

# Zoning/Acreage/Permit Type Handout

Allowable Permit Types for Existing Medical Cannabis Cultivation by Zoning District and Type of Permit Review (i.e. Zoning Clearance, Administrative Permit, Use Permit)

MCCO Permit Type	C	C-A		C-B	1	1-A	1-B	2	2-A	2-B	4
	Small Outdoor	Small Indoor, Artificial Light		Small, Mixed Light	Medium Outdoor	Medium Indoor, Artificial Light	Medium Mixed Light	Large Outdoor	Large Indoor, Artificial Light	Large Mixed Light	Nursery
Min Parcel Area (ac)	NA	NA		NA	5	5	5	10	10***	10***	10***
Cultivation Area Limit (sf)	2,500	500	501 - 2,500	2,500	2,501- 5,000	2,501- 5,000	2,501- 5,000	5,001- 10,000	5,001- 10,000	5,001- 10,000	22,000
Zoning District	RR 5*	ZC	AP	UP	ZC	ZC	--	ZC	--	--	--
	RR 10	ZC	AP	UP	ZC	ZC	--	ZC	ZC	--	ZC
	AG	ZC	AP	UP	ZC	ZC	--	ZC	ZC	--	ZC
	UR	ZC	AP	UP	ZC	ZC	--	ZC	ZC	--	ZC
	RL**	ZC	AP	UP	ZC	ZC	--	ZC	ZC	--	ZC
	FL **	ZC	AP	UP	ZC	AP	--	AP	AP	--	AP
	TPZ**	ZC	AP	UP	ZC	AP	--	AP	AP	--	AP
	I1***	ZC	ZC	ZC	ZC	--	ZC	ZC	--	ZC	ZC
	I2***	ZC	ZC	ZC	ZC	--	ZC	ZC	--	ZC	ZC
	PI***	ZC	ZC	ZC	ZC	--	ZC	ZC	--	ZC	ZC

-- = Not Allowed,  
 ZC = Zoning Clearance  
 AP = Administrative Permit  
 UP = Minor Use Permit

\* Parcels in the RR-5 zoning district must have a minimum parcel size of five (5) acres. (Otherwise = cottage level subject to sunset)

\*\* Existing cultivation sites in the FL, TPZ and RL zoning districts are permitted subject to limitations. Expansion of existing cultivation sites in the FL, TPZ and RL zoning districts is permitted, subject to the issuance of an Administrative Permit.

\*\*\* No 10 acre min for I1, I2, and PI

All other non-costal zoning (or under 2 acres in zones where residential dwelling is the principally permitted use):

- Cottage Level OK if prior cultivation, and if meets setback requirements, but is subject to a 3-year sunset. (possible overlay zone or criteria exception; policy now in development)

➤ **3 Year Sunset:**

R1, R2, R3, SR, RC, RR 1-4, or  
 RR 5 if undersized (i.e. legal non-conforming under lot minimum)

-- OR --

Any zone where dwelling is principally permitted use

-- AND --

Parcel size is less than 2 acres

- Not in zoning listed on chart, or under 2 acres in residential zoning:  
Sunset in 3 years BUT: **Potential Overlay Zone in development**  
ONLY do Cottage Level Until time to Stop under Sunset or Overlay Approved
- Can't Meet Some Criteria, But You have a Situation Where It Makes Sense to Make an Exception: **Potential To Apply For a Review For An Exception** (Probably can't be used to ok Rangeland or TP or FL without Prior Cultivation, probably can't be used to avoid Sunset but then you might be able to use Overlay Zone)
- **Extinguish & Transfer:** If you are in a location with proof of cultivation prior to 1/1/16, but that location is no longer suitable (either because of environmental and water issues, or because you would not be able to comply with the setbacks, or because it is subject to the Sunset provision, etc.), then you may Extinguish your right to cultivate on that legal parcel and Transfer to a new legal parcel. You have 3 years to Transfer. You may (but maybe don't have to) continue to grow on the old parcel up to 3 years but you still have to meet other permit requirements. IF you don't want to continue to grow on old site, you may be able to establish your prior cultivation on the old parcel and get a placeholder for when you can transfer. If for example, you don't want to invest in infrastructure on old parcel and keep on growing there, but you don't have a new parcel that will qualify secured yet, you may not have to continuously grow on the old parcel so long as you have established that you will be Extinguishing and Transferring. BUT, while new locations do NOT have to have proof of prior cultivation if you are Extinguishing an old location that does, the new location DOES have to be in correct zoning and adhere to NEW setbacks. So, NO moving to TPZ, FL or RL (unless new RL location has its own proof of prior cultivation in which case you may not have to do the Extinguish and Transfer), and NO moving to property in any zoning subject to the Sunset clause.

### **Cannabis Specific Nuisance Ordinance, Regular Nuisance Ordinance, & Common-Sense Application of New Cultivation Permit Program Requirements**

While enforcement will be a major component to the new cultivation permit program, and violators can be subject to both a cannabis specific nuisance ordinance and a regular nuisance ordinance, the Board of Supervisors have directed Staff to take a common-sense approach and to recognize that the goal is to get people into compliance and to punish willful violators and not those that are doing their best to comply. With that said, there will be certain things that are non-negotiable.

The cannabis specific nuisance ordinance has very tight time frames for Notice and for Abatement. The regular nuisance ordinance has slightly longer Notice and Abatement procedures unless there is a serious health and safety hazard.

#### **SETBACKS:**

2017 for EXISTING cultivation sites: 50/100/1000 (except Indoor = follow building setback for that zoning).

2017 for NEW (Extinguish & Transfer) cultivation sites: 100/200/1000

2018 for New (Indoor on Industrial Property): Follow building setbacks for that zoning

2020 for New Cultivation permits: 100/200/1000