grower license on the form created by the agency accompanied by the nonrefundable application fee as prescribed in these rules. An application for an excess marihuana grower license must be made under oath on a form provided by the agency and must contain information as prescribed by the agency.

(5) An applicant for an excess marihuana grower license shall pay applicable fees required under these rules.

(6) The agency may determine an applicant is ineligible or deny an application for the reasons specified in these rules, as applicable.

(7) The agency shall set the total marihuana plant count for an excess marihuana grower license in increments of 2,000 marihuana plants not in excess of the total marihuana plants permitted under grower class C licenses held under the MMFLA.

(8) Payment of the initial licensure fee must be received prior to issuance of the state license. In determining the initial licensure fee for an excess marihuana grower license, the initial licensure fee of a class C marihuana grower license is assessed on the excess marihuana grower license at every 2,000 marihuana plant increment authorized by the state license.

(9) An excess marihuana grower licensee is subject to all requirements for a marihuana grower as provided for in the Michigan regulation and taxation of marihuana act and these rules, as applicable.

(10) An applicant shall pay the initial licensure fee for an excess grower license within 10 days of approval or within 90 days of a complete application being submitted, whichever date is first.

(11) A marihuana grower's application for an excess grower license is exempt from the application fee of \$6,000 under these rules.

R 420.24 Marihuana event organizer license.

Rule 24. (1) A marihuana event organizer is not authorized to engage in the operations of a marihuana establishment licensee without first obtaining the appropriate licenses.

(2) A person may apply for a marihuana event organizer license on the form created by the agency accompanied by the application fee as prescribed in these rules. An application for a marihuana event organizer license shall be made under oath on a form provided by the agency and shall contain information as prescribed by the agency.

(3) An applicant for a marihuana event organizer license is subject to and shall meet the requirements of these rules, as applicable.

(4) An applicant for a marihuana event organizer license shall pay the nonrefundable application fee and any other fees required under these rules.

(5) The agency may determine an applicant is ineligible or deny an application for the reasons specified in these rules, as applicable.

R 420.25 Temporary marihuana event license; application; operations.

Rule 25. (1) A temporary marihuana event license shall only be issued to a person who holds a marihuana event organizer license issued by the agency.

(2) Violations of the requirements applicable to temporary marihuana events may result in disciplinary action against the marihuana event organizer license or any other licenses held by a licensee participating in the temporary marihuana event and responsible for a violation of the MRTMA or these rules.

(3) A temporary marihuana event license must only be issued for a single day or up to 7 consecutive days. A temporary marihuana event license must not be issued for more than 7 days.

(4) An application for a temporary marihuana event license must be submitted to the agency not less than 90 calendar days before the first day of the temporary marihuana event.

(5) A temporary marihuana event may only be held at a venue expressly approved by a municipality for the purpose of holding a temporary marihuana event.

(6) An application for a temporary marihuana event license must be made under oath on a form provided by the agency and must contain information as prescribed by the agency, including, but not limited to, all of the following:

(a) The name of the applicant. Applicants who are individuals shall provide both the first and last name of the individual. Applicants that are business entities shall provide the legal business name of the applicant.

(b) The marihuana event organizer license number and each marihuana establishment license held by the applicant.

(c) The address of the location where the temporary marihuana event will be held.

(d) The name of the temporary marihuana event.

(e) A diagram of the physical layout of the temporary marihuana event. The diagram must clearly indicate all of the following:

(i) Where the temporary marihuana event will be taking place on the location grounds.

(ii) All entrances and exits that will be used by participants during the event.

(iii) All marihuana consumption areas.

(iv) All marihuana retail areas where marihuana products will be sold.

(v) Where marihuana waste will be stored.

(vi) All areas where marihuana products will be stored.

(vii) The specific location of each marihuana retailer or marihuana microbusiness licensee who will be participating in the event. Each marihuana retailer or marihuana microbusiness licensee participating in the event must be identified with an assigned temporary marihuana event location number.

(f) The dates and hours of operation for which the temporary marihuana event license is being sought. A temporary marihuana event license is required for any date in which the applicant engages in onsite marihuana product sales or allows onsite marihuana product consumption.

(g) Contact information for the applicant's designated primary contact person regarding the temporary marihuana event license, including the name, title, address, phone number, and email address of the individual.

(h) Contact information for a designated contact person or persons who shall be onsite at the event, and reachable by telephone at all times that the event is occurring.

(i) Written attestation on a form provided by the agency from the municipality authorizing the applicant to engage in onsite marihuana sales to, and onsite consumption by, persons 21 years of age or older at the temporary marihuana event at the proposed location.

(j) A list of all licensees and employees that will be providing onsite sales of marihuana products at the temporary marihuana event. If the list of licensees and employees participating in the temporary marihuana event changes after the application is submitted or after the temporary marihuana event license is issued, the applicant shall submit an updated list and an updated diagram to the agency not less than 72 hours before the event. Licensees not on the list submitted to the agency shall not participate in the temporary marihuana event.

(7) An applicant for a temporary marihuana event shall pay all required fees before the agency issues a temporary marihuana event license.

(8) The licensed marihuana event organizer shall hire or contract for licensed security personnel to provide security services at the licensed temporary marihuana event. All security personnel hired or contracted for by the licensee shall be at least 21 years of age, and present on the licensed event premises at all times marihuana products are available for sale or marihuana consumption is allowed on the licensed event premises. The security personnel shall not engage in the consumption of marihuana products before or during the event.

(9) A licensed marihuana event organizer shall maintain a clearly legible sign, not less than 7" x 11" in size reading, "No Persons Under 21 Allowed" at or near each public entrance to any area where the sale or consumption of marihuana products is allowed. The lettering of the sign shall be not less than 1 inch in height.

(10) The marihuana event organizer licensee shall ensure that access to the event is restricted to persons 21 years of age or older and ensure that marihuana sales or consumption is not visible from any public place or non-age-restricted area.

(11) The marihuana event organizer licensee, who holds the temporary marihuana event license, is responsible for ensuring that all rules and requirements for the onsite consumption of marihuana products are followed.

(12) The marihuana event organizer licensee shall ensure that all marihuana waste generated at a temporary marihuana event is collected and disposed of in accordance with the requirements of these rules, as applicable.

(13) A licensed marihuana event organizer and all other licensees participating in a temporary marihuana event are required to comply with all other applicable requirements in the Michigan regulation and taxation of marihuana act and these rules and any municipal ordinances.

(14) The agency may require the marihuana event organizer and all participants to cease operations without delay if in the opinion of the agency or law enforcement it is necessary to protect the immediate public health and safety of the people of this state. Upon notification from the agency that the event is to cease operations, the marihuana event organizer shall immediately stop the event and all participants shall be removed from the premises within the time frame provided by the agency.

(15) Upon notification from the agency, the marihuana event organizer shall immediately expel from the event any person selling marihuana products without a marihuana retailer or marihuana microbusiness license issued by the agency. The marihuana event organizer or their representative shall remain with the person being expelled from the premises at all times until he or she vacates the premises. If the person does not vacate the premises, the agency may inform

the marihuana event organizer that the event must cease operations. Upon notification from the agency that the event is to cease operations, the marihuana event organizer shall immediately stop the event and all participants shall be removed from the premises within the time frame provided by the agency.

R 420.26 Temporary marihuana event fee.

Rule 26. (1) Each marihuana event organizer licensed to hold a temporary marihuana event in this state shall pay an initial licensure fee that consists of the following:

(a) For temporary marihuana events that do not include the sale of marihuana products, a \$500.00 fee for each day of the scheduled event to cover the agency's enforcement and compliance costs.

(b) For temporary marihuana events that include the sale of marihuana products:

(i) A \$500.00 fee for each licensee authorized to sell marihuana product at the event to cover the agency's enforcement and compliance costs.

(ii) A \$500.00 fee for each day of the temporary marihuana event to cover the agency's enforcement and compliance costs.

(2) If a licensee scheduled to attend an event withdraws from the event prior to the first day of the event, the marihuana event organizer may request a refund for that portion of the fees paid to the agency to cover the enforcement and compliance costs for that licensee.

(3) A marihuana event organizer's application for a temporary marihuana event license is exempt from the application fee of \$6,000 under these rules.

R 420.27 Temporary marihuana event sales.

Rule 27. (1) A marihuana event organizer licensee shall ensure that access to the area where marihuana sales are allowed is restricted to persons 21 years of age or older.

(2) Only persons age 21 or older may purchase and consume marihuana products at a temporary marihuana event. Prior to selling marihuana products to a customer, the licensee making the sale shall confirm, using valid identification as specified in the Michigan regulation and taxation of marihuana act and these rules, the age and identity of the customer.

(3) All sales of marihuana products at a temporary marihuana event must occur in a retail area as designated in the premises diagram required in these rules.

(4) Each sale at a temporary marihuana event must be performed by a licensed marihuana retailer or marihuana microbusiness that is authorized to sell marihuana products to customers. The marihuana event organizer may also sell marihuana products at the temporary marihuana event if the marihuana event organizer separately holds a state license as a marihuana retailer or marihuana microbusiness.

(5) Licensed marihuana retailers or licensed marihuana microbusinesses shall only conduct sales activities within their specifically assigned area, identified in the diagram of the physical layout of the temporary marihuana event.

(6) Mobile sales activities via wagon, cart, or similar means are prohibited at the temporary marihuana event site.

(7) Licensed marihuana retailers or marihuana microbusinesses must prominently display their temporary marihuana event location number and state license within plain sight of the public.

(8) All sales at a temporary marihuana event must occur on the dates stated on the state license and must occur at the location stated on the state license. All onsite sales of marihuana products must comply with the hours of operation requirements in these rules.

(9) The marihuana products sold onsite at a temporary marihuana event must be transported to the site of the temporary marihuana event by a licensed secure transporter in compliance with the Michigan regulation and taxation of marihuana act and these rules. A licensed transporter is not required if less than 15 ounces of marihuana or 60 grams of concentrate is being transported at one time.

(10) Except small amounts of products used for display, all marihuana products for sale at a temporary marihuana event must be stored in a secure, locked container that is not accessible to the public. Marihuana products being stored by a licensee at a temporary marihuana event must not be left unattended.

