



**Commercial Cannabis Business
Land Use Entitlement/Zoning
Frequently Asked Questions
February 9, 2018**

These Frequently Asked Questions (FAQ) are available to address any questions you may have regarding the process to obtain a Commercial Cannabis Business Activity Permit in the unincorporated area of Stanislaus County. Please review the FAQ prior to contacting County staff. You may e-mail additional questions to cannabis@stancounty.com.

- 1. Can new buildings be utilized for cultivation activities in the A-2 Zoning District, or is it limited to existing accessory structures? Can you have both mixed light greenhouses and indoor if a building is existing?**

Cultivation activities are currently limited to mixed-light or natural light cultivation inside of a greenhouse (which may be new or existing) or an accessory storage building issued a certificate of occupancy prior to October 1, 2017, subject to a change of occupancy. At the direction of the Board of Supervisors, the Planning Department will be proposing to amend the A-2 Zoning Ordinance to allow indoor cultivation, but cultivation activities, under the proposal, will still be limited to an existing structure. A building permit will be required, and depending on the building, a change of occupancy may be required, to meet the standards included in the Commercial Cannabis Ordinance Section 6.78.120(B).

- 2. If a cultivation operation utilizes light tubes to supplement natural light within an indoor building is it considered mixed-light cultivation?**

If the light tube is filtering sunlight into the indoor structure where cultivation is taking place, it would be considered to be mixed-light (Ex: Solartubes). However, the building where the cultivation activities are taking place is limited to existing accessory storage buildings issued a certificate of occupancy prior to October 1, 2017, and subject to a change of occupancy and/or building permit.

- 3. In the A-2 Zoning District, may applicants switch light sources before application (mixed-light)?**

Yes, the light source type selected for cultivation activities in the A-2 Zoning District on the Registration Form may be amended on the application. Applications may include an indoor cultivation request; however, please note that allowance for indoor cultivation in the A-2 Zoning District is limited to existing accessory structures and is still pending Board approval.

4. **If granted a permit for 5,000 square feet, can a business expand 2,000 square feet after one year?**

Yes, however, the Use Permit/Rezone would either have to be approved with that flexibility built in or would need to be amended through the Staff Approval or Use Permit process.

5. **Setbacks from property lines in the A-2 Zoning District are 50 foot – why are setbacks so large? What if they are surrounded by almond orchards or a dairy?**

The 50-foot setback for cultivation activities in the A-2 Zoning District was included to address the potential for conflicts with neighboring properties regarding odors and safety.

- a. **Will the County consider waivers from property owners?**

Yes, waivers for the 50-foot setback are included under Section 6.78.120(A)(6)(c). However, approval of a waiver requires that the decision making body of the land use entitlement permit determine that such a waiver or reduction will not result in material detriment to the welfare or the property of persons located in the vicinity, based on findings of fact.

- b. **Does the 50-foot setback in the A-2 Zoning District apply to all structures?**

The 50-foot setback applies to where the cultivation activities will occur. Cultivation activities must be setback 50-feet from all property lines.

6. **Are there any more extensive construction design requirements such as fire suppression, sprinkler systems, ADA, etc., for the construction and design of greenhouses?**

All buildings will be required to meet Building and Fire Code which includes ADA and fire suppression requirements. Each proposed structure will be reviewed on an individual basis through the environmental review and building permit process.

7. **If the cannabis operation has another business located 800 feet away that is selling on-site alcohol, does that impact whether a license can be obtained? How is an alcohol establishment defined?**

Regarding the sale of alcohol and tobacco near a permitted commercial cannabis retail facility:

An alcohol establishment is a business that holds a license for alcohol sales through the California Department of Alcoholic Beverage Control (ABC). The

Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) prohibits a licensee from selling alcoholic beverages or tobacco products on or at a commercial cannabis licensed "premises." MAUCRSA defines "premises" as "the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee." Accordingly, the issue is not a setback or distance from a liquor/tobacco establishment, instead the prohibition is on combining liquor/tobacco with cannabis sales.

