

**PRIME & TUVEL**

ATTORNEYS AT LAW

# Just Say Zone!

*NJ Municipal Guide to  
Adult Use Cannabis*

# **How Do I Handle a Cannabis Zoning Application?**

**TREAT IT LIKE ANY OTHER SITE PLAN  
APPROVAL APPLICATION**

# **Property Zoning Can Relieve Resident Concerns**

**By Addressing:**

- 1.Odor**
- 2.Location near schools, parks, ect or other marijuana facilities**
- 3.Signage/ Façade/ Design**
- 4.Neighborhood Impact**
- 5.Security/Public Safety**
- 6.Prohibiting Sales to Minors**
- 7.Consumption on premises/Smoking outdoors**
- 8.Traffic or parking issues**
- 9.Municipal incurred costs of enforcement**
- 10.Trash Disposal**

# **Transitioning From Medical to Adult Use**

**HOW DO MUNICIPALITIES WITH EXISTING MEDICAL CANNABIS FACILITIES PREPARE FOR THE UPCOMING LEGAL ADULT USE MARKET?**

**SEC. 105.03. LIMITED GRANDFATHERING OF EXISTING MEDICAL MARIJUANA DISPENSARIES.**

**(a) Limited Grandfathering of Existing Medical Marijuana Dispensaries**

**Pending Receipt of a Final Response by the City to Application for a License.** An EMMO that is operating in compliance with the limited immunity provisions (Los Angeles Municipal Code Section 45.19.6.3) of Proposition D notwithstanding those restrictions would have been repealed, including the tax provisions (Los Angeles Municipal Code Section 21.50) of Proposition D, may continue to operate within the City at the one location identified in its original or amended business tax registration certificate until such time that the EMMO applies for and receives a final response to its application for a City license for Commercial Cannabis Activity being conducted at that location. To avail itself of the terms of this Section, an EMMO must: (1) apply for a license from the City within sixty calendar days of the first date that license applications are made available by the City; and (2) limit on-site cultivation at the Business Premises to not exceed the size of the EMMO's existing square footage of building space as of March 7, 2017, as documented by dated photographs, building lease entered into on or before March 7, 2017, or comparable evidence.

**(b) Limited Grandfathering if the City Issues a License.** If the City issues

the EMMO a City license for Commercial Cannabis Activity, the EMMO shall continue to operate at its location within the City in accordance with the rules and regulations set forth by the City. Such EMMO shall not be subject to the zone, distance and sensitive use restrictions stated in Section 105.02 of this article until after December 31, 2022, on the condition that the EMMO: (1) operates and continues to operate in compliance with the distance and sensitive use restrictions (Los Angeles Municipal Code Section 45.19.6.3(L) and (O) of Proposition D notwithstanding those restrictions would have been repealed; and (2) limits on-site cultivation at the Business Premises to not exceed the size of the EMMO's existing square footage of building space as of March 7, 2017,

## Summary of Commercial Cannabis Location Restrictions

Key to zone abbreviations on following page.

Retail – Storefront (Type 10)	Retail – Non-storefront (Type 9)	Microbusiness (Type 12)	Indoor Cultivation (Types 1A, 1C, 2A, 3A, 4, 5A, Processor) and Level 1 Manufacturing (Type 6, N, P)	Level 2 Manufacturing (Type 7)	Distribution (Type 11)	Testing (Type 8)
Buffer from all sensitive sites and other on-site sales required – 700'.	Buffer from schools required – 600'.	<b>With on-site retail:</b> buffer from all sensitive sites and other on-site sales required – 700'. <b>No on-site retail:</b> buffer from schools required – 600'.	Buffer from schools required – 600'.	Buffer from schools required – 600'; buffer from residential zones required – 200'.	Buffer from schools required – 600'.	Buffer from schools required – 600'.
<b>Zones:</b> C1 C1.5 C2 C4 C5 CM M1 M2 M3 <b>Specific Plan Zones:</b> (WC) College (WC) Commerce (WC) Downtown (WC) North Village (WC) Park (WC) River (WC) Topanga (WC) Uptown RC4(CW) RC5(CW) C1 (CW) C2 (CW) C4 (CW) CM (CW) LASED PPSP (Main Lot excluded) USC-3 CM (GM) CM (UV) M (PV) M2(PV) UC (CA) UI (CA) UV (CA)	<b>Zones:</b> C1 C1.5 C2 C4 C5 CM <b>Specific Plan Zones:</b> (WC) College (WC) Commerce (WC) Downtown (WC) North Village (WC) Park (WC) River (WC) Topanga (WC) Uptown RC4(CW) RC5(CW) C1 (CW) C2 (CW) C4 (CW) CM (CW) LASED PPSP (Main Lot excluded) USC-3 CM (GM) CM (UV) M (PV) M2(PV) UC (CA) UI (CA) UV (CA)	<b>Zones:</b> MR1 (only if no on-site retail) M1 MR2 (only if no on-site retail) M2 M3 <b>Specific Plan Zones:</b> (WC) North Village (WC) Park (WC) River (WC) Topanga (WC) Uptown M (PV) M2(PV) UC (CA) UI (CA) UV (CA)	<b>Zones:</b> MR1 M1 MR2 M2 M3 <b>Specific Plan Zones:</b> (WC) College (WC) Commerce (WC) Downtown (WC) North Village (WC) Park (WC) River (WC) Topanga (WC) Uptown M (PV) M2(PV) UC (CA) UI (CA) UV (CA)	<b>Zones:</b> MR2 M2 M3 <b>Specific Plan Zones:</b> (WC) College (WC) Commerce (WC) Downtown (WC) North Village (WC) Park (WC) River (WC) Topanga (WC) Uptown M (PV) M2(PV) UC (CA) UI (CA) UV (CA)	<b>Zones:</b> MR1 M1 MR2 M2 M3 <b>Specific Plan Zones:</b> (WC) College (WC) Commerce (WC) Downtown (WC) North Village (WC) Park (WC) River (WC) Topanga (WC) Uptown M (PV) M2(PV) UC (CA) UI (CA) UV (CA)	<b>Zones:</b> CM MR1 M1 MR2 M2 M3 <b>Specific Plan Zones:</b> (WC) College (WC) Commerce (WC) Downtown (WC) North Village (WC) Park (WC) River (WC) Topanga (WC) Uptown CM (CW) CM (GM) CM (UV) M (PV) M2(PV) UC (CA) UI (CA) UV (CA)

The Commercial Cannabis Activity described in Subsections A(1) – A(7) shall not be required to comply with the distance restriction from a school, day care center, or youth center stated in Business and Professions Code Section 26054. In place and stead of these State law distance and sensitive use restrictions, the Commercial Cannabis Activity shall be required to meet the distance and sensitive use restrictions stated in this article.

