

Discussion of Current Standards

Presently, the planning code indicates that Microbusinesses are subject to a Special Permit. A Microbusiness may be comprised of up to 10,000 square feet (SF) of cultivation, plus distribution, non-volatile manufacturing, and retail sales. Certain elements of each of those uses may be permitted with a Zoning Clearance Certificate (ZCC), subject to performance standards and locational criteria.

Application Assistance meetings are recommended for most new cannabis permit applications. With the current status quo, when a potential applicant requests an Application Assistance meeting, Planning Staff would advise the ideal permit type, required submissions, and initial permit cost, based on the applicant's goals and the site conditions. If an applicant asks about the potential for a Microbusiness during an Application Assistance meeting, Planning Staff would typically next ask which uses the applicant intends to propose, rather than immediately stating that a Special Permit (SP) is required. Based on the elements that the applicant identifies, Planning Staff may determine that every element proposed is permissible with a Zoning Clearance Certificate (ZCC). Then, instead of asking for a Special Permit application for a Microbusiness, Planning Staff may ask for a ZCC application for the set of proposed uses. The proposed amendment establishes that kind of practice in the code and allows such ZCC's to be labeled Microbusiness permits.

Retail sales with onsite traffic typically require a Conditional Use Permit and are required to be located on a road that is either paved with a centerline stripe or paved meeting Category 4 standards. However farm-based retail sales, if no sales take place on the property and only product that is grown on the property is sold, may be permitted in association with any cultivation permit via a ZCC as long as there is no on-site customer traffic, with the exception of sites that are either on Timber Production zones (TPZ) or Unclassified (U) zones that have an underlying land use designation of Timberland (T).

Non-volatile manufacturing may be permitted with a ZCC, but only in U zones with an underlying commercial or industrial land use, Industrial Commercial (C-3) zones, Limited Industrial (ML) zones, and Heavy Industrial (MH) zones. All manufacturing activities require that the site be located on a road that is either paved with a centerline stripe or paved meeting Category 4 standards. In the applicable agricultural zones, however, non-volatile manufacturing may be permitted with a Special Permit (SP). Additionally, infusion may be principally permitted with a Cottage Industry permit in any zone which permits Cottage Industry activities. This includes the applicable agricultural zones, but requires the owner to live onsite, requires the infusion to be performed within the residence, and prohibits on-site customers and employees that live off-site. Bundling an infusion activity

that would comply with those Cottage Industry standards in a Zoning Clearance Certificate with other cannabis uses subject to a ZCC would be permissible in the current code.

Distribution facilities transporting other farms' products may be permitted in all the same zones that permit new commercial cannabis activities if located on a road paved with a centerline stripe or paved meeting Category 4 standards. Self-transportation of one's own products, however, may be performed in association with any cannabis activity with a Cannabis Transporter business license.

Exceptions to the paved road standards may be considered with a Conditional Use Permit, but Adult-Use Retail Sales with onsite customer traffic cannot qualify for this exception.

Cultivation permits include the ability to dry, cure, trim, package, and process product grown onsite, though the processing activities, including trimming and packaging, must typically be performed within commercial structures, rather than structures with agricultural exemptions. When the owner-operator lives on-site, cultivates less than 10,000 square feet of commercial cannabis, and does not utilize any employees, processing activities can take place within the permitted residence or residential accessory structure instead, if meeting specific performance standards.

Given these options, most cultivators can achieve permits that serve their needs, reducing their dependence on distributors, by getting a ZCC for farm-based retail sales, a business license for self-transportation, and a commercial building permit for a structure for processing. With a ZCC, cultivators on paved roads can have several cannabis support facilities for product grown on other farms, with exceptions available through a CUP.

However, it should be noted that new uses appended to existing permits often require a Modification to the original permit instead of a new permit such as a ZCC. Modifications must be resolved by the same decision-making body that approved the original permit, therefore a permittee with a Special Permit or Conditional Use Permit that would like to initiate a use that would otherwise be permissible with a ZCC would be required to have an additional Zoning Administrator or Planning Commission hearing and pay associated fees.