



## STANISLAUS COUNTY APPLICATION PROCEDURE FOR COMMERCIAL CANNABIS BUSINESSES (Only Eligible Applicants May Apply)

The Board of Supervisors adopted a conservative allowance strategy to allow no more than 61 Commercial Cannabis Businesses permits in Stanislaus County unincorporated area. There are an estimated 16 available permits remaining after the first application process; up to two of the remaining permits will be held for testing activities. This leaves an estimated 14 available permits for distribution, cultivation, manufacturing, nursery, and testing cannabis activities. Permits are not available for retail activities.

The second application process for Commercial Cannabis Businesses (“CCB”) in the County of Stanislaus is only available to existing applicants that received a score of 70% or higher by the County’s third-party consultant, Hdl, in the first application process, be in Phase 5 (land use entitlement), or have completed Phase 5 of the current application process, and have already passed a criminal background check. *An exception is made to applications for Commercial Cannabis Testing Activities.*

The application process to apply for testing activities is open to any person. All new applicants applying for a CCB testing activity permit will complete a CCB application form with required documents, criminal background check, and pay all applicable fees per County Ordinance.

Application forms and information are available on the County of Stanislaus webpage at [www.stancounty.com/cannabis](http://www.stancounty.com/cannabis). Questions can be e-mailed to [Cannabis@stancounty.com](mailto:Cannabis@stancounty.com).

This document outlines the second application process, required materials, and other information necessary to operate a CCB in Stanislaus County unincorporated area. To be considered, completed applications and attachments will be accepted on a first come, first serve basis beginning **July 31, 2019 9:00 a.m. through August 28, 2019 11:00 a.m. by appointment only**. Acceptance of the completed application, verification of live scan and submission of criminal history application to the Sheriff’s Department, and payment of applicable fees are due at the time of the appointment.

### **BEFORE YOU APPLY:**

- Review the information regarding the application process and documents you will need.
- Review the application in its entirety to ensure that it is complete and accurate.
- Review the information regarding the commercial cannabis business permit application on the County webpage: [www.stancounty.com/cannabis](http://www.stancounty.com/cannabis) which includes the following information:
  - Local regulations governing County of Stanislaus CCB’s: County of Stanislaus County Code (“SCC”) Chapter 6.78
  - Background Live Scan form
  - December 5, 2017 staff report to the Board of Supervisors
  - Zoning Ordinance Amendment and Zoning Chart

**Second Application Process:** The selection process shall consist of the following Steps:

- Step 1a: E-mail [cannabis@stancounty.com](mailto:cannabis@stancounty.com) to schedule an appointment on one of the following days: July 31, August 7, August 14, August 21, or August 28, 2019.

- Step 1b: Submission of CCB application, Financial Responsibility, Indemnity and Consent to Inspection agreement, \$8,500 minimum processing fee/deposit, and \$1,012 per person criminal background and live scan minimum fee/deposit for any new owners.
- Step 2: County staff review of completed application.
- Step 3a: Discretionary Land Use Entitlement Application, applicable department fees apply. Required Entitlements & California Environmental Quality Act (CEQA) review. Public Hearing.
- Step 3b: Development Agreement that includes a Public Benefit contribution. Board of Supervisors Approval and Execution of Development Agreement
- Step 4: Regulatory Permit Fee, \$5,000 each, renewed annually

1. **Applicant:** Every applicant wishing to operate a commercial cannabis business in the unincorporated area of Stanislaus County must have applied through the original application process and received a score of 70% or higher by the County's third-party consultant, HdI, in the first application process, be in Phase 5 (land use entitlement), or have completed Phase 5 of the current application process, and have already passed a criminal background check.

Any person, outside of the original process, wishing to operate a commercial cannabis testing business may apply.

2. **Criminal History Check:** Each new Applicant/Owner and Property Owner must undergo a criminal background check demonstrating that there is not "good cause" for denial. Applicants/Owners and Property Owners who do not meet criminal history eligibility requirements will be disqualified.

The background check fee is **\$1,012 per person** payable to the Treasurer Tax Collector's Office in advance of appointment. The Treasurer Tax Collector's Office is located at 1010 10<sup>th</sup> St., Suite 2500, Modesto.

Contact the Sheriff's Department at 525-7154 for a Live Scan appointment and bring your payment receipt and criminal history check application to your appointment. The Sheriff's Office is located at 250 E Hackett Road, Modesto.

3. **Application:** Applicants must hand deliver a completed and signed Stanislaus County Commercial Cannabis Business Application and all attachments, **by 11:00 a.m. on August 28, 2019.** Applications are accepted by appointment only. Late applications will not be considered. Payments made by a certified check, cashier's check, or money order are made payable to the County of Stanislaus. Application and background fees are non-refundable. A complete application will consist of the following information:

- a. The Stanislaus County Commercial Cannabis Business Application and attachments
- b. Verification of Live Scan for each Owner that has not been investigated in the first application process.