(11) All marihuana products made available for sale at a temporary marihuana event by a licensee must comply with all requirements of the Michigan regulation and taxation of marihuana act and these rules for the sale and tracking of marihuana products. This includes, but is not limited to, all of the following:

(a) Identifying marihuana product from licensees' inventory at the marihuana establishment that will be transported for sale at the event using a marihuana secure transporter or an agent of the licensee to the temporary marihuana event.

(b) Tracking in the statewide monitoring system any sales of marihuana product at the event in accordance with the requirements of these rules.

(c) Tracking in the statewide monitoring system any marihuana product that is not sold at the event and is being returned to the marihuana establishment's inventory at its permanent location. If more than 15 ounces of marihuana or 60 grams of concentrate is being transported at one time, it must be transported using a marihuana secure transporter.

R 420.28 Renewal; notifications; inspections and investigations; penalties; sanctions; fines; sale or transfer.

Rule 28. (1) A designated consumption establishment and marihuana event organizer license are issued for a 1-year period and may be renewed. An applicant for renewal must meet the requirements, as applicable, and apply in the manner prescribed in these rules.

(2) A designated consumption establishment and marihuana event organizer applicant or licensee are subject to the notification and reporting requirements specified in these rules as applicable.

(3) A designated consumption establishment or marihuana event organizer licensee or licensee participating in a temporary marihuana event shall comply with the notification requirements for theft, loss, or criminal activity pertaining to marihuana product under these rules, as applicable.

(4) An applicant for or a licensed designated consumption establishment or marihuana event organizer are subject to the inspections and investigations specified in these rules, as applicable.

(5) An applicant for or a licensed designated consumption establishment or marihuana event organizer are subject to these rules regarding violations, sanctions, and fines.

(6) A licensee selling marihuana products at a temporary marihuana event shall comply with the requirements of these rules regarding the sale or transfer of marihuana.

(7) A licensee selling marihuana products at a temporary marihuana event shall comply with the requirements of these rules regarding purchasing limits in a single transaction.

R 420.29 Severability.

Rule 29. If any rule or subrule of these rules, in whole or in part, is found to be invalid by a court of competent jurisdiction, such decision will not affect the validity of the remaining portion of these rules.

Notes on Bi-laws

(Section 3, G. Note ----must have 2/3 members of 7 total, (thus 5) present and voting for any change to Bi-laws. You can come to a consensus, but voting will have to wait until everyone is present.)

Section 1: Membership

G. One member of the Planning Commission shall **be appointed by the supervisor to** serve as a member of the ZBA..... **....The PC chair shall provide the supervisor a recommendation for appointment following consult with the PC.** (We have been advised by council that our wording is not in line with the law.)

SECTION 6: Conflict of Interest

Add #4 addressing the "rule of necessity"

Whitewater Township Planning Commission Bylaws

The following rules of procedure are hereby adopted by the Whitewater Township Planning Commission to facilitate the performance of its duties as outlined in the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, *et seq.*, and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, *et seq.*

SECTION 1: Membership

- A. Membership Size** - The Planning Commission shall consist of seven (7) members.
- B. Membership Terms of Office** – Members are appointed by the Township Supervisor for staggered three year terms with the approval of the Township Board and expire December 31. Members are expected to take the Oath of Office and serve until their term expires and a successor has been appointed as provided above.
- C. Membership Departure** - Members who are unable or unwilling to serve the entire terms for which they were appointed or who do not wish to be considered for reappointment shall provide sixty (60) days advance written notice of that fact to the Township Supervisor so that a successor may be appointed and approved in a timely manner that does not require the Commission to function with less than the seven (7) members provided.
- D. Membership Qualification** - All members shall be qualified electors of the Township of Whitewater, except that one member may be a non-qualified elector.
- E. Membership Representation** - Membership shall be representative of the important segments of the community including:
 - 1. Agriculture
 - 2. Natural Resources/Environmental
 - 3. Recreation
 - 4. Education
 - 5. Public Health
 - 6. Government
 - 7. Transportation
 - 8. Industry
 - 9. Commerce
 - 10. Littoral Owner
 - 11. Building Trades
 - 12. Resident at Large

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- F. Township Board Representation** – One member of the Township Board shall serve as a member of the Planning Commission. His/her term shall coincide with their term of office on the Whitewater Township Board of Trustees. The Township Supervisor is ineligible to serve in this capacity.
- G. Zoning Board of Appeals Representation** – One member of the Planning Commission shall serve as a member of the Zoning Board of Appeals. His/her term shall coincide with their appointment to the Planning Commission.
- H. Liaisons** - The Township Attorney and the Planning Department staff (including their agents and consultants) shall have the ability to participate in discussions of the Commission during their meetings.

SECTION 2: Officers

- A. Selection and Tenure** - At the first regular meeting each January, the Planning Commission shall select a Chairperson, Vice Chairperson and Secretary. All officers shall serve a term of one year, and shall be eligible for re-election for consecutive terms for the same office. The newly elected officers shall assume their responsibilities at the next regular meeting. If due to unforeseen circumstances, the Planning Commission is unable to elect officers at the January meeting, those officers whose terms as officers have expired and who remain as active members of the Planning Commission shall continue their services as officers until elections are held.
- B. Chairperson** - The Chairperson shall preside at all meetings, appoint committees and perform such other duties as may be ordered by the Planning Commission, including recommending the Zoning Board Representative to the Township Board when a vacancy occurs.
- C. Vice Chairperson** - The Vice Chairperson shall act in the capacity of the chairperson in his/her absence. In the event the office of Chairperson becomes vacant, the Vice Chairperson shall succeed to this office for the unexpired term, and the Planning Commission shall select a successor to the office of Vice Chairperson for the unexpired term.
- D. Secretary** - The Secretary shall execute documents in the name of the Planning Commission and shall perform such other duties as the Planning Commission may determine. The Secretary may be assisted by a Recording Secretary and/or the Zoning Administrator in the performance of his/her duties.

SECTION 3: Meetings

The business the Planning Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act. The Planning Commission may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting.

- A. Regular Meetings** – Meetings of the Planning Commission shall be held on the First Wednesday of each month. All meetings shall take place at Whitewater Township Hall, 5777 Vinton Road, Williamsburg, MI 49690 at 7:00 P.M. When a regular meeting falls on a legal holiday or upon a day resulting in a conflict, the Planning Commission shall, if possible, select a suitable alternate meeting date in the same month as the originally scheduled meeting.

Notice of regular Planning Commission meetings shall be posted at Township Hall each year in accordance with the Open Meetings Act and on the township website.

- B. Special Meetings** - Special meetings may be called by the Chairperson or upon written request to the secretary by at least two members of the Planning Commission. Notice of special meetings shall be given to the members of the Planning Commission at least 48 hours prior to the meeting. Such notice shall state the purpose, time and location of the special meeting and shall be posted in accordance with the Open Meetings Act.

- C. Notice** - Notice required for specific planning, zoning or other land use actions will be given in accordance with the Michigan Planning Enabling Act, the Michigan Zoning Enabling Act, Land

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Division Act, or other applicable statute. All Planning Commission agendas and notices will be posted on the Township website, whitewatertownship.org. and in all other Township designated locations.

- D. Public Hearings** - All public hearings held by the Planning Commission must be held as part of a regular or special meeting of the Planning Commission.
 - 1. Public Hearings that will result in the consideration of amending the Zoning Ordinance text or map shall be set by motion of the Planning Commission.
 - 2. Public Hearings that are required for site plan and/or special use consideration may be set in accordance with the Planning Commissions regular schedule by the Zoning Administrator.
- E. Agenda** - The chairperson shall be responsible for preparing a tentative agenda, with the assistance of the Zoning Administrator or Recording Secretary, if requested, for Planning Commission meetings. The agenda may be modified by quorum of the Commission.
- F. Quorum** - Four (4) members of the Planning Commission shall constitute a quorum for transacting business and taking official action for all matters with the exception of Master Plan adoption or amendments (see G below).
- G. Voting** - An affirmative vote of 2/3 of the members of the Planning Commission is required to recommend approval of the master plan or amendments to the plan or to amend these bylaws. Unless otherwise required by statute, other actions or motions placed before the Planning Commission may be adopted by a majority vote of the members present and voting, as long as a quorum is present. Voting shall be by voice vote; a roll call vote shall be required if requested by any Commission member or directed by the chairperson. Except in the case of conflict of interest, all Planning Commission members, including the Chairperson and ex officio member, shall vote on all matters.
- H. Public Records** - All meetings, minutes, records, documents, correspondence and other materials of the Planning Commission shall be open to public inspection in accordance with the Freedom of Information Act, except as may otherwise be provided by law.
- I. Parliamentary Procedure** – Parliamentary procedure in Planning Commission meetings shall be governed by Roberts Rules of Order.

SECTION 4: Duties of the Planning Commission

The Planning Commission shall perform the following duties:

- A.** Prepare, review and update a master plan as a guide for development within the Township's planning jurisdiction.
- B.** Take such action on petitions, staff proposals and Township Board requests for amendments to the Zoning Ordinance as required.
- C.** Take such action on petitions, staff proposals and Township Board requests for amendments to the Master Plan as required.
- D.** Prepare an annual written report to the Township Board of the Planning Commission's operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development.
- E.** Take such actions as authorized or required by the Michigan Planning Enabling Act.
- F.** Take such actions as authorized or required by the Michigan Zoning Enabling Act.
- G.** Review subdivision proposals and recommend appropriate actions to the Township Board.

As Adopted by the Whitewater Township Board on 03/17/2020

- H. Perform other duties and responsibilities or respond as requested by any Township Board or Commission.

SECTION 5: Absences and Removals

- A. To be excused, members of the Planning Commission shall notify the Planning Commission Chairperson, other Planning Commission member or Township Staff when they intend to be absent from a meeting. Failure to make this notification prior to the meeting shall result in an unexcused absence.
- B. Members may be removed by the Township Board for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing.
- C. Following three consecutive absences or six within any 12-month period, the Planning Commission shall present to the Township Board a recommendation for dismissal or continued service of a member.

SECTION 6: Conflict of Interest

During the Declaration of Conflict of Interest portion of the agenda, Planning Commission member(s) shall disclose the potential conflict of interest to the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by these bylaws constitutes malfeasance in office.

Conflict of interest is defined as, and a Planning Commission member shall declare a conflict of interest and abstain from participating in Planning Commission deliberations and voting on a request, when:

1. An immediate family member is involved in any request for which the planning commission is asked to make a decision. "Immediate family member" is defined as a spouse, mother, father, sister, brother, son, or daughter, including an adopted child.
2. The Planning Commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association.
3. The Planning Commission member owns or has a financial interest in neighboring property or property within a notification zone.