(a) **Commercial Cannabis Activity.**

1. **Retailer Commercial Cannabis Activity.** Commercial Cannabis Activity falling under the category "Type 10 – Retailer" in Section 26050 of the California Business and Professions Code or "Type 9 – Non-Storefront Retailer" in California Code of Regulations Title 16 Division 42 Chapter 3 Section 5414; only to the extent such commercial activity is located and occurring:

(A) Within any of the following zones:

(1) Chapter 1 of the Los Angeles Municipal Code: C1 Limited Commercial Zone, C1.5 Limited Commercial Zone, C2 Commercial Zone, C4 Commercial Zone, C5 Commercial Zone, CM Commercial Manufacturing Zone, M1 Limited Industrial Zone, M2 Light Industrial Zone, or M3 Heavy Industrial Zone, under Chapter 1 of the Los Angeles Municipal Code; or

(2) Commercial Manufacturing (Glencoe/Maxella) Zone: CM(GM) Zone under the Glencoe/Maxella Specific Plan; or

(3) Central City West Specific Plan Zone: RC4(CW) Residential Mixed-Use Category, RC5(CW) Residential Mixed-Use Category, C1(CW) Limited Commercial Category, C2(CW) Commercial Category, C4(CW) Commercial Category, or CM(CW) Commercial Manufacturing Category, under the Central City West Specific Plan; or

(4) Warner Center Specific Plan Zone: WC Warner Center Specific Plan Zone where "Retail Store, general merchandise" or "Hybrid Industrial" uses are permitted under the Warner Center Specific Plan; or

(5) Los Angeles Sports and Entertainment District Specific Plan Zone: LASED Los Angeles Sports and Entertainment District Specific Plan Zone under the Los Angeles Sports and Entertainment District Specific Plan; or

(6) Playa Vista Specific Plan Zone: M(PV) Industrial Zone and M2(PV) Industrial Zone under the Playa Vista Specific Plan; or

(7) Paramount Pictures Specific Plan Zone: Paramount Pictures Specific Plan Zone within the Lemon Grove Lot (Parcels A and B), South Bronson Lot, Windsor Lot, Camerford Lot, Waring Lot, and Gregory Lot (Parcels A and B) under the Paramount Pictures Specific Plan; or

(8) USC Specific Plan Zone: USC Specific Plan Zone within Subarea 3 under the USC Specific Plan; or

(9) Jordan Downs Urban Village Specific Plan Zone: CM(UV) Commercial Manufacturing Zone under the Jordan Downs Urban Village Specific Plan; or

(10) Cornfield-Arroyo Seco Specific Plan Zone: UC(CA) Urban Center, UI(CA) Urban Innovation, UV(CA) Urban Village Zones under the Cornfield-Arroyo Seco Specific Plan; and

(B) Outside of a 700-foot radius of a School, Public Park, Public Library, Alcoholism or Drug Abuse Recovery or Treatment Facility, Day Care Center, and Permanent Supportive Housing; and outside of a 700-foot radius of any other Retailer or Microbusiness Commercial Cannabis Activity having on-site retail sales, which is licensed by the state of California and licensed by the City to engage in the Commercial Cannabis Activity defined in this section.

**Exception.** Type 9 – Non-Storefront Commercial Cannabis Activity shall not be required to locate outside of a 700-foot radius of a Public Park, Public Library, Alcoholism or Drug Abuse Recovery or Treatment Facility, Day Care Center, and Permanent Supportive Housing; or outside of a 700-foot radius of any other Retailer or Microbusiness Commercial Cannabis Activity having on-site retail sales, which is licensed by the state of California and licensed by the City to engage in the Commercial Cannabis Activity. Type 9 – Non-Storefront Commercial Cannabis Activity shall be required to locate outside of a 600-foot radius of a School.

# Cannabis Overlay Zoning Map

1. Identify School Facilities
2. Create a Buffer Around the School Facilities To Establish Legal Use Areas
3. Once the Buffer is Established Identify Underlying Zoning Districts that mirror the current allowed uses such as retail, light industrial, commercial, and agricultural, such as Business Zoning Districts, Neighborhood Commercial District, Port Industrial District, and Agricultural District
4. Apply the Cannabis Overlay Zone to Existing Zoning Map

# DRAFT COMMERCIAL CANNABIS LOCATION RESTRICTION ORDINANCE

Proposed Areas Where Businesses May Claim Limited Immunity  
(Existing Medical Marijuana Businesses\* Omitted)

## Dispensary / Retail

*Businesses that sell cannabis products directly to the public*

800-foot buffer from: Schools, Parks, Libraries, Drug/Alcohol Rehab & Recovery Facilities