In a situation where there are multiple suites on the same property, cannabis sales may be permissible if: (1) the liquor/tobacco sales are conducted in a different suite; (2) the suite is leased by a different business, not operating under a commercial cannabis permit; (3) the suite in which liquor/tobacco is sold is not within the **permitted** boundary of the commercial cannabis premises; and (4) access to the premises does not require a person to pass through the suite in which liquor/tobacco is sold.

There is no restriction on a commercial cannabis permit holder also operating a separate business which sells liquor/tobacco.

8. Who are the dry cities?

Waterford, Newman, Turlock and Hughson.

9. What are the restrictions on rural area (dry cities)?

Within their LAFCO adopted Spheres of Influence (SOI) and within a ½ mile buffer outside of their SOIs, dry cities have the ability to deny commercial cannabis requests. The Cities of Hughson and Turlock have recently adopted resolutions stating that they will not support or approve any such requests.

10. Can Adult Use and Medicinal licenses be combined?

Yes, with the exception of Type 3 Cultivation licenses M and A licenses can be combined, provided the inventory for each license type is kept separate and distinct (3 CCR 8202[f]).

11. For multiple permit requests on the same property, will the applicant need to provide all infrastructure (electrical, security) for each permit?

If there are multiple requests for the same property on the same registration form, only one set needs to be submitted. If there are multiple permit requests under separate registrations, then a separate set must be submitted for each registration.

12. What is the definition of canopy size/measurement?

State regulations define (3 CCR 8000[f]) “Canopy” as the designated area(s) at a licensed premises, except nurseries, that will contain mature plants at any point in time, as follows:

- a. Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all area(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries;
- b. Canopy may be noncontiguous but each unique area included in the total canopy calculation shall be separated by an identifiable boundary that includes, but is not limited to, interior walls, shelves, greenhouse walls, hoop house walls, garden benches, hedgerows, fencing, garden beds, or garden plots; and
- c. If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.

Nursery permits are only required for cultivators who want to sell their nursery stock to other cultivators. Processing permits are only required for operations who want to trim, cut, dry, and bag cannabis but who will not be growing any cannabis on-site.

13. Multiple permit requests – how will approval be determined if requesting various permits?

Each application will be scored and ranked as a single project, regardless of the number of permits requested. Scores are based on the information included in the application guidelines.

14. Will cultivation sites (addresses) be on public record? Why?

The Land Use Entitlement process is subject to public record and requires maps identifying the project site(s) which are referred out to the public and responsible agencies for review and comment. Making the project site public is a requirement of the environmental review and public hearing process.

15. The State has a cap on Type 3/Cultivation license – the State is allowing stacking of Type 1 and Type 2 to allow potentially unlimited amount of canopy. Will the County count these individually against the 61 permits or would the entire cultivation facility constitute one cannabis business permit?

When cannabis is cultivated in vertical layers (aka “stacking”), each layer is included in the total square footage calculation of the canopy (refer to previous answer regarding the State’s definition of canopy).

With the exception of permits of the same type distinguished only by “M” or “A”, each state permit counts as a separate permit in the County.

16. Type 3 Cultivation license – Medical and Recreational on same land under one permit?

We are following the State’s rules and the State does not allow more than one Type 3 per person, so applicants will have to choose either Medicinal or Adult-use.

17. On a parcel with two Assessor’s Parcel Numbers (APN) and two permit applications, can you get a total of four applications totaling 80,000 square feet?

A person is limited to one (1) Medium Outdoor, or one (1) Medium Indoor, or one (1) Medium Mixed-Light A-License or M-License (3 CCR 8209). This State limit applies to an individual “person”, not property or licensed site. Therefore, a permittee cannot have more than one Type 3 cultivation permit even if located on two separate legal parcels, under separate applications.