

CALAVERAS MEDICAL CANNABIS PROGRAM FAQ

Note & Disclaimer: This FAQ page is provided merely as a courtesy and is not meant to be conclusively relied upon. If you are seeking to register a medical cannabis cultivation site, you are strongly encouraged to seek your own legal counsel to advise you about how to comply. If there is any discrepancy between anything on this page and any other law, including the urgency ordinance itself, the law will prevail. The Planning Department will endeavor to keep this page updated but cannot guarantee that all information will be accurate and up-to-date at the time you read it.

General Questions

Q. When does the ban take effect?

A. The ban ordinance takes effect on March 9, 2018. The ordinance adopted by the Board of Supervisors to ban commercial cannabis cultivation takes effect 30 days after the publication date of the ordinance, which was February 7, 2018.

Q. Since the urgency ordinance expires on February 14, 2018, before the ban ordinance becomes effective, what rules regulate cannabis cultivation?

A. With the expiration of the urgency ordinance, the law reverts back to the existing zoning code, which does not permit cannabis cultivation in any zone, except as expressly provided in Proposition 64 as modified by SB94, MAUCRSA for personal use. Personal use cultivation is not more than 6 plants per residence. Upon the effective date of the ban ordinance, additional restrictions on personal cultivation will apply, including a requirement that these 6 plants be grown either indoors or in an enclosed accessory structure.

Q. Since the urgency ordinance has expired, what rules apply for cannabis cultivation registrations during the 90-day period?

A. The parameters of the Urgency Ordinance are carried forward into the ban ordinance, and these rules continue to apply during the 90-day period.

Q. If my cultivation registration application was not processed prior to adoption of the ban, what can I do?

A. You may continue to cultivate within the same parameters as a cultivator who was issued a cultivation registration. The County will continue to process registration applications filed under the urgency ordinance. If it is denied you must cease cultivation activity. You have the right to appeal that decision to the Planning Commission under Chapter 17.98 of the County Code.

Q. Is there anything that I must do to my cultivation site once I cease cultivation?

A. All cultivation areas must be restored or remediated by January 10, 2020. This means that any non-permitted grading or construction must be permitted or removed, and trash or debris from the prior cultivation activity must be removed, appropriate erosion control measures installed for any previously graded area, and other remediation and restoration requirements adhered to. Restoration does not mean the site must be returned to its original, pre-cultivation condition, but must be cleaned up and ready for a new, permitted use. Please see Sec. 17.95.050 of the new ordinance for full details on restoration and remediation.

Q. Can I begin a new commercial cultivation in Calaveras County?

A. No. If you did not submit a complete application to the Planning Department by June 30, 2016, you are not allowed to have a commercial-sized cannabis farm in Calaveras County. If you already have a commercial-sized grow in the County and did not submit a complete application, you must remove your grow immediately.

Q. Will the enactment of the ban affect my ability to get a state license?

A. For all growers operating in compliance with local laws, the County will be informing the state that it made a legislative decision to ban commercial cannabis cultivation and that any resulting ineligibility to continue growing in the County after the 90-day wind-down period is not the result of your failure to comply with local laws. While it is the County's understanding that the state relies local compliance information, at least in part, when making a licensure decision, the County cannot ensure that a state license will be issued for any particular grower, as that decision lies with the state. As long as you have an issued registration for commercial cultivation or your application is still pending review by the County, and as long as you are operating in compliance with the County's commercial cannabis registration program, the County will also respond to any individual inquiries made by the Bureau of Cannabis Control and the California Department of Food and Agriculture by informing the Bureau that you are operating in compliance with local laws. The authorization to cultivate in Calaveras County expires with the termination of the 90-day window for continuation of cultivation from the effective date of the ban, *even if you are issued a state license for a Calaveras County site*. If you continue to grow beyond that date, the County may inform the state that you are not growing in compliance with local laws, which could affect whether the state issues you a license for an out-of-county location.

Q. I'm not a commercial-sized cannabis grower. I just want to grow for my own use. What do I do?

A. If you are 21 years of age or older you may apply for an adult use (recreational) registration or if you are 18 years or older you may register for a medical cultivation registration. A personal grow is no more than six plants for your personal use only, at your own residence, and cannabis cultivation is limited to one cultivation registration per

residence, regardless of the number of people residing there. You must apply for a personal cultivation registration through the Planning Department. You should refer to the ban ordinance for a comprehensive understanding of local rules applying to personal cannabis cultivation.

Q. I want to open a medical cannabis dispensary (retail business). What do I do?

A. The local medical cannabis dispensary permitting process has not changed, although you must also have a state license and be in compliance with state laws concerning medical cannabis retailers. See Chapter 17.91 of the County Code for the local rules.

Q. I want to open a medical cannabis nursery, transportation operation, distributorship, laboratory, or manufacturing facility. What do I do?

A. You can't. These commercial cannabis activities are not allowed in Calaveras County.

Q. May I make a few baked cannabis products in my home kitchen for a few patients or members of my collective?

A. No. This is "manufacturing" under state and local law. Cannabis manufacturing is not allowed in Calaveras County.

Q. My registration under the urgency ordinance was denied or revoked by the Planning Dept. I want to appeal the decision. What do I do?

A. The procedures and timelines to appeal a Planning Dept. decision can be found in Chapter 17.98 of the Calaveras County Code. The appeal fee is \$500 paid in cash or check only.

Q. I received a citation or notice of code violation for my grow. I want to appeal the decision. What do I do? Can I wait until after the appeal is heard before I correct the condition?

A. The procedures and timelines to appeal a Code Enforcement decision can be found in Chapter 8.06 of the Calaveras County Code. Depending on the nature of the violation, Code Enforcement may give you a deadline to correct the violation. If you fail to correct the condition by the deadline and demonstrate to the County that you have corrected it, fines will begin to accrue regardless of whether or not you have filed an appeal.

Q. Does my registration expire? Does it have to be renewed?

A. Yes and yes. Registrations are good for one year unless revoked. You will need to apply for a renewal of your registration through the Planning Department no sooner than 60 days before it expires and no later than 30 days before it expires. The fees will be the same as the original registration.