### Zoning

- Commercial zones that are eligible
- Industrial zones that are eligible

### Administrative Boundary

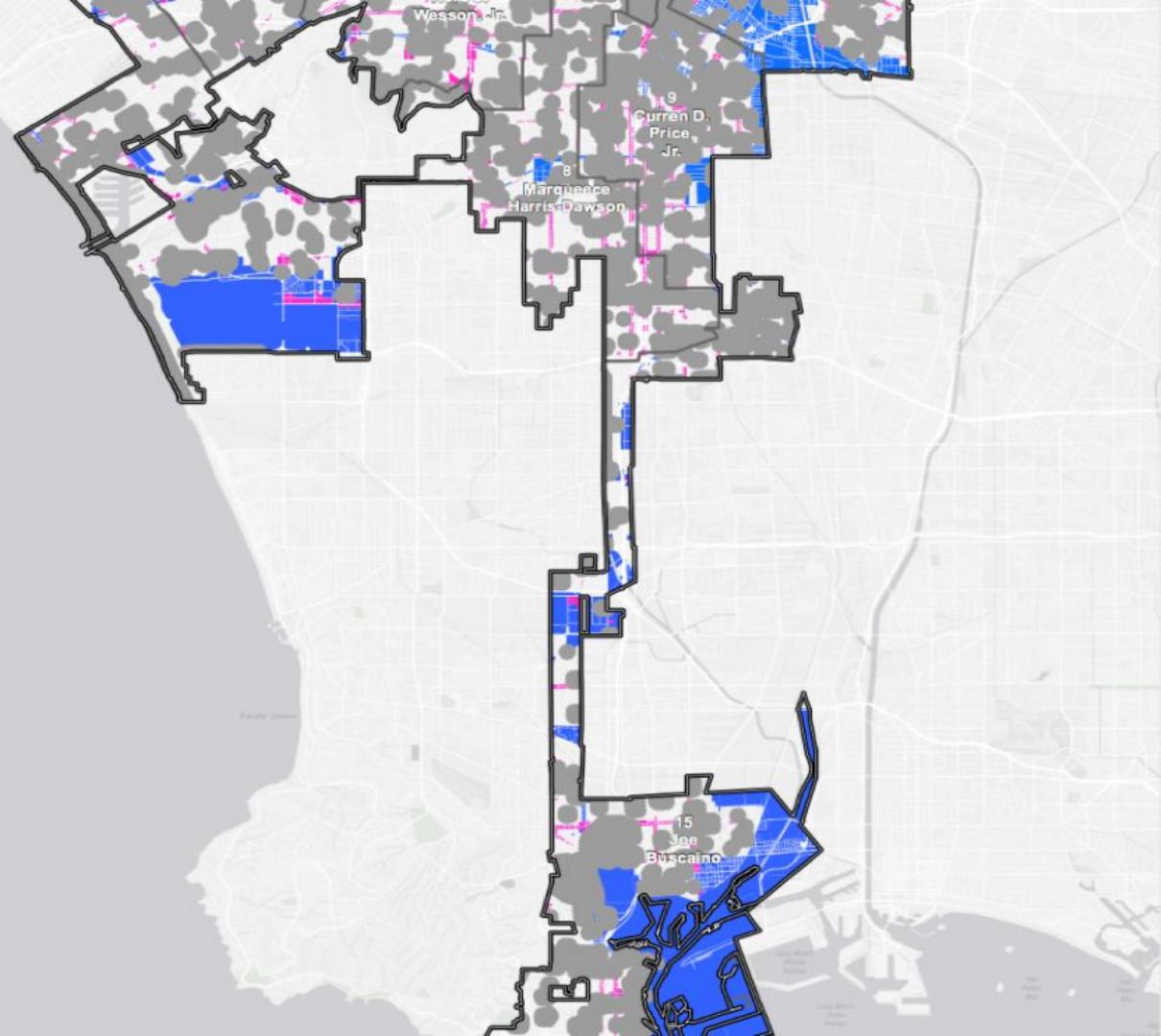
- Council Districts
- City of Los Angeles

