

PROPOSED CHANGE TO ORDINANCE

(3) Legal nonconforming medical marijuana cultivation sites established by County Code Section 35-1003, until they are terminated pursuant to County Code Section 35-1003.C, as may be amended, or otherwise expire or end, or as set forth below.

- (i) Once a land use entitlement is approved for a cannabis operation that claimed legal nonconforming status pursuant to County Code Section 35-1003, that operation may only continue operating without a county cannabis business license if:
- a. The cannabis operation timely applies for a county cannabis business license in accordance with subsection 50-3(d); and
 - b. There is acreage available for the cannabis operation under the limitations in subsection 50-7(a)(2) and subsection 50-7(a)(3), and based on the cannabis operation's place on the eligible business license applicants list(s) within the acreage cap; and
 - c. The cannabis operation files all cannabis tax reports and pays required taxes on cannabis operations; and
 - d. The cannabis operation makes appropriate progress through the county's business licensing process, as determined by the CEO's office. (For purposes of this subsection appropriate process shall include, but not be limited to, timely and complete compliance with any staff requests, timely submittals, timely scheduling of site visits, etc.); and
 - e. The cannabis operation complies with all requirements of the land use entitlement, the County Code, and state law.

(ii) If the land use entitlement application for a cannabis operation that claimed legal nonconforming status pursuant to County Code Section 35-1003 is still in process once the acreage within the applicable cap in Section 50-7 is committed by persons/applications on the eligible business license applicants list, the operation must cease all cannabis cultivation operations **no later than June 30, 2022.** ~~120 days after adoption of this amendment or after the date the applicable cap is committed, whichever is later.~~ The applicant may continue to pursue a land use entitlement and business license; however, the legal nonconforming use is terminated and must cease operation by the date provided in this subsection.

(iii) If the land use entitlement application for a cannabis operation that claimed legal nonconforming status pursuant to County Code Section 35-1003 is denied or withdrawn, all cannabis cultivation operations

shall terminate as has been set forth in County Code Section 35-1003(C)(3) since February 6, 2018.

Board Direction:

Immediate

- 1) Sunset date of June 30, 2022 for all LNC operators with land use approval. Give CEO Office discretion to allow extensions for extenuating circumstances.
- 2) Remove processing from cultivation definition in chapters 35 and 50. Provide options for streamlining and encouraging processing in county. (Will require re-prioritization of long range work program.)

Future

- 3) Change of ownership
- 4) Use or Lose it acreage provisions
- 5) State definition of cultivation consistency
- 6) Compliance