

Whitewater Zoom is inviting you to a scheduled Zoom meeting.

Topic: Planning Commission

Time: Nov 5, 2021 07:00 PM Eastern Time (US and Canada)

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WHITEWATER TOWNSHIP PLANNING COMMISSION

AGENDA FOR REGULAR MEETING *November 5, 2021*

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: None

7. Approval of minutes of October 6, 2021.
8. Correspondence presented
9. Reports/Presentations/Announcements/Comments
  - a. Zoning Administrator, Hall
  - b. Chair, Mangus
  - c. Township Board Representative: No representative assigned
  - d. ZBA Representative: No representative assigned
10. Unfinished Business:
  - a. Master Plan review, Mr. Grobbel
  - b. Marihuana Zoning Ordinance (ZO )Amendments
  - c. Zoning Ordinance, Article 5, Zoning Districts
  - d. PC appointments and recommendations, ZBA and Sec
11. New Business:
  - a. Site plan Preliminary Review - Multi-family/campground - M72, Moore Rd, and Crisp Rd
  - b. Marihuana sub-committee appointment
12. Next Meeting Friday, December 3, 2021
13. Public Comment
14. Commission Discussion/Comments – Prepare update for TB for November meeting.
15. Continuing Education: In packet
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 COMMISSION  
MINUTES FOR REGULAR MEETING  
In-person and via ZOOM  
October 6, 2021

Call to Order at 7:07 p.m.

Roll Call: In person: Mangus, Jacobson, Wroubel, via Zoom: Dean,

Unfilled seats: Two commissioners, Board Representative and PC Representative to the ZBA unassigned

Also in attendance: Zoning Administrator Hall and Recording Secretary MacLean

Set / Adjust Agenda: Add New Business: Discussion of meeting dates and move unfinished business #1 Mr. Grobbel before Reports

Declaration of Conflict of Interest: None.

Public Comment:

Linda Slopsema, 9693 Miami Beach Rd, a lot of good information came from the field trips. Other communities use overlay districts and the industrial districts.

Denise Peltonen, address, Kalkaska and Cadillac had industrial areas in disrepair, renovated and helped. Notes there are known power issues in other states.

Public Hearing: None

Approval of Minutes:

MOTION by Jacobson, second by Wroubel to approve September 8, 2021, meeting minutes.

Roll call: Dean-yes; Jacobson-yes; Mangus-yes; Wroubel-yes. All in favor. Motion carried.

Correspondence: Notes from the people who attended the field trips will be part of next month's correspondence .

Reports:

*Zoning Administrator Report, Hall:* Be prepared for a preliminary site plan review next month.

Risk management presentation.

Magazines provided for pertinent information. Non-conforming use is something that should be addressed in the zoning. Michigan Planner magazine regarding relationship of Master Plan to zoning. Will get everyone a copy.

December 8, Home Occupation virtual/on-line training. Contact the Clerk.

Can do sub plans within the master plan. Receiving a lot of calls of interest on the M72 corridor.

*Chair's Report, Mangus:* Township Board Rep report. Failure to communicate with the board is a long term problem with the PC.

*Township Board Rep,.. Not assigned*

*ZBA Representative,: Not assigned*

*Committee Reports:* None.

*Additional Items:* None.

Unfinished Business:

1. Master Plan Review, Mr. Grobbel:

Grobbel addressing the Master Plan review.

Time frame is approximately 12 months or less. Five main items to bring current into state conformity.

Would like an editable digital copy of the current Master Plan.

In this next month update the demographics with the most current census data, probably 15 – 20 pages; will supply draft copy of the review; inventory of all of your roads and streets.

Within a couple months we will get an electronic survey instrument for feedback.

Facilitated input sessions planned for January or February and one in the summer.

The Master Plan (MP) is going to get longer.

You cannot do zoning (law) if it is not in the MP.

Marijuana needs to be included in the MP. Need to address the topic of marijuana as it moves forward for the next 20 years.

We will be talking about vision and values then we will tackle the details.

The last section is going to be zoning updates.

Is it appropriate to work on zoning issues that are not in the MP? Yes. We don't stop business.

## 2. Marihuana Zoning Ordinance Amendments

Status report: The board has agreed to start taking applications as of October 15. There may be some discussion regarding taking applications at the Board meeting. The Zoning Administrator will take applications and it is currently set for the Board to make the decision.

The Township Board just reduced the number of licenses to be permitted at the last board meeting.

Reports on field trips:

Kalkaska has a group that approves the applications, not just one person they recommend that it not be elected officials.

The other entities do not recommend accepting applications before the zoning is in place.

Highlights:

The three communities were very different. One was very pro (Vassar) and one very con (Middleton) that were down state. Vassar was all in, it was all about the money. Blight issue able to be addressed.

There are millions of dollars involved just to get started. These entities could buy up our whole industrial district. Big corporations work with them. Professionals addressing issues immediately. Crime was not a big issue. If we are not careful we will have a problem in our township.

If they can make the operations work within a village I don't know why we can't make it work in our Ag and our Industrial. Things can get big very quickly. Kalkaska has an interview before they can even get an application. There are good operators and bad operators. Building sizes. Got a lot of good input from the communities. We can make it work.

Mangus: looking at the ordinance we are working with, what are things you think need to be addressed?

Jacobson: building size, how we let the businesses into our community (pre interview). Vassar asks for funding annual to cover enforcement. Old buildings are getting a facelift and the community is looking better and makes property values go up.

Wroubel was impressed with Vassar's ordinance, would like to compare side by side. We don't have a police force. That (police force) is not in the PC's purview. "No transfers of licenses" is a general ordinance item.

Dean: Complete reliance on the state ordinance – if it is regulated at the state level they just let that be it. Recommendation what you want to hold people to account on, spell it out clearly. Renewal / Annual license fee \$5000 each year – per the general ordinance not as part of the SUP. A different group does some evaluations throughout the year so there are not issues when the state does their evaluations. Law enforcement inspects facilities annually.

Get copies of the applications – that is the Board's work.

Mangus: Noticed that these other communities have their businesses in Industrial – expand industrial zone?

Bring this more to the Industrial area.

Video training, step by step process. Did anyone get to watch the video? The first half is more pertinent to the PC and the last 20 minutes is specific to zoning. Try to get through it before the next meeting. They strongly encourage the use of a map to specify what can be done where. Can see that helping to streamline the process. At the general ordinance level they need to have a process for appeal.

Can be a multi-year process and a check list of what exactly needs to be done in what order.

Zoning ordinance is subject to a referendum.

Direction and intent regarding Marihuana ZO amendments: do we want to do nose to tail review? Possible subcommittee? Go through line by line based on the new found information?

The board does not need to follow the MP when they pass an ordinance. We will be doing both at the same time, MP review and marihuana zoning. Whatever comes from all of the other areas the Master Plan, the board, the vote, etc., we need to make sure we are putting out the best ordinance we can. We need to move medical through as soon as possible as there is no contention there.

We need to get people on the PC.

New Business:

1. Article 5, zoning districts, shifting to a map based system, as discussed with Mr. Grobbel. Will be addressed in the Master Plan review. Take the map, look at one district at a time, review and adopt each district or all of the districts at one time.

Per Bob: Repeal Article 5 and then adopt the map Bob has been using and then look at each district. Overlay districts.

Get a fresh copy of the maps.

Mickey Dean is not available on Wednesdays for the next couple months

**[MOTION]** by Jacobson, second by Wroubel to move the meetings to the first Friday of the month through January.

Roll call: Wroubel-yes; Jacobson-yes; Dean-yes; Mangus-yes.

Continuing Education: video presentation, “MRA Municipal Marijuana Education 2021”, available on YouTube, [\*\*MRA Municipal Marijuana Education 2021 - YouTube\*\*](#).

Commission Discussion/Comments:

Summary to the board: Met with Mr. Grobbel moving forward with the master plan and the check list; reviewed the observations of the field trips; video training highlights; step by step of the draft zoning ordinance applying what was learned from the other communities; education information from ZA, Wroubel attended risk management training; Article 5 zoning districts; changed meeting dates to the first Friday of the month through January.

Next Regular Meeting is scheduled for Friday, November 5, 2021.

Public Comment:

Denise Peltonen, permit applications compared to other communities (that is the Board's purview), specific step by step. Heidi Vollmuth, private citizen, 8388 Winnie Lane, we have county and state police departments, concerned about the cost of police and availability and location.

Adjournment: 9:25 p.m.

Respectfully Submitted  
Lois MacLean,  
Recording Secretary

## **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. SLUPZ021-01  
Date Rec. 10/07/2021  
Fee \$500.00  
# 23915

#### **Property Information**

Parcel Number 13-005-008-00 & 13-005-011-40

Address 7676 E M72, Williamsburg, MI 49690

Zoning District A-1 Acres 55.1 Current Use Aggriculurtal

#### **Property Owner Information**

Name Ascione Janice V Trustee R&M Properties North LLC  
Address 7545 Baggs Road, Williamsburg 2101 US 131 Hwy, Kalkaska  
Phone \_\_\_\_\_ Fax \_\_\_\_\_

#### **Applicant Information**

Name LD Promotions, LLC dba Sunlight Resorts  
Address 3505 Kroger Blvd, Suite 275, Duluth, GA 30096  
Phone 1-678-698-4059 Fax email:tfarrell@sunlight-resorts.com

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

326 Townhome units will each have a gross floor area of approximately 2,200 square feet, 3 bedrooms, and a garage. Additional parking will be provided in individual driveways. 306 Campsite pad with a parking spot will be provided on a concrete slab located at on each site.

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

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
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

## 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. 5241-02  
Date Rec. 10/07/2021  
Fee \$500.00  
#23915

#### Property Information

Parcel Number 13-005-008-10 & 13-005-008-00  
Address 7676 E M72, Williamsburg, MI 49690  
Zoning District C Acres 32.9 Current Use Commercial

#### Property Owner Information

Name Ascione Janice V Trustee R&M Properties North LLC  
Address 7545 Baggs Road, Williamsburg 2101 US 131 Hwy, Kalkaska  
Phone \_\_\_\_\_ Fax \_\_\_\_\_

#### Applicant Information

Name LD Promotions, LLC dba Sunlight Resorts  
Address 3505 Kroger Blvd, Suite 275, Duluth, GA 30096  
Phone 1-678-698-4059 Fax email:tfarrell@sunlight-resorts.com

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

*326 Townhome units will each have a gross floor area of approximately 2,200 square feet, 3 bedrooms, and a garage. Additional parking will be provided in individual driveways. 307 Campsite pad with a parking spot will be provided on a concrete slab located at on each site.*

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

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
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 to this application.

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date



## TECHNICAL MEMORANDUM

### Sunlight Resorts Preliminary Site Plan Review – M-72 East,

To: Mr. Robert Hall, Zoning Administrator  
Whitewater Township  
From: Andrew J. Purvis, P.E.,  
William C. Bott, P.E., P.L.S.

Date: October 7, 2021  
Re: Sunlight Resorts Preliminary Site Plan  
Review – M-72 East, Whitewater Township

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On the behalf of LD Promotions, LLC, doing business as Sunlight Resorts (the applicant), we would like to submit the attached site plan documents for a Preliminary Site Plan Review with Whitewater Township. This memorandum summarizes the project location, proposed use, and addresses the site plan and special use requirements.

The project includes a Multi-Family Residential Development and Commercial Campground on three properties situated south of M-72 East, north of Crisp Road and west of Moore Road. More specifically, parcels with tax identification numbers (I.D.) 13-005-008-10, 13-005-008-00, and 13-005-011-40. The applicant has an option to purchase the properties from the current owner, Ronald and Janice Ascione.

The property with tax I.D. 13-005-008-10 is approximately 2.27 acres, fronts M-72 East, is zoned Commercial, and currently the home of Chemical Control Company, Inc.

The property with tax I.D. 13-005-008-00 is approximately 70.54 acres, is situated approximately 382 feet south of the M-72 East right of way and adjacent to the Crisp Road right of way. The property is zoned both Commercial (C) and Agricultural (A-1). It appears based on our review of the Township Zoning Map that the north approximately 1,020 feet of the property is zoned Commercial while the rear approximately 1,313 feet is zoned Agricultural. The property appears to be an orchard that hasn't been harvested in recent years.

The property with tax I.D. 13-005-011-40 is approximately 15.09 acres, fronts the west side of Moore Road, and is zoned Agricultural. A vacant single-family residence is located on the property's east side, adjacent to Moore Road. The west portion of the property is vacant with a mixture of woods and orchard areas.

The applicant wishes to develop the Commercially zoned land as a multi-Family development with a mixture of 8-, 6-, and 5-unit townhome buildings, totaling 326 units. The Agriculturally zoned land would be developed as a Commercial Campground with 306 campsites that would be used by both Recreational Vehicles (RVs) and Park Model units. Both proposed uses are allowed through a Special Land Use Permit, based on our review of the Township Zoning Ordinance.

Sunlight Resorts Preliminary Site Plan Review – M-72 East, Whitewater Township October 7, 2021

The Preliminary Site Plan Review plans are intended to provide the Planning Commission an initial review of the proposed project and to identify any concerns or recommendations prior to applying for a Final Site Plan Review. Below is a summary of the required information for a Site Plan review found in Section 25.11.F and descriptions of how these requirements have been met or are not applicable for the project.

1. Each submittal for site plan review shall contain all information required in this Ordinance including the following:
  - a. The applicant's name, address, and phone number in full.  
*This information is found on the Cover Page.*
  - b. Proof of property ownership, and whether there are any options on the property, or liens against it.  
*As indicated above, the applicant has an option to purchase the property.*
  - c. A signed statement that the applicant is the owner of the property or officially acting on the owner's behalf.  
*The applicant will also own the property if the option to purchase the property is executed.*
  - d. The name and address of the owner(s) of record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land) and the signature of the owner(s).  
*Parcel Nos. 13-005-008-10 & 13-005-011-40 Landowner: R&M Properties North LLC, 2101 US 131 NOW, Kalkaska, MI 49646 and Parcel 13005-008-00 Landowner: Ascione Janice V Trustee, 7545 Baggs Road, Williamsburg, MI 49690.*
  - e. The address and/or parcel number for the property.  
*This information has been provided above and can be found on Sheet C1.0.*
  - f. Name and address of the developer (if different from the applicant).  
*The applicant is also the developer.*
  - g. Name and address of engineer, architect, planner and/or land surveyor.  
*Gosling Czubak Engineering Sciences Inc is the applicant's engineer and land surveyor for this project.*
  - h. Project Title  
*The project is currently referred to as Sunlight Resorts: Proposed Townhomes and Campground*
  - i. Project description, including the total number of structures, units, bedrooms, offices, square feet, total and usable floor area, parking spaces, carports or garages, employees by shift, amount of recreation and open space, type of recreation facilities to be provided, and related information as pertinent or otherwise required by the Ordinance.  
*Each Townhome will have a gross floor area of approximately 2,200 square feet, 3 bedrooms, and a park under garage. Additional parking will be provided in individual driveways. Campsite parking*



Sunlight Resorts Preliminary Site Plan Review – M-72 East, Whitewater Township October 7, 2021

*will be provided on a concrete slab located at on each site. The total number of townhome buildings, number of Townhome units and number of campsites can be found on Sheet C2.0.*

- j. A vicinity map drawn at a scale of 1" = 2000' with the north point indicated.

*A vicinity map is located on the Cover Sheet.*

- k. The gross and net acreage of all parcels in the project.

*The gross and net acreages can be found on Sheet C1.0.*

- l. Land uses, zoning classification and existing structures on the subject parcel and adjoining parcels within 300 feet of the site.

*This information can be found on Sheet C1.0.*

- m. Project completion schedule/development phases.

*The applicant intends on constructing the project in one phase to be completed within 1-1.5 years following gaining necessary approvals.*

- n. Written statements relative to project impacts on existing infrastructure (including traffic capacity of streets, schools, and existing utilities) and on the environment of the site and adjoining lands. A formal impact statement may be required.

*A Traffic Impact Study has been completed to evaluate the project's impacts on M-72 (MDOT) and Moore/Crisp Roads (Grand Traverse County Road Commission). A copy of the study is included in the site plan documents. The project would include removing the True North gas station's east driveway and connecting their business to the project's new driveway. This is required by MDOT to address driveway spacing concerns. Additionally, the project would include installing a right deceleration lane west of True North's west entrance, on east bound M-72. MDOT has offered an indication of approvability provided these improvements are completed. No improvements to Moore and Crisp Roads are anticipated to be required.*

*The applicant is currently working with the Grand Traverse Band of Ottawa and Chippewa Indians (the Tribe) to enter into to an agreement to receive potable water from the Tribe's water system and send wastewater generated on-site to the Tribe's wastewater treatment facility. As of this application no formal agreement has been established for either utility. The applicant has engaged with GCES to obtain state permits to construct an on-site potable water supply system and wastewater treatment facility for the project. The necessary hydrogeological investigations, design and permitting processes are coinciding this Special Land Use permit application.*



Sunlight Resorts Preliminary Site Plan Review – M-72 East, Whitewater Township October 7, 2021

*The project includes earth balancing to construct the roadways, utility infrastructure, and building areas required to develop the site. All earth changes are planned to be contained on-site and natural drainage patterns across the site will be maintained. No increase in site stormwater runoff is anticipated. On-site stormwater is planned to be collected, stored, and infiltrated or released at rates acceptable to state requirements.*

- o. A listing of types and quantities of hazardous substances and polluting materials which will be used, stored, or generated on-site at the facility, and completion of the “Hazardous Substance Reporting Form for Site Plan Review”.

*This is not applicable to the project proposed.*

2. The Site plan shall consist of an accurate, reproducible drawing at a scale of nor less than 1" = 20' or more than 1" = 200', showing the site and all land within 300' of the site. If multiple sheets are used, each shall be labeled, and the preparer identified. Each site plan shall depict the following:

- a. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines and monument locations.

*This has been provided on Sheet C1.0.*

- b. Existing topographic elevations at two-foot intervals, proposed grades and direction of drainage flows.

*This has been provided on Sheet C1.0 and Sheets C2.1 to C2.2.*

- c. Existing topographic elevations at two-foot intervals, proposed grades and direction of drainage flows.

*This information can be found on Sheet C1.0.*

- d. Location and type of significant existing vegetation.

*This information can be found on Sheets C1.0 and C1.1.*

- e. Location and elevations of existing watercourses and water bodies, including county drains and man-made surface drainage ways, flood plains and wetlands.

*This information can be found on Sheets C1.0 and C1.1. Additionally, based on our site reconnaissance, no on-site watercourses or wetlands were observed. According to the state of Michigan's Department of Energy, Great Lakes, and Energy (EGLE) wetland mapper, the nearest wetland is likely approximately 1,250 feet southeast of the project's southeast property corner.*

- f. Location of existing and proposed buildings and intended uses thereof, as well as the length, width, and height of each building and typical elevation views of proposed structures.

*Existing building information can be found on Sheets C1.0 and C1.1. Information pertaining to proposed buildings can be found on Sheets C2.0, C2.1, and C5.1 through C5.4.*



Sunlight Resorts Preliminary Site Plan Review – M-72 East, Whitewater Township October 7, 2021

- g. Proposed location of accessory structures, buildings and uses, including but not limited to all flagpoles, light poles, bulkheads, docks, storage sheds, transformers, air conditioners, generators and similar equipment, and the method of screen where applicable.  
*This information will be added to the plans as its developed.*
- h. Location of existing public roads, rights-of way and private easements of record and abutting streets.  
*This information can be found on Sheets C1.0 and C1.1.*
- i. Location of and dimensions of proposed streets, drives, curb cuts, and access easements, as well as acceleration, deceleration and passing lanes (if any) serving the development. Details of entryway and sign locations should be separately depicted with an elevation view.  
*This information can be found on Sheets C2.0 through C2.3. Additional information related to entryway and sign locations will provided for the Final Site Plan review if required.*
- j. Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.  
*This information can be found on Sheets C2.0 through C2.3 as required based on the project use.*
- k. Location, size, and characteristics of all loading and unloading areas.  
*This information can be found on Sheets C2.0 through C2.3 as required based on the project use.*
- l. Location and design of all sidewalks, walkways, bicycle paths and areas for public use.  
*No proposed sidewalks, walkways or bike paths are proposed at this time.*
- m. Location, design and specifications of existing and proposed service facilities and structures, above and below ground, including:
  - 1) Public and Private groundwater supply wells on-site and related distribution systems including fire hydrants and shut off valves.  
*The project will have a private water distribution system either supplied by the Tribe or a private groundwater supply system. The applicant is pursuing both options until it is determined whether an agreement with the Tribe can be made.*
  - 2) Septic systems and other wastewater treatment systems  
*The project will have a private wastewater collection system which either discharges to the Tribes wastewater system or to a private on-site wastewater treatment facility. The applicant is pursuing both options until it is determined whether an agreement with the Tribe can be made.*
  - 3) Areas to be used for the storage, use, loading/unloading, recycling, or disposal of hazardous substances and polluting materials, including interior and exterior areas as well as any



containment structures or clear zones required by government regulation or designed to meet the standards of this Article.

*The project will have a private wastewater collection system which either discharges to the Tribes wastewater system or to a private on-site wastewater treatment facility. The applicant is pursuing both options until it is determined whether an agreement with the Tribe can be made.*

- 4) Underground storage tank locations together with connected distribution and collection systems.

*This is not applicable to the project's proposed use.*

- 5) Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport wastewater or stormwater to the naturally occurring aquifer. The point of discharge for all drains and pipes shall be specified on the plans.

*This is information can be found on Sheets C2.1 through C2.2.*

- n. Location of all other utilities on the site including, but not limited to natural gas, electric, cable TV, telephone, and steam.

*It is anticipated the project will have natural gas, electric, and cable TV (internet) utilities.*

- o. Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable.

*It is anticipated that open areas within the multi-family portion of the project will be open for the use and enjoyment of its tenants. Likewise, open areas within the campground portion of the project will be open to those staying at the campground.*

- p. Location, size, and specifications of all signs, both temporary and permanent, and advertising features, with cross-sections, if applicable.

*Details related to these items are forthcoming and information will be provided at the time of the Final Site Plan Review.*

- q. Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be used.

*Details related to these items are forthcoming and information will be provided at the time of the Final Site Plan Review. The applicant will review applicable sections of the Zoning Ordinance to ensure the standards are met.*

- r. Location and specifications for all fences, walls, and other screening features with cross sections.