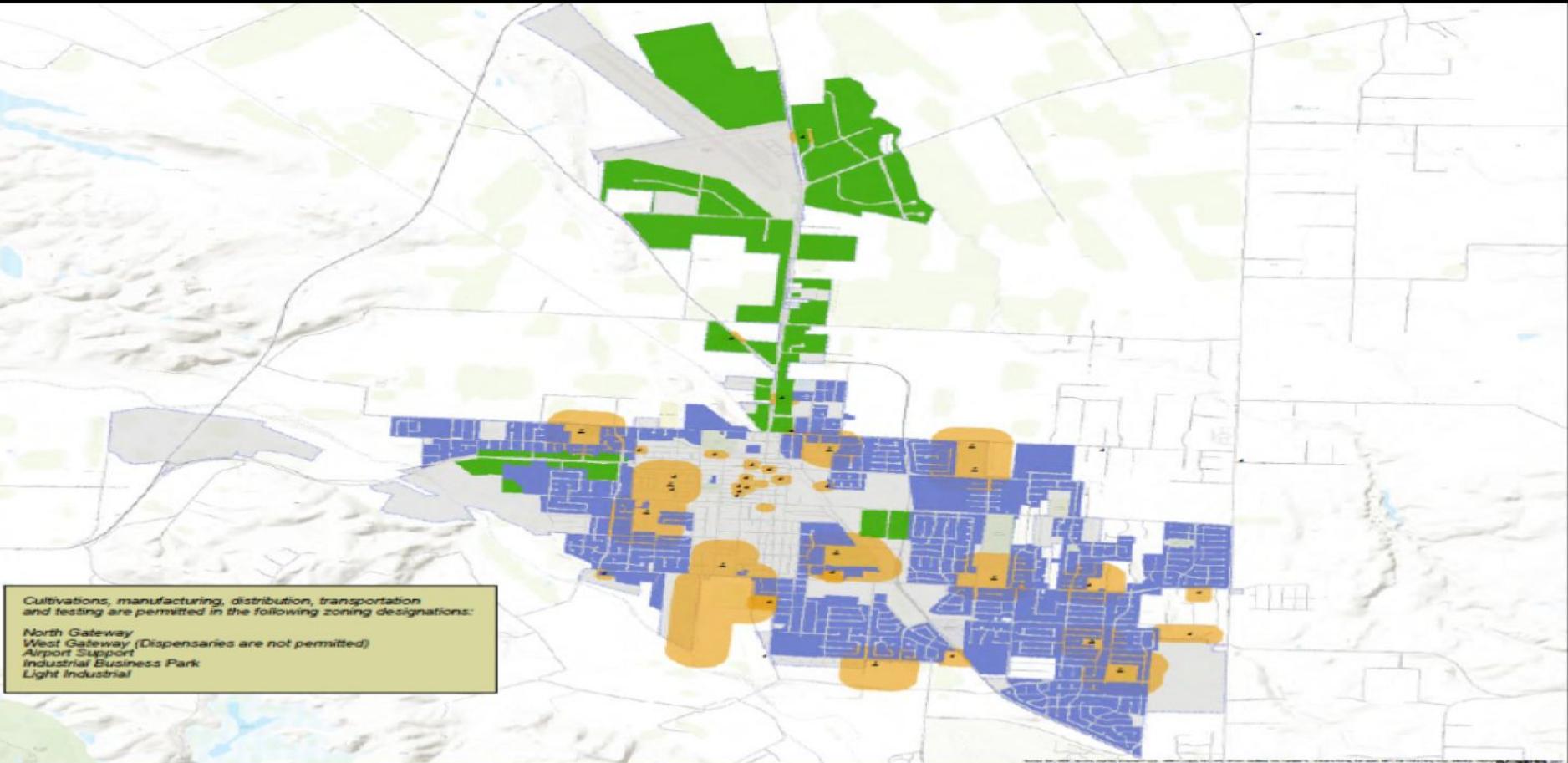
0 1 2 3 4 Miles

Layers: Public / Private / Charter Schools  
Parks & Recreation  
Library  
Drug/Alcohol Rehab & Recovery Facilities  
Commercial Marijuana Businesses  
Zoning  
Basemap: Esri

Sources: LA Unified School District / California Department of Education  
LA County and Los Angeles Department of Recreation & Parks  
Los Angeles County Department of Health Services  
California Department of Health Care Services  
Los Angeles City Council  
Los Angeles Department of City Planning  
ESRI

Disclaimer: The City of Los Angeles is neither responsible nor liable for any inaccuracies, errors or omissions with respect to the information contained on this map. The City does not make any warranties or representations as to the accuracy, completeness, timeliness, or usefulness of the information contained on this map. The City does not guarantee the information contained on this map is current or up-to-date. The City of Los Angeles is not responsible for any damages resulting from the use of this map. The City of Los Angeles is not responsible for any damages resulting from the use of this map under any theories of liability contained on the map.





#### Legend

- 600' Radius for Schools 150'
- Radius for religious institutions and rehab facilities
- Zoning districts where cannabis is allowed
- Residential Zoning
- City Limit

- Church
- School-public or private providing instruction in kindergarten or grades 1 to 12"

## City of Hollister Cannabis Business Ordinance



0 0.6 1.2 1.8 Miles

# Odor Mitigation Ordinance Examples

City of Richmond	<p>15.04.610.270(F)(1)(d)(v): <u>Ventilations Plans</u>. All cultivation and manufacturing operations must submit detailed information about the proposed ventilation system, including <u>technical specifications</u> indicating that the system is capable of <u>preventing the release into the atmosphere of marijuana odors from the cultivation or manufacturing operation</u>.</p> <p>15.04.610.270(G)(1): Standards Applicable to All Medical Marijuana Businesses - (g): Ventilation. The medical marijuana business must <u>provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the property is not detected outside the property</u>, anywhere on adjacent property or public rights-of-way, or within any other unit located within the same building as the marijuana dispensary, cultivation site, marijuana product manufacturer or any other subsequently approved marijuana business.</p>
City of San Leandro	4-33-500(c)(5): The Dispensary shall be designed to provide sufficient <u>odor absorbing ventilation and exhaust systems so that any odor generated inside the Dispensary is not detected outside the building</u> , on adjacent properties or public rights-of-way, or within any other unit located within the same building as the Dispensary, if the use only occupies a portion of the building.

# Signage Ordinance Examples

## **SEC. 106.06. RESTRICTIONS ON ADVERTISING CANNABIS AND CANNABIS PRODUCTS ON ON-SITE SIGNS.**

(a) The following regulations shall apply to on-site signs for a business engaged in Cannabis Activity:

(1) Only one on-site sign per street frontage is allowed. Any such sign shall be included in the maximum sign area allowed for the property.

(2) Any sign required by law, or required or recommended by a government agency or utility company, is allowed in addition to signs authorized by Subdivision (1) of this Subsection (a).

(3) Any sign or signs identifying that the premises are protected by a security company is allowed in addition to signs authorized by Subdivision (1) of this Subsection (a), and the aggregate area of such signs is limited to 30 square inches.

(4) Other than signs described in Subdivisions (2) and (3) above, any sign authorized by Subdivision (1) of this Subsection (a) is limited to displaying the following information: name of business; logogram of business; and business' address, hours of operation and contact information. Other than the foregoing information, no advertising for Cannabis or Cannabis Products shall be displayed on any sign in a Publicly Visible Location.

(5) Portable signs or sandwich signs located in the public right-of-way are prohibited.

(6) Digital signs are prohibited.

(7) Spinner signs are prohibited.

(8) Monument signs are prohibited.

(9) Illuminated architectural canopy signs are prohibited.

(10) Pole signs are prohibited.

(11) Marquee signs are prohibited.

(12) Roof signs are prohibited.

(13) Temporary signs are prohibited.

(14) Moving signs and signs with moving parts are prohibited.

(15) Supergraphic signs are prohibited.



# BEFORE & AFTER - Retail

Health for Life Dispensary Crimson, Arizona



# Recent Marijuana Zoning Cases

- New Jersey: *Terrapin New Jersey v. Planning Board of The City of Hoboken, SBRE Realty Management, and Harmony, HUD L. 3396-20* (Decided on March 25, 2021)
- Preemption: *Deruiter v. Township of Bryon*, 949 N.W.2d 91, 5050 Mich. 130 (Decided on April 27, 2020); *Ter Berk v. City of Wyoming*, 846 N.W.2d 531, 495 Mich. 1 (Decided on February 6, 2014)
- Nuisance/RICO: *Momtazi Family, LLC V. Wagner et al., Dist. Of Or.* (Decided on August 27, 2019)/ *Underwood v. 1450 SE Orient, LLC*, Dist. Ct. Or. (Decided on June 14, 2019)
- Inverse Condemnation/Regulatory Taking: *Kent v. County of YOLO*, Dist. Court., E.D. California (Decided on September 25, 2019)
- Use Definition/Non-Conforming Use: *J Arthur Properties, II, LLC, et al., v. City of San Jose* (Decided on March 19, 2018)
- Area Variance: *DREEM GREEN INC. v. City of Phoenix, Ariz*: Court of Appeals, 1<sup>st</sup> Div. (Decided on May 2, 2019)
- Exclusivity: *Cerceers et al., v. City of Baldwin Park, Cal*: Court of Appeal, 2nd Appellate Dist., 4th Div. 2020 (Decided October 21, 2020)