If there is a question whether a conflict of interest exists or not, the question shall be put before the Commission. Whether a conflict of interest exists or not shall be determined by a majority vote of the remaining members of the Commission.

In the event that a conflict is declared, the member shall remove themselves from the meeting table until the agenda item is concluded.

SECTION 7: Compensation

Planning Commissioners will receive compensation on a per meeting basis as determined by the Township of Whitewater Board of Trustees. Planning Commissioners may receive reimbursement for travel and expenses with recommendation by the Planning Commission and approval by the Township Board.

SECTION 8: Education

Members shall complete one training/educational program each year. Training ~~will~~ **may** be provided when available at regular meetings of the Planning Commission by the Planning/Zoning Administrator (or his/her designee) and will qualify as acceptable training. However additional training is encouraged.

As Adopted by the Whitewater Township Board on 03/17/2020

SECTION 9: Order of Business

The order of business shall be as follows:

1. Call to Order/Pledge of Allegiance
2. Roll Call of Commission Members
3. Set/Adjust Meeting Agenda
4. Declaration of Conflict of Interest
5. Public Comment – Any person shall be permitted to address a meeting of the Planning Commission. Public comments shall be carried out in accordance with the following rules and procedures:
 - a. Comments shall be directed to the Commission, with questions directed to the Chair.
 - b. Any person wishing to address the Commission shall speak from the lectern and state his/her name and address.
 - c. Persons may address the Commission on matters that are relevant to Township planning and zoning issues.
 - d. No person shall be allowed to speak more than once on the same matter, excluding the time needed to answer Commission members' questions.
 - e. Public comment shall be limited to 3 minutes.

6. Public Hearing

- a. Open public hearing/ state time.
- b. Request those attending sign attendance sheet.
- c. State date of public hearing notice publication and newspaper published in.
- d. State purpose of public hearing.
- e. Introduce any presentations to be given.
 - i. Zoning Administrator
 - ii. Petitioner/Agent
- f. Read any written comments received.
- g. Receive public comment.
- h. Close public hearing/state time.

Questions shall be addressed through the Chair during the public hearing. Planning Commission discussion and/or action shall take place following the public hearing.

7. Approval of Minutes of Previous Meeting(s)
8. Correspondence
9. Reports/Presentations/Announcements/Comments
 - a. Zoning Administrator
 - b. Chair
 - c. Township Board Representative
 - d. ZBA Representative
 - e. Committee Reports
 - f. Additional Items

10. Unfinished Business
11. New Business
12. Next Meeting Agenda
13. Public Comment
14. Commission Discussion/Comments
15. Continuing Education
16. Adjournment

SECTION 10: Amendments

These bylaws may be amended at any time following a recommendation of the majority of the membership of the Planning Commission and subsequent notification to the Township Board.

As Adopted by the Whitewater Township Board on 03/17/2020

Adopted by the Whitewater Township Board at their regular meeting on March 17, 2020.

As Adopted by the Whitewater Township Board on 03/17/2020

(Proposed amendment to clarify SUP standards for application and evaluation.)

ARTICLE XXV

SITE PLAN REVIEW AND SPECIAL LAND USES

25.10 SITE PLAN REVIEW / SPECIAL USE PERMIT (SUP) - AUTHORIZATION and PROCEDURES

A. The Zoning Administrator and/or Planning Commission as specified in this section shall review and approve, approve with conditions or deny all site plans and SUPs applications submitted under this Ordinance. Each action taken shall be duly recorded in the official record by the Zoning Administrator or in the minutes of the Planning Commission. Those applications which require Planning Commission review will then be submitted to the Planning Commission for action along with the recommendation of the Zoning Administrator as to compliance with Ordinance requirements. The Zoning Administrator shall also seek the recommendation of the Fire Chief, Road Commission, Drain Commission, Health Department, and Michigan Department of Environment, Great Lakes, and Energy (EGLE), or their successors, where applicable.

SITE PLAN REVIEW: WHERE REQUIRED

~~25.11.A.6 – Removed~~

25.21 SPECIAL USE PERMITS (SUP) APPLICATION REQUIREMENTS:

A. Conditions, Application Requirements, and Review Procedures for a SUP.

1. All SUP applications shall follow the review process set forth under Article 25, Site Plan Review and provide all information required therein.
2. The following additional items shall be provided and/or evaluated as part of the SUP review process.
 - a. Planning Commission review of the proposed projects compliance with the Whitewater Township Master Plan.
 - b. Evaluation of the potential impact a proposed project may have on the General Health, Safety, and Welfare of Whitewater Township and it's residents.
 - c. Additional engineering studies may be required as deemed appropriate by the Planning Commission to evaluate a proposed projects impact on the power grid, traffic, water, sewer, and any environmental concerns.

d. Evaluation of the Township's ability to accommodate any anticipated increase in emergency services.

B. Procedures: A public hearing shall be required for all special use applications. When an application has been filed in proper form and with the required data, the Zoning Administrator shall immediately place said application upon the calendar for the hearing and cause notices stating the time, place and object of the hearing to be served.

One (1) notice that said hearing is to be held shall.....

Color Code: Black= original text Blue= notes Red= new text Removal Recommended

Notes tracking changes:

ARTICLE XXV

SITE PLAN REVIEW AND SPECIAL LAND USES

25.10 SITE PLAN REVIEW / SPECIAL USE PERMIT (SUP) - AUTHORIZATION and PROCEDURES

A. The Zoning Administrator and/or Planning Commission as specified in this section shall review and approve, approve with conditions or deny all site plans and SUPs applications submitted under this Ordinance. Each action taken ~~with reference to site plan review~~ shall be duly recorded in the official record by the Zoning Administrator or in the minutes of the Planning Commission. Those ~~site plans~~ applications which require Planning Commission review will then be submitted to the Planning Commission for action along with the recommendation of the Zoning Administrator as to compliance with Ordinance requirements. The Zoning Administrator shall also seek the recommendation of the Fire Chief, Road Commission, Drain Commission, Health Department, and Michigan Department of Environmental Quality, or their successors, where applicable. (EGLE?)

SITE PLAN REVIEW: WHERE REQUIRED (A.1-6)

~~25,11.A.6 All proposed uses or developments in environmentally sensitive areas as required under Article 27.00, Environmentally Sensitive Areas.~~ (Article 27 no longer exists.)

25.21 SPECIAL USE PERMITS (SUP) APPLICATION REQUIREMENTS:

A. Conditions, Application Requirements, and Review Procedures for a SUP.

1. All SUP applications shall follow the review process set forth under Article 25, Site Plan Review and provide all information required therein.
2. The following additional items shall be provided and/or evaluated as part of the SUP review process.
 - a. Planning Commission review of the proposed projects compliance with the Whitewater Township Master Plan.
 - b. Evaluation of the potential impact a proposed project may have on the General Health, Safety, and Welfare of Whitewater Township and it's residents.
 - c. Additional engineering studies may be required as deemed appropriate by the Planning Commission to evaluate a proposed projects impact on the power grid, traffic, water, sewer, and any environmental concerns.
 - d. Evaluation of the Township's ability to accommodate any anticipated increase in emergency services.

B. Procedures: A public hearing shall be required for all special use applications. When an application has been filed in proper form and with the required data, the Zoning Administrator shall immediately place said application upon the calendar for the hearing and cause notices stating the time, place and object of the hearing to be served.

One (1) notice that said hearing is to be held shall.....(No additional changes)

**WHITEWATER TOWNSHIP
GRAND TRAVERSE COUNTY, MICHIGAN**

**Whitewater Township Zoning Ordinance, Township Ordinance #6,
effective December 23, 1972, as amended.**

Whitewater Township ordains:

Part I: The Whitewater Township Zoning Ordinance is hereby amended by replacing Article 25.21: Special Use Permit Application Requirements with the following:

25.21 SPECIAL USES

25.21.01. Purpose

This Ordinance divides the Township into districts in which specific uses are permitted which are mutually compatible. In addition, there may be certain other uses which may be appropriate to include in a district due to the specific circumstances surrounding the use, the impact on neighboring uses and public facilities. Such uses, because of their particular location or the particular nature of the service offered, may be established in a district through a Special Use permit.

25.21.02 Authority to Grant Permits

The Planning Commission has the authority to approve, deny or approve with conditions Special Use permits in accordance with this Ordinance. If approved or conditionally approved by the Planning Commission, the Zoning Administrator shall issue Special Use permits.

25.21.03 Application and Fee

Application for any Special Use permit permissible under the provisions of this Ordinance shall be made to the Zoning Administrator by filing a completed Special Use permit application form, including all required data, exhibits and information, and depositing the required minimum fee. Such application shall be accompanied by the minimum fee as established from time to time by the Township Board. No part of such fee shall be refundable to the Applicant.

If an application of a complex nature is received, the Zoning Administrator may determine that the application requires the assistance of expert(s) resulting in additional costs. Upon the Zoning Administrator's determination that expert review is required requiring additional fees, review of the application shall stop until the applicant has paid a minimum additional fee of up to two thousand five hundred (\$2,500.00) dollars. The applicant shall deposit the additional fee with the Whitewater Township Treasurer who shall keep an accurate accounting of the funds in a separate account. If the applicant does not deposit the required amount, no further action on the

application shall be taken and it will be deemed denied without prejudice. The Zoning Administrator shall use the additional fee to contact and select necessary experts, receive a work proposal and estimate from the experts on their fees and costs for the application, and for the services of the expert(s).

At the next meeting of the Planning Commission, or prior to the next meeting of the Planning Commission the Zoning Administrator in consultation with the Chair of the Planning Commission, shall: a) establish a budget for the services of the expert(s), meeting costs, zoning administration expenses; and b) send an invoice to the applicant for the amount of the budget established with a request the applicant notify the township within ten (10) days, in writing, that he will withdraw the application, or will proceed and pay the balance of the additional fees based on the budget.

The applicant shall deposit the additional fee with the Township Treasurer who shall keep an accurate accounting of the funds in the same account. If the applicant does not deposit the required amount, no further action on the application shall be taken and it will be deemed denied without prejudice. The Planning Commission shall use the additional fee to pay the services of the expert(s), meeting costs, and zoning administration expenses.