*Based on our review of Section 33 of the Zoning Ordinance a 5' wide landscape buffer would be required along the Commercially zoned property lines that are adjacent to other commercial parcels.*



Sunlight Resorts Preliminary Site Plan Review – M-72 East, Whitewater Township October 7, 2021

*This is depicted on the plans. No landscaping is required between commercial and agricultural zoned parcels. No campsite is located within 100' of the campground project property lines in accordance with Section 25.22.D – Additional Conditions of Special Uses.*

- s. Location and specifications for all proposed perimeter and internal landscaping and other buffering features. For each new landscape material, the proposed size at the time of planting must be indicated. All vegetation to be retained on the site must also be indicated, as well as its typical size by general location or range of sizes as appropriate.

*Details related to these items are forthcoming and information will be provided at the time of the Final Site Plan Review. The applicant will review applicable Section 33 of the Zoning Ordinance to ensure the standards are met.*

- t. Location, size and specifications for screening and fencing of all trash receptacles and other solid waste or liquid waste disposal facilities.

*This information can be found on Sheets C2.0 through C2.1 as required based on the project use.*

- u. Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of site clean-up.

*No contamination is known to be present on-site. A Phase I and II ESA were completed on the property and can be provided if requested.*

- v. Identification of any significant site amenities or unique natural features.

*There are no known features on site.*

- w. Identification of any significant views onto or from the site to or from adjoining areas.

*There are no known significant views on this site.*

- x. A scale model of the proposed development may be required for all projects greater than 40 acres, with more than 200 dwelling units, more than 40,000 square feet of building space or a proposed height of a principal structure of greater than 35 feet.

*Development does not meet all requirements listed, no scale model is required.*

- y. North arrow, scale and date of original submittal and last revision.

*This information can be found on all provided plan sheets.*

- z. Seal of the registered engineer, architect, landscape architect, surveyor, or planner who prepared the plan.

*This can be found on the cover sheet.*

3. Each site plan shall conform to all provisions of the Zoning Ordinance and the standards listed below (unless Variances have been granted):

- a. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the site or unit, the character of adjoining property and the type and



Sunlight Resorts Preliminary Site Plan Review – M-72 East, Whitewater Township October 7, 2021

size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of the surrounding property for uses permitted in this Ordinance.

*The proposed development meets all these conditions based on other developments along M72. The development will not impede normal or orderly development of adjacent properties.*

- b. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographical modifications which result in maximum harmony with adjacent areas and will not adversely affect neighboring properties.

*The existing trees along Crisp Road will be maintained. All orchard trees or tree hedges will be removed to complete earthwork. Major earthwork is proposed to build on internal roads but will be minimized to build the proposed private roads according to Township and County standards. A landscape plan will be developed to provide healthier and native tree and landscape cover.*

- c. Special attention shall be given proper site drainage so that removal of storm waters will not adversely affect neighboring properties.

*Stormwater drainage shall leave the site at lower rates than predevelopment rates.*

- d. The site plan shall provide reasonable visual and sound privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

*Landscaping plan will be provided. No fencing, walks or barriers are proposed at this time.*

- e. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.

*This has been incorporated in the site plans.*

- f. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.

*All townhomes and RV pads have access to a private road network that is connected to M72 and Moore Road.*

- g. There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.

*The developer feels this is not practical for this private road development. Pedestrian circulation can use the paved roads and other common areas.*

- h. All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public throughfares, shall be screened, by a vertical screen consisting of structural or plant materials no less than six feet in height unless modified by the Planning Commission.

*Site Plan construction plans will have details for dumpster enclosures.*



Sunlight Resorts Preliminary Site Plan Review – M-72 East, Whitewater Township October 7, 2021

- i. Exterior lighting shall be designed and installed to conform with the standards required in Article 29.00, Exterior Lighting Requirements.  
*Developer agrees to this standard.*
- j. All signs and advertising features shall be designed and installed to confirm with the standards and requirements of Article 30.00, Sign Regulations.  
*Developer agrees to this standard.*
- k. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way equal to that specified in the Comprehensive Master Plan.  
*The Master Plan and existing conditions were reviewed during private road layout.*
- l. All streets including streets in condominium developments shall be developed in accordance with the Subdivision Control Ordinance and County Road Commission or Township Private Road Standard specifications.  
*These standards were used when laying out and designing the private roads.*
- m. Site plans shall conform to all applicable requirements of state and federal statutes and approval may be conditioned on the applicant receiving necessary state and federal permits before final site plan approval or an occupancy permit is granted.  
*This is acceptable.*
- n. All land use developments shall be consistent with and promote the intent and purpose of this ordinance and shall not be contrary to the public health, safety and welfare.  
*This development meets the intent and purpose of the ordinance.*
- o. All land uses and developments shall conform with the applicable goals, policies and objectives in the Township Master Plan.  
*This development does conform with the goals, policies and objectives of the Township Master Plan.*
- p. Standards for Groundwater Protection:
  - 1) The project and related improvements shall be designed to protect the natural environment, including lakes, ponds, streams, wetlands, floodplains, groundwater and steep slopes.  
*The project will be designed in a manner that will protect the natural environment.*
  - 2) Stormwater management and drainage facilities shall be designed to retain the natural retention and storage capacity of any wetland, water body or watercourse and shall not increase flooding or the potential for pollution of surface or groundwater, on-site or off-site.



Sunlight Resorts Preliminary Site Plan Review – M-72 East, Whitewater Township October 7, 2021

*The project will handle drainage accordingly.*

- 3) General purpose floor drains shall be allowed only if they are connected to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.

*This is not applicable for this project.*

We look forward to discussing this project further with you and the Whitewater Township Planning Commission.

Respectfully Submitted,



Andrew J. Purvis, P.E.

Project Engineer

[ajpurvis@goslingczubak.com](mailto:ajpurvis@goslingczubak.com)

Reviewed by,



William "Chris" Bott, P.E., P.L.S.

Project Manager

[rmverschaeve@goslingczubak.com](mailto:rmverschaeve@goslingczubak.com)



**Gosling Czubak**  
engineering sciences, inc.

# PLANS

FOR

## SUNLIGHT RESORT: TOWNHOUSES & CAMPGROUND SPECIAL LAND USE PERMIT

WHITEWATER TOWNSHIP, GRAND TRAVERSE COUNTY, MICHIGAN



PROJECT  
LOCATION

VICINITY MAP

SCALE

### OWNER / APPLICANT

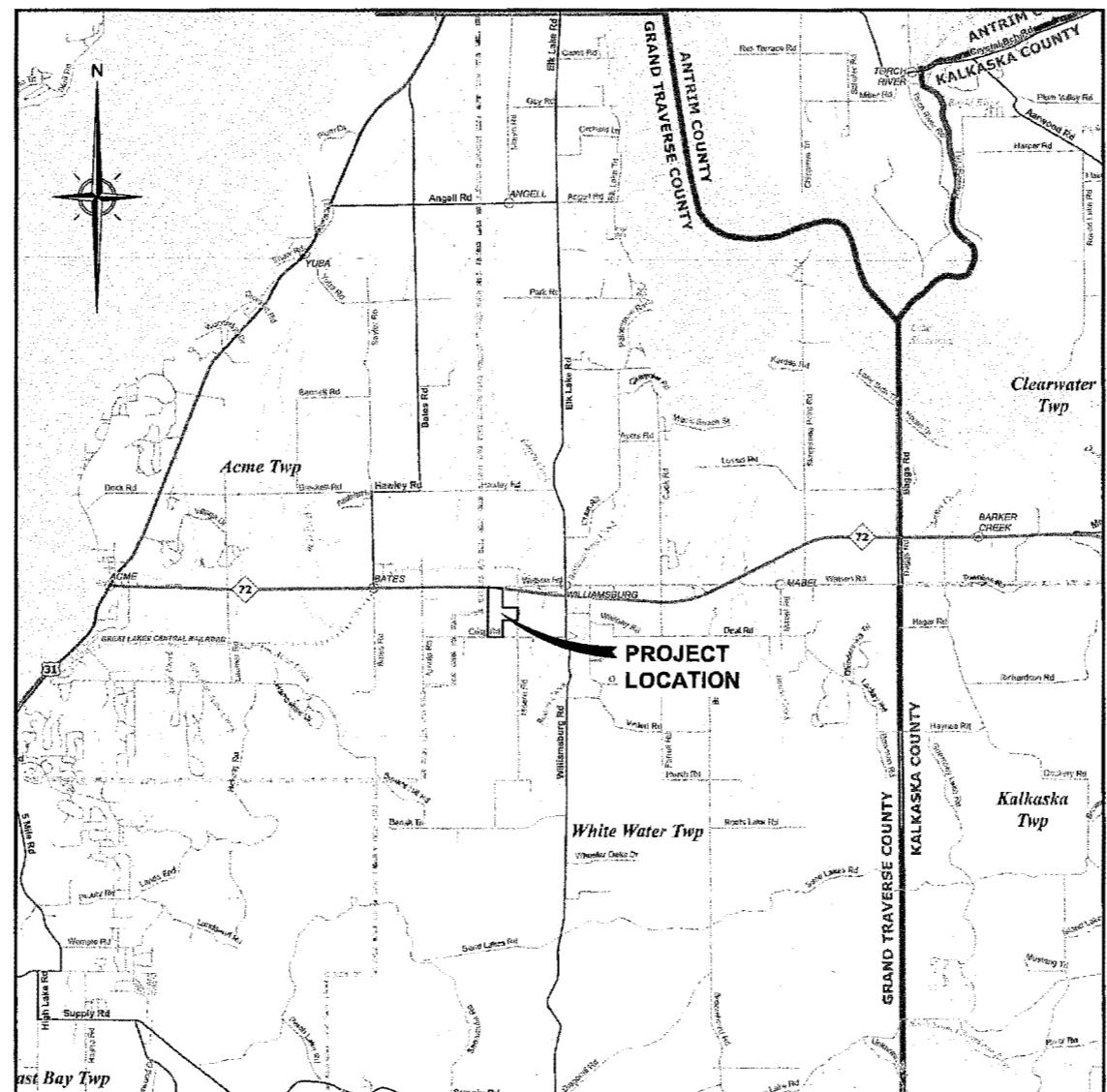
SUNLIGHT RESORTS  
3505 KOBER BLVD. SUITE 275  
DULUTH, GA 30096  
CONTACT: TRISTAN FARRELL  
212.555.0199

### ENGINEER

GOSLING CZUBAK ENGINEERING SCIENCES, INC.  
1280 BUSINESS PARK DRIVE  
TRAVERSE CITY, MICHIGAN, 49686-8607  
231.945.9191 - 800.956.1062  
[www.goslingczubak.com](http://www.goslingczubak.com) [info@goslingczubak.com](mailto:info@goslingczubak.com)



Know what's below.  
Call before you dig.



LOCATION MAP

NOT TO SCALE

### SHEET INDEX

C0.0	COVER
C1.0	EXISTING CONDITIONS PLAN
C1.1	EXISTING CONDITIONS PLAN (AERIAL)
C2.0	OVERALL SITE PLAN
C2.1	MULTI-FAMILY ENLARGEMENT
C2.2	CAMPGROUND ENLARGEMENT
C2.3	M-72 & MOORE ROAD ENTRANCE ENLARGEMENTS
C3.1	SOIL BORINGS (1 OF 4)
C3.2	SOIL BORINGS (2 OF 4)
C3.3	SOIL BORINGS (3 OF 4)
C3.4	SOIL BORINGS (4 OF 4)
C4.1	EXAMPLE - 1ST FLOOR PLAN
C4.2	EXAMPLE - 2ND FLOOR PLAN
C4.3	EXAMPLE - FRONT AND REAR ELEVATIONS
C4.4	EXAMPLE - SIDE ELEVATIONS

### UTILITY CONTACTS

NAME OF OWNER	TYPE OF UTILITY
DTE ENERGY 311.235.5111 CONTACT: BARBARA SAUNDERS	GAS
CONSUMER'S ENERGY 530 W WILLOW ST LANSING, MI 48906 517.374.2002 CONTACT: KURT GOLDING	ELECTRIC
CHERRYLAND ELECTRIC COOP 5930 US 31 S GRAIN, MI 49537 231.486.9238 CONTACT: JASON RICE	ELECTRIC
MERIT NETWORK 4273 58TH ST HOLLAND, MI 49422 616.393.0138 CONTACT: KEN LOPEZ	ELECTRIC
CHARTER COMMUNICATIONS 1392 TRADE CENTRE DR TRAVERSE CITY, MI 49696 810.247.3899 CONTACT: PATRICK DELISI	CABLE TV
AT&T 54 N. MILL ST, 4TH FLOOR PONTIAC, MI 48342 248.456.6256 CONTACT: LINDA DENNISUK	TELEPHONE
CCI SYSTEMS 105 KENT ST IRON MOUNTAIN, MI 49801 906.292.3816 CONTACT: RODNEY MAKI	INTERNET
EVERSTREAM 3950 SPARKS DR SE GRAND RAPIDS, MI 49546 616.608.8045 CONTACT: BRIAN KUNTER	INTERNET
GRAND TRAVERSE BAND OF OTTAWA & CHIPPEWA INDIANS 2605 N. WEST BAYSHORE DR SUTTONS BAY, MI 49662 231.534.7179 CONTACT: MATT KELLEY	SEWER & WATER

### PROPOSED TOWNHOMES & CAMPGROUND

Issue Date  
10/07/21

Project No.  
2021078001

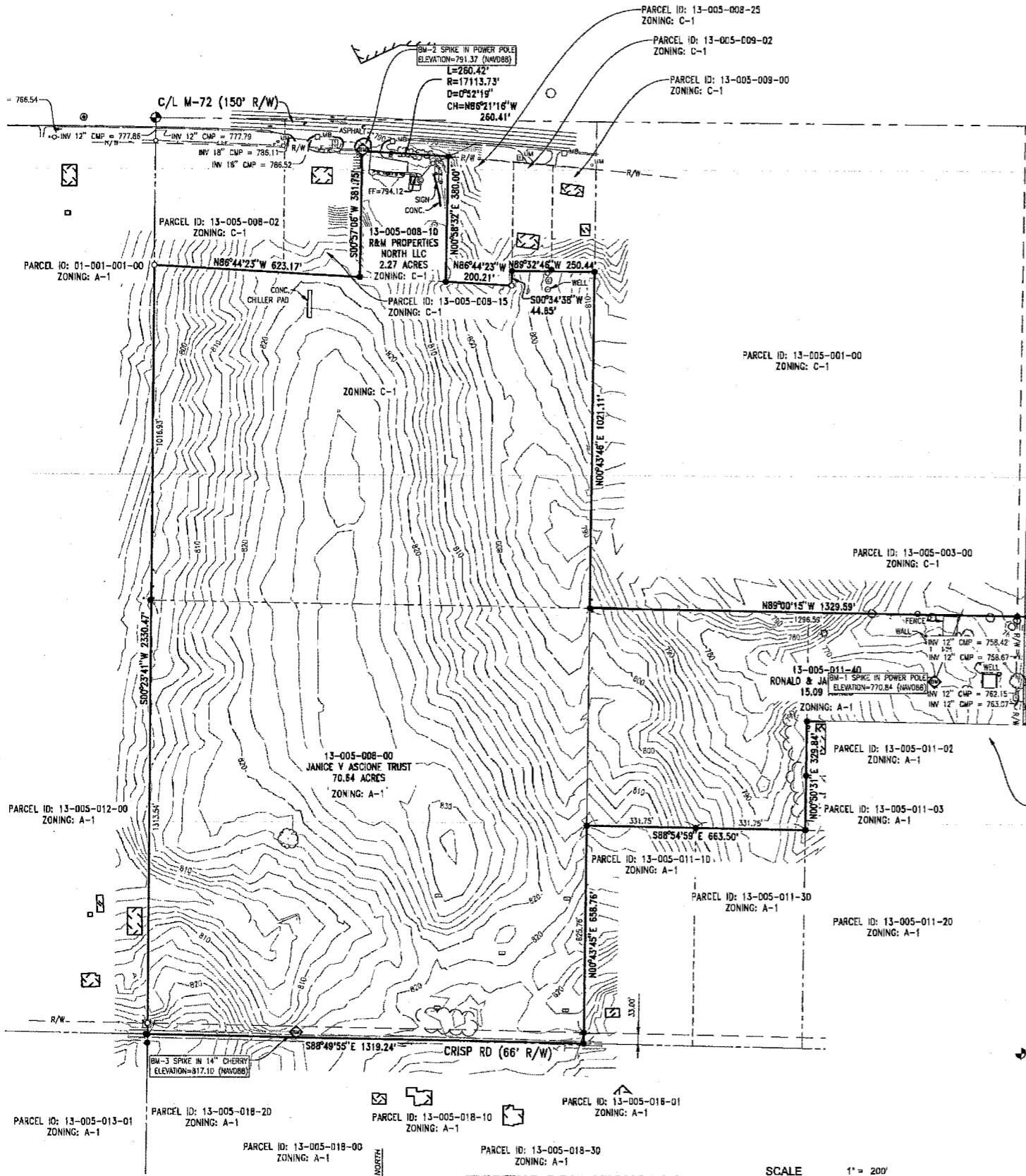
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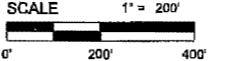
**Gosling Czubak**  
Engineering Sciences, Inc.  
1280 Business Park Dr.  
Traverse City, Michigan  
231-946-0191 phone  
Info@goslingczubak.com  
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#### EXISTING CONDITIONS PLAN

SCALE: 1" = 200'



#### ZONING LEGEND

COMMERCIAL (C-1)

AGRICULTURAL (A-1)

#### EXISTING CONDITIONS LEGEND

	BENCHMARK
	IRON FOUND
	SECTION CORNER
	EXISTING CONIFEROUS TREE
	EXISTING CONIFEROUS TREE LINE
	EXISTING DECIDUOUS TREE LINE
	EXISTING FENCE
	EXISTING BUILDING

#### SURVEY NOTES

1. THIS TOPOGRAPHICAL MAP IS BASED UPON A FIELD SURVEY PERFORMED BY GOSLING CZUBAK ENGINEERING SCIENCES, INC. DURING JULY 2021.
2. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE SEARCH AND THEREFORE THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, RIGHT-OF-WAY TAKINGS AND RESTRICTIVE COVENANTS THAT COULD ENCUMBER THIS PARCEL OF LAND.
3. THE BEARING BASE AND COORDINATES OF THIS DRAWING ARE BASED UPON THE MICHIGAN STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE, NAD 83, INTERNATIONAL FEET, 2011 ADJUSTMENT. CONTROL WAS ESTABLISHED BY GPS OBSERVATION USING THE AVAILABLE MOOT CONTINUOUSLY OPERATING STATIONS (CORS).
4. THE VERTICAL DATUM OF THIS SURVEY IS BASED UPON NAVD 88. CONTROL WAS ESTABLISHED BY GPS OBSERVATION USING THE AVAILABLE MOOT CONTINUOUSLY OPERATING STATIONS (CORS).
5. THE UTILITY INFORMATION SHOWN ON THIS SURVEY IS SHOWN BASED UPON A COMBINATION OF RECORD INFORMATION AND FIELD MEASUREMENTS. THE SURVEYOR DOES NOT GUARANTEE THAT ALL UNDERGROUND UTILITIES ARE SHOWN AND/OR POSITIONED PROPERLY ON THIS DRAWING DUE TO AMBIGUOUS PLANS AND RECORDS PROMOVED TO US. THE INFORMATION SHOWN ON THIS DRAWING IS INTENDED TO BE USED AS A GUIDE FOR POSSIBLE UNDERGROUND UTILITY CONFLICTS. IT IS THE RESPONSIBILITY OF OTHERS TO RESOLVE THE ACTUAL LOCATION OF ANY UNDERGROUND UTILITY THROUGH THE MISS DIG FIELD VERIFICATION SYSTEM PRIOR TO ANY SITE EXCAVATION. CALL 811 OR 800-482-7171.

#### EXISTING SOILS DATA

NRCS SOIL SURVEY INDICATES THE EXISTING SOILS ON SITE ARE PRIMARILY EMMET SANDY LOAM WITH SOME AREAS OF CROSWELL LOAMY SANDS, LEEANAU-KALKASKA LOAMY SANDS, AND MANCELONA GRAVELLY SANDY LOAM. THE PERCENT SLOPES ACROSS THE SITE RANGE FROM 0 TO 12 PERCENT.

##### EMMET SANDY LOAM:

TYPICAL PROFILE:  
H1 - 0 TO 8 INCHES: SANDY LOAM  
H2 - 8 TO 30 INCHES: SANDY LOAM  
H3 - 30 TO 38 INCHES: SANDY CLAY LOAM  
H4 - 38 TO 60 INCHES: SANDY LOAM

##### PROPERTIES AND QUALITIES:

SLOPE: 0 TO 2 PERCENT  
DEPTH TO RESTRICTIVE FEATURE: MORE THAN 80 INCHES  
DRAINAGE CLASS: WELL DRAINED  
RUNOFF CLASS: VERY LOW  
CAPACITY OF THE MOST LIMITING LAYER TO TRANSMIT WATER (KSAT): MODERATELY HIGH TO HIGH (0.57 TO 1.98 IN/H)  
DEPTH TO WATER TABLE: MORE THAN 80 INCHES  
FREQUENCY OF FLOODING: NONE  
FREQUENCY OF PONDING: NONE  
AVAILABLE WATER CAPACITY: 0 TO 60 INCHES: MODERATE (ABOUT 7.6 INCHES)

LEGAL DESCRIPTION PER WARRANTY DEED RECORDED IN L 1564, P 688, GRAND TRAVERSE COUNTY REGISTER OF DEEDS (13-005-011-40)  
LAND SITUATED IN THE TOWNSHIP OF WHITEWATER, COUNTY OF GRAND TRAVERSE, MICHIGAN, MORE FULLY DESCRIBED AS FOLLOWS:

THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4, AND THE NORTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 5, TOWN 27 NORTH, RANGE 9 WEST, MORE FULLY DESCRIBED AS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 5; THENCE SOUTH 00°10'33" WEST, 1489.28 FEET ALONG THE EAST LINE OF SAID SECTION 5 TO THE NORTH 1/8 LINE OF SAID SECTION 5, ALSO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°10'33" WEST, 330.37 FEET ALONG SAID SECTION LINE; THENCE NORTH 80°04'28" WEST, 664.01 FEET; THENCE SOUTH 80°04'34" WEST, 329.88 FEET; THENCE NORTH 80°41'55" WEST, 663.43 FEET; THENCE NORTH 00°01'25" WEST, 558.78 FEET ALONG THE EAST 1/8 LINE OF SAID SECTION 5; THENCE SOUTH 89°47'01" EAST, 1329.16 FEET ALONG SAID NORTH 1/8 LINE TO THE POINT OF BEGINNING.