# New Jersey Land Use Law

Terrapin New Jersey v. Planning Board of The City of Hoboken, SBRE Realty Management, and Harmony, HUD L. 3396-20 (Decided on March 25, 2021)

Hudson County Superior Ct. decided on a case where Terrapin, a cannabis dispensary applicant, filed suit to invalidate a Planning Board Approval of a satellite dispensary owned by Harmony, NJ Cannabis Operator.

Time of the Essence, application filed under old ordinance that required review board approval after obtaining site plan approval and under new ordinance the applicant must obtain a favorable report from the Review Board before its application can be deemed complete by the Planning Board.

Court ordered that SBRE seek input from the Review Board before proceeding further on its application for a state license and the Planning Board's determination of completeness and site approval shall remain in full effect.

# Preemption

Deruiter v. Township of Bryon, 949 N.W.2d 91, 5050 Mich. 130(Decided on April 27, 2020); Ter Berk II v. City of Wyoming, 846 N.W.2d 531, 495 Mich. 1 (Decided on February 6, 2014)

Two Michigan Supreme Court cases- In Deruiter, the Court found that the Township of Byron's medicinal marijuana ordinance did not conflict with state law. In Ter Berk, the Court found that the City of Wyoming's ordinance was in conflict and therefore, preempted by State Law.

The difference is that with Terbek, the ordinance resulted in a complete prohibition of medical use of marijuana and imposed penalties despite the state law which authorized the use. In Deruiter, the ordinance allowed the use but limited the locations.

“An ordinance is not conflict preempted as long as its additional requirements do not contradict the requirements set forth in the statute.

## Nuisance/RICO

Momtazi Family, LLC V. Wagner et al., Dist. Of Or.

(Decided on August 27, 2019)/ Underwood v. 1450 SE Orient, LLC,Dist. Ct. Or.  
(Decided on June 14, 2019)

**Two cases with two different results regarding marijuana facilities being accused of essentially nuisance by a neighbor alleging a civil violation of the Racketeer Influenced and Corrupt Organizations Act (RICO) action. which allows “any person injured in his business or property by reason of a violation of “RICO statute to bring a civil suit for treble damages.”**

**Three areas of injury (1) diminished use and enjoyment of her property, (2) diminished ability to obtain credit against property; and (3)diminished market value.**

**Underwood was dismissed. Momtazi granted standing because allegations of financial loss were sufficiently concrete.**

# **Inverse Condemnation/Regulatory Taking**

**Kent v. County of YOLO, Dist. Court., E.D. California**  
**(Decided on September 25, 2019)**

Plaintiff alleged several causes of action including inverse condemnation and regulatory taking when received notification that his cannabis cultivation license was ineligible for renewal due to a violation of County code because his cultivation site was not within a restricted location when the County redefined a wildlife area headquarters adjacent to the Plaintiff's property as a park.

The Court decided that obtaining a license does not inherently create a property and therefore, Plaintiff could not establish a constitutionally recognized property interest of the cannabis cultivation license so there was no inverse condemnation and regulatory taking.

# **Use Definition/Non-Conforming Use**

## *J Arthur Properties, II, LLC, et al., v. City of San Jose*

**Plaintiff operated a medical marijuana collective in a commercial zoning District since 2010 and paid “municipal marijuana business tax.”**

**The City did not regulate medical marijuana collective use until 2014, where it was not permitted in the commercial zoning district, but allows as restricted use in other zones.**

**Plaintiff argued that it was a legal non-conforming use because it was a permitted medical office use.**

**The Court determined that the medical office use category in the Municipal Code does not include medical marijuana collectives because the City consistently interpreted the medical office category to exclude medical marijuana collectives and has a fundamental interest in locally determining where this use is authorized.**

## **Area Variance**

### **DREEM GREEN INC. v. City of Phoenix, Ariz: Court of Appeals, 1<sup>st</sup> Div. (Decided on May 2, 2019)**

The Court affirmed an area variance which allowed relief from a 5,820 foot setback (requested 4,943') from any other dispensary and 500-foot setback (requested 336') from residentially-zoned district).

The proposed required the least amount of variances because all other sites were within various setbacks near churches, schools, and parks.

The lawsuit resulted from another dispensary, DREEM, located nearby the Property. The Court found that the property owner/lessor seek only the same privileges granted by the Ordinance to other similarly zoned property and the circumstances were not self-imposed by the Property owner/lessor are not response for the locations of the other dispensary or the residential lot.

“An owner’s knowledge of conditions that will require a variance ‘does not constitute a self-imposed special circumstance precluding an area variance.’”

# **Exclusivity Provisions**

**Cerceers et al., v. City of Baldwin Park, Cal: Court of Appeal, 2nd Appellate Dist., 4th Div. 2020 (Decided October 21, 2020)**

**City of Baldwin Park (the City) adopted a development agreement with Rukli that contained provisions granting Ruki an exclusive license to transport cannabis in the City, and promising that the City would require all other cannabis licensees in the City to use Rukli for transportation (e.g., for moving the cannabis they grew from their facility in the City elsewhere) (the exclusivity provisions).**

**The Court found that the City may not use its zoning powers to adopt an agreement whose purposes is to grant Rukli a monopoly; (b) the Exclusivity Provisions are void due to conflict with the Act, unauthorized by the law governing development agreements, and constitute impermissible spot zoning**

# **Examples of Local Licensing And Development Agreements**



Jo Ann Hardesty, Commissioner  
Suk Rhee, Director  
1120 SW 5th Avenue, Suite 114  
Portland, OR 97204  
503-823-4519  
[portlandoregon.gov/civic](http://portlandoregon.gov/civic)

## CITY OF PORTLAND MARIJUANA REGULATORY LICENSE APPLICATION

### NOTICE TO APPLICANTS

This information is subject to disclosure under Public Record Law.