4. **Amendments to the Application:** Any amendments to an application will cause the applicant to lose their original place in line and restart. It is important that the submitted application be complete and accurate to maintain first come, first serve basis.

Applicants will be notified if any of the Owners are ineligible and/or if their application is incomplete and will not move forward in the application process. However, in some cases the

County may move forward in the application process to other phases should it anticipate that the Live Scan or background check may be delayed expediting the application process in a timely manner. In this case Applicants wishing to move forward in the process acknowledge by signing the application that they agree to these terms and should they be disqualified because of a background or a Live Scan disqualification they will not be eligible for a refund of any fees collected resulting from the modification of this procedure.

**5. Payment of Application Fees:** The individual designated as the CCB primary contact on the application will be notified by e-mail of their status in the application process. As part of Step 3 all eligible Applicants as determined by the Ordinance or by resolution shall apply for the required entitlements (conditional use permit/rezone, and development agreement) to be reviewed by the Planning Commission and forwarded to the Board of Supervisors for approval. Additional fees for land use entitlement applications are to be paid in this phase per existing department fees ordinance. Refer to <http://www.stancounty.com/planning/documents/planning-fees.pdf> for additional details. Upon approval of the required entitlements and Development Agreement, a permit fee of **\$5,000** will be due before issuance of the CCB permit. Deadlines for these payments will be included in the e-mail notification to the primary contact person.

**6. Determination of Eligibility and Application (Step 2)**

- Applications must be complete to be considered and place in line held.
- Each Owner and Property Owner must undergo a criminal history check demonstrating compliance with the Board of Supervisors adopted eligibility requirements. Owner's who have completed and cleared a criminal history check in the first application process are exempt.
- Proposed location of business.
- Execute an agreement indemnifying the County from liability.

**7. Entitlements (Step 3) – Conditional Use Permit (or Rezone if applicable), Development Agreement, CEQA, Public Hearings**

- Applicant shall apply for a conditional use permit (or rezone if applicable) and development agreement.
- Applicants will move onto Step 4 of the process after the Planning Commission and County Board of Supervisors have approved the required entitlements and Development Agreements.

As part of the entitlement review process, the applicant shall participate in a public hearing before the Planning Commission and County Board of Supervisors which will be held in the County of Stanislaus Supervisors Chambers on a date and time to be determined by County staff. Notice of the public hearing shall be noticed in the same manner pursuant to Chapter 21.08.020(D)(1). Notice of the public hearing shall be sent to all property owners and tenants located within six hundred (600) feet of the proposed business location and a minimum of two parcels in all directions, when located in an urban area, or 1,320 feet and two parcels out in all directions when located in a rural area.

At the Public Hearing, the community will be allowed to present concerns and/or support and provide additional considerations for potential permit conditions that may

be implemented by staff, the Planning Commission and the County Board of Supervisors. All required entitlement permits (i.e. Conditional Use Permit/Rezone, Development Agreement) shall be adopted and/or approved by the Planning Commission and County Board of Supervisors prior to moving on to Phase 6.

#### **8. Issuance of Stanislaus County Commercial Cannabis Business Permit (Step 4)**

- Compliance with requirements of entitlement approvals.
- Apply for and receive permits for all construction including electrical, plumbing, fire, planning permits or reviews, and any other permits, licenses, or reviews as may be necessary by the relevant departments or governmental entities in charge of said permits. (i.e. Stanislaus Building Division, Stanislaus Sheriff's Department, Stanislaus Consolidated Fire District, Environmental Resources Department, etc.).
- County Chief Executive Officer's issuance of CCB permit.
- County notifies State of local permit compliance.
- Proof of State of California permit within 120 days of County CCB permit issuance.

#### **The County's Reservation of Right's**

The County reserves the right to reject any and/or all proposals, with or without any cause or reason. The County may also, modify, postpone, or cancel the request for permit applications without liability, obligation, or commitment to any party, firm, or organization. In addition, the County reserves the right to request and obtain additional information from any candidate submitting a proposal. Late proposals WILL BE REJECTED. Furthermore, a proposal RISKS BEING REJECTED for any of the following reasons:

1. The application or documents submitted are incomplete, filed late, or not responsive to the requirements of this application procedure.
2. The issuance of the permit or operation of the commercial cannabis business at the proposed location is inconsistent with State law, Title 21, Chapter 6.78, or other applicable County of Stanislaus County Codes.

#### **CONTACT:**

If you have any questions please refer to our website at <http://www.stancounty.com/cannabis/> or e-mail [cannabis@stancounty.com](mailto:cannabis@stancounty.com).