SUBJECT TO THE RIGHT-OF-WAY FOR MOORE ROAD OVER THE EASTERNLY 33 FEET THEREOF.  
GROSS AC: 2.27 NET AC: 2.27

LEGAL DESCRIPTION PER WARRANTY DEED RECORDED IN L 1269, P 688, GRAND TRAVERSE COUNTY REGISTER OF DEEDS (13-005-008-00)  
LAND SITUATED IN THE TOWNSHIP OF WHITEWATER, GRAND TRAVERSE COUNTY, MICHIGAN, MORE FULLY DESCRIBED AS FOLLOWS:

THAT PART OF THE NORTHEAST 1/4 OF SECTION 5, TOWN 27 NORTH, RANGE 9 WEST, DESCRIBED AS: COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 5; THENCE SOUTH 00°15'33" EAST, ALONG THE NORTH AND SOUTH 1/4 LINE OF SAID SECTION, 446.88 FEET AND THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00°15'33" EAST, ALONG SAID 1/4 LINE, 2,330.16 FEET TO THE CENTERLINE OF CRISP ROAD AND THE EAST-WEST 1/4 LINE OF SAID SECTION; THENCE SOUTH 89°34'34" EAST, ALONG SAID EAST-WEST 1/4 LINE AND SAID CENTERLINE, 1324.61 FEET TO THE EAST 1/8 LINE; THENCE NORTH 00°11'19" WEST, ALONG SAID 1/8 LINE, 2,338.72 FEET; THENCE SOUTH 89°41'17" WEST, 250.85 FEET; THENCE SOUTH 00°11'07" WEST, 44.83 FEET; THENCE NORTH 87°29'51" WEST, 1,094.39 FEET TO THE POINT OF BEGINNING.

SAO LAND IS SUBJECT TO FARMLAND DEVELOPMENT AGREEMENT RECORDED IN LIBER 540, PAGE 707, ALSO SUBJECT TO A RIGHT-OF-WAY IN FAVOR OF MICHIGAN BELL TELEPHONE COMPANY AS RECORDED IN LIBER 126, PAGE 391. ALSO SUBJECT TO RESERVATION OF ALL OIL, GAS AND OTHER MINERALS, AND ALL ABORIGINAL ANTIQUITIES, BY THE STATE OF MICHIGAN, AS DISCLOSED IN LIBER 147, PAGE 54. ALSO SUBJECT TO THE RIGHTS OF THE PUBLIC IN AND TO THAT PART OF THE SUBJECT PROPERTY LYING WITHIN THE RIGHT-OF-WAY FOR CRISP ROAD, ALSO SUBJECT TO THE RIGHTS OF THE PUBLIC, PRIVATE PERSON OR ANY GOVERNMENTAL UNIT IN ANY PART OF THE SUBJECT PROPERTY USED, DEEDED OR TAKEN FOR STREET, ROAD, HIGHWAY OR EASEMENTS OF ANY KIND OR NATURE, INCLUDING BUT NOT LIMITED TO UTILITY EASEMENTS. ALSO SUBJECT TO ANY RESTRICTIONS, RESERVATIONS, AND EASEMENTS OF RECORD.  
GROSS AC: 70.64 NET AC: 69.64

LEGAL DESCRIPTION PER WARRANTY DEED RECORDED IN DOCUMENT 2008R-01411, GRAND TRAVERSE COUNTY REGISTER OF DEEDS (13-005-008-10)

THE FOLLOWING DESCRIBED PREMISES SITUATED IN THE TOWNSHIP OF WHITEWATER, COUNTY OF GRAND TRAVERSE, STATE OF MICHIGAN, TO WIT:

PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWN 27 NORTH, RANGE 9 WEST, MORE FULLY DESCRIBED AS: COMMENCING AT THE NORTH QUARTER OF SAID SECTION 5; THENCE NORTH 89°41'17" EAST, 1,335.95 FEET ALONG THE NORTH LINE OF SAID SECTION 5; THENCE SOUTH 00°11'17" WEST, 145.53 FEET ALONG THE EAST ONE-EIGHTH LINE OF SAID SECTION 5; THENCE NORTH 85°51'45" WEST, 450.47 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°11'17" WEST, 380.00 FEET PARALLEL WITH SAID EAST ONE-EIGHTH LINE; THENCE NORTH 87°27'05" WEST, 261.30 FEET; THENCE NORTH 00°11'17" EAST, 381.83 FEET PARALLEL WITH SAID EAST ONE-EIGHTH LINE; THENCE SOUTHEASTERLY 260.38 FEET ALONG THE SOUTHERLY RIGHT OF WAY LINE OF HIGHWAY M-72 AND THE ARC OF A 17,113.73 FOOT RADIUS CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 00°52'18" AND THE CHORD OF WHICH BEARS SOUTH 87°02'58" EAST, 260.38 FEET TO THE POINT OF BEGINNING.  
GROSS AC: 15.06 NET AC: 14.83

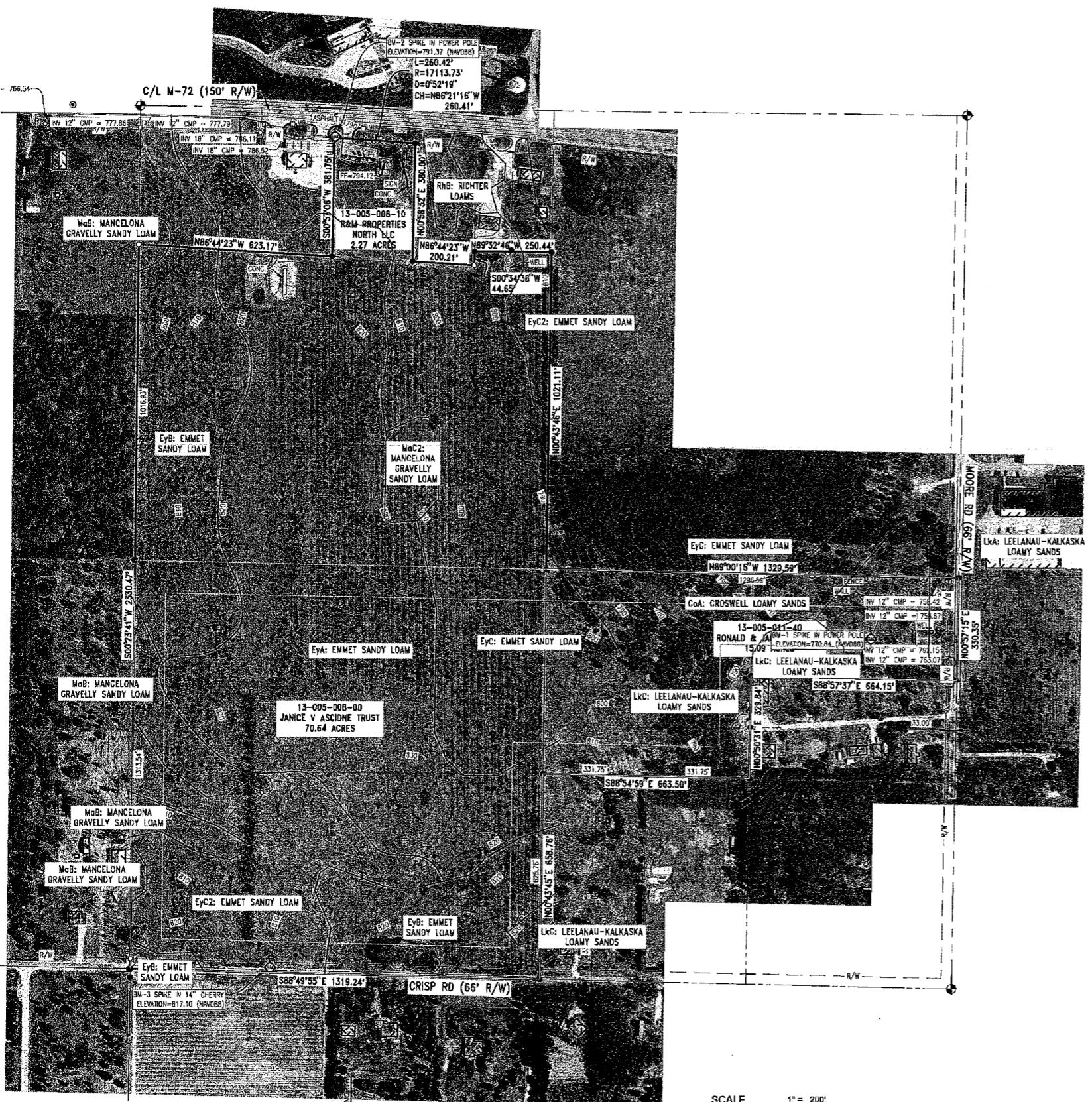
#### EXISTING CONDITIONS PLAN PROPOSED TOWNHOMES & CAMPGROUND LD PROMOTIONS DBA SUNLIGHT RESORTS

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Date Surveyed:  
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Checked By: AJP  
Scale: AB NOTED  
Original sheet size is 22x34  
Location: PART OF SECTION 5  
T27N, R9W  
WHITEWATER TOWNSHIP  
GRAND TRAVERSE COUNTY  
MICHIGAN  
Project Number: 2021D7B001  
Sheet: C1.0  
Page 1 of 10 | Sheet 1 of 10 | Drawing No. 13-005-008-00 | Existing Conditions Plan



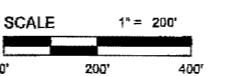
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EXISTING CONDITIONS PLAN (AERIAL)

SCALE: 1" = 200'



**EXISTING CONDITIONS LEGEND**

	BENCHMARK
	IRON FOUND
	SECTION CORNER
	EXISTING CONIFEROUS TREE
	EXISTING CONIFEROUS TREE LINE
	EXISTING FENCE
	EXISTING BUILDING

**EXISTING CONDITIONS PLAN (AERIAL)  
PROPOSED TOWNHOMES & CAMPGROUND  
LD PROMOTIONS DBA SUNLIGHT RESORTS**

Date issued: 10/07/21  
Date Surveyed:  
Designed by: WCB/AJP  
Drawn by: ERP/AJP  
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GRAND TRAVERSE COUNTY  
MICHIGAN  
Project Number: 2021078001  
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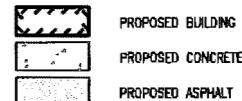
C1.1



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## **SITE PLAN LEGEND**



PROPOSED BUILDING  
PROPOSED CONCRETE  
PROPOSED ASPHALT

**OVERALL SITE PLAN  
PROPOSED TOWNHOMES & CAMPGROUND  
LD PROMOTIONS DBA SUNLIGHT RESORTS**

## SITE ZONING SUMMARY

1. SITE ZONING JURISDICTION: WHITEWATER TOWNSHIP
  2. SITE ZONING CLASSIFICATION: C-1, COMMERCIAL, A-1  
AGRICULTURAL
  3. PROPOSED SITE USE: MULTI-FAMILY UNITS IN C-1 ZONING, AND  
CAMPGROUND IN A-1 ZONING
  4. HEIGHT RESTRICTION: 35 FEET (OR 2-1/2 STORIES)
  5. MAXIMUM BUILDING SIZE: 8,000 SQUARE FEET
  6. REGULATIONS FOR BUILDING SETBACKS (C-1):
 

FRONT YARD SETBACK:	50 FEET.
SIDE YARD SETBACK:	10 FEET
REAR YARD:	30 FEET

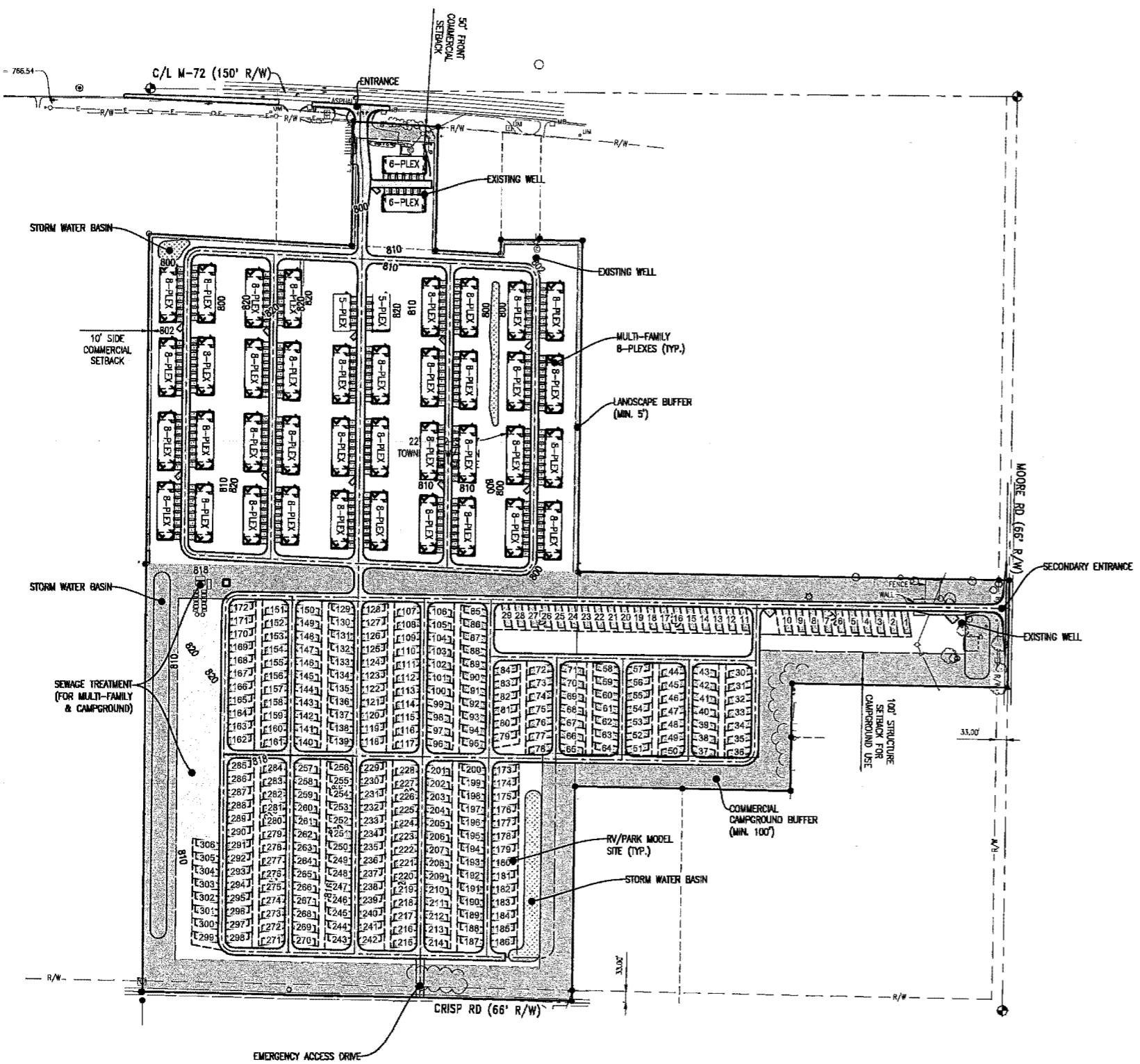
 REGULATIONS FOR BUILDING SETBACKS (A-1):
 

FRONT YARD SETBACK:	30 FEET.
SIDE YARD SETBACK:	15 FEET
REAR YARD:	30 FEET

SITE PLAN NOTES

1. ALL WORK SHALL BE COMPLETED IN CONFORMANCE WITH CURRENT ADA STANDARDS.
  2. ALL DIMENSIONS ARE TO BACK OF CURB, FACE OF CURB, OR EDGE OF CONCRETE UNLESS OTHERWISE NOTED.
  3. FOLLOWING LAYOUT OF ALL MATERIALS, CONTRACTOR SHALL REVIEW WITH OWNER'S REPRESENTATIVE.
  4. ANY DISCREPANCIES IN THE LAYOUT PLAN SHOULD BE IMMEDIATELY REPORTED TO OWNER'S REPRESENTATIVE.
  5. ALL DISTURBED AREAS SHALL BE RESTORED WITH TOPSOIL, SEED, FERTILIZER, AND MULCH UNLESS OTHERWISE NOTED.

Date Issued:	19/07/21
Date Surveyed:	
Designed By:	WCB&AMP
Drawn By:	AJP
Checked By:	
Scale:	AS NOTED
Original sheet size is 22x34	
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Project Number: <b>2021070001</b>	
Sheet: <b>C2.0</b>	



**OVERALL SITE PLAN**  
SCALE: 1"=200'

SCALE: 1"=200'

A scale bar at the bottom right of the map. It features a horizontal line divided into four equal segments. Above the first segment is the word "SCALE". To the right of the line is the text "1\" data-bbox="670 890 710 910" style="vertical-align: middle;">inch = 200' data-bbox="710 890 884 910" style="vertical-align: middle;">feet.

C2.0

No.	Date	Revision	By

**M-72 & MOORE ROAD ENTRANCE ENLARGEMENTS  
 PROPOSED TOWNHOMES & CAMPGROUND  
 LD PROMOTIONS DBA SUNLIGHT RESORTS**

Date Issued: 10/07/21  
 Date Surveyed:  
 Designed By: WCB/AJP  
 Drawn By: AJP  
 Checked By:  
 Scale: AS NOTED  
 Original sheet size is 22x34

Location: PART OF SECTION 5  
 T2N, R3W  
 WHITEWATER TOWNSHIP  
 GRAND TRAVERSE COUNTY  
 MICHIGAN

Project Number: 2021078001

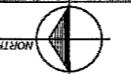
Sheet: C2.3



**M-72 ENTRANCE ENLARGEMENT**  
 SCALE: 1" = 30'



**MOORE ROAD ENTRANCE ENLARGEMENT**  
 SCALE: 1" = 30'

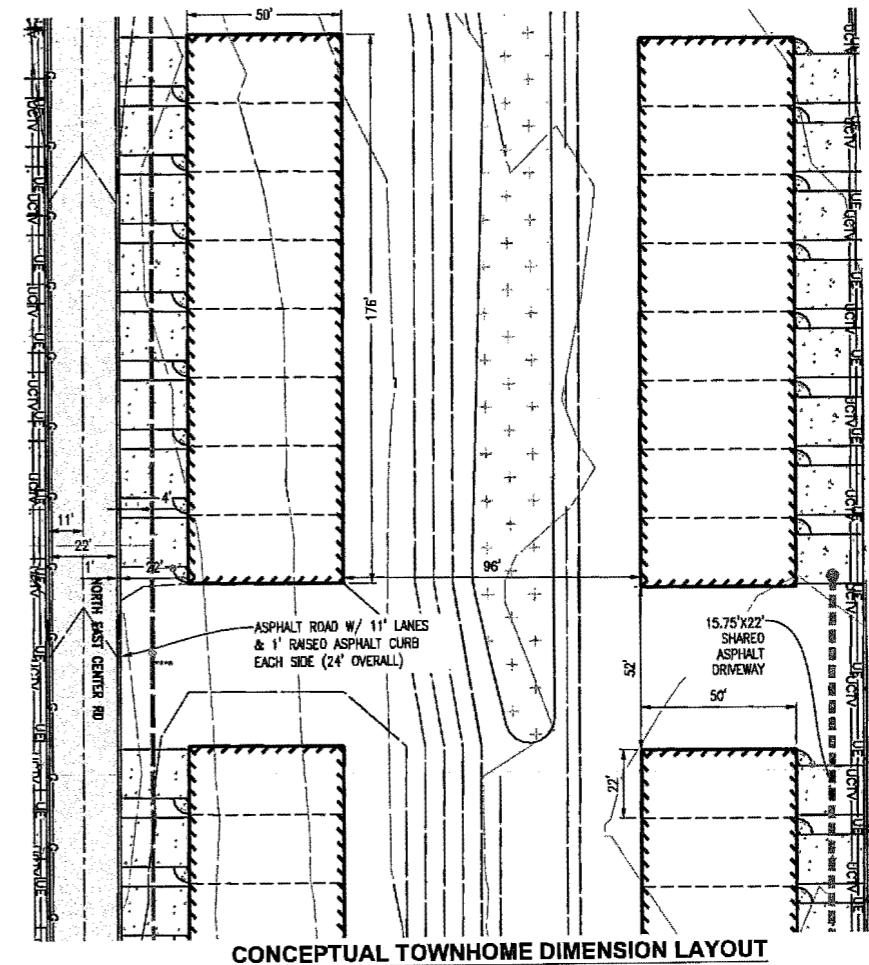
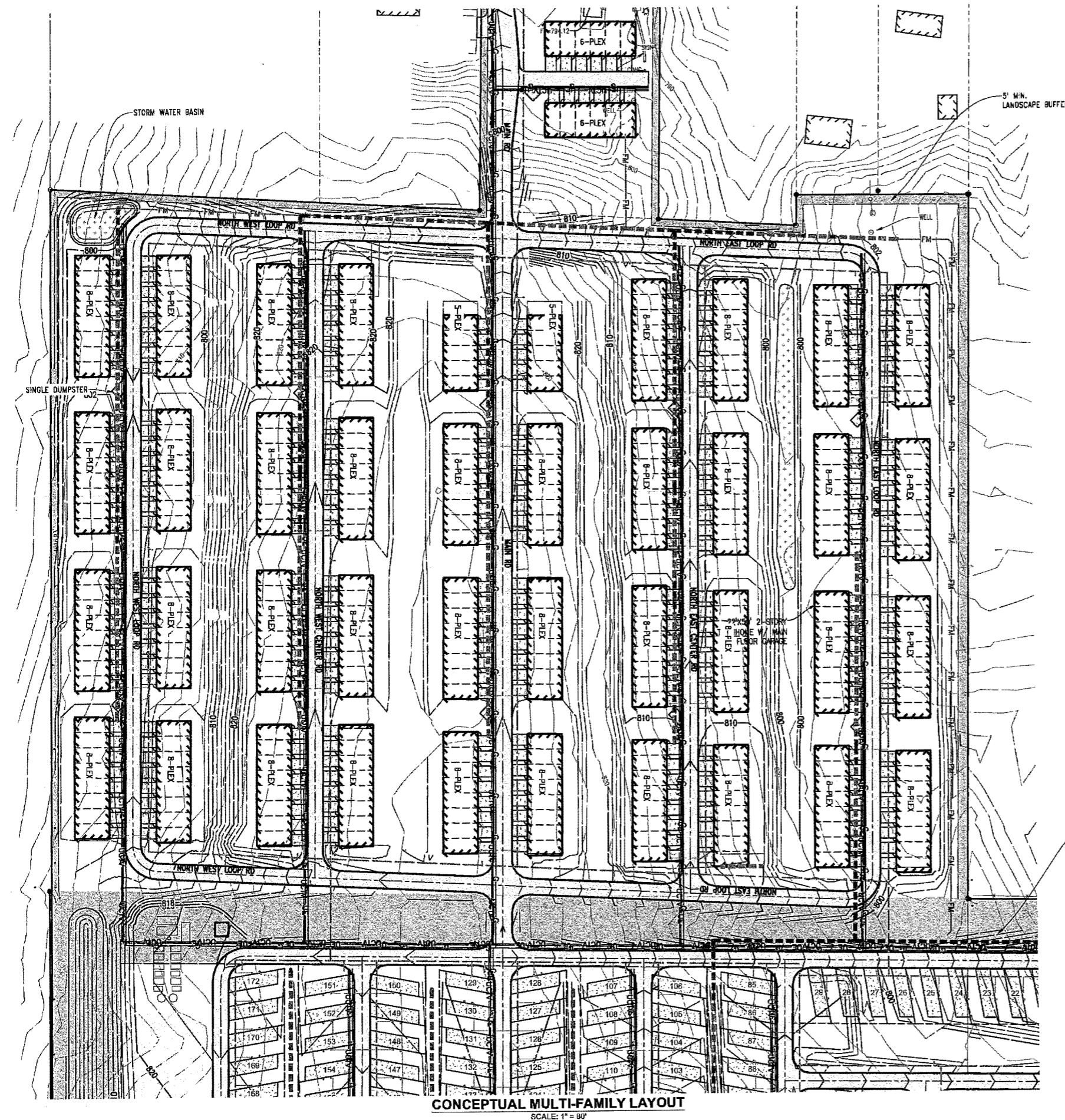




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C2.1



#### ADDITIONAL CONDITIONS OF SPECIAL LAND USES FOR MULTI-FAMILY RESIDENTIAL

1. PER SECTION 8.11.F, MULTI-FAMILY DWELLINGS REMITTED IN "C" BY A SPECIAL USE PERMIT.

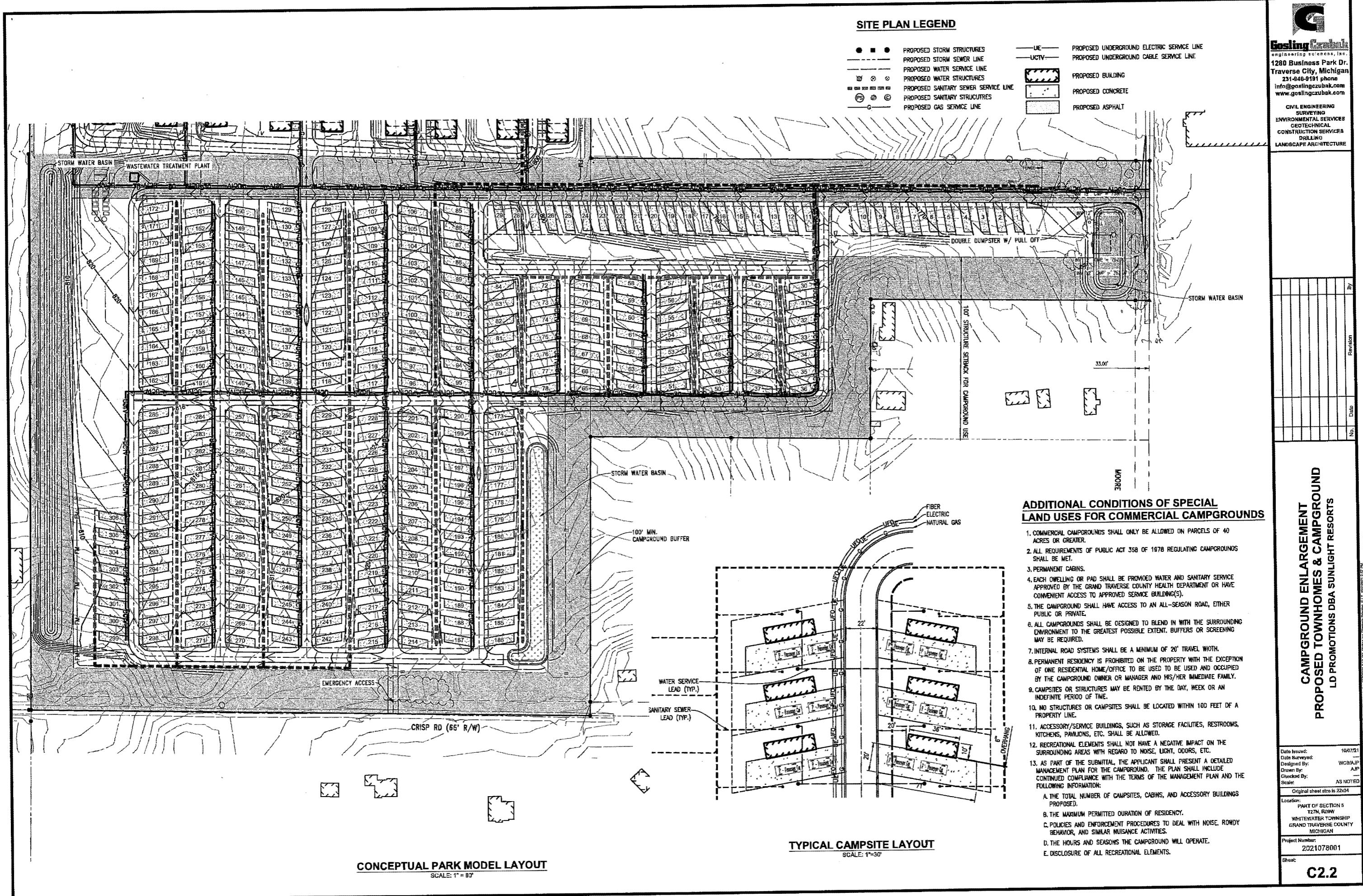
2. ALL STRUCTURES, LOTS AND SETBACKS COMPLY WITH SECTION 12 OF THE WHITEWATER TOWNSHIP ORDINANCE AS STATED BELOW:

C-1 (COMMERCIAL)	
MIN. LOT WIDTH	= 100'
FRONT YARD	= 50'
SIDE YARD	= 10'
REAR YARD	= 30'
STRUCTURE HEIGHT	= 35'
MAX. STRUCTURAL COVERAGE	= 40%
MIN. WIDTH: MAX. DEPTH	= 1:4

#### SITE PLAN LEGEND

- PROPOSED STORM STRUCTURES
- PROPOSED STORM SEWER LINE
- PROPOSED WATER SERVICE LINE
- PROPOSED WATER STRUCTURES
- PROPOSED SANITARY SEWER SERVICE LINE
- PROPOSED SANITARY STRUCTURES
- PROPOSED GAS SERVICE LINE
- PROPOSED UNDERGROUND ELECTRIC SERVICE LINE
- PROPOSED UNDERGROUND CABLE SERVICE LINE
- PROPOSED BUILDING
- PROPOSED CONCRETE
- PROPOSED ASPHALT

Date issued: 10/07/21  
Data Surveyed: WCB/JP  
Designed By: AJP  
Drawn By:  
Checked By:  
Scale: AS NOTED  
Original sheet size is 22x34  
Location: PART OF SECTION 5  
T27N, R4W  
WHITEWATER TOWNSHIP  
GRAND TRAVERSE COUNTY  
MICHIGAN  
Project Number: 2021078001  
Sheet:



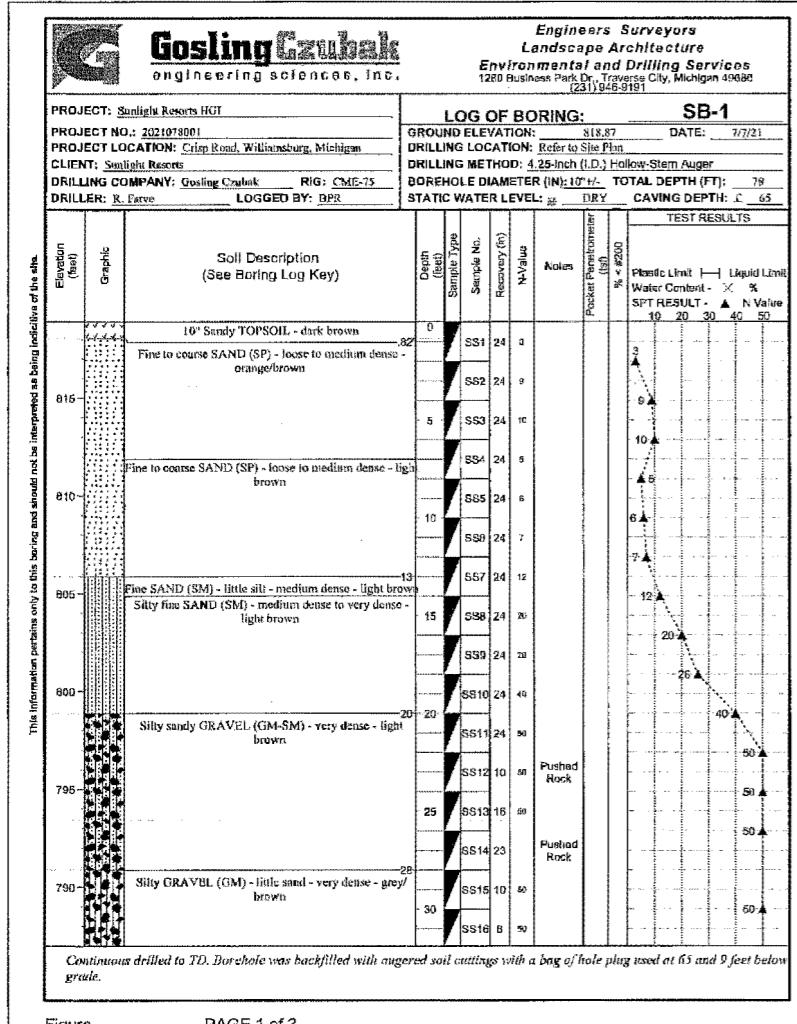


Figure PAGE 1 of 3

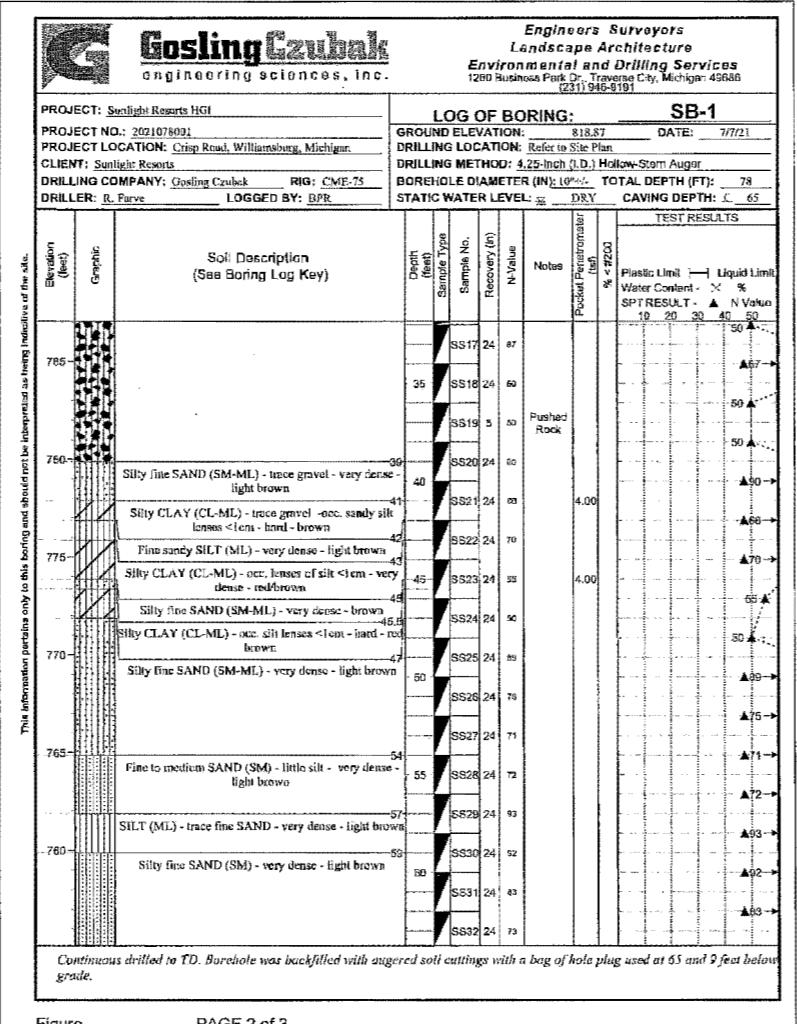


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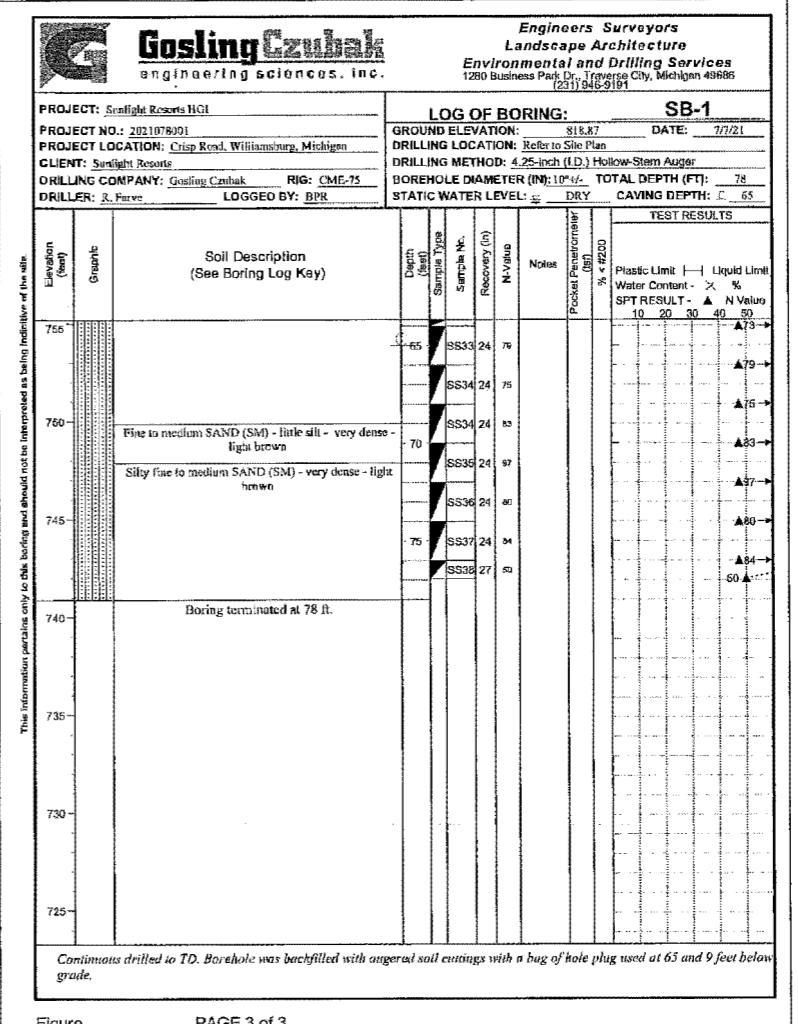


Figure PAGE 3 of 3

**SOIL BORINGS (1 OF 4)**  
**PROPOSED TOWNHOMES & CAMPGROUND**  
**L.D PROMOTIONS DBA SUNLIGHT RESORTS**

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Surveyed By: WCB/AJP  
By: ERP/AJP  
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AND TRAVERSE COUNTY  
MICHIGAN

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10 of 10

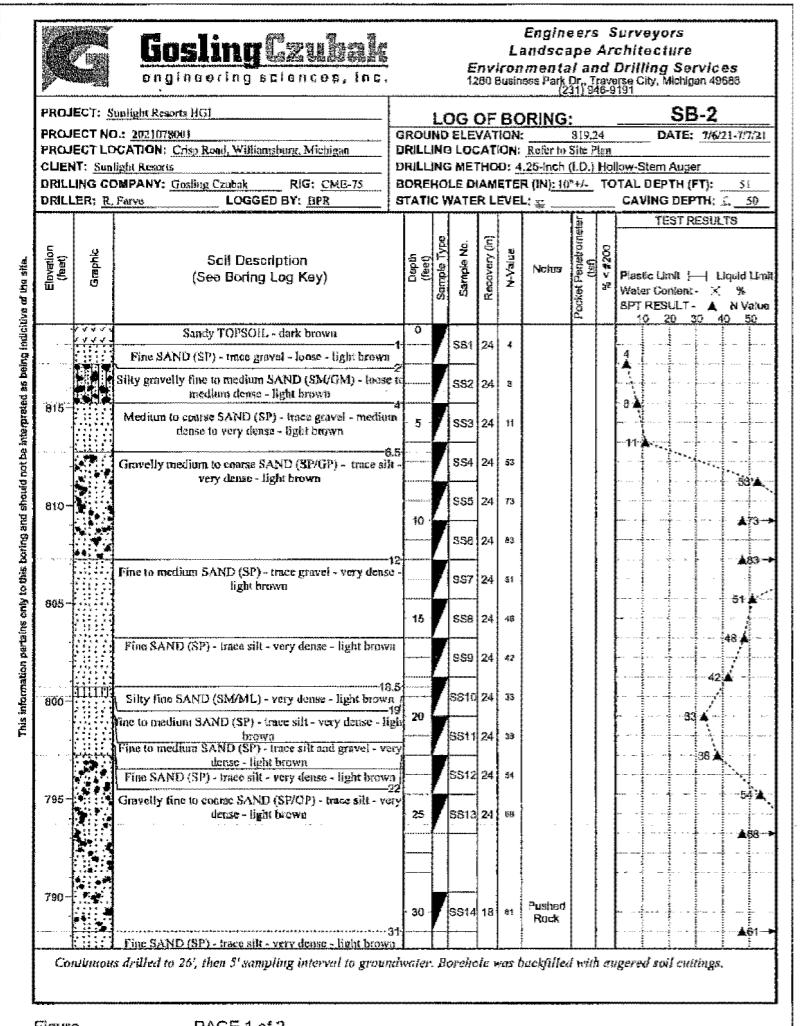


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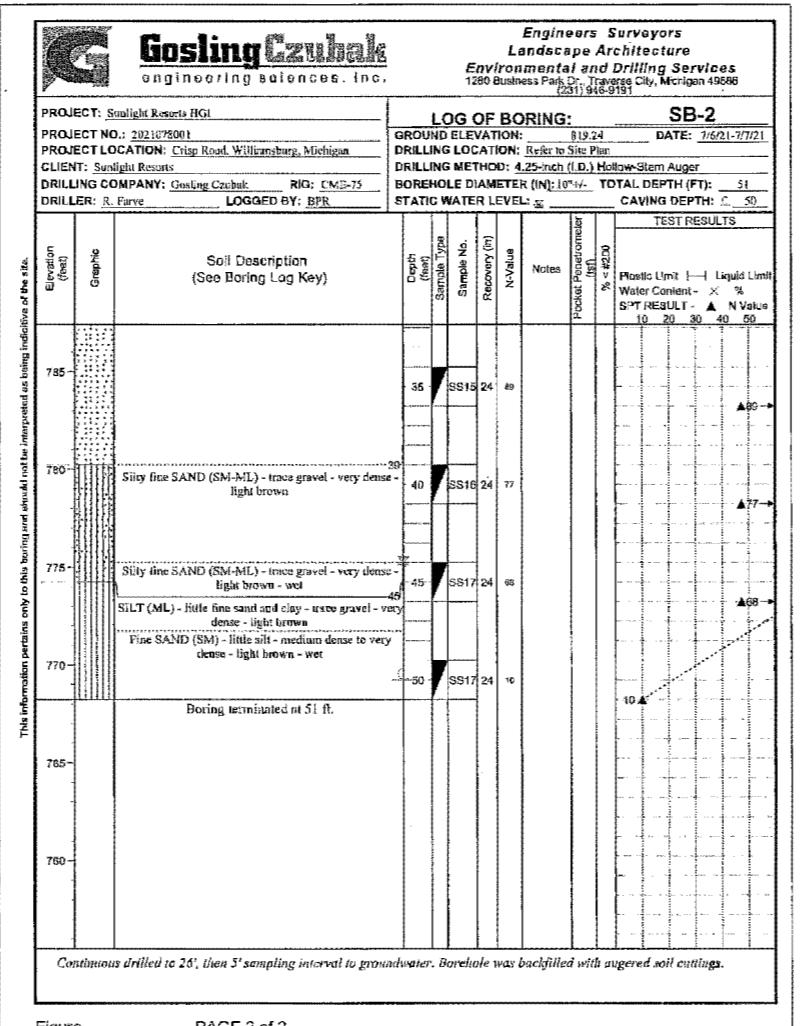


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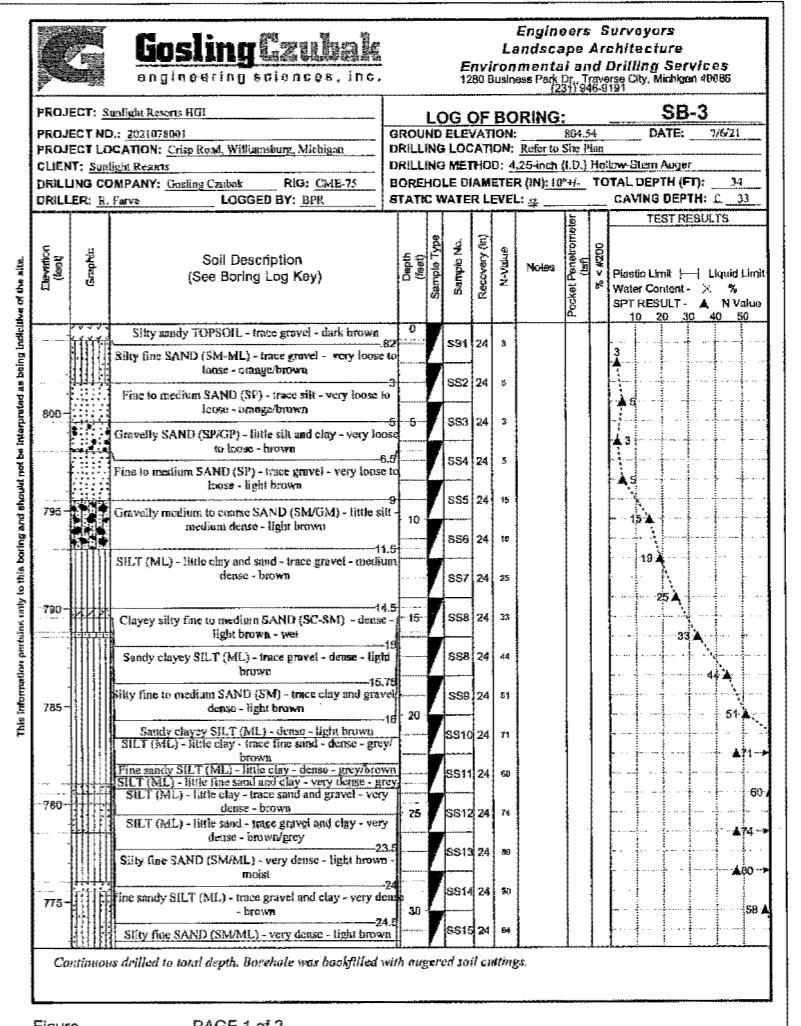


Figure PAGE 1 of 2

**PROPOSED TOWNHOMES & CAMPGROUND  
SOIL BURINGS (Z OF 4)**  
**L.D PROMOTIONS DBA SUNLIGHT RESORTS**

LD PROMOTIONS DBA SUNLIGHT RESORTS

Issue Date:	10/07/21
Surveyors:	
Signed By:	WCB/AJP
Own By:	ERF/AJP
Recorded By:	
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Original sheet size is 22x34	
Location:	
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Lot Number: <b>2021078001</b>	
Sect:	
<b>C3-3</b>	

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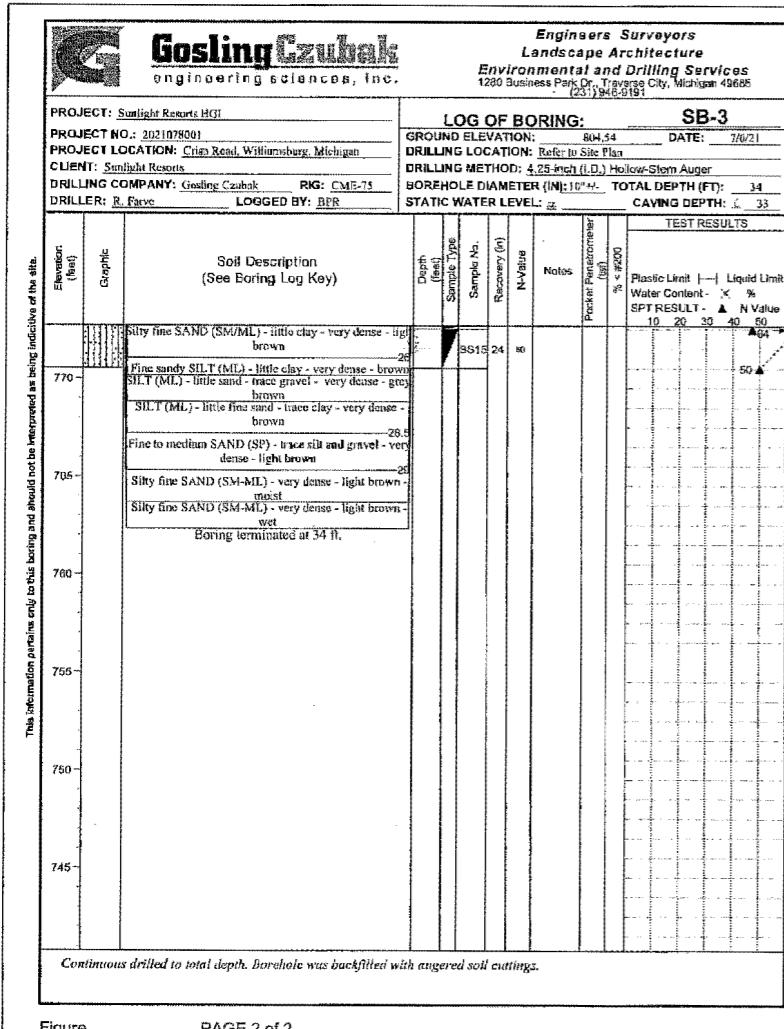


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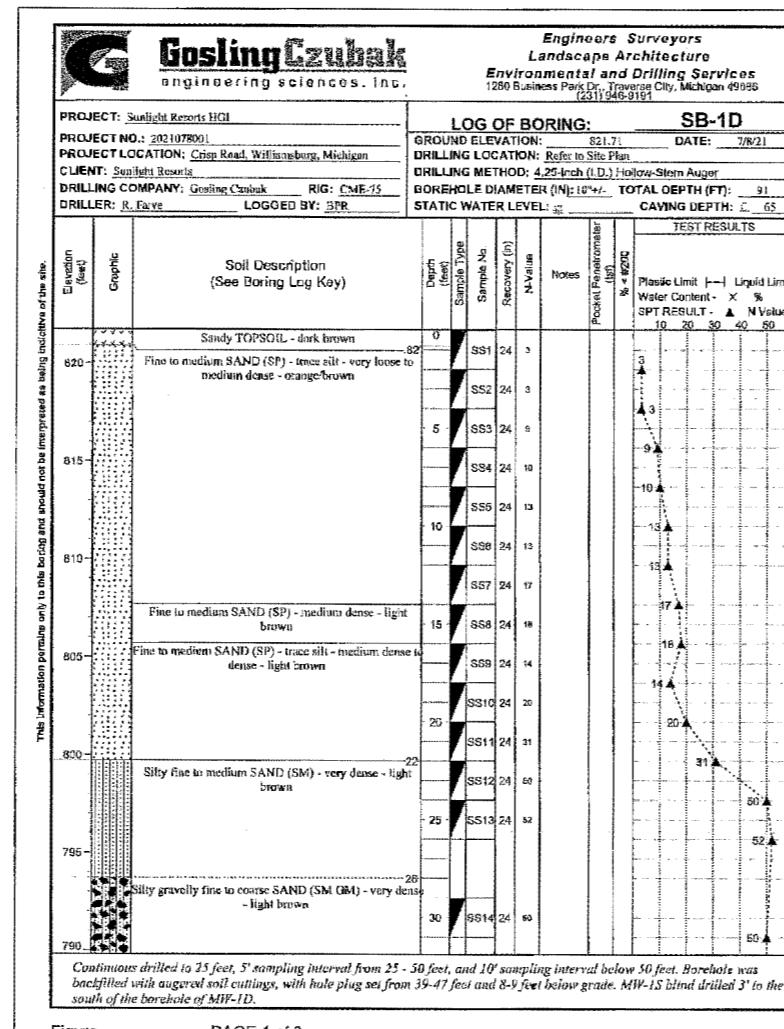


Figure PAGE 1 of 3

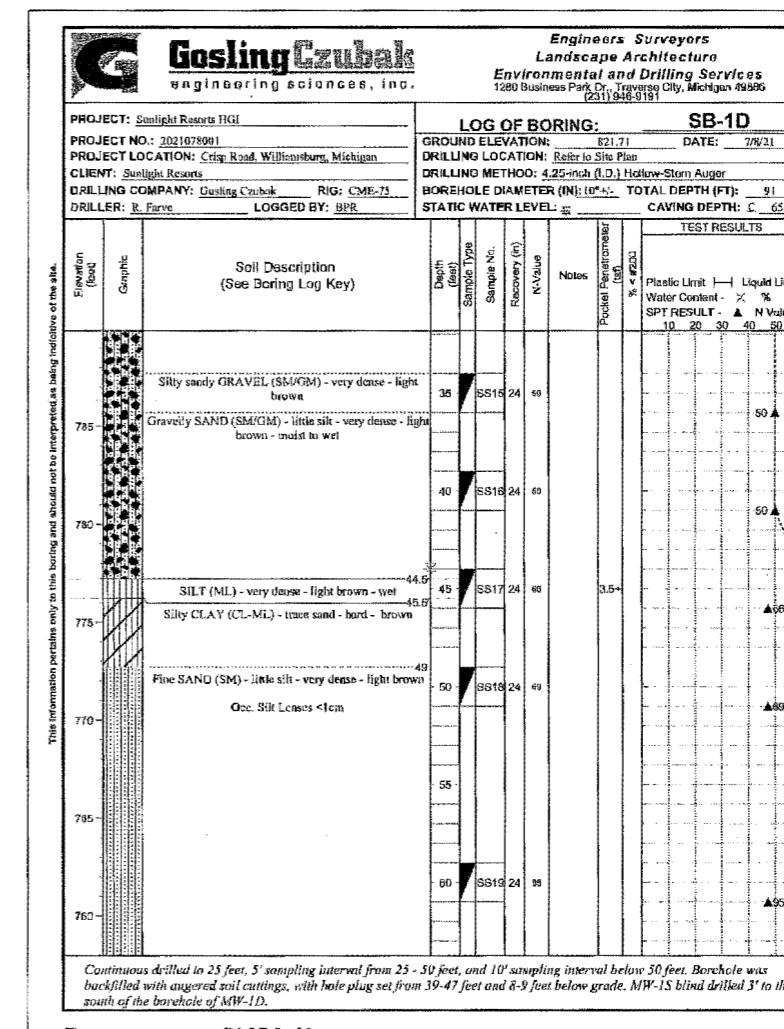


Figure PAGE 2 of 3

**SOIL BORINGS (3 OF 4)  
PROPOSED TOWNHOMES & CAMPGROUND  
LD PROMOTIONS DBA SUNLIGHT RESORTS**

Date Issued: 10/07/21  
Data Surveyed:  
Designed By: WCB/AJP  
Drawn By: ERP/AJP  
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Scale: AS NOTED  
Original sheet size is 22x34  
Location: PART OF SECTION 5  
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GRAND TRAVERSE COUNTY  
MICHIGAN  
Project Number: 2021078001  
Sheet: C3.3

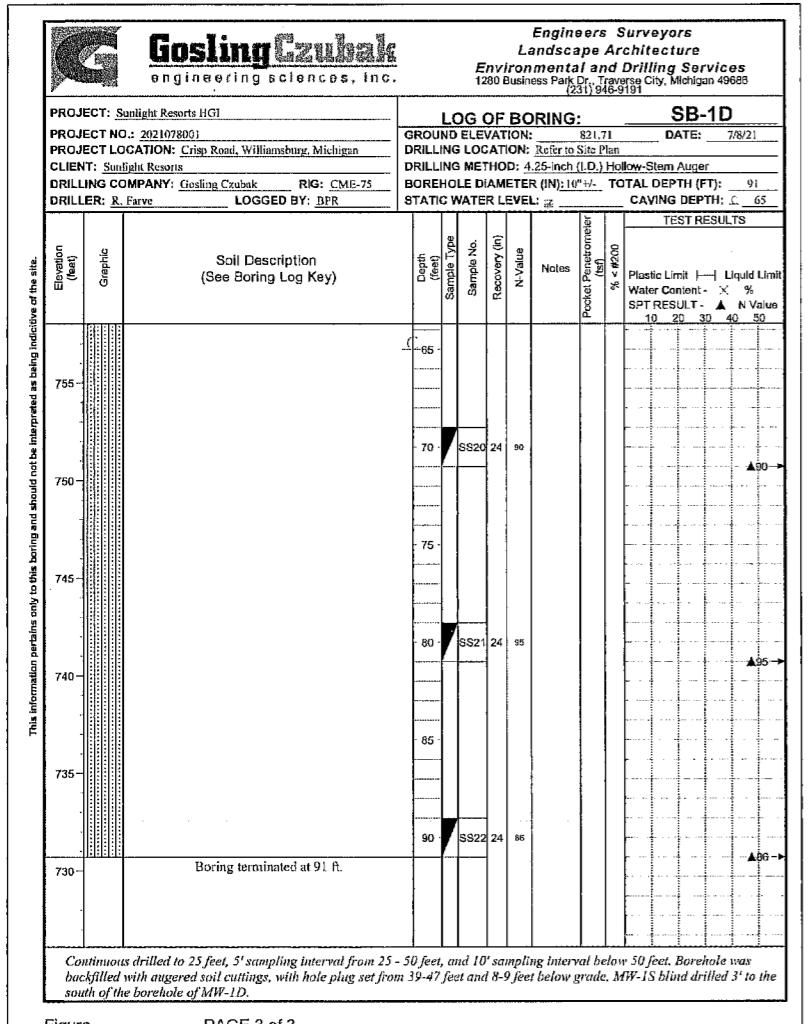
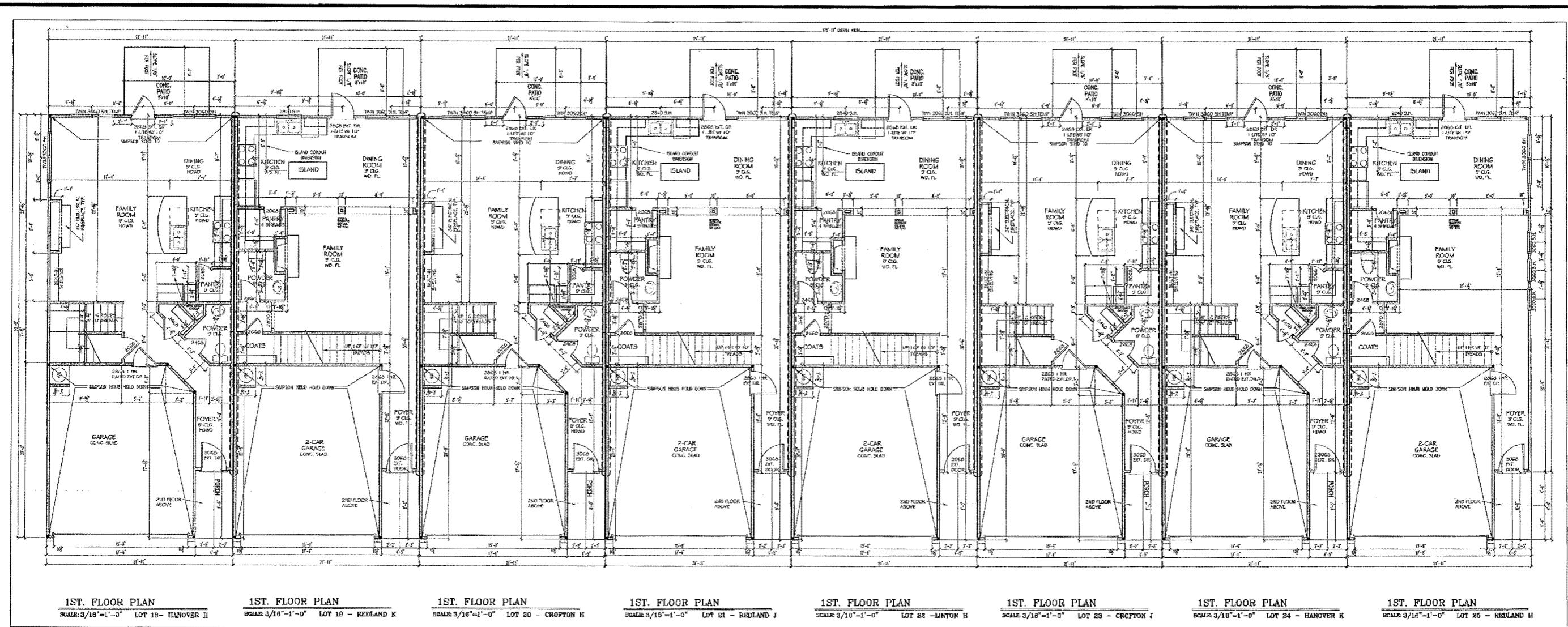


Figure PAGE 3 of 3

**SOIL BORINGS (4 OF 4)  
PROPOSED TOWNHOMES & CAMPGROUND  
LD PROMOTIONS DBA SUNLIGHT RESORTS**

Date Issued: 10/07/21  
Date Surveyed:  
Designed By: WCB/AJP  
Drawn By: ERP/AJP  
Checked By:  
Scale: AS NOTED  
Original sheet size is 22x34  
Location: PART OF SECTION 5  
T27N, R9W  
WHITEWATER TOWNSHIP  
GRAND TRAVERSE COUNTY  
MICHIGAN  
Project Number: 2021078001  
Sheet:

C3.4



**EXAMPLE - 131 FLOOR PLAN  
PROPOSED TOWNHOMES & CAMP GROUND  
LD PROMOTIONS DBA SUNLIGHT RESORTS**

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date Surveyed:	
Designed By:	WCBA/JP
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Original sheet size is 22x34	
Location:	
PART OF SECTION 5 T27N, R28W	
WHITEWATER TOWNSHIP GRAND TRAVERSE COUNTY MICHIGAN	
Project Number: <b>202107B001</b>	
Sheet: <b>C4.1</b>	

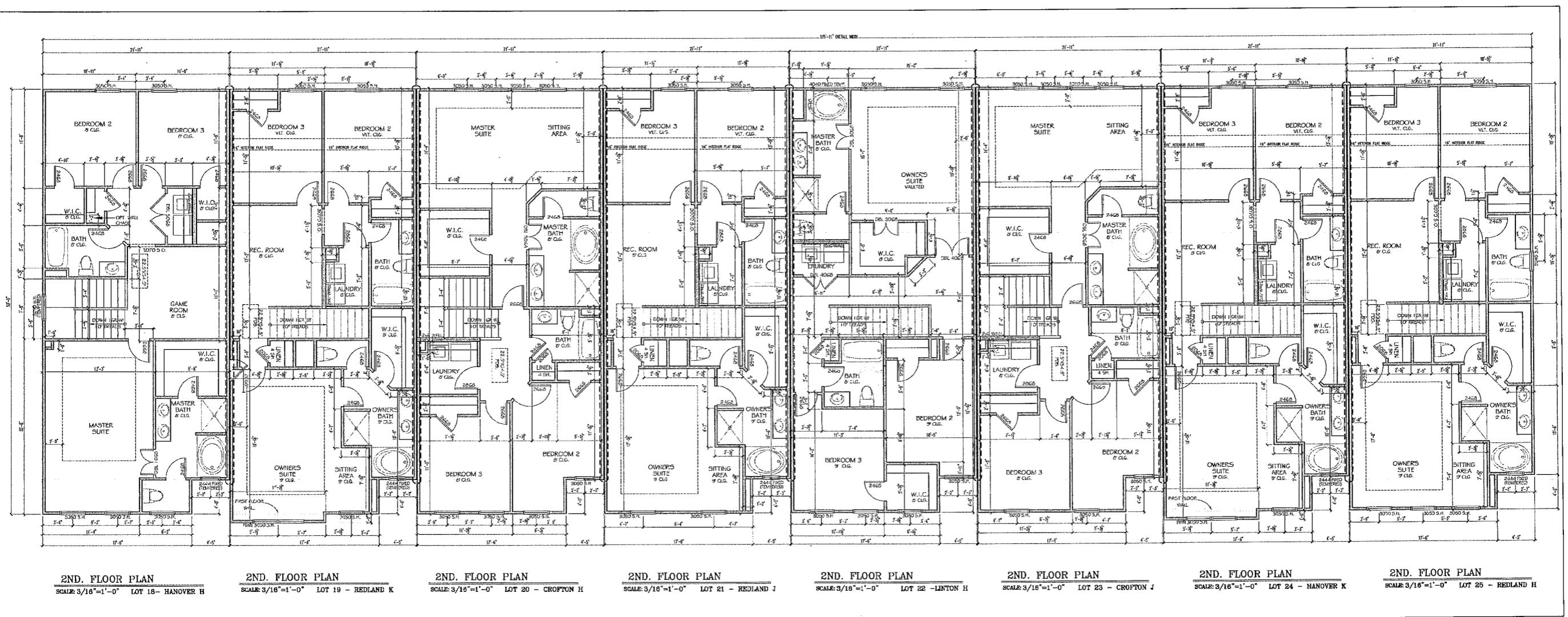
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DRILLING  
LANDSCAPE ARCHITECTURE

**EXAMPLE - 2ND FLOOR PLAN  
PROPOSED TOWNHOMES & CAMPGROUND  
LD PROMOTIONS DBA SUNLIGHT RESORTS**



Date Issued: 10/07/21  
Date Surveyed:  
Designed By: WCB/AJP  
Drawn By: AJP  
Checked By:  
Scale: AS NOTED

Original sheet size is 22x34

Location: PART OF SECTION 5  
T27N, R09W  
WHITEWATER TOWNSHIP  
GRAND TRAVERSE COUNTY  
MICHIGAN

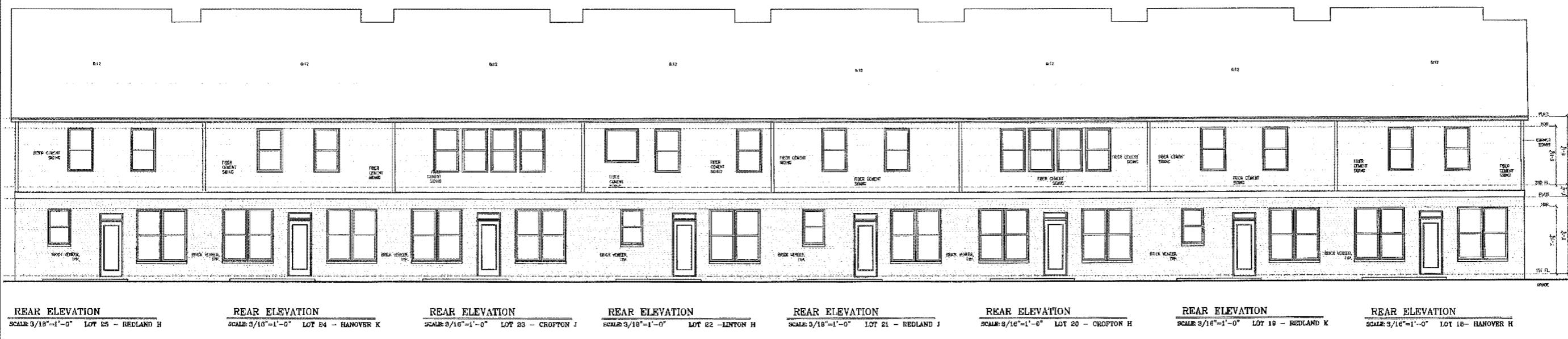
Project Number: 2021078001

Sheet: C4.2



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**EXAMPLE - FRONT AND REAR ELEVATIONS  
PROPOSED TOWNHOMES & CAMPGROUND  
LD PROMOTIONS DBA SUNLIGHT RESORTS**

Data Issued: 10/07/21  
Date Surveyed:  
Designed By: WCB/AJP  
Drawn By: AJP  
Checked By:  
Scale: AS NOTED  
Original sheet size is 22x34  
Location: PART OF SECTION 6  
T27N, R50W  
WHITEWATER TOWNSHIP  
GRAND TRAVERSE COUNTY  
MICHIGAN  
Project Number: 2021078001  
Sheet:



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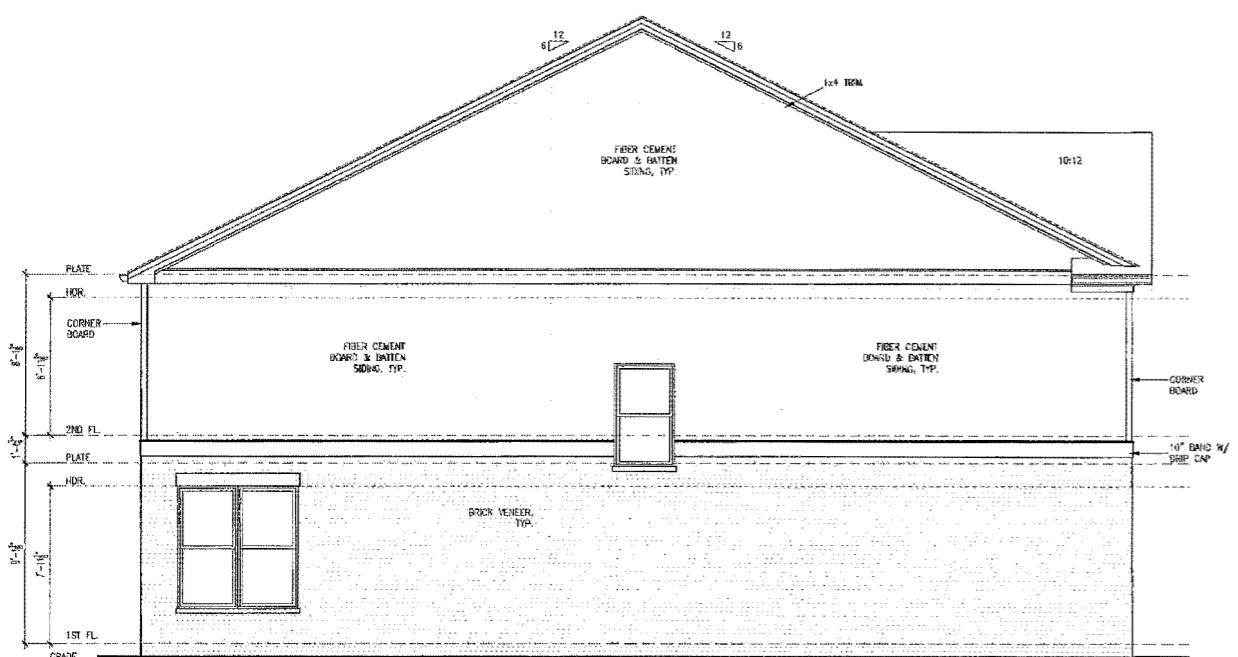
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CONSTRUCTION SERVICES  
DRILLING  
LANDSCAPE ARCHITECTURE

By \_\_\_\_\_  
Revision \_\_\_\_\_

No. \_\_\_\_\_ Date \_\_\_\_\_

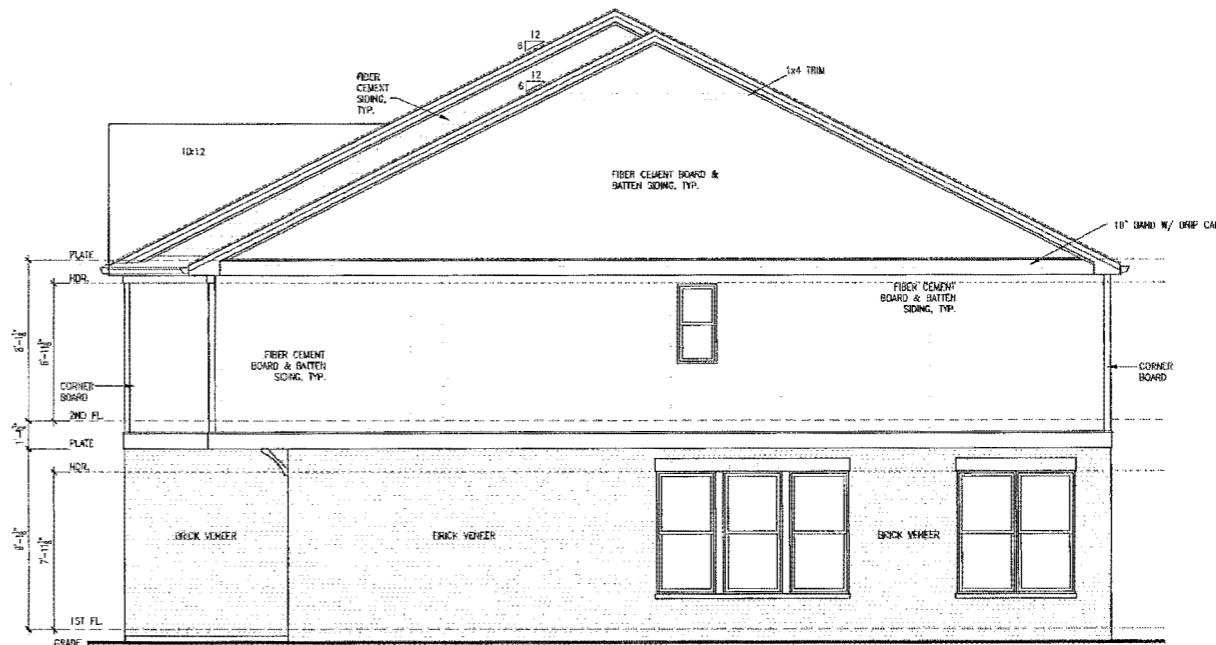
**EXAMPLE - SIDE ELEVATIONS  
PROPOSED TOWNHOMES & CAMPGROUND  
LD PROMOTIONS DBA SUNLIGHT RESORTS**

Printed by engineering 10/22/2023 11:54 AM Sheet 4 of 10 SHEET 4 - SIDE ELEVATIONS



**LEFT SIDE ELEVATION**

SCALE: 1/4"=1'-0" 18 - HANOVER H



**RIGHT SIDE ELEVATION**

SCALE: 1/4"=1'-0" 25 - REDLAND H

Date Issued: 10/07/21  
Date Surveyed: \_\_\_\_\_  
Designed By: WCB/AJP  
Drawn By: AJP  
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Location: PART OF SECTION 5  
T27N, R9W  
WHITEWATER TOWNSHIP  
GRAND TRAVERSE COUNTY  
MICHIGAN

Project Number: 2021078001  
Sheet: C4.4

Printed by engineering 10/22/2023 11:54 AM Sheet 4 of 10 SHEET 4 - SIDE ELEVATIONS

### Town of Millington

Millington community was challenged twice to implement marijuana. They have opted out of commercial marijuana. They commented that there is no support for marijuana businesses on the village council. Below is a list of their observations / concerns justifying their decision:

- Marijuana divides a community
- Watching Vassar, they do not think it is a money maker at the end of the day
- Crime increases from marijuana – seeing impact from Vassar's activity
  - Break-ins (marijuana businesses)
  - MIP
  - Foot traffic all night long, strange people
- Decreased property values
- Families exiting community (school enrollment down, using schools of choice to move kids to a different district)
- Increased traffic
- Smell complaints – from venting of indoor or outdoor home grows
- “Different” clientele – not good
- People coming from out of state specifically to grow because other states don't allow it

Millington input if you want to allow Marijuana and have less problems (balance headache vs reward):

- Master Plan should incorporate marijuana – where are you going to allow it
  - Ask: how big and fast do you want it to grow?
- Require residency on property for a license (Keep owners invested in the community)
- Regulate venting times
- Regulate filtration systems
- Regulate lighting
- Regulate security (reputable)
  - Require reporting of any breaking and entering events
- Can make requirements more stringent than state law, but not less
- Have adequate policing authority (uniformed)
- Know and have a plan to be vigilant on black market activity (illegal home grows, sell off of excess from personal and caregiver grows)

### Town of Vassar

2013 shuttered local automotive industry resulting in unemployed people. Community viewed marijuana as a way to “save” the community via revenue and employment. Police chief state that the marijuana growers are “botanists” – regular people. Police chief stated that legal marijuana business is better than home grow due to security. He stated the clients for the product are high end. He has not seen more issues with driving under the influence, but also admitted that the standards are not easy for marijuana. He did say that they do have crime associated with home grow selling extra marijuana on the black market. Vassar Township is also allowing marijuana.

Justin Dunakiss (Dunakiss consulting) stated 194/ 1700 municipalities opted in for commercial marijuana state wide.

Vassar currently has 3 retail stores with 8 additional licenses purchased. Inspections are done by the police chief. Growing and Processing are restricted to the industrial district due to odor concerns to keep it away from residential homes. Quantity of permits = unlimited. Current entity has a vertically integrated (grow to sell) operation under construction on a blighted 100-acre parcel (former foundry) in the industrial district. They are modeling the site off a system in Maine. They plan to produce 600lbs of marijuana finished product per week.

### Concerns to manage:

- Smell – mostly from residential grows – happens during certain points of the grow cycle – most common complaint so far.
  - Indoor grows have filters
- Hydroponic growing controls the water and recirculates (conserves water?)
- Security
  - 30-day record archive, physical and virtual security
  - Big player likely will contract with the sheriff
- Fire suppression
- Municipal sewer
- Power – require letter from power company regarding amount of power required and timeline to supply
- Do not require residency in the city
- 1000 ft set back to any school / park / church

### Final comments:

- Set the bar high enough (restrictions) so you minimize problems
- Allow it and they will come and use all the permits available
- Other businesses are having trouble finding buildings and property – it has all been “gobbled up”
- School enrollment? No known impact

Marihuana Field Trip September 30, 2021

Trip notes of Ron Popp

**Millington Michigan**, Village president Gailan Rhinhart, Police Officer Brian Carterner, Chief of Police (name not recorded)

Gailan – Village opted out of Commercial Marihuana altogether, no Board Members wanted commercial marihuana. The Board has been challenged 3~4 times on that decision, by marihuana operators from outside the Village. Each Challenge has been met with opposition and they remain COMMERCIAL Marihuana free. There has NOT been any reference to the Master Plan looking for guidance on the Marihuana challenges, city officials did not know if the Master Plan even contemplated marihuana. Believes the marihuana question divides the town in unusual ways and has affected the “feel” of the area.

Police Chief - They do have several grow operations in the Township operating under caregiver rules. They are not targets for crime like the larger state grows because risk vs. reward concerns of the crooks. Believes neighboring Vassar, has a crime increase, and many times is concerned that those people who commit the crime are traveling in and around their community looking for low hanging fruit. School tobacco vaping was an issue, school and police department, took an unpopular strong stance on the issue in the first wave, which took care of the issue.

Officer Cartner - Non local people are purchasing properties with accessory buildings in all surrounding areas to Vassar, including Millington. Changing the area. He lives in Vassar and will be placing his home on the market when spouse completes education.

Gailan - Vassar School enrollment down, Millington up – Families who oppose marihuana tend to relocate away from the marihuana use. Watch TV 5 out of Saginaw.

When considering ordinance – Consider residential areas, caregiver grows must be owner occupied, venting times, water usage, measure local well height, each plant uses 3 gallons of water per day, require electrical sign off or load test, private security with MCOLS standards, many breaking and entering's do not get reported because the grower doesn't want local officials to see what is happening. Self-insurance.

Tuscola County received \$84,000.00 in 2020 from marihuana.

Private resident living in Vassar working in Millington Schools – Concerns about afterhours activity in Vassar. Millington school enrollment up. Parents concerned about message Vassar is sending.

**City of Vassar** – Andy Niedzinski – Police Chief Ben Guile – Dunaskiss Consulting – Justin Dunaskiss – Foundry Buildout Team Jeremy, CPA and Ben Community Spokes Person (note contact information for buildout team has been requested)

Andy – Town was automotive heavy; plant closure and loss of area employment were major concerns. No other financial option to save Vassar was impetus. 30 current total licenses including 10 dispensaries.

All operations in the industrial zoning district where city had significant land holdings and or vacant buildings.

Chief Guile – Got on board when the financial attributes were presented to him. Serious marihuana growers of today are Scientist, not your Cheech and Chong type.

Vassar had a cartel drug house in the city 7 years ago, B&E and strong-arm person to person crime is down now that is gone.

No crimes have been reported from grows that are operational thus far, one-way doors, keypads, cameras.

Non local people are purchasing land and buildings.

Driving under the influence of marihuana not as big of deal as alcohol – Currently marihuana arrests because the science and laws have not caught up with the use like it has with alcohol.

Andy – Currently 3 dispensaries are open, 10 are allowed, he expects all license to be used and the council will issue more. Loves the permit money. It appears to provide significant dollars to the police department.

Chief – Annual Inspections (or more often) are performed by Police and Fire departments.

Chief – 11 drinking establishments, 8 operating caregivers bring lots of crime. (This statement appears to be contrary to an earlier statement)

Commercial grows offer safety in products, tested to state requirements, home care is not. (Does the testing mean the product is safe to use? Science knows so little about endocannabinoid system long term effects could be similar to opioid crisis reported today).

Zwerk Farms has 600 acres of hemp growing. Most (if not all) THC grows are in the industrial zoning district.

Residential grows cause more issues than commercial grows. (It is unclear how many commercial grows are operational, most appear to be “under construction”)

Ben – All nutrient water is recycled; process water is disposed of. Wastewater ordinance requires on site testing of waste water. (Whitewater Township does not have a wastewater ordinance). Onsite composting allowed. Future on site power generation is contemplated. 800 tons (yes, 800 tons) (that is 2,800 Kw of electricity) of air conditioning needed for server room. All Electrical, Mechanical, Plumbing is computer controlled, heat is contained in server room even from the grow lights. Power company provided a detailed consumption analysis of usage before application was completed.

Ben – Phase one 56,000 square feet under cultivation 24,000 plants, producing 600 pounds per week. Plants are about 2' tall. Robots will be used in grow house; personnel entry will be on a as needed basis. Color coded clothing, proximity badges will be used to track employee movement in facility. (Newman Smith name was used several times as a possible engineering firm for the site. Internet search did not reveal any additional information.)

Ben – Site has two water wells for fire protection, city water will supply all domestic use. On site guards 24/7

Justin – 3-billion-dollar industry in Michigan 50% built out now. 1 in 5 people use the marihuana plant in some form. 194 local governments have signed on to marihuana out of about 1773. Au Gres and Sherman Townships.

Andy – No asset test to qualify applications he conducts interviews with applicants, Planning Commission uses Master Plan to approve Special Use Permits. They do not allow transfers of licenses.

Ben – His company acts as a staffing service, employees can then use their W2 earnings as a borrowing tool, which is very different from other marihuana operations. Employees will be involved in more than marihuana on site, other business operations will be conducted on the property to include a farmers' market, possible business incubator/town center, transportation hub with rail spur on property. Grow, process, medical quality extraction and lab facilities, packaging, shipping, home delivery, curbside sales, non-marihuana business, public spaces. Vertical integration on steroids.

Andy – Bonuses to cannabis – Jobs, no more vacant buildings, money generated by permit fees support police and fire programs. Some cannabis entities become major community supporters.

Andy – Mistakes Made – Investment dollars all going to Industrial zoning district. (That is the only area cannabis approved). Vassar has many historical buildings that could benefit from the revitalization cannabis has brought to the area. Would allow sales in this district. Odor concerns still a big issue, need better regulation. Other business cannot find commercial buildings, cannabis has priced others out of the market. Some businesses were forced to relocate as cannabis dollars purchased leased space. limitation. Other businesses follow cannabis, be ready for growth.

Created by,

Ron Popp

Date: 10/4/2021

To: Planning Commission, Township Board, M. Lehnert  
From: Linda Slopsema

**Subject: Trip Report: Millington and Vassar communities with respect to Marijuana**

**Town of Millington**

Millington community was challenged twice to implement marijuana. They have opted out of commercial marijuana. They commented that there is no support for marijuana businesses on the village council. Below is a list of their observations / concerns justifying their decision:

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To: Planning Commission, Township Board, M. Lehnert  
From: Linda Slopsema

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Date: 10/4/2021

To: Planning Commission, Township Board, M. Lehnert  
From: Linda Slopsema

**Subject: Trip Report: Millington and Vassar communities with respect to Marijuana**

**Overview:** On 30 Sept 2021, several residents of Whitewater Township traveled to the villages of Vassar and Millington. Those who traveled included Ron Popp, Supervisor Whitewater Township, Mickey Dean, Carl Wrobel and Mike Jacobson, members of the Planning Commission, Linda Slopsema and Mike Lehnert (private citizens). The purpose of the visit was to talk to leaders and residents of both communities. Vassar was an early adopter of pro marijuana ordinances. Millington has take the opposite position. Both have similar demographics and are within seven miles of one another.

Millington.

Met with Gailan Rhinhart, President, Village of Millington, Chief Arthur and Officer Cartner Millington Police, Jackie Sabgash Clerk and Cynthia Coleman, teacher at Millington Middle School.

Rhinhart reported that Millington opted out of any commercial marijuana operations. He stated that this was the unanamous view of the board. He cited water supply issues and concerns over increased crime. Officer Cartner and Chief Arthur both stated that they had seen an uptick in crime. Cartner lives in Vassar and reported seeing more foot traffic of strangers in Vassar, increased break ins including his own home and that of his neighbors. He intends to sell his home before property values decrease.

Chief Oliver reported that local grows for private use have been a problem in the town of Millington including one grower venting close to the school so that the odor goes into a classroom.

Any community that allows marijuana into the community will have to beef up its enforcement and inspection programs.

Rhinhart suggested that if an ordinance is adopted, that residency be required for license holders.

Ms Coleman reported that though she lives in Vassar, her children attend Millington School. Officer Cartner's daughter also attends Millington though his family lives in Vassar. We heard reports that parents are putting their kids in surrounding schools to get them out of Vassar and that class sizes are increasing in these schools while Vassar schools are losing population. We were not able to independently varify this claim.

Vassar

Vassar was an early adopter of pro marijuana ordinances. Their motivation was money. Unlike Millington, Vassar was home to the former Eaton foundry. It was a blighted area with considerable requirements for environmental remediation. Vassar leadership saw marijuana as an opportunity to renovate a "white elephant" and provide an infusion of jobs and money.

We met with Vassar City Manager Andrew Niedzinski as well as Police Chief Ben Guile. We also met with three representatives from the consortium renovating the foundry. At the conclusion of the meeting with village leadership, the Whitewater team toured the foundry.

Andrew Niedzinski has been City Manager about 18 months. He came in after the pro marijuana ordinances were adopted but is an enthusiastic supporter. As he said, "It's all about the money." He

expects 400 new jobs after the foundry is turned into a grow facility though he acknowledged that many or most of the people hired from these jobs will come from “outside the city”.

Chief Guile briefed us on the crime situation. He stated that most of the problems come from private growers, not the stores authorized to sell marijuana. He stated that the private growers create a black market opportunity and he felt that more legitimate marijuana business will reduce the black market. The Whitewater group questioned the economic logic of that statement since if marijuana is selling for \$200 an ounce in authorized stores, there will be a strong economic incentive for private growers to sell their excess on the black market as they are currently doing. Guile stated that the crime comes from break ins to private home growers operations (cutting through the back of a garage as an example). He also reported that the Drug Enforcement Agency (DEA) had broken up a cartel operation in Vassar about three years previously.

Niedzinski stated that they had three storefronts in Vassar that sold marijuana, that they allowed for ten licenses and had already sold eight. They are considering changing the ordinances to allow for sale of more licenses.

Guile stated that odor complaints primarily came from residential grow sites. He was not concerned about the former Vassar foundry site as it was in the industrial zone distant from most residences.

When asked about enforcement for driving under the influence of marijuana, Chief Guile acknowledged that it is difficult.

Chief Guile stated that communities with marijuna facilities will require a robust enforcement mechanism.

Lessons learned by Vassar leadership.

Whatever # of licences are authorized will be sold.

The Vassar planning commission makes the decision on approval, not City leadership. This decision was made to avoid appearance of collusion or conflict of interests.

Don't allow transfer of permits. If ownership of a permit is proposed for transfer it must come back to the planning committee and start over.

Vassar charges \$5,000/permit annually.

Make sure that the local power provider is included in planning and that they confirm that they have the capacity to provide the necessary power prior to awarding the permit.

Three reps from the consortium renovating the old foundry were also present. It appeared that Justin Dunaskiss of Dunaskiss Consulting and Development, Inc was the primary spokes person. The project will be operated by Canapa Valley Farms. It will include a 30,000 sq ft. drying facility, two 26,500 sq ft. solar grow operations and a processing facility. The grow facility will be a hydroponic closed loop system. The consortium was granted 12 class C licenses. The consortium was clearly well prepared and professional. One of the points made repeatedly was the necessity of finding reputable partners and the dangers of associating with growers and distributors who had previously operated outside the law.

The consortium was emphatic that an operation of this type needed extensive capital investment, the best possible partners, clear cooperation between the community and the operation and that as the marijuana boom sorts itself out there will be clear winners and losers with "the cream rising to the top."

Security: Fencing and cameras on the entire area. There is a 30 day archive requirement

Site remediation is ongoing and fairly extensive.

Water. Plan is to use the on site wells.

Note: We did not have an opportunity to speak to anyone in the Vassar School system. This would be a good idea to determine if the decision to adopt marijauna ordinances had resulted in a decrease in student population movement of students to adjacent communities as reported by those we met with during the Millington trip.

# MEDICAL AND ADULT USE MARIJUANA LICENSE APPLICATION

CITY OF VASSAR  
ZONING ADMIN/CITY MANAGER  
287 EAST HURON AVE, VASSAR MI 48768  
Office (989)823-8517

**All required information must be submitted at the time of application.**  
**Attach additional pages when necessary.**

Date: \_\_\_\_\_

## Type of application

- |   |                         |
|---|-------------------------|
| <input type="checkbox"/> Medical Provisioning Center (Dispensary)   | \$5,000 Initial/Renewal |
| <input type="checkbox"/> Adult Use Provisioning Center (Dispensary) | \$5,000 Initial/Renewal |
| <input type="checkbox"/> Micro Adult Use                            | \$5,000 Initial/Renewal |
| <input type="checkbox"/> Cultivation Center (Growing/Manufacturing) | \$5,000 Initial/Renewal |
| <input type="checkbox"/> Transportation                             | \$5,000 Initial/Renewal |
| <input type="checkbox"/> Testing                                    | \$5,000 Initial/Renewal |
| <input type="checkbox"/> Processing                                 | \$5,000 Initial/Renewal |

## BUSINESS INFORMATION

Business Name:	Phone:	
Business Address:		
City:	State:	Zip:
Business Mailing Address (if different):		
City:	State:	Zip:
Square footage to be occupied:	Number of Employees:	
Hours of Operation:		
Business type: (check all that apply)		
<input type="checkbox"/> Sole Proprietorship		
<input type="checkbox"/> Corporation (including LLC)		
<input type="checkbox"/> Partnership		
<input type="checkbox"/> S Corporation		
<input type="checkbox"/> Trust		
<input type="checkbox"/> Non-Profit Organization		
If business type is anything other than a sole proprietorship, attach the following:		
<input type="checkbox"/> Attachment A - Articles of incorporation		

List below all officers, directors, officers, and shareholders including their home addresses. If the business is a partnership, list the names and home addresses of each of the partners. If necessary, provide additional information on a separate sheet.

Name	Home Address, City, State & Zip Code	DOB	Position

**APPLICANT INFORMATION:** Highest level official or employee of business/cooperative such as Board President, Chief Executive Officer, Executive Director or comparable position

Applicant Name:	Date of Birth:	
Applicant Address:		
City:	State:	Zip:
<input type="checkbox"/> Attachment B - Provide state or federally issued photo identification.		

**OPERATOR INFORMATION:** If different than the applicant, list the individual(s) responsible for day to day operations.

Operator Name:	Date of Birth:	
Applicant Address:		
City:	State:	Zip:
Operator Name:	Date of Birth:	
Applicant Address:		
City:	State:	Zip:
<input type="checkbox"/> Attachment C - Provide state or federally issued photo identification.		

**LICENSE INFORMATION**

Has the applicant and/or operator been denied an application for a medical, or adult use, marijuana dispensary, growing facility, or other related business from any jurisdiction?

Yes     No

If yes, state when, where, and why: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Has the applicant had a medical, or adult use, dispensary/grow facility license suspended or revoked by any jurisdiction?

Yes     No

If yes, state when, where, and why: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If yes, what was the next business activity or occupation of the occupant subsequent to such action of suspension or revocation? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Has the applicant or operator ever been convicted of a felony or controlled substances violations(s) in a federal, state, or other court?     Yes     No

If yes, please provide the following: (if necessary, provide additional information on a separate sheet):

Name and Location of Court	Conviction Charge	Sentence	Date of Sentencing	Last date of incarceration/parole/probation

**PROPERTY OWNER INFORMATION****Owner Name:****Home Address:****Home Phone:****City:****State:****Zip:**

Does the Applicant have legal possession of the premises from the date that this license will be issued by virtue of ownership, lease or other arrangement?

 Ownership Lease Other: (explain in detail)  

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**FACILITY INFORMATION**

Does applicant have alarm system in place?  Yes  No

If yes, name of alarm company, contact name and number: \_\_\_\_\_  

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Does the applicant propose to have retail sales other merchandise on site?

 Yes  No

**Additional attachments:**

- All documentation showing the proposed permit holder's valid tenancy, ownership, or other legal interest in the proposed permitted property/premises.
- Business and operation plans showing in detail the commercial medical, or adult use, marijuana facility's proposed plan of operation, including without limitation, the following:
  - A description of the type of facility and the anticipated or actual number of employees
  - A security plan that describes the security system used, current centrally alarmed and monitored security system service agreement and confirmation that those systems will meet State requirements.
  - A description by category of all products to be sold and services to be offered.
  - A list of material safety data sheets for all nutrients, pesticides, and other chemicals proposed for use in the facility.
  - A description plan of all equipment and methods that will be employed to stop the impact to adjacent uses, including enforceable assurances that no odor will be detected from outside the permitted premise.
  - A plan for the disposal of marijuana and related byproducts that will be used at the facility.
- Site plan and interior floor plan for the permitted premises and property.

**For Department Use Only**

Planning/Zoning

Approved/Not Approved

Date: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_Police Department Approval: \_\_\_\_\_ Signed by: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_Fire Department Approval: \_\_\_\_\_ Signed by: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**ORDINANCE #2019-08**  
**CITY OF VASSAR**  
**COUNTY OF TUSCOLA, MICHIGAN**

An ordinance to amend the City of Vassar Code Section 50.2 to provide for the licensing and regulation of marihuana businesses within the City of Vassar in conformance with and under the authority of the Michigan Medical Marihuana Act of 2008, MCL 333.26421, et seq., the Michigan Medical Marihuana Facilities Licensing Act of 2016, MCL 333.26421, et seq., and the Michigan Regulation and Taxation of Marihuana Act of 2018, MCL 333.27951, et. seq., as amended.

The City of Vassar hereby ordains:

**Section 1: Title**

This Ordinance shall be known and may be cited as the City of Vassar Uniform Marihuana Ordinance.

**Section 2: Purpose and Legislative Intent**

- A. It is the intent of this Ordinance to authorize the establishment of and regulate to the extent permissible under state law certain types of Marihuana Businesses in the City of Vassar and provide for the adoption of reasonable restrictions to protect the public health, safety, and general welfare of the community at large; retain the character of neighborhoods; and mitigate potential impacts on surrounding properties and persons. It is also the intent of this Ordinance to help defray administrative and enforcement costs associated with the operation of a marihuana facility in the City of Vassar through imposition of an annual, nonrefundable fee of not more than \$5,000.00 on each Marihuana Business License.
- B. It is further the intent of this Ordinance to coordinate with laws and regulations that may be enacted by the State of Michigan addressing Marihuana Businesses and restrict the issuance of Marihuana Business Licenses only to individuals and entities that demonstrate an intent and ability to comply with this Ordinance and the laws of the State of Michigan.
- C. It is not the intent of this Ordinance to diminish, abrogate, or restrict the protections for the use of marihuana under State law, including but not limited to under the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, and the Michigan Regulation and Taxation of Marihuana Act.
- D. This Ordinance permits authorizations for activity under the Michigan Medical Marihuana Act, the Medical Marihuana Facilities Licensing Act, and the Michigan Regulation and Taxation of Marihuana Act. Nothing in this Ordinance shall be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, possession, manufacture, cultivation, sale, distribution or control of marihuana or any other activity relating to marihuana that is not in compliance with state law.
- E. The City recognizes that federal law is not impacted by the adoption of this Ordinance, and, therefore, does not intend, and the public shall not construe, this Ordinance to grant immunity under federal law, including but not limited to the Federal Controlled Substances Act.

**Section 3: Definitions**

- A. Unless otherwise indicated, terms used herein that are not otherwise defined shall have the meanings proscribed to them within the applicable State Marihuana Law.

- B. Unless otherwise stated, any reference to grower, processor, safety compliance facility, or secure transporter includes both adult-use marihuana establishments and medical marihuana facilities of that type.
- C. The following words and phrases used in this Ordinance shall have the following meanings unless the context of the Ordinance clearly indicates otherwise.
  - 1. *Agency* means the Michigan Marihuana Regulatory Agency or its successor agency.
  - 2. *Application* means an application for a License pursuant to this Ordinance.
  - 3. *Applicant* means an individual, person, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust, or other legal entity or other business entity who applies for License to operate a Marihuana Establishment in the City of Vassar.
  - 4. *City* means the City of Vassar, Michigan.
  - 5. *City Council* means the City of Vassar Council of the City of Vassar, Michigan.
  - 6. *Business Location* means the parcel on which a Marihuana Business is located. Multiple Licenses operated by a Licensee on one parcel is considered one Business Location.
  - 7. *Clerk* means the City of Vassar Clerk.
  - 8. *Provisional License* means an Application which has been approved by the City Clerk but subject to additional State Licenses and State and local permits and approvals before a License is issued.
  - 9. *License* means a license issued for the operation of a Marihuana Establishment pursuant to the terms and conditions of this Ordinance.
  - 10. *Licensee* means a person or entity issued a License pursuant to this Ordinance.
  - 11. *Marihuana Business* means 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 by the State, inclusive of medical marihuana facilities, as defined under MCL 333.27102(l), and marihuana establishments, as defined under MCL 333.27953(h).
  - 12. *Michigan Medical Marihuana Act*, or MMMA means the initiated law of 2008, MCL 333.26421, et seq., as amended and all future amendments.
  - 13. *Michigan Medical Marihuana Facilities Licensing Act*, or MMFLA, means Public Act 281 of 2016, MCL 333.27101, et seq., as amended, and the rules promulgated thereunder, as applicable.
  - 14. *Michigan Regulation and Taxation of Marihuana Act* or MRTMA means, the initiated law of 2018, MCL 333.27951, et. Seq., as amended and all future amendments.
  - 15. *Ordinance* means this Ordinance \_\_\_\_
  - 16. *Planning Commission* means the Planning Commission of the City of Vassar, Michigan.
  - 17. *State* means the State of Michigan.
  - 18. *State License* means a license issued by the State of Michigan that allows a person to operate a Marihuana Establishment.
  - 19. *State Marihuana Law* means the MMMA, MMFLA, MRTMA, any amendments thereto, rules and regulations promulgated thereunder, and any other State law governing marihuana.

#### **Section 4: Authorization of Marihuana Businesses**

- A. If an Applicant is granted a Marihuana License by the State of Michigan for any of the Marihuana Businesses listed in this Section, the Marihuana Business may only be operated consistent with State Marihuana Law and for all purposes contemplated therein, and subject to the terms of this Ordinance, the City of Vassar Zoning Ordinance, and all applicable State and local law.

- B. Subject to the terms of this Ordinance, the issuance of a License by the City Clerk and applicable State law, only the following types of Marihuana Businesses are permitted within the boundaries of the City:
  - 1. Medical Marihuana Grower
  - 2. Medical Marihuana Processor
  - 3. Medical Marihuana Provisioning Center
  - 4. Medical Marihuana Secure Transporter
  - 5. Medical Marihuana Safety Compliance Facility
  - 6. Adult-Use Marihuana Grower
  - 7. Adult-Use Marihuana Processor
  - 8. Adult-Use Marihuana Retailer
  - 9. Adult-Use Marihuana Microbusiness
  - 10. Adult-Use Marihuana Secure Transporter
  - 11. Adult-Use Marihuana Safety Compliance Facility
- C. Pursuant to the State Marihuana Law and subject to the City of Vassar Zoning Ordinance and the terms of this Ordinance, the City Council finds and determines that it is in the public interest to limit the maximum number of Licenses for the following uses:
  - 1. Adult-Use Marihuana Microbusiness: One (1) License
  - 2. Adult-Use Marihuana Retailer: Six (6) LicensesThe City Council may review and amend these numbers by resolution as it determines to be advisable and in the best interest of the City of Vassar.
- A. Marihuana Businesses may only be operated with a Special Exception Use Permit as set forth in the City of Vassar Zoning Ordinance. No person shall be issued a License by the City without first obtaining from the City of Vassar a Special Exception Use Permit pursuant to the City of Vassar Zoning Ordinance.

#### **Section 5: Prohibited Licenses and Acts**

- A. Pursuant to the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27956(1) and to protect the public health, safety, and welfare of the residents of the City of Vassar, the City of Vassar hereby completely prohibits the following Marihuana Businesses and licenses:
  - 1. Designated Marihuana consumption establishments;
  - 2. Temporary Marihuana events.
- B. Any medical marihuana facility or adult-use marihuana establishment not specifically allowed by this Ordinance is prohibited within the City. In the event that any State law or rule is enacted or amended to provide for additional types of Marihuana Businesses, such businesses will be prohibited in the City in accordance with the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27956(1) unless and until the City amends this Ordinance to specifically allow for them.
- A. No person shall operate a Marihuana Business in the City without a valid License issued by the City pursuant to the terms of this Ordinance. Operators. Only a Licensee may operate as a Marihuana Business within the City of Vassar. The Licensee must conspicuously display its State License and City License in the Business Location where it is easily open to public view.
- C. It is prohibited for any Marihuana Business to allow the consumption, use, or inhalation of marihuana or any Marihuana product at any Business Location.
- D. It is prohibited to produce, distribute, or possess Marihuana in violation of any applicable State Marihuana Law or City of Vassar ordinance.
- E. Any violation of any State Marihuana Law shall be deemed a violation of this Ordinance.

## **Section 6: Violations and Enforcement**

- A. The requirements of this Ordinance are in addition to the City Vassar Zoning Ordinance, other City of Vassar ordinances of general applicability, and all applicable state laws.
- B. It shall be unlawful to operate any Marihuana Business in the City of Vassar without possessing a valid City of Vassar License to operate pursuant to this Ordinance, possessing a valid license from the State of Michigan, and having paid all applicable fees. The operation of any Marihuana Business in the City of Vassar without a valid City of Vassar License shall constitute a misdemeanor the penalty for which shall not exceed ninety (90) days in jail and a fine not to exceed FIVE HUNDRED DOLLARS (\$500.00), plus costs and other sanctions for each violation. Each day that a violation continues shall be considered a separate and distinct offense. The City may also seek injunctive relief.
- C. Violations of any other provisions of this Ordinance shall constitute a municipal civil infraction the penalty for which shall not exceed ONE HUNDRED DOLLARS (\$100.00), plus costs and other sanctions for each violation. Each day that a violation continues shall be considered a separate and distinct offense. The City may also seek injunctive relief.
- D. This Ordinance may be enforced and administered by the City Clerk, any City of Vassar Police Officer, City Manager or such other city official as may be designated from time to time by resolution of the City Council.

## **Section 7: Local Licensing Authority**

The City of Vassar Clerk is designated as the Local Licensing Authority and shall have all duties and authorities authorized by State Marihuana Law, rules promulgated by the Agency, and this Ordinance to grant or deny an Application described in this Ordinance, to levy penalties in the manner proscribed herein and under the law, and to take all actions necessary and incident thereto.

## **Section 8: Application for City License and Fees**

- A. Every Applicant for a License to operate a Marihuana Business shall file a completed Application in the City Clerk's office on a form provided by the City. Applications shall be collected and considered in accordance with this Ordinance. A separate Application is required for each License requested regardless of Business Location.
- B. Each Applicant must pay to the City of Vassar a fee of \$5,000 per Application to defray the administrative and enforcement costs associated with the operation of Marihuana Businesses within the City.
- C. Except as otherwise provided by state law, this Ordinance, and the City of Vassar Zoning Ordinance, an Applicant may apply for Licenses to operate at the same Business Location, as provided in State Marihuana Law.
- D. Contents of Application.
  1. An Applicant may be requested to provide any information required by applicable State Marihuana Law and any other information deemed by the City to be required for the consideration of a License.
  2. The Application shall, at a minimum, include:
    - a. If the Applicant is an individual, the applicant's name; date of birth; Social Security number; physical address, including residential and any business address; copy of government-issued photo identification; email address; one or more phone numbers, including emergency contact information;

- b. If the Applicant is not an individual, the names; dates of birth; physical addresses, including residential and any business address; copy of government-issued photo identifications; email address; and one or more phone numbers of each Stakeholder of the applicant, including designation of the highest ranking representative as an emergency contact person; contact information for the emergency contact person; articles of incorporation or organization; assumed name registration; Internal Revenue Service EIN confirmation letter; copy of the operating agreement of the applicant, if a limited liability company; copy of the partnership agreement, if a partnership; names and addresses of the beneficiaries, if a trust, or a copy of the bylaws or shareholder agreement, if a corporation;
  - c. The address and parcel identification number of the proposed Business Location, including satisfactory proof that the Applicant is legally permitted to occupy the property for the intended use. Proof may include a deed, purchase agreement, lease, or notarized statement from the landlord.
  - d. The name of the proposed Marihuana Business;
  - e. An Application for Special Exception Use Permit to be issued by the City Planning Commission;
  - f. Site Plan and application for Site Plan review to the City Planning Commission;
  - g. Whether the Applicant has ever applied for or has been granted any commercial license or certificate issued by a licensing authority in the State of Michigan or any other jurisdiction that has been denied, restricted, suspended, revoked or not renewed and a statement describing the facts and circumstances concerning the application, denial, restriction or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action;
  - h. Application for a sign permit if a sign is proposed;
  - i. A description of the security plan for the Marihuana Business that complies with the relevant minimal operational standards under State Marihuana Law and this Ordinance, including, but not limited to, any lighting, alarms, barriers, recording/monitoring devices, and/or security guard arrangements proposed for the Marihuana Business.
  - j. Information regarding any other Marihuana Business that the Applicant is currently operating or authorized to operate in any other jurisdiction in any state or country and the Applicant's involvement in each business.
  - k. Payment of the \$5,000.00 application fee.
  - l. Any other information which may be required by the City.
3. The Applicant shall sign the Application and attest that, under penalty of perjury, the information contained within is true to the Applicant's information, knowledge, and belief. An Applicant that is an organization, entity, or association, including any corporation, partnership, limited liability company, or any other business, shall submit a resolution attesting to same, identifying all ownership interests, and granting the representative filing the Application the authority to sign on its behalf.
4. At any time during the application process, the City may send notice to an Applicant requesting supplemental information. If an Applicant fails to provide supplemental information within ten (10) business days from the date notice was sent, the application will be deemed voluntarily withdrawn and will not be considered.
- E. It is the sole and exclusive responsibility of Applicant at all times during the application period operation to immediately provide the City with all changes in any information submitted on the Application and any other changes that may tend to materially affect any State License.

- F. Submitted applications that are not complete will be deemed voluntarily withdrawn and will not be considered.
- G. An Applicant, and its owners, officers, and directors, must be current with all City taxes, fines and fees.

### **Section 9: Inspections**

- A. At any time during the pendency of an Application for issuance, renewal or amendment of a License, the City, including representatives of the City's Building Department, Fire Department, and Police Department, may inspect the Business Location, including in-progress construction, to determine compliance with applicable state and local laws. If an Applicant does not permit an inspection to take place within 5 (five) business days of receiving notice from the City, then the Application will be deemed disqualified and the Applicant will be deemed to have forfeited all Licenses for the Business Location.
- B. Acceptance of a License or a Provisional License from the City under this Ordinance constitutes consent by the Licensee, its owners, managers, and employees to permit City officials to conduct reasonable and random inspections of the Marihuana Business to ensure ongoing compliance with this Ordinance during normal hours of operation.
- C. The premises of any Business Location of any Marihuana Business shall be open, at all times, to any Michigan licensing board investigators, agents, auditors, or police, without a warrant and without notice to the holder of the License, to enter the premises, offices, or facilities of any Marihuana Business if evidence of compliance or non-compliance with the MRTMA or applicable State Marihuana Law is likely to be found and consistent with constitutional limitations, for the following purposes:
  1. To inspect and examine all premises of the Marihuana Business;
  2. To inspect, examine, and audit relevant records of the Licensee and, if the holder of the License or any of the managerial employees or employees fails to cooperate with an investigation, the investigator may impound, seize, assume physical control of, or summarily remove from the premises all books, ledgers, documents, writings, photocopies, correspondence, records, and videotapes, including electronically stored records, money receptacles, or equipment in which the records are stored as well as any other property;
  3. To inspect the person and inspect or examine personal effects present in a Marihuana Business of any holder of any State License while that person is present in a Marihuana Business;
  4. To investigate alleged violations of State Marihuana Law.

### **Section 10: Requirements and Procedure for Issuing License.**

- A. Applications for renewal of or amendment to existing Licenses under this Ordinance or permits issued by the City of Vassar to Medical Marihuana Facilities under prior version of the City of Vassar Code Ord. No. 2012-01 shall be reviewed and approved or denied before Applications for new Licenses are considered.
- B. The requirements set forth in this Ordinance shall be in addition to, and not in lieu of, any other licensing requirements imposed by local health codes, state law as amended, and any future derivations thereof.
- C. Upon an Applicant's completion of the Application and furnishing of all required information, documentation and fees, the City Clerk shall file the same and assign it a sequential application number by Marijuana Business type based on the date and time of acceptance. The City Clerk

shall act to approve or deny an Application based upon the terms of this Ordinance not later than twenty-one (21) days from the date the completed Application is filed.

- D. If the City Clerk determines that the Application satisfies all applicable terms of this Ordinance and a License is available for the requested type of Marihuana Business, the City Clerk shall issue the Applicant a Provisional License and forward the Application to the City Planning for review of Special Exception Use Permit and Site Plan Approval pursuant to the City Zoning Ordinance. If the Application is denied, the City Clerk shall issue a written notice of denial to the Applicant and mail the same by first class mail to the address for the Applicant provided in the Application.
- E. Approval of the Application by the City Clerk and the issuance of a Provisional License means only that the Applicant has submitted a valid and satisfactory Application under the terms of this Ordinance and the license for the particular Marihuana Business type, if limited under Section \_\_\_, is no longer available. The Applicant shall not locate or operate a Marihuana Business without obtaining other permits and approvals required by State Marihuana Law and all other applicable ordinance and regulations of the City. Additional permits, licenses and approvals include but are not limited to:
  - a. Any applicable State License;
  - b. Special Exception Use Permit as issued by the City Planning Commission;
  - c. Site Plan Approval from the City Planning Commission.
- F. Within ten (10) business day of the Planning Commission's approval of the Applicant's Site Plan and Special Exception Use Permit, the City Clerk shall issue the Applicant a License in order of the previously assigned sequential application number.
- G. Maintaining a valid State License is a condition for the maintenance of a License under this Ordinance and the operation of a Marihuana Business in the City of Vassar.
- H. A Provisional License is valid for one (1) year from the date that the Application is approved by the City Clerk. If all additional necessary permits, State Licenses, and approvals are not received in that time frame, the Provisional License shall be null and void.
- I. The MRTMA, MCL 333.27959 4 requires that, when more than one Applicant has applied for a single available License, the City establish a competitive process to select the Applicant best suited to operate in compliance with the MRTMA within the City. Pursuant to that requirement, if the City receives more than one Application for an available License, the City will consider the following:
  - 1. The Applicant's experience in operating other similarly permitted or licensed Marijuana Businesses;
  - 2. The Applicant's general business management experience;
  - 3. Planned tangible capital investment in the City, including an explanation of the economic benefits to the City and job creation; and
  - 4. Financial structure and financing of the proposed Marihuana Business.
- J. No Application shall be approved unless:
  - a. The Fire Department and the Building Safety Office have inspected the proposed Business Location for compliance with all laws for which they are charged with enforcement within the past calendar year.
  - b. The Zoning Administrator has confirmed that the Business Location complies with the Zoning Code and this Ordinance, at the time a License is granted.
  - c. The City Treasurer has confirmed that the Applicant and each stakeholder of the Applicant and the location of the Marihuana Business are must be current with all City taxes, fines and fees.
  - d. The Police Department has reviewed the Application and determined that the Applicant has satisfied the requirements of this Ordinance with respect to the security plan.

- e. In the case of a renewal or amendment, the Applicant has operated the Marihuana Business in accordance with Federal, State, and local laws and regulations and requirements of this Ordinance.
  - f. The Marihuana Business has not been declared a public nuisance.
- K. An Application may be denied for any reason allowable under applicable State Marihuana Law or this Ordinance.
- L. Appeal. If the Application is denied, the Applicant shall have fourteen (14) days from the mailing of a decision by the City Clerk to appeal to the City Council by filing a notice of appeal in the City Clerk's office. The City Council shall hear the appeal at its next regular meeting but not sooner than seven (7) days from the receipt of the notice of appeal.

#### **Section 12: License Term**

All Licenses shall remain valid for one (1) year after issuance unless forfeited or revoked in accordance with this Ordinance.

#### **Section 13: Renewal and Amendment**

- A. To remain valid, each License issued under this Ordinance must be renewed annually. A completed Application for renewal must be received no later than 30 days prior to expiration. So long as no changes to the License or information submitted on the most recent Application have occurred and there is no pending request to revoke or suspend a License, and the Licensee has paid the fee of \$5,000 per License as required under this Ordinance, the City Clerk shall renew the License.
- B. Amendment.
  - 1. A Marihuana Business shall not make or allow any changes to be made in the operation, management, or ownership of the Marihuana Business as represented in the Application, without first obtaining the approval of the City through an Amendment Application.
  - 2. An Application must be submitted when there is a change in any information that the Licensee was required to provide to the City or the Agency in connection with the most recent Application on file with the City or the Agency, as applicable.
  - 3. If the City denies an Application requesting an amendment, then a Licensee shall be allowed to operate under its License only if the proposed amendments are not in effect and if the License is otherwise valid.
- C. Procedures. The same procedures that apply to new applications shall apply to application for renewal and amendment.

#### **Section 14: Licenses Non-Transferable**

Any License issued under the Ordinance is only valid for the named Licensee and only for the Business Location contained in the Application. No License is transferable to any other individual, organization, entity, association or other business or from its designated Business Location to any other location unless by an approved Amendment Application. Only the named Licensee may operate the Marihuana Business.

#### **Section 15: Revocation**

- A. A License issued under this Ordinance may be revoked after an administrative hearing at which the City Clerk determines that grounds for revocation under this Ordinance exist.

- B. Notice of the time and place of the hearing and the grounds for revocation must be given to the Licensee at least five (5) days prior to the date of the hearing, by first class mail to the address given on the License Application. A Licensee whose License is the subject of such a hearing may present evidence and/or call witnesses at the hearing.
- C. A License applied for or issued under this Ordinance may be revoked on any of the following bases:
  - 1. Any violation of this Ordinance;
  - 2. Any conviction of delivery of a controlled substance or a minor;
  - 3. Any finding by the City Clerk that the Applicant or Licensee made any fraudulent misrepresentation or false statement on the Application, including any Renewal Application or Amendment Application;
  - 4. The Licensee or any of its Stakeholders is in default to the City personally or in connection with any business in which they hold an ownership interest, for failure to pay property taxes, special assessments, fines, fees or other financial obligation;
  - 5. The Marihuana Business is determined by the City to be a public nuisance; or
  - 6. The State License for the Marihuana Business has been denied, revoked or suspended.
- D. Should the City Clerk revoke a License, the Licensee shall have fourteen (14) days from the mailing of a decision by the City Clerk to appeal to the City Council by filing a notice of appeal in the City Clerk's office. The City Council shall hear the appeal at its next regular meeting but not sooner than seven (7) days from the receipt of the notice of appeal. Should the City Council reverse the decision of the City Clerk, the City Clerk shall reinstate the License.

#### **Section 16: Minimal Operational Standards for All Marihuana Businesses Within the City of Vassar**

In addition to all local and state laws and regulations and all other applicable terms of this Ordinance, the following minimum standards shall apply to all Marihuana Business within the City of Vassar:

- A. Marihuana Businesses shall comply at all times and in all circumstances with State Marihuana Law. It is the responsibility of all Applicants and Licensees to be aware of the law and changes to the law. The City is not responsible for making Applicants and Licensees aware of the law or changes to the law.
- B. Marihuana Business shall not operate between the hours of 10:00 p.m. and 7:00 a.m.
- C. No person under the age of eighteen (18) shall be allowed to enter any Marihuana Business without a parent or legal guardian.
- D. No marihuana may be consumed or ingested on the premises except as otherwise permitted by applicable state law.
- E. The Marihuana Business shall be continuously monitored with a centrally-monitored security and alarm system that includes security cameras. The video recordings shall be maintained in a secure, off- site location for a period of fourteen (14) days and be available upon request of the City of Vassar Police Department.
- F. The Marihuana Business shall secure every entrance to the Business Location and only permit access by those individuals permitted under State Marihuana Law and this Ordinance.
- G. All marihuana in whatever form stored at the Business Location shall be kept in a secure manner and shall not be visible from outside the premises, nor shall it be grown, processed, exchanged, displayed or dispensed outside the premises.
- H. In addition to all other applicable local and state laws and regulations, all persons working in direct contact with marihuana shall conform to hygienic practices while on duty, including but not limited to:
  - a. Maintaining adequate personal cleanliness;

- b. Washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated;
- c. Refraining from having direct contact with marihuana if the person has or may have an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.
- I. All buildings, fixtures and other facilities at any Business Location of any Marihuana Business shall be maintained in a sanitary condition, adequately cleaned and kept in good repair.
- J. Litter and waste shall be properly removed from all Business Locations and the operating systems for waste disposal shall be maintained in an adequate manner so that they do not constitute a source of contamination in areas where marihuana is exposed.
- K. There shall be adequate screening or other protection against the entry of pests. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for the waste development of odor and minimize the potential for waste becoming an attractant, harborage or breeding place for pests.
- L. Disposal of marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in nonconformance with state laws.
- M. No Marihuana shall be cultivated, grown, manufactured or processed in any manner that would emit odors beyond the Business Location or which is otherwise discernable to another person. Odor from operations shall be controlled as may be required under the Special Exception Use Permit issued to the Licensee. The emission of Marihuana odors into the areas surrounding the Business Location is deemed and declared to be a public nuisance. Marihuana businesses must implement appropriate ventilation and filtration systems to satisfy the odor nuisance standard described herein. While the City does not mandate any particular equipment specifications with regard to filtration, all Marihuana Businesses are strongly encouraged to adopt best management practices with regard to implementing state-of-the-art technologies in mitigating marijuana odor, such as air scrubbers and charcoal filtration systems.
- N. In the event that any odors, debris, dust, fluids or other substances exit a Business Location, the owner of the Business Location and the Licensee shall be jointly and severally responsible for immediate full clean-up and correction of such condition.
- O. No pictures, images, or drawings depicting marihuana or marihuana paraphernalia shall appear on the outside of the Business Location or be visible from outside of the premises. The words "marijuana," "marihuana", "cannabis" and any words used or intended to be used to convey the presence of marihuana shall not appear on the outside of the premises per state law.

#### **Section 16: Reservation of Rights**

This Ordinance is intended to operate in addition to and not in lieu of other state and local law and regulation. The City retains all rights to enforce any application local and state laws and rules regardless of whether specifically included in this Ordinance.

#### **Section 21: Severability**

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

#### **Section 22: Repeal**

All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed

**Section 23: Publication**

The City Clerk shall cause this Ordinance to be published in the manner required by law.

**Section 24: Effective Date**

This Ordinance shall take immediate effect.



CITY OF VASSAR  
ORDINANCE #2020-01

AN ORDINANCE TO AMEND IN PART CHAPTER 86 OF THE CODE OF ORDINANCES OF THE CITY OF VASSAR, MICHIGAN TO ADDRESS MARIHUANA BUSINESSES WITHIN THE CITY OF VASSAR IN ACCORDANCE WITH STATE LAW.

THE CITY OF VASSAR, MICHIGAN, ORDAINS:

**CONTENTS**

This Ordinance consists of the following parts:

**PART A**

**SECTION 86-16 – DEFINITIONS M-N.....** 1

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**SECTION 86-50 PERMITTED USES.....** 2

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**PART A**  
**SECTION 86-16 – DEFINITIONS M-N**

Chapter 86 of the City of Vassar Code of Ordinances, adopted May 6, 2002, as amended, (hereinafter the “Zoning Ordinance”), is hereby amended by the amendment of Section 86-16 to add the following definitions:

*MMMA* means the Michigan Medical Marihuana Act, the initiated law of 2008, MCL 333.26421, et seq., as amended and all future amendments.

*MMFLA* means the Michigan Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016, MCL 333.27101, et seq., as amended, and the rules promulgated thereunder, as applicable.

*MRTMA* means the Michigan Regulation and Taxation of Marihuana Act, the initiated law of 2018, MCL 333.27951, et. Seq., as amended and all future amendments.

*Marihuana* means the term as defined in the MRTMA.

*Marihuana business* means 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 by the State of Michigan and permitted under Chapter 50.2 of this Code, inclusive of medical marihuana facilities under MCL 333.27102(l), and marihuana establishments under MCL 333.27953(h).

*Medical marihuana home occupation* means an accessory use of a nonresidential nature that is conducted by a registered primary caregiver who resides in the dwelling and (1) is performed within a single-family dwelling, (2) is for the purpose of assisting one or more registered qualifying patients with the medical use of marihuana who do not reside in the dwelling and (3) complies with the MMMA.

*State marihuana law* means the MMMA, MMFLA, MRTMA, any amendments thereto, rules and regulations promulgated thereunder, and any other state law governing marihuana.

*State marihuana license* means a license issued by the State of Michigan that allows a person to operate a marihuana business or to otherwise use or cultivate marihuana under state marihuana law.

**PART B**  
**SECTION 86-50 PERMITTED USES.**

The Zoning Ordinance is hereby amended by the amendment of Section 86-50 to add the following marihuana-related uses to the table of permitted uses:

Permitted Uses in the Central Business District	Central Business District		General Business District
	Downtown Core *non-retail and office type uses are not permitted on the first/ground floor	Downtown Transitional	
<b>Marihuana</b>			
Marihuana Provisioning Centers, Retailers, Secure Transporters, Safety Compliance Facilities, and Microbusinesses			S

**PART C**  
**SECTION 86-60 PERMITTED USES.**

The Zoning Ordinance is hereby amended by the amendment of Section 86-60 to add the following marihuana-related uses to the table of permitted uses:

Permitted Uses in the Industrial District	
Marihuana	1-1
Marihuana Growers (and class)	S

**PART D**  
**SECTION 86-150 – MARIHUANA.**

The Zoning Ordinance is hereby amended to replace Section 86-150 in its entirety as follows:

- a. Findings and Purpose.
  1. It is the intent of this section to comply with state marihuana law and to provide appropriate locations and reasonable restrictions for marihuana use and cultivation allowed by the MMMA, MMFLA, MRTMA. These are unique land uses with ramifications not addressed by more traditional zoning district regulations.
  2. It is the intent of this section to protect the health, safety, and general welfare of persons and property by limiting land uses related to marihuana to districts that are compatible with such uses. Additional regulations in this section are intended to provide reasonable restrictions within districts so that these uses do not compromise the health, safety, and general welfare of persons in the district, or other uses allowed in each district.
  3. It is the intent of the City that nothing in this Chapter be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or to allow activity relating to marihuana that is illegal under state law.
  4. It is not the intent of this Ordinance to diminish, abrogate, or restrict the protections for the use of marihuana under state marihuana law, including but not limited to under the MMMA, MMFLA, and MRTMA.
  5. The City recognizes that federal law is not impacted by the adoption of this Ordinance, and, therefore, does not intend, and the public shall not construe, this Ordinance to grant immunity under federal law, including but not limited to the Federal Controlled Substances Act.
- b. Words and phrases. Unless otherwise defined in this Chapter, words and phrases contained in the MMFLA, MMMA, or MRTMA shall have the same meanings in this Code, as applicable.
- c. Medical marihuana home occupations. Cultivation or other medical use of marihuana as a medical marihuana home occupation:

1. Is permitted in the RA-1, RA-2, RA-3 one-family and two-family residential districts.
  2. Shall, at all times, comply with the MMMA; and
  3. Shall, at all times, comply with all other performance standards for home occupations as provided in Section 86-143 of this Chapter.
  4. The owner of the location of the primary caregiver activities shall, at all times, comply with all applicable provisions of this Code. This provision applies to the premises and shall not be construed as a restriction on primary caregiver activities.
  5. This Section is not intended to regulate the personal use of marihuana compliant with the MMMA.
- d. Marihuana businesses. In addition to all other applicable Code provisions, marihuana growers, provisioning centers, retailers, secure transporters, safety compliance facilities, and microbusinesses shall comply with the additional specific site and/or use standards set forth in Section 86-287.x. of this Code.
- e. Prohibited Marihuana-Related Uses.
1. Pursuant to the MRTMA, MCL 333.27956(1) and to protect the public health, safety, and welfare of the residents of the City, the City hereby completely prohibits the following uses in any and all locations within the City:
    - i. Designated marihuana consumption establishments;
    - ii. Temporary marihuana events
  2. Any medical marihuana facility or adult-use marihuana establishment not specifically allowed by this Code is prohibited within the City. In the event that any state law or rule is enacted or amended to provide for additional types of marihuana-related entities, uses or activities, such entities, uses or activities shall be prohibited in the City in accordance with the MRTMA, MCL 333.27956(1) unless and until the City amends this Chapter and Section 50.2 of this Code to specifically allow for the same.
- f. Civil forfeiture. In addition to all other available penalties and remedies available under applicable laws, any marihuana cultivated, sold or possessed with the intent to sell in violation of this section may be seized, forfeited and disposed of by the police agencies serving the City.
- g. Penalty. Any violation of this section shall constitute a municipal code infraction. Each day that a violation occurs shall be considered a separate offense. The city may in addition seek injunctive relief.

**PART E**  
**SECTION 86-287—SPECIAL LAND USE SPECIFIC REQUIREMENTS.**

The Zoning Ordinance is hereby amended by the amendment of Section 86-287 to add marihuana businesses to the table of land uses with specific requirements and to add marihuana businesses to the land uses with specific site and/or use standards as Section 86-286.x as follows:

<b>Land Uses with Specific Requirements</b>
Marihuana businesses ( <i>Section 86-287.x.</i> ).

x. Marihuana businesses.

1. Findings and Purpose.

- i. It is the intent of this section to provide appropriate locations and reasonable restrictions for marihuana businesses allowed by the MMFLA, MRTMA and Chapter 50.2 of this Code. These are unique land uses with ramifications not addressed by more traditional zoning district regulations.
- ii. It is the intent of this section to protect the health, safety, and general welfare of persons and property by limiting land uses related to marihuana to districts that are compatible with such uses. Additional regulations in this section are intended to provide reasonable restrictions within districts so that these uses do not compromise the health, safety, and general welfare of persons in the district, or other uses allowed in each district.
- iii. It is not the intent of this Ordinance to diminish, abrogate, or restrict the protections for the use of marihuana under state law, including but not limited to under the MMMA, the MMFLA, and the MRTMA.

2. Location.

- i. A marihuana business shall not be within a 1,000-foot radius from any parcel within the City with a school, church or public library located on it. Measurement of the 1,000-foot radius shall be made from the lot line of the lot upon which the proposed marihuana business will be situated to the lot line of the lot upon which the school, church or public library is situated and shall be the shortest distance between the respective lot lines.
3. The applicant for a special exception use must provide evidence of compliance with all state statutes related to the requested marihuana businesses.

**PART F**

**SECTION 86-294 – CONDITIONAL LAND USE SPECIFIC REQUIREMENTS.**

Section 86-294 of the Zoning Ordinance is hereby amended to remove reference to Marihuana in the table of Land Uses with Conditional Requirements and to delete subsection 86-294.f. as follows:

<b>Land Uses with Conditional Requirements</b>
Automobile washes, automatic or self-service (Section 86-294.a.)
Automobile or vehicle dealerships (Section 86-294.b.)
Bars, taverns, lounges, microbreweries (accessory), and brewpubs (Section 86-294.c.)
Funeral homes and mortuary establishments (Section 86-294.d.)
Kennels (Section 86-294.e.)
Mini- or self-storage warehouses (Section 86-294.g.)
Outdoor retail display and sales (Section 86-294.h.)
Pet boarding facilities (Section 86-294.i.)
Restaurants with an open front window (Section 86-294.j.)

Small Manufacturing Establishment (Section 86.294.k.)
Veterinary Hospitals (Section 86-294.l.)

a-e. [Unchanged]

f. Deleted

g-l. [Unchanged]

**PART G**  
**EFFECTIVE DATE OF ORDINANCE**

This Ordinance shall become These amendments shall take immediate effect upon publication of this ordinance in a newspaper or general circulation.

AYES:

NAYS:

ORDINANCE DECLARED ADOPTED.

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I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Vassar at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

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First Reading:

Second Reading:

Ordinance Effective:

Sec. 50-2. - Medical marihuana.

(a) *Findings.* The city adopts this section based on the following findings of fact:

- (1) Voters in the state approved a ballot initiative authorizing the use and cultivation of marihuana by and for persons with certain medical conditions.
- (2) The intent of the initiative was to enable certain specified persons who comply with the registration provisions of the law to obtain, possess, cultivate, use and distribute marihuana and to assist specifically registered individuals identified in the statute without fear of criminal prosecution under limited, specific circumstances.
- (3) Despite the specifics of the state legislation and the protections set forth therein, marihuana remains a controlled substance under state law and the obtaining, possession, cultivation, use and distribution of marihuana has a potential for abuse that should be closely monitored and to the extent permissible regulated by the local authorities.
- (4) If not closely monitored or regulated, the presence of marihuana even for the purposes permitted by the legislation can increase the potential for illegal conduct and/or activity or other adverse conditions and this threat affects the health, safety and welfare of the residents of the city.
- (5) It is the intent of the city that nothing in this article be construed to allow persons to engage in conduct that endangers others or causes a public nuisance, or to allow use, possession or control of marihuana for non-medical purposes or allow activity relating to cultivation, distribution or consumption of marihuana that is otherwise illegal.
- (6) The city recognizes that federal law is not impacted by the adoption of this Section, and, therefore, does not intend, and the public shall not construe, this Section to grant immunity under federal law, including but not limited to the Federal Controlled Substances Act.

(b) *Purpose.* It is the purpose of this section to impose specific requirements on those individuals registering with the state as a "qualifying patient" or a "primary caregiver" and to regulate the conduct of activity pursuant thereto in the city so as to protect the health, safety and welfare of the general public.

(c) *Definitions.*

*MMFLA* means the Michigan Marihuana Facilities Licensing Act, MCL 333.2701 et seq., as amended from time to time.

*MMMA* means the Michigan Medical Marihuana Act, MCL 333.26421 et seq. and the Michigan Medical Marihuana rules, Michigan Administrative Code R 333.1 et seq., as amended from time to time.

The terms "enclosed, locked facility," "grower license," "marihuana," "medical use," "primary caregiver," "processor license," "provisioning center license," "safety compliance facility license," "secure transporter license," "qualifying patient" and "usable marihuana" shall have the same meanings given to them in the MMMA.

(d) *Possession and use of medical marihuana.* Marihuana can be possessed and used in the city only in accordance with and pursuant to the MMMA.

(e) *Medical Marihuana Facilities and Licensure.* If an applicant is granted a license by the State as a Grower, Processor, Secure Transporter, or for a Medical Marihuana Provisioning Center or Safety Compliance Facility, it may only be operated consistent with the MMMA and MMFLA, and for all purposes contemplated therein, and subject to the following:

- (1) Facilities may only be operated with a Special Exception Use as set forth in Chapter 86, Section 268.

- (2) Prior to application for a Special Exception Use, inspection shall be conducted as may be deemed appropriate by the officer or employee named and shall indicate a determination of whether the requirements following the official's or employee's title have been complied with:
  - a. Police Chief: Applicant(s) meet all applicable background requirements as set forth herein.
  - b. Fire Chief: The provisions of the fire code and all other applicable regulations and requirements of the city and the state relative to fire safety have been complied with.
  - c. Health Officer: All applicable health and sanitary requirements of the city, county and state have been complied with.
  - d. City Manager: All other provisions of the code not otherwise enumerated in Subsections (a)-(c) above have been complied with.
- (3) No applicant shall be eligible for a Special Exception Use under this Section if any person named on the application has ever been convicted of a felony involving controlled substances as defined under the Michigan Public Health Code, MCL 333.1101 *et seq.*, federal law, or the law of any other state.
- (4) No person shall operate a Medical Marihuana Facility without issuance of a Special Exception Use as set forth herein.
- (5) The Special Exception Use as required herein is in addition to any other licensing and permitting requirements imposed by any other federal, state, or local law or regulation.
- (6) The requirements of this Section apply to all Medical Marihuana Facilities that exist on the effective date of this Section, as amended, as well as those established thereafter.

(h) *Penalty.* Violations of this Section shall be as set forth below:

1. Violations of Subsection (e) of this Section regarding Medical Marihuana Facilities and Licensure shall constitute a misdemeanor the penalty for which shall not exceed ninety (90) days in jail and a fine not to exceed \$500.00, plus costs and other sanctions for each violation. Each occurrence of a Medical Marihuana Facility is in violation of this Section shall be considered a separate offense. Additionally, each day that a Medical Marihuana Facility is not in compliance with any provision of this Section shall be considered a separate offense. The city may in addition seek injunctive relief.
2. Violations of any other provisions of this Section shall constitute a municipal civil infraction the penalty for which shall not exceed \$100.00, plus costs and other sanctions for each violation. Each day that a violation occurs shall be considered a separate offense. The city may in addition seek injunctive relief.

(Ord. No. 2012-01, §§ 1—8, 5-7-12)

**From:** Carl Wroubel  
**Sent:** Friday, October 1, 2021 3:37 PM  
**Subject:** Information gathering trips.

Hi Mickey,

I will include the Kalkaska visit in my comments. I will try to limit my comments to my observations and impressions. Any conclusions or recommendations I think i should say at the Planning Commission meetings.

First of all, the trips were very informative and eye opening. I had no idea how large scale some of the businesses are and how much capital was required.

All three were villages with different administrative structures than our township and had no agriculture zone. The village officials, community leaders, and citizens appear to be working together for common goals;

the revival of their economic base or to maintain the character of their community.

Kalkaska and Vassar were in decline and had a lot of industrial zoned property available. They see marihuana businesses a solution to their economic issues. They both stated that retail sales were necessary for the villages get significant income from the marihuana industry.

Millington voters opted out of allowing marihuana businesses in the village and all the village officials support that decision they appear understand their community.

All three communities have police departments and we spoke to officers from each. they all said they had not seen any increase in crime since marihuana had become legal. A few Oder complaints were from small home growers.

Marihuana licenses are not transferable and must be reapplied for.

It was mentioned that electrical service can be an issue. Kalkaska requires a letter from the power company stating they can supply the required service to accompany the application.

I am sure I missed a few things.

I tried to send this email to the other participants but could not figure out how to include them and had to start over.

Carl