The Office of Community & Civic Life will **NOT** accept applications that are incomplete or missing information.

The licensee or legal representative **MUST** notify the Office of Community & Civic Life of any changes within 10 business days to avoid civil penalties, up to and including suspension or revocation of the license.

### Application Type (Select ONE)

New Application	Renewal Application	Amend Existing Application
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### Business Information

Must match Secretary of State Registry and OLCC Application

Entity Name:

DBA

Trade Name:

Facility Address: Street      City      State      Zip

Business Email:      Employer Identification No.:

Does your business have a Security Plan that describes how your business intends to comply with City and State security and access requirements?

Yes

No

Business Structure	Sole Proprietor	Partnership
	Limited Liability Corporation	Limited Partnership
	Corporation	Other

License Type(s)			
Retailer	Wholesaler	Producer: Tier 1	Producer: Tier 2
Retail Courier	Processor	Producer: Micro-Tier 1	Producer: Micro-Tier 2
Micro-Wholesaler	Medical Dispensary		

City Permits/License Numbers
City Business License Cert. of Compliance No.:
City Alarm Permit No.:

<b>Endorsements (Processors ONLY, select ALL that apply)</b>				
Marijuana Processor Licensees with an OLCC endorsement to produce edibles will need a Commercial Kitchen Certificate before being granted a license. Additionally, all employees producing edible products must have a valid Food Handler card issued by the Multnomah County Health Department.				
Topicals	Edibles	Concentrates	Extracts	Micro
Please provide a description of the type of products to be processed, a description of the equipment to be used, and any solvents, gases, chemicals, or other compounds proposed to be used to create extracts or concentrates.				

<b>Information About Recreational Marijuana Tax (Retailers and Retail Couriers ONLY)</b>		
Please select "Yes" if you are aware that Portland businesses are required to collect a 3% City of Portland retail sales tax on recreational marijuana and marijuana products from the customer at the point of sale for all sales on or after January 1, 2017. All tax collected by the seller must be segregated, then remitted as required by law.	Yes	No

### NOTICE REGARDING BUSINESS CONTACT INFORMATION

The “Primary Business Contact Information” section is the ONLY information used for the City of Portland to contact the business about matters related to the application or license.

The licensee or legal representative **MUST** notify the Office of Community & Civic Life of any changes to this contact information within 10 business days.

#### Primary Business Contact Information

Primary Business Contact:	First Name	Last Name			
Ownership Percentage:	Title/Position:				
Is this person at least 21 years of age?		Yes	No		
Primary Business Contact Phone Number:		Primary Business Contact Email:			
Primary Business Contact Mailing Address:		Street	City	State	Zip

#### Property Lease/Ownership Information

Licensees must have legal possession of the premises for duration of license issuance.

Do you own the property where the business is or will be located?      Yes      No

If you are NOT the property owner, fill out the information below. The applicant must provide a true and complete copy of the executed lease, and proof that the property owner has authorized the use as a Medical Dispensary or Marijuana Business, unless otherwise indicated on checklist

Property Owner:	First Name	Last Name		
Mailing Address:	Street	City	State	Zip
Phone Number:	Email:			
Lease start date:	Lease end date:			

### **Social Equity Program (To learn more, visit [portlandoregon.gov/cannabis/socialequity](http://portlandoregon.gov/cannabis/socialequity))**

Please select “Yes” or “No” if are eligible to apply for our Social Equity Program. The requirements to apply for the Social Equity Program include:

- Owning a small business (based on revenue and number or state licenses);
- At least 25% owned or 20% cannabis business staffed by individuals with prior cannabis convictions; or
- A small business and contracts with a vendor that is certified by the State as socially or economically disadvantaged and/ or emerging small business.

Yes      No

### **OATH OF APPLICATION**

Completion of these forms and submission with the non-refundable fee does not imply any obligation on the part of the City of Portland to grant the requested License. Issuance of a City of Portland Regulatory License does not relieve the Licensee from the obligation to meet all other applicable Federal, State, and local laws and regulations. The undersigned hereby states that the statements made in this application are true and correct to the best of their knowledge and belief, and that this statement is executed with the knowledge and understanding that any false statement, misrepresentation, or failure to reveal or provide requested information may be cause for refusal to issue, or suspension or revocation, of any License issued under Chapter 14B.130.

By signing this document, I acknowledge that upon presentation of proper credentials, an Applicant or Licensee shall allow any representative of the Office of Community & Civic Life to enter the business location to ensure compliance with the provisions of Chapter 14B.130.

Authorized Signature:

Date:

Printed Name:

Title:

## CANNABIS LICENSING OFFICE

Phone: 831-454-3833

Email: [CannabisInfo@Santacruzcounty.us](mailto:CannabisInfo@Santacruzcounty.us)

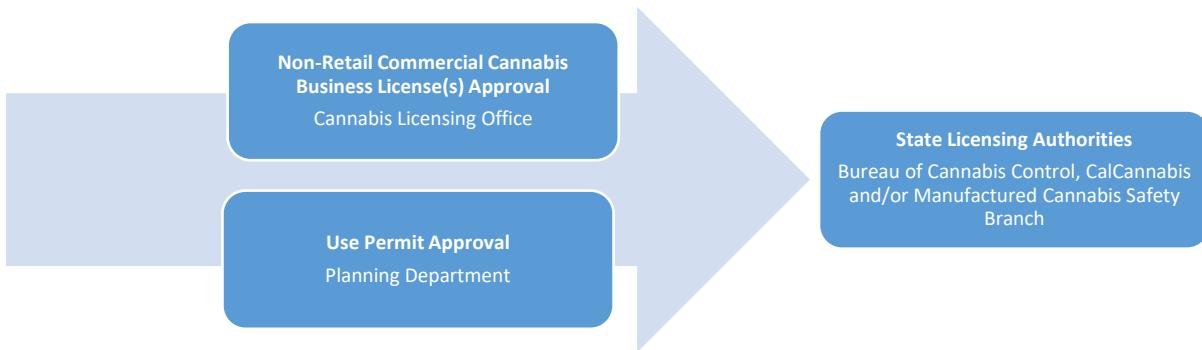
Website: <https://www.santacruzcounty.us/cannabislicensingoffice.aspx>

## APPLICATION OVERVIEW

### Non-Retail Commercial Cannabis License and Use Permit

#### Cultivation, Manufacture, Distribution

Those seeking a Non-Retail Cannabis Business License in the unincorporated County of Santa Cruz must obtain BOTH a **Cannabis Business License** from the Cannabis Licensing Office (CLO) and any required **Use Permits** from the Planning Department. Once both a License and Use Permit have been issued locally, State annual cannabis business licenses must also be obtained. The license and use permit must be obtained prior to commencing cannabis business activities or expanding existing operations.