During the application process, the Planning Commission may from time-to-time modify the budget for such costs. Any additional actual costs incurred in processing such application shall be paid before a permit is issued, and may be required to be payable in increments as review of the application progresses. The additional costs shall be for no more than the actual costs incurred by the Township processing the application. No part of such actual cost shall be returnable to the applicant. If there are any remaining monies in the Township Treasurer's account upon conclusion of the application, those monies shall be returned to the Applicant.

The deposit required by this section is in addition to any security required elsewhere in this Ordinance.

25.21.04 Pre-Application Conference

Applicant(s) may request a meeting with the Zoning Administrator and not more than two (2) members of the Planning Commission before submitting an application. The purpose of the meeting is to discuss special use permit processing procedures, explanation of this Zoning Ordinance, what has been required of similar applications in the past, and to assist the Applicant and Township with understanding of general concepts and design parameters prior to investment in preparation of a Site Plan or Special Use permit application. Township officials at this meeting shall not indicate or otherwise commit the Township to any particular action regarding the application.

25.21.05 Information Required in Application

An application for Special Use Permit shall include:

- a. The Applicant(s) name(s) and address(s).
- b. A signed affidavit the Applicant(s) are the owner, or has an ownership interest, or is acting on the behalf of owners.
- c. The address and legal description of the property.
- d. A detailed Site Plan as specified in Article 25.10 *et seq.* of this Ordinance.

25.21.06 Review for Completeness

Upon receipt of the Special Use Permit application, the Zoning Administrator will review the application for administrative completeness. If the application is not administratively complete, the Zoning Administrator will return the application to the Applicant(s) with a letter that specifies the additional material(s) required. If the application is deemed administratively complete, the Zoning Administrator and Chair of the Planning Commission shall establish a date to hold a public hearing on the Special Use Permit application.

25.21.07 Notice of Public Hearing

If the application is administratively complete, the Zoning Administrator shall notify the following persons of the application being considered. This notice must be sent not less than fifteen (15) days before the date of the public hearing. These notices shall be sent to:

- a. The Applicant(s).
- b. The owner of the property, if different.
- c. The owners of all real property within 300 feet of the boundary for the property for which the Special Use review has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located in the Township.
- d. Occupants of any structures within 300 feet of the boundary for the property for which the Special Use review has been requested, regardless of whether the owner and property is located in the Township.
- a. The public by notification in a newspaper of general circulation in Whitewater Township.
- e. The members of the Planning Commission.
- f. The adjoining Township(s) (if proposed special use is located within 1 mile), Grand Traverse County, and the Grand Traverse Band of Ottawa and Chippewa Indians.
- a. Utility providers.
- g. Michigan Department of Transportation, if within 300 feet of a state highway.

- h. Michigan Department of Environment Great Lakes and Energy (EGLE) if the proposed Special Use is on property with surface water, wetlands, groundwater, or otherwise requires a permit from EGLE.

Failure of the Zoning Administrator to notify those persons and entities listed in Subsection 25.21.07 of this Ordinance shall not be grounds to challenge the validity of the proposed special use permit, provided notice has been given in accordance with the Michigan Zoning Enabling Act.

The notice shall include:

- a. The nature of the Special Use Permit being requested.
- b. The property(-ies) for which the request has been made.
- c. A listing of all existing street addresses within the property(-ies) subject of the Special Use (i.e., street addresses do not need to be created and listed if no such addresses currently exist and another means of identification may be used.)
- d. Where the application documents can be viewed prior to the date of its consideration.
- e. The date, time and location of the public hearing.
- f. The address at which written comments may be directed prior to Township consideration.
- g. For members of the Planning Commission only, a complete copy of the Special Use permit application and supporting documents in the record.

Any person or entity that receives notice pursuant to this section of this Ordinance may choose to submit material to the Planning Commission. Such submissions shall be delivered to the Township at or before the hearing on the issue. Such submissions shall be considered advice to the Planning Commission. The applicant may wish to review an application with Grand Traverse County, Grand Traverse Band, public utilities, EGLE, road agencies, and other governing authorities having jurisdiction over the proposed special use prior to the hearing, or prior to submitting the application to the Commission.

25.21.08 Hearing and Decision

The Planning Commission shall hold a public hearing on the Special Use permit application. Anyone who receives notice pursuant to Section 25.21.07 may choose to submit material to the Planning Commission. Such submissions shall be delivered to the Township at or before the public hearing. Such submissions shall be considered advice to the Planning Commission.

The Planning Commission shall either approve, approve with conditions, or deny the application. The decision shall be in writing and clearly state the reasons for the decision. At a minimum the record of the decision shall include:

- a. A summary of public comments made at the hearing;
- b. Formal finding of facts;

- c. The conclusions derived from the facts (reasons for the decision);
- d. The decision; and
- e. A listing of any conditions upon which issuing a permit is issued.

25.21.09 Special Use Permit Standards

- A. In addition to the standards established for specific uses herein, an application for a Special Use permit shall be reviewed for compliance with Site Plan review standards in Article 25.10 through 25.20 of this Ordinance. The Planning Commission may impose reasonable conditions upon a Special Use permit.
- B. No Special Use permit may be approved unless all of the following standards are met. Each application shall be reviewed for the purpose of determining that the proposed Special Use shall:
 - 1. Be designed, constructed, operated and maintained so as to be harmonious and compatible with the existing or intended character of the general vicinity, and that the use will not change the essential character of the area in which it is proposed.
 - 2. Be adequately served by essential public facilities and services such as highways, streets, fire and safety, drainage, refuse disposal, water and sewage treatment, etc.
 - 3. Not create excessive additional public costs for essential public services or facilities.
 - 4. Not involve activities, processes, materials, equipment or conditions that will be detrimental to any persons, property, or the public from the traffic, noise, smoke, vibration, fumes, glare, odors, etc.
 - 5. Be sufficiently designed to maintain adequate provision for the protection of the health, safety, and welfare of those proposing the special use, residents and adjoining landowners and the community as a whole.
 - 6. Be consistent with the intent of this Zoning Ordinance and the Master Plan.
 - 7. Not create or substantially add to traffic hazards.
 - 8. Not have significant adverse impacts to environmental, ecological or natural resources.
 - 9. Not have significant adverse impacts on adjoining properties, or to allowed or established uses.

25.21.10 Special Land Use Permit Conditions

Special Land Use Permits can be granted with conditions, limitations, or additional requirements imposed by the Planning Commission. Any conditions, limitations or requirements upon which approval is based shall be based upon findings of fact and be:

- 1) reasonable and designed to protect natural resources, the health, safety and welfare of the public;

- 2) relevant to the social and economic well-being of the owners and occupants of the lot in question, of the area adjacent thereto and of the community as a whole;
- 3) related to the purposes which are affected by the proposed use or activity;
- 4) consistent with the intent and purpose of this Ordinance, generally and specifically, for the respective zoning district;
- 5) designed to ensure compatibility with adjacent uses of land and the natural environment; and
- 6) the proposed special use or activity will be designed to ensure compatibility with public services and facilities.

25.21.11 Record of Special Land Use Permit

A notice of the Special Use Permit shall be recorded with a property description with the Grand Traverse County Register of Deeds. The application and all other information relating to the Special Use Permit shall be filed with the Township by the Zoning Administrator.

25.21.12 Security Requirement

To ensure compliance with relevant sections of the Zoning Ordinance, Site Plan, and any Special Use Permit conditions, limitations or requirements imposed by the Planning Commission as necessary to protect natural resources or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, in addition to action 25.16 Site Plan Performance Guarantee the Planning Commission, may require a cash deposit, certified check, irrevocable bank letter of credit or surety bond in an amount and under the conditions permitted by law. Such security shall be deposited with the Township Clerk at the time of the issuance of the Special Use permit authorizing the commencement of such project. Where the project will take more than ninety (90) days to be completed, the Planning Commission may authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses. Such security shall not exceed the estimated cost of the required conditions, limitations, requirements for which the security is designed to ensure compliance.

25.21.13 Amendment of Special Use Permits

Major amendments to Special Use Permits shall be handled in the same manner as the initial Special Use permit application. However, minor non-substantive changes may be made to an existing Special Use Permit by mutual agreement between the Township as represented and recorded by the Zoning Administrator and Applicant(s).

25.21.14 Transfer of Special Use Permit

A Special Use permit, with any and all associated benefits, conditions and required security may be transferred to a new landowner. The responsibility for effecting the transfer shall be the original landowner. If not transferred, the original landowner shall continue to be held responsible for any conditions, security, etc. required by the Special Land Use Permit. The original landowner, upon transferring the Special Use permit shall advise the Zoning Administrator of said transfer in order to ensure the continued validity of the permit, compliance with security and other conditions.

25.21.15. Construction Code Permits

A Special Use permit shall be required prior to the issuance of a building permit from the Grand Traverse County Building Department pursuant to 2015 Michigan Building Code, 2015 Rehabilitation Code for Existing Buildings, 2015 Michigan Energy Code, 2015 Michigan Residential Code, 2017 Michigan Electrical Code, 2015 Michigan Mechanical Code, and 2018 Michigan Plumbing Code.

25.21.16. Expiration of Special Use Permits

A Special Use permit shall be valid for as long as the approved Special Use continues in accordance with the terms and conditions of the approved permit. The Special Use permit will expire on the occurrence of one or more of the following conditions:

- a) If replaced or superseded by a subsequent Special Use permit.
- b) If replaced or superseded by a permitted use.
- c) If the applicant requests the rescinding of the Special Use permit.
- d) If the use is discontinued, relocated, or vacated for a period of one (1) year. Notice of the expiration shall be given to the property owner in writing.

25.21.17 Violation of Special Use Permit

Any violation of the terms, conditions or limitations of a Special Use permit shall be cause for revocation or suspension of the Special Use permit. The Planning Commission may either revoke or suspend, pending correction of the violation, any Special Use Permit. The act to revoke or suspend the Special Use permit shall occur after giving notice to the permit holder, specifying the violation(s) alleged to exist and when a hearing will be held on the matter. The notice shall be delivered by registered mail. Any interested party may appear in person or by attorney at the hearing. The act to revoke or suspend the Special Use permit shall occur after or at the hearing

on the matter. Before revoking or suspending the permit the Zoning Administrator shall make a finding that a material violation of the Special Use permit exists. The permit holder shall be given a reasonable opportunity to correct the violation(s).

Part II. Severability

The various parts, sections and clauses of this Zoning Amendment are hereby declared to be severable. Should any part, clause, sentence, paragraph or section of this Zoning Amendment be found invalid or unconstitutional for any reason by any court of competent jurisdiction, any such decision shall not affect the validity of the remainder of this Zoning Amendment.

Part III. Conflict and Interpretation

The standards and provisions of this Zoning Amendment shall be interpreted as being the minimum requirements necessary to uphold the purposes of this Ordinance. Whenever this Zoning Amendment imposes a higher standard than that required by other regulations, ordinances, or rules, or by easements, covenants or agreements, the provisions of this Zoning Amendment shall govern. When the provisions of any other statute impose higher standards the provisions of such statutes shall govern. When it is alleged by a petitioner that there is an error in interpretation of this Zoning Amendment by the Zoning Administrator or designee, the Whitewater Township Zoning Board of Appeals pursuant to Article 18 of the Zoning Ordinance shall review such an appeal, provided that a written appeal is filed within thirty (30) days of the decision of the Zoning Administrator or designee. The concurring vote of a majority of the Zoning Board of Appeals shall be necessary to reverse any interpretation of this Zoning Amendment by the Zoning Administrator or designee.

Part IV. Savings Clause

All proceedings pending and rights and liabilities existing, acquired or incurred at the time this Zoning Amendment takes effect are saved and may be consummated according to the law in force when they were commenced.

Part V. Effective Date

The provisions of this Zoning Amendment are ordered to take effect seven (7) days after publication (as the full text or as a summary thereof) in a newspaper of general circulation in the Township.

Part VI. Adoption

This Zoning Amendment was duly adopted by the Whitewater Township Board at its regular meeting called and held on the ____ day of _____, 2022.

Part VII. Publication

The Township Clerk shall cause this Zoning Amendment or summary of this Zoning Amendment to be published in a newspaper of general circulation within Whitewater Township within seven (7) days after adoption.

Ron Popp, Supervisor, Whitewater Township

Cheryl A. Goss, Clerk, Whitewater Township

Adoption date:

Publication date:

Effective date:

CERTIFICATION

I, Cheryl A. Goss, the Clerk for Whitewater Township, Grand Traverse County, Michigan, do hereby certify that the foregoing is a true and complete copy of this Zoning Amendment adopted by the Whitewater Township Board at a regular meeting held on _____, 2022.

The following members of the Township Board were present at the meeting:

.

The Zoning Amendment was adopted by the Whitewater Township Board with ____ members of the Board voting in favor (_____) and ____ voting against (_____).

A copy of the Zoning Amendment or a summary thereof was published in the Traverse City Record Eagle on _____.

Cheryl A. Goss, Clerk, Whitewater Township

Draft Zoning Ordinance Amendment 12-3-21

Color Code: **Black** = original **Red** = Needs review or evaluation **Blue** = Suggested New or Notes

Mike Kim

ARTICLE XII

BUILDING SIZES AND YARD REQUIREMENTS

12.00

12.10 BUILDING SIZES

A. Each Dwelling or other main building excepting itinerant labor housing quarters, hereafter erected in any district shall have a permanent foundation and a minimum of seven hundred (700) square feet of floor space, not including breezeways, porches and garages.

B. The floor area of a mobile home shall be that stated as the manufacturer's declared measurements.

C. Campground cabins shall not exceed six hundred and fifty (650) square feet including covered porches.

D. All structures, lots, and structure setbacks from property lines shall comply with the regulations established in Article XII of this Ordinance, unless specifically exempted elsewhere in this Ordinance.

~~Section 12.11 Schedule of Regulations~~
(see next page for table)

12.11 Residential Districts

District	Use	Minimum Lot Width	Minimum Lot Area	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Additional Standards
R1		100'	20,000	30'	15'	30'	
R2		100'	12,000	30'	15'	30'	
	Two Family	120'	22,000	30'	15'	30'	
R3		120'	11,000 Per Dwelling	30'	15'	30'	

12.12 Agricultural and Recreation

Draft Zoning Ordinance Amendment 12-3-21

District	Use	Minimum Lot Width	Minimum Lot Area	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Additional Standards
Ag	General	200'	40,000	30'	15'	30'	
	Commercial Campground	300' ?	40 acre min ? campsites per acre.* 2 cabins per acre.	100'	100'	100'	
Notes		M=increase K=500'	M=ok K= 4 sites, 2 cabins per acre	M=ok K=200'	M=ok K=200'	M=ok K=200'	
RC	General	100'	5 acres	30'	15'	30'	
	Commercial Campground		40 acre min ? campsites per acre. 2 cabins per acre.	100'	100'	100'	
Notes			Campgrounds = 1 site per 2 acres 1 cabin per 5 acres 40 acre min M=* K= 4 sites, 2 cabins per acre	M=*	M=*	M=*	
* M = Make same as or sim to WWTP (WWTP is 147 acres, sites vary from 19 to 55 per acre by size but park has a large volume of unspecified woods and common area.)							

12.13 Commercial and Industrial Districts

Draft Zoning Ordinance Amendment 12-3-21

[illegible]

Draft Zoning Ordinance Amendment 12-3-21

12.14 Reserved for Marihuana Related Establishments

Additional Setback Restrictions for Marihuana Related Establishments

District	Use	Setback from Existing Residential Parcel	Setback from Adjacent Property line	Setback from School, Park, church, or Recreational Trail.
Agriculture	Medical Grow and Processing, Recreational Grow and Processing	300' Structure to lot line.	200' structure to lot line.	1000' Structure to lot line.
Industrial	Medical Grow and Processing, Recreational Grow and Processing	300' Structure to lot line.	Existing Setbacks	1000' Structure to lot line.

12.15 Special Situations: Except for the specific requirements stated the regulation for the underlying zone shall remain unchanged.

Situation /Use	Minimum Lot Width	Minimum Lot Area	Front Yard Setback	Side Yard Setback	Rear Yard Setback	Additional Standards
Frontage on Boardman River and tributaries	200'		100' from water's edge Ordinary High Water Mark			
Frontage on all other Lakes and Streams			50' from the water's edge Ordinary High Water Mark			
M72 in the Ag District			100'			
Supply Rd.			100'			

Draft Zoning Ordinance Amendment 12-3-21

Old M72 in the C District			30'	0		
Enclosures/structures for livestock, domestic animals (except house pets)		2 ½ acres	100	100	100	
OR						
Horses/livestock		2 ½ acres	100' M=100	100' M=75	100' M=75	
Chickens/rabbits		2 ½ acres	40' M=75	40' M=50	40' M=50	
Dog Kennels – Sled, Hunting, or Breeding		10 acres	200' M=75	200' M=75	200' M=75	
Notes K=skip dogs or Art 37 set 200' Chickens – 20' setback		K=no min chickens				

12.16 Additional conditions:

1. No structure shall be built within the minimum yards required except when expressly allowed elsewhere in the ordinance. [Relocated from 12.11](#)
2. Minimum Lot Areas shall be calculated by square foot unbroken by any road, street, or thoroughfare. [Relocated from table.](#)
3. Maximum Structure Height in all districts shall be 35' or 2 ½ stories above grade. [Relocated from table.](#)
4. Minimum Width to Maximum Depth Ratio regulating lot shape of new parcels shall be 1:4 in all districts. [Relocated from table.](#)
5. Variance provisions for Depth to Width Ratio are found in General Ordinance 25, Land Division Ordinance. [Relocated from 12.11.](#)
6. **There shall be a 30' Setback in all directions between multifamily residential structures in any district.**
[new](#)

Section 12.12 [12.20](#) Hardship

No requirements contained in this Article shall prevent the use of a lot or parcel of land of lesser size, provided the same was of legal record or had been laid out by a registered surveyor prior to the effective date of this Ordinance; and provided, further, that as to any lot or parcel of land not of legal record or so laid out on the date of passage of this Ordinance, if any conditions shall create a hardship in complying with the restrictions contained in this Article, **then the Planning Commission may grant deviation therefrom after first determining that the same shall not be inimical to the public health, safety or welfare.** [Evaluate – PC or ZBA](#)

Draft Zoning Ordinance Amendment 12-3-21

K= should read ZBA

Amendments to Article 14.11

NOTES: To Section 12.11

1 and 5 moved to 12.16

Move 2 and 4 to Article 14, Waterfront

3. Remove – old term no longer used ~~3. The water's edge shall be considered to be the ordinary high water mark.~~

14.11 SPECIAL REQUIREMENTS FOR THE BOARDMAN RIVER VALLEY

2. C. In no case shall a lot or parcel having frontage on the Boardman River or its tributaries be less than two hundred (200) feet wide at the water's edge or the building setback line, or be less than two hundred (200) feet deep. [Moved to Article 14, Waterfront – Also appears in Article 12 - "Special Situations"](#)

4. D. A dock may be constructed parallel to the bank, not exceeding ten (10) feet in length and not protruding in the stream, and when constructed of natural materials such as rocks or logs. [Moved to Article 14, Waterfront from Article 12.](#)

Amendments to Article 37.20 Raising and keeping of animals

[37.20 C or 12](#) Should be amended to match.

[37.20 C.](#) Currently reads 40' for chickens/rabbits. 12 indicates 100'.

Proposed Zoning Ordinance Amendment No. 79

Color Code: Black: existing

Red: new, notes, or needs review

~~Grey: removed~~

**WHITEWATER TOWNSHIP
GRAND TRAVERSE COUNTY, MICHIGAN
MARIHUANA BUSINESS ZONING ORDINANCE AMENDMENT**

An Ordinance to amend the Whitewater Township Zoning Ordinance, as amended, to provide for the regulation of Commercial Medical Marihuana Facilities, and Primary Caregiver operations; and designate such Facilities, Establishments, and Operations as permitted or special uses; in order to maintain the public health, safety and welfare of the residents and visitors to Whitewater Township.

(Adapted for and added to 25.22E)

THE TOWNSHIP OF WHITEWATER ORDAINS:

Section 1. Amendment of Article III, Definitions: The Whitewater Township Zoning Ordinance, Article III, Definitions, shall be amended to add the following definitions:

RESIDENTIAL DEVELOPMENTS shall include subdivisions, condominium developments, and Planned Unit Developments (PUD) intended for residential use. (Need to address apartments or other residential areas)

MARIHUANA RELATED DEFINITIONS:

MMFLA: Medical Marihuana Facilities Licensing Act

MRTMA: Michigan Regulation and Taxation of Marihuana Act

MARIHUANA CAREGIVER OPERATION: is the cultivation, storage, or distribution of medical marihuana by a Primary Caregiver in accordance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008 ("MMMA"), See Article 37.60."

Marihuana - CONSUMPTION ESTABLISHMENT: as that term is defined by the Department of Licensing and Regulatory Affairs being a commercial space that is licensed by LARA or the MRA and authorized to permit adults 21 years of age and older to consume marihuana products at the location indicated on the state license or as may be defined in the MRTMA.

EXCESS MARIHUANA GROWER: as that term is defined by the Department of Licensing and Regulatory Affairs, being a grower authorized to grow additional marihuana plants in increments of 2,000 or as may be defined in the MRTMA.

MARIHUANA BUSINESS: means any of the following marihuana-related businesses licensed under the MMFLA or MRTMA:

MARIHUANA EVENT ORGANIZER: as that term is defined by the Department of Licensing and Regulatory Affairs, being a person authorized to hold a temporary marihuana event or as may be defined in the MRTMA.

Proposed Zoning Ordinance Amendment No. 79

MARIHUANA GROWER is a commercial entity licensed to cultivate, dry, trim, or cure and package marihuana for sale to a processor or provisioning center.

MARIHUANA MICROBUSINESS: as that term is defined in the MRTMA, being a person licensed to cultivate not more than 150 marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are 21 years of age or older or to a marihuana safety compliance facility, but not to other marihuana establishments.

Marihuana - PRIMARY CAREGIVER means a person who has agreed to assist a patient with the medical use of marihuana and has a valid state license to do so. See Article 37.60.

MARIHUANA PROCESSER is a commercial entity licensed to purchase marihuana from a grower and extract resin, package, create marijuana-infused products, or similarly prepare marihuana substances for sale.

MARIHUANA RETAILER: as that term is defined in the MRTMA, being a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

MARIHUANA SAFETY COMPLIANCE FACILITY: as that term is defined in the MRTMA, being a person licensed to test marihuana, including certification for potency and the presence of contaminants.

Marihuana - SECURE TRANSPORTER is a commercial entity licensed to store and/or transport marihuana between facilities.

TEMPORARY MARIHUANA EVENT: as that term is defined by the Department of Licensing and Regulatory Affairs being a state license held by a marihuana event organizer under the MRTMA, for an event where the onsite sale or consumption of marihuana products, or both, are authorized at the location indicated on the state license or as may be defined in the MRTMA.

Marihuana - QUALIFYING PATIENT is a person who had been diagnosed by a physician as having a debilitating medical condition being treated by marihuana. See Article 37.60

OTHER MARIHUANA RELATED DEFINITIONS: other marihuana related terms undefined by this Township Zoning Ordinance will be given their meaning assigned by the Whitewater Township Ordinance Authorizing and Permitting Adult-Use Marihuana Establishments or the Whitewater Township Ordinance Authorizing and Permitting Commercial Medical Marihuana Facilities. Any other marihuana related terms undefined by other Whitewater Township ordinances shall be assigned their meaning contained in the Michigan Medical Marihuana Act (MMMA), Initiated Law 1 of 2008; the Medical Marihuana Facilities Licensing Act (MMFLA), Public Act 281 of 2016; the Michigan Regulation & Taxation of Marihuana Act (MRTMA), Initiated Law 1 of 2018; by the Marijuana Regulatory Agency (MRA); and by applicable Michigan Department of Licensing and Regulatory Affairs (LARA) Rules and Regulations.

Section 2. Amendment of Article 6, Section 6.10, Permitted Uses: The Whitewater Township Zoning Ordinance, Article 6 Residential R-1, Section 6.10, Permitted Uses, shall be amended to include the following:

I. Caregiver Operations **subject to the standards in Article 37.60.**

Proposed Zoning Ordinance Amendment No. 79

~~Section 3. Amendment of Article 8, Section 8.11, Uses Permitted by Special Use Permit: The Whitewater Township Zoning Ordinance, Article 8 Commercial District C Section 8.11, Uses Permitted by Special Use Permit in the Commercial District, shall be amended to include the following:~~

~~R. Medical Marihuana Grow Facility subject to the standards of Article 25.22.E.~~

~~S. Medical Marihuana Processor Facility subject to the standards of Article 25.22.E.~~

~~Renumber balance of section, 8.11, without change to text.~~

Section 4. Amendment of Article 9, Section 9.11, Uses Permitted by Special Use Permit: The Whitewater Township Zoning Ordinance, Article 9 Industrial District N, Section 9.11, Uses Permitted by Special Use Permit, shall be amended to include the following:

E. Medical Marihuana Grow Facility subject to the standards of Article 25.22.E.

F. Medical Marihuana Processor Facility subject to the standards of Article 25.22.E.

Renumber balance of section, 9.11, without change to text.

Section 5. Amendment of Article 10, Section 10.11, Uses Permitted by Special Use Permit: The Whitewater Township Zoning Ordinance, Article 10 Agricultural A-1, Section 10.11, Uses Permitted by Special Use Permit, shall be amended to include the following:

C. Medical Marihuana Grow Facility subject to the standards of Article 25.22.E.

D. Medical Marihuana Processor Facility subject to the standards of Article 25.22.E.

Renumber balance of section, 10.11, without change to text.

Section 6. Amendment of Article 25, Section 25.22, Additional Conditions of Special Uses: The Whitewater Township Zoning Ordinance, Article 25 Site Plan Review and Special Land Uses, Section 25.22, Additional Conditions of Special Uses, shall be amended to include the following:

E. S.U.P. STANDARDS GOVERNING LOCATION AND OPERATION.

Statement of Intent: It is the intent of this section to provide for the regulation of Commercial Medical and Adult-use Marihuana Facilities and designate such Facilities, Establishments, and Operations requiring a special use permit; in order to maintain the public health, safety and welfare of the residents and visitors to Whitewater Township.

Grower and Processor Businesses: Any S.U.P. application in the ~~Commercial C~~, Industrial (N), or Agricultural (Ag) district and shall comply with the following standards and shall include the following information in addition to the existing requirement for site plan and SUP.

A. SUP applicants shall provide the following:

1. Whether the Marihuana Business will be a principle or accessory use on the property:

a. An SUP for a Marihuana Business may be granted as a principal or accessory use in the Agricultural District (Ag).

Proposed Zoning Ordinance Amendment No. 79

- b. An SUP for a Marihuana Business may be granted as a principal use in the ~~Commercial (C-1) or~~ Industrial (N) districts.
- 2. A waste disposal plan shall be included with all applications detailing plans for solid, liquid, chemical, plant, and byproduct disposal or processing which does not include on site incineration.
 - 3. A security plan that details compliance with the following requirements:
 - a. Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the Permitted Premises; and
 - b. Robbery and burglary alarm systems that are professionally monitored and operated 24 hours a day, 7 days a week; and
 - c. A locking vault permanently affixed to the Permitted Premises that shall store cash or product as required by Michigan State law.
 - d. All Marihuana in whatever form stored at the Permitted Premises shall be kept in a secure manner, and it shall not be exchanged, displayed or dispensed outside the Permitted Premises; and
 - e. All security recordings and documentation shall be preserved for at least seven (7) days by the Permit Holder and made available to any law enforcement agency upon request for inspection.
 - 4. Lighting Plans detailing compliance with the following standards and those detailed in Article 29, External Lighting Regulations:
 - a. A Security Lighting Plan which takes into consideration neighboring properties.
 - b. Any artificial lighting must be shielded to prevent glare and light trespass and must not be visible from neighboring properties, adjacent streets or public right of ways.
 - c. All lighting, and associated equipment, such as but not limited to lamps, lights, ballasts, switches, controllers, computers, and any and all other equipment used on the premises must meet and fully comply with all applicable rules as required by the Federal Communications Commission. Further, there must be no harmful and/or interfering electromagnetic emissions to any one-way or two-way radio communications, on or off the premises. Compliance with FCC Rules and Regulations is a condition of licensure by the Township.
 - 5. Proposed hours of operation shall be specified in the application and are subject to Planning Commission approvals.
- B. SUP permit holders for Marihuana Businesses are subject to the following conditions:
- 1. No Marihuana Business shall be located within one thousand (1000) feet of any licensed educational institution or school, college or university, church or house of worship or other religious facility, or public or private park, if such uses are in existence at the time the Marihuana Business is issued an

Proposed Zoning Ordinance Amendment No. 79

initial permit, with the minimum distance between uses measured horizontally between the closest edge of any such building or use on the property.

2. Any structure housing a Marihuana Businesses in any district shall maintain a total footprint of all buildings equal to or less than a 40% maximum coverage of the property.
3. Signage shall not indicate the nature of the location as a Marihuana Business. A Marihuana Business can only have a sign if approved by the Township Planning Commission by SUP or under the Additional Signage by Special Use process defined in Article 30.
4. A Marihuana Business's operations shall create no disturbance detectable to the normal senses at or beyond its property line, including but not limited to processes that create noise, dust, vibration, glare, fumes, odor or electrical interference.
5. Incineration shall not be permitted at any marihuana business location.
6. Marihuana Businesses located in the Agricultural District shall subject to the following additional standards:
 - a. Any Marihuana Business shall be held to the Exterior Lighting Regulations for Commercial and Industrial Zones as listed in Article 29.
 - b. Any Marihuana Business may be required to include a landscape buffer adhering to the Industrial District Standards as defined in Landscape Standards, Article 33.
 - c. Any Marihuana Business shall be held to the Industrial standards in Article 34, Off Street Parking and Loading.
 - d. All Marihuana Business structures and operations shall maintain a two hundred (200) foot setback measured horizontally between the closest edge of any building or operation and the property line of any existing residential development, residential zoning district, or a district in which Commercial Medical Marihuana Facilities or Marihuana Establishments are not permitted.
 - e. All Marihuana Business structures and operations shall maintain a three hundred (300) foot setback measured horizontally between the closest edge of any building or operation and any existing residential dwelling not held in like ownership.
 - f. A variance may be sought as provided for in the zoning ordinance and where the Marihuana Business would operate from a structure previously used for commercial purposes.
7. In additions to these requirements a Marihuana Business shall comply with all state and local laws, regulations, and Ordinances, including without limitation other sections of the Township Zoning Ordinance, the MMFLA and the MRTMA to the extent such ordinances do not create obligations in conflict with this Ordinance.
8. Any Marihuana Establishments shall comply with the underlying zoning in that district.

Section 7. Amendment of Article 37, Supplementary Provisions: The Whitewater Township Zoning Ordinance, Article 37 Temporary Buildings and Uses, shall be amended to include the following:

37.60 Marihuana Caregiver Operations

Proposed Zoning Ordinance Amendment No. 79

A. Caregiver Operations by a Primary Caregiver shall be governed by the following standards:

1. 1. A Caregiver Operation shall comply with the Michigan Medical Marihuana Act, Michigan Initiated Law 1 of 2008, MCL 333.26421, et seq. ("MMMA").
 2. 2. A Caregiver Operations shall be an Accessory Use of the premises.
 3. There shall be no more than one Primary Caregiver Operation per premises.
 4. All medical marihuana must be contained within a separate enclosed, locked facility for medical marihuana patients for which the medical marihuana caregiver is lawfully connected, in accordance with the MMMA. The enclosed, locked facility shall have secure windows and doors where applicable and the medical marihuana caregiver shall implement security measures to prevent theft of stored marihuana.
 5. Distribution, growth or cultivation of medical marihuana, and all other related activity, must occur indoors.
 6. The Qualifying Patient or Primary Caregiver must possess and maintain a valid registry identification card by the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or their successors.
 7. Caregiver Operations shall obtain all necessary building, electrical, plumbing, and mechanical permits for any part of the structure in which electrical, wiring, lighting, or watering devices that support the cultivation, growing, or harvesting of marihuana occurs.
 8. All lighting, and associated equipment, such as but not limited to lamps, lights, ballasts, switches, controllers, computers, and any and all other electrical, electromechanical, or electronic devices employed on the premises must meet and fully comply with all applicable rules as required by the Federal Communications Commission ("FCC") Further, there must be no harmful and/or interfering electromagnetic emissions to any one-way or two-way radio communications, on or off the premises. Compliance with FCC Rules and Regulations is a condition of licensure by the Township.
 9. Caregiver Operations shall control any odor from the premises by regularly maintaining and operating an air scrubbing and carbon filtration system or other reasonably available odor control technology so that no odor from the acquisition, possession, cultivation, processing, transfer, or sale of marihuana is detectable at the property line of the parcel.
 10. A Caregiver Operation shall be operated in a manner that does not create excessive noise, dust, vibrations, glare, fumes, electrical interference, or odors that are detectable to a reasonable person of normal sensitivities beyond the parcel on which the use occurs. There shall be no external evidence, signage, or lighting related to the Caregiver Cultivation Operation detectable from the exterior of the property.
 11. There shall be no external evidence, signage, or lighting related to the Caregiver Operation detectable from the exterior of the premises.
-

Proposed Zoning Ordinance Amendment No. 79

Whitewater Township

PLANNING and ZONING
1273 S. Seaman Road
P.O. Box 143
Wellston, Michigan 49689

Telephone (231) 848-4564
Fax (231) 848-7081
email: norzoning@kaltelnet.net

2/24/2022

PRELIMINARY SITE PLAN REVIEW (at a glance)

Re: 28-13-005-008-20 [Classic Equine]

Under the Whitewater Township Zoning Ordinance, Article VIII, Section 8.11.L, Veterinary clinics, veterinary hospitals, and related kennel facilities are listed as special uses.

Article XXV, Section 25.11.D provides for an opportunity to present a 'preliminary' site plan for review before the Planning Commission.

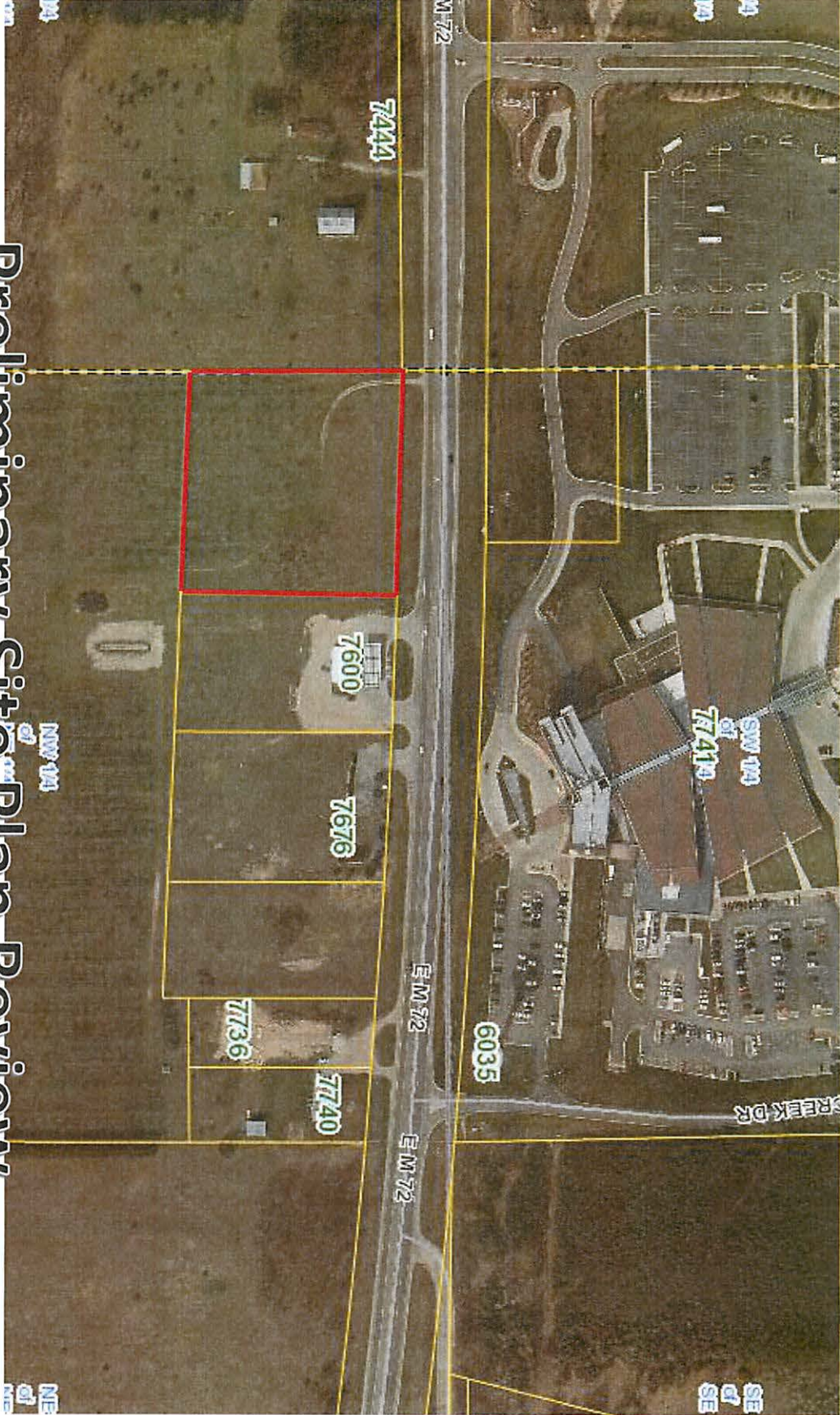
Historically, the 'preliminary' site plan review has been used for the Planning Commission to engage the applicant in a brief conversation regarding the proposed development. Should any 'preliminary' concerns be noted by the Planning Commission, the applicant can work towards meaningful mitigation prior to the substantial investment in a 'FINAL' site plan.

Respectfully submitted for Planning Commission review and action,

Robert A. Hall

Robert Hall
Zoning Administrator

March 2nd, 2022



Preliminary Site Plan Review

Classic Equine: 28-13-005-008-20

Special Use Permit/ Site Plan Review Application

WHITEWATER TOWNSHIP

5777 Vinton Road, PO Box 159
Williamsburg MI 49690
PH (231) 267-5141 Fax (231) 267-9020

Case No. _____
Date Rec. _____
Fee _____

Property Information

Parcel Number 13-005-008-20
Address E - M72
Zoning District C-1 Acres 3.32 Current Use VACANT

Property Owner Information

Name KIRK JOHNSON DVM
Address 8925 2 MILE ROAD, ADA, MICHIGAN 49301
Phone 616-642-6784 Fax _____

Applicant Information

Name JOHN KERRIDGE ARCHITECT
Address 8140 BEL CHERRIE DR. , TRAVERSE CITY, MI. 49686
Phone 231-620-4200 Fax jkpmbk@gmail.com

Description of Proposed Use (Use reverse side or attach pages as needed)

A new Equine Veterinary Clinic and supporting spaces. Includes general office use area, Exam areas, and treatment exercise areas. Also includes partial upper level with efficiencies for use by staff and support employees for overnight stays. This is a clinic only, not a surgery center. Surgery will be done at a separate location. Staffing is 3-4 and will vary. This is a low traffic use. The buildings will be light frame construction, slab on grade.


I hereby attest that the information on this application form is, to the best of my knowledge, true and accurate.

 John Kerridge AIA
Signature of Applicant

02/16/22

Date

I hereby grant permission for members of the Whitewater Township Planning Commission and the Zoning Administrator to enter the above described property for the purposes of gathering information related the this application.

 Agent
Signature of Property Owner

02/16/22

Date

Whitewater Township

PLANNING and ZONING
1273 S. Seaman Road
P.O. Box 143
Wellston, Michigan 49689

Telephone (231) 848-4564
Fax (231) 848-7081
email: norzoning@kaltelnet.net

2/24/2022

PRELIMINARY SITE PLAN REVIEW (at a glance)

Re: 28-13-136-001-002

Under the Whitewater Township Zoning Ordinance, Site Condominium development is NOT zoning district specific. The applicant proposes a site condominium on the above-captioned parcel.

Article XXVIII, Section 28.12 provides for the assistance of other consultants. *The Zoning Administrator recommends that the Planning Commission require an escrow deposit / fee of not less than \$2,500.00 (two thousand and five-hundred) dollars to move forward with the administrative process.*

Article XXVIII, Section 28.15.B demands that the underlying zoning district standards related lot size, area, Bulk, density, dwelling size, setbacks etc. be complied with; the proposed site plan recognizes and exceeds the minimum requirements at this point.

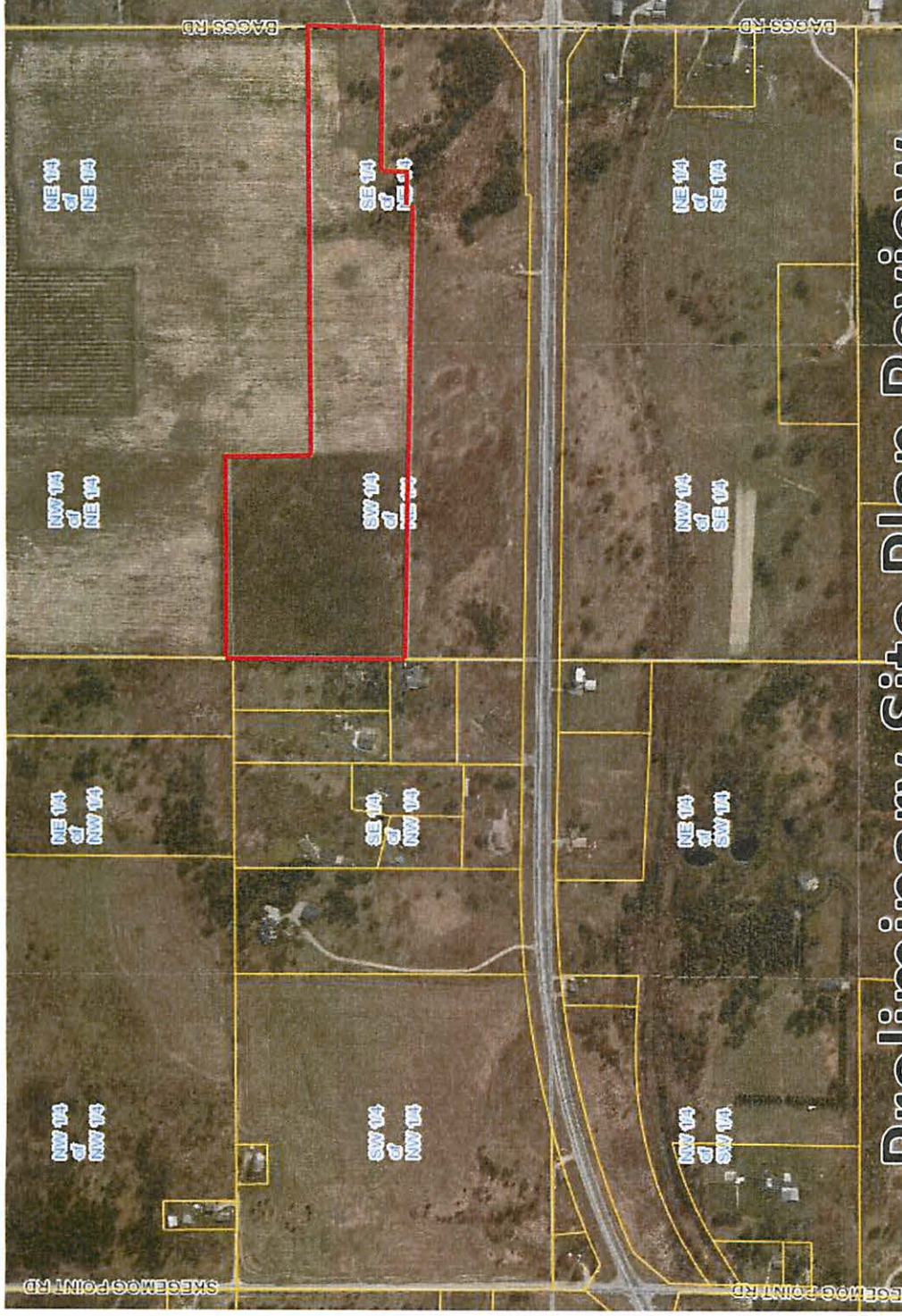
Article XXVIII, Section 28.16.C demands that the Planning Commission conduct a public hearing regarding the site condominium development and make a 'recommendation to the Township Board.

Respectfully submitted for Planning Commission review and action,

Robert A. Hall

Robert Hall
Zoning Administrator

March 2nd, 2022



Preliminary Site Plan Review

Site Condominium: 28-13-136-001-02

Site Plan Review Application

WHITEWATER TOWNSHIP

5777 Vinton Road, PO Box 159
Williamsburg MI 49690
PH (231) 267-5141 Fax (231) 267-9020

Case No. _____

Date Rec. _____

Fee _____

Property Information

Parcel Number 13-136-001-02
Address N/A
Zoning District A1 Acres 30± Current Use VACANT

Property Owner Information

Name Baggs Partners LLC
Address 53 Easthampton Ct. NE GRAND RAPIDS, MI 49546
Phone 616 914 3629 Fax _____

Applicant Information

Name DEREK VAN SOLKEMA
Address 53 Easthampton Ct. NE GRAND RAPIDS, MI 49546
Phone 616 914 3629 Fax _____

Description of Proposed Use (Use reverse side or attach pages as needed)

SITE CONDOMINIUM PROJECT

I hereby attest that the information on this application form is, to the best of my knowledge, true and accurate.

DW-SL
Signature of Applicant

2/17/2022
Date

I hereby grant permission for members of the Whitewater Township Planning Commission and the Zoning Administrator to enter the above described property for the purposes of gathering information related the this application.

DW-SL
Signature of Property Owner

2/17/2022
Date

SUBMISSION REQUIREMENTS

GRAND TRAVERSE COUNTY SOILS MAP (LEGEND) (M055)



Week	DOB	DOB	DOB	DOB	DOB
01	24-22	28	28	28	Original design



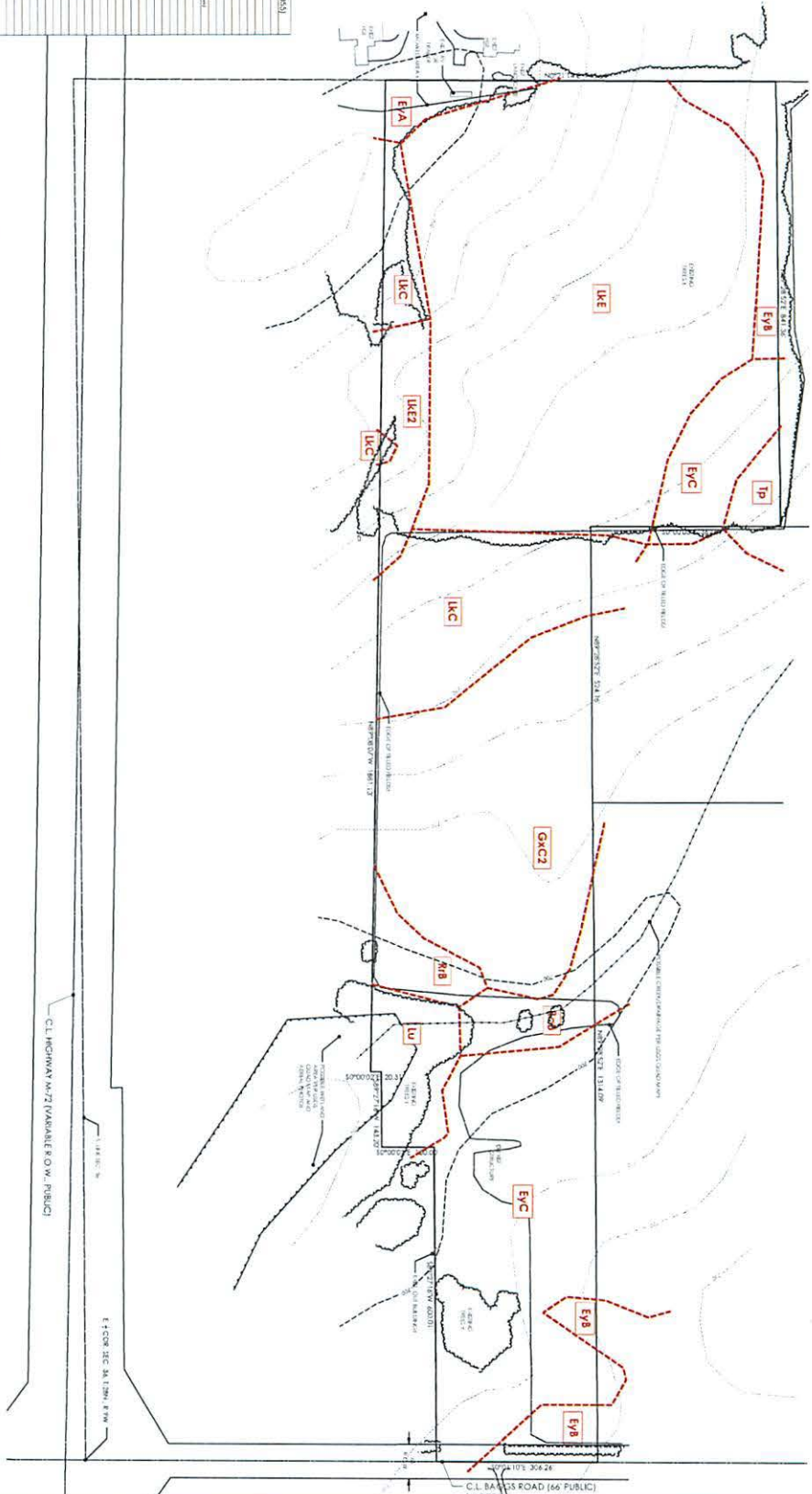
C4.0

CONCEPTUAL

Gary VanSloken
Proposed Land Division
SITE AND DIMENSION PLAN
Section 36, Town 28 North, Range 9 West
Whitewater Township, Grand Traverse County, Michigan

Mansfield
—ca—
Land Use Consultants

830 Cottageview Dr., Ste. 201
P.O. Box 4015
Traverse City, MI 49685
Phone: 231-946-9310
www.miaaeps.com
info@miaaeps.com

[illegible]

Properly bounded, kind, courteous, physical lectures and the like, bounded on its plan are exhibited for planning purposes only. Marshall Lloyd Use Consultants make no guarantee to the correctness nor the completeness of this information.

Gary VanSloken
Proposed Land Division
OVERALL EXISTING CONDITIONS PLAN
Section 36, Town 28 North, Range 9 West
Whitewater Township, Grand Traverse County, Michigan

Mansfield
— co —
Land Use Consultants

830 Cottageview Dr., Ste. 201
P.O. Box 4015
Traverse City, MI 49685
Phone: 231 946 9310
www.maaaps.com
info@maaaps.com

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C2.0