- You should first read through this entire document and study the cannabis regulations to determine your eligibility and requirements that apply to your specific project.
- See last page of this overview document for links to the regulations and other useful resources.
- If you cannot find an answer to your specific question after reviewing the regulations and resources, you can contact our office at 831-454-3833 or email [CannabisInfo@Santacruzcounty.us](mailto:CannabisInfo@Santacruzcounty.us).

The Non-Retail Cannabis Business License Application and Use Permit process is a three-phased process:

#### 1. Phase 1- Pre-Application (Cannabis Licensing Office):

The purpose of the pre-application review is to generate a complete description of the proposed non-retail cannabis business operation and identify “threshold” issues as early in the process as possible.

#### Pre-Application Review

- One (1) original copy of all required materials must be submitted at your intake meeting with CLO staff. To schedule an appointment, contact Michael Sapunor, Resource Planner IV ([michael.sapunor@santacruzcounty.us](mailto:michael.sapunor@santacruzcounty.us), 831-454-3405).

*County of Santa Cruz  
Non-Retail Commercial Cannabis Business Application  
Phase 1: PRE-APPLICATION (Revised 8/27/2019)*

- At the end of the Pre-Application review, if a project site appears to meet basic eligibility requirements, the applicant will be e-mailed a “Canna-Clearance” that allows them to apply for a Commercial Use Permit. The applicant will receive, via e-mail from CLO, a pre-application evaluation letter highlighting “threshold issues” re. the proposed development project and a “CANNA-LORI” (Cannabis Development Permit “List of Required Information”) describing the required plans and supporting documents necessary for the Phase 2 Commercial Use Permit application packet.
- Be advised that while CLO staff will solicit all known requirements in preparation for Phase 2 License Application submittal, additional information may be requested by the CLO office or other County departments.
- No prospective licensee may approach the Planning Department to submit Use Permit application materials for cannabis related development or activities without a CLO-issued Canna-Clearance.

**Pre-Application and License Application At-Cost Deposit Fee**

Pre-application applicants for non-retail cannabis business projects are required to establish an at-cost billing account for CLO reviews and pay an initial deposit of \$1500 (excepting projects that completed Pre-license inspections) at the intake meeting. Payment is made in-person to the Planning Dept. cashier (check, cash, money order, credit card accepted). Expenses for pre-application and license application reviews by CLO staff are billed at hourly rates to the at-cost account. Applicants will be notified, as needed, to refresh the account to cover the cost of anticipated licensing reviews and regular compliance checks.

**2. Phase 2- Commercial Use Permit Application (Planning Department):**

The **Canna-Clearance** e-mail from CLO will authorize applicants to meet with Zoning Counter staff in the Planning Department to receive fee and routing information for Commercial Use Permit review. Phase 2 applicants will apply for a “Discretionary” commercial use review (“Use Permit”) and establish an at-cost account with the Planning Department for project/plan review by Planning staff and other County departments and responsible agencies. At this stage, engineered plans, architectural renderings, biotic reports, grading plans, and similar items may be required, dependent on the scope of the proposal.

**3. Phase 3- Cannabis Business License Application (Cannabis Licensing Office)**

Following completion of Use Permit review by Planning staff, applicants will be scheduled by CLO to apply for the non-retail cannabis business licenses pertaining to their project. Required licensing fees will be deposited to the at-cost account established for the pre-application review.

**General Advice and Instructions to the Applicant**

The information you provide in all phases of the application process will be used to determine your eligibility for eventual cannabis business licensing and land use permits, under County Code 7.128 and



# OREGON LIQUOR CONTROL COMMISSION REQUEST Land Use Compatibility Statement

**What is a land use compatibility statement (LUCS)?** The LUCS is a form used by a state agency and local government to determine whether a land use proposal is consistent with local government's comprehensive plan and land use regulations.

**Why is a LUCS required?** OLCC and other state agencies with permitting or approval activities that affect land use are required by Oregon law to be consistent with local comprehensive plans and to have a process for determining consistency. Section 34(4)(a) of 2015 Oregon Laws, Chapter 614, requires OLCC to request and obtain the LUCS and have a positive LUCS prior to issuing a license.

**When is a LUCS required?** A LUCS is required for all proposed marijuana facilities before an OLCC license can be obtained.

## How to complete a LUCS:

- **Step 1: Applicant** completes Section 1 of this form and submits it to the appropriate city or county planning office. Applicant verifies with local jurisdiction whether additional forms, applications, or permits are required.
- **Step 2: Local jurisdiction** completes Section 2 of this form indicating whether the proposed use is compatible with the acknowledged comprehensive plan and land use regulations and returns signed and dated form to the applicant.
  - **Applicant completes payment to local jurisdiction for processing application.**
  - **Local jurisdictions are NOT required to begin processing LUCS forms until January 4, 2016 at 8:30 AM.**
- **Step 3: Applicant** submits this date-stamped form and any supporting information provided by the city or county to the OLCC with the license application. This form may be submitted while Section 2 is in process with the local governing body.

## Section 1 – To be Completed by Applicant

*\*Sections marked with an asterisk should be verified with the local planning department prior to submitting this form.*

Applicant Name:

Phone:

Mailing Address:

Rm/Ste:

City:

State:

ZIP:

Site plan of the subject property and proposed development attached? (*required*)

Proposed  
Premises Address:

Rm/Ste:

City:

County:

ZIP:

Tax Lot #\*:

Range/  
Section\*:

Latitude:

Township\*:

Map\*:

Longitude:

Proposed use/permit type sought (A separate LUCS may be necessary for each proposed use even if it is on the same property):

Producer  
Note indoor or  
outdoor below

Wholesaler

Processor  
List endorse-  
ments below

Retailer

Laboratory

Research Certificate

Details of proposed use (note any attachments):

CITY/COUNTY USE ONLY

Date delivered by license applicant:

Received by (print):

Initial:

## Section 2 – To be Completed by Local Jurisdiction

Site Location:

Inside city limits

Inside UGB

Outside UGB

Name of Jurisdiction:

Property Zoning of  
Proposed Premises:

The proposed land use has been reviewed and **is prohibited.**

The proposed land use has been reviewed and **is not prohibited.**

*If the proposed land use is allowable only as a conditional use, permits are required as noted below.*

Comments:

Name of Reviewing Local Official (print):

Title:

Date:

Email:

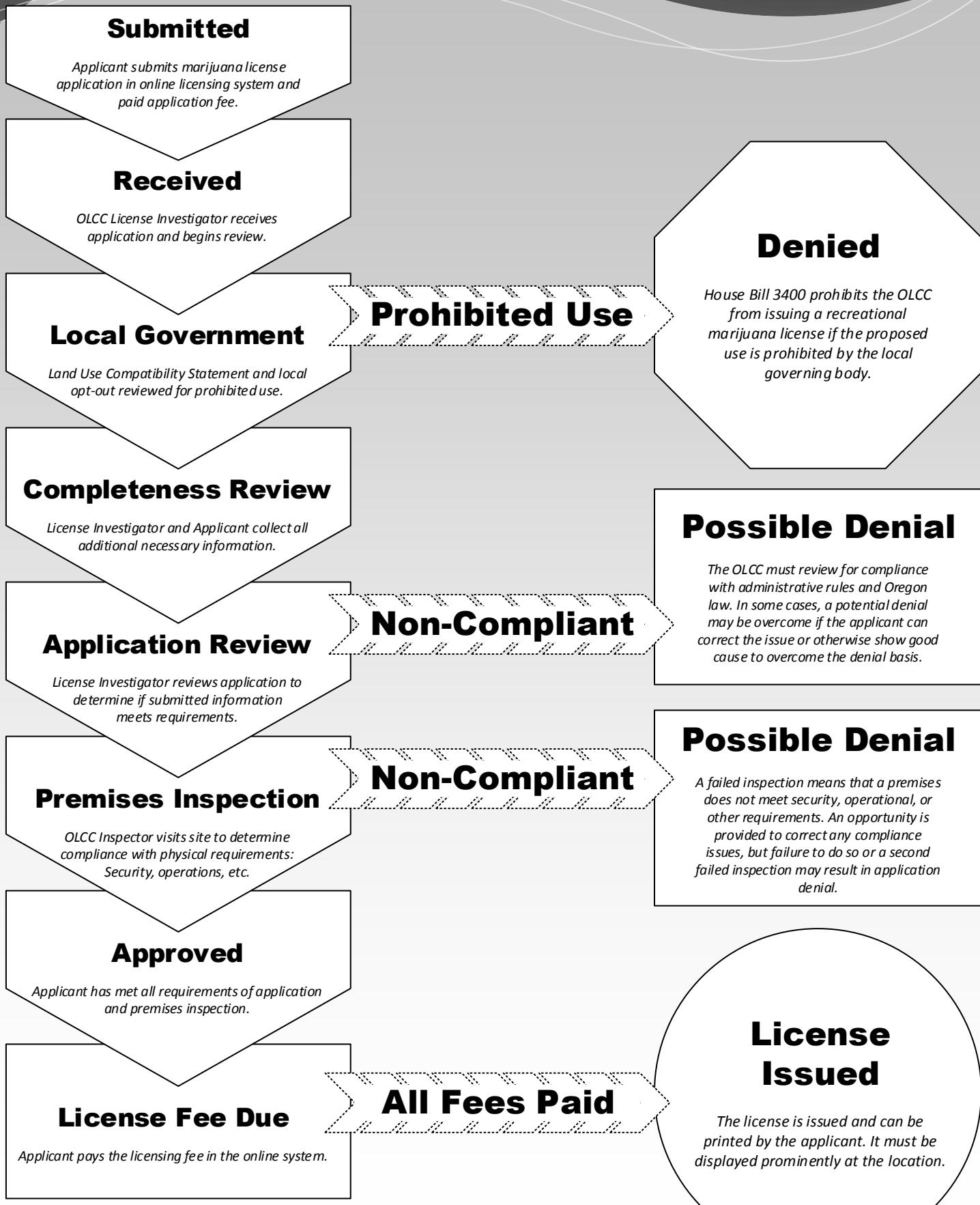
Phone:

Signature:

Check this box if there are attachments to this form:

**REMINDER: Local jurisdictions are NOT required to begin processing  
LUCS forms until January 4, 2016 at 8:30 AM**

# Life of a License Application





**Jo Ann Hardesty, Commissioner**

**Suk Rhee, Director**

1120 SW 5<sup>th</sup> Avenue, Suite 114

Portland, OR 97204

503-823-4519

[portlandoregon.gov/civic](http://portlandoregon.gov/civic)

## CITY OF PORTLAND MARIJUANA CONTROL PLAN

<b>Business Information</b>				
Entity Name	Must match Secretary of State Business Registry			
Trade Name (DBA)				
Facility Address	Street	City	State	Zip
Mailing Address	Street	City	State	Zip
Phone Number:	Email:			
Website:	Facebook link: <span style="float: right;">Optional</span>			

**1. Please describe how your business will ensure that no one under the age of 21 is admitted, and how your business will educate patrons on the risks of marijuana use by minors.**

**2. Please describe how your business will prevent cannabis products from being consumed around or near your business.**

**3. Please describe how your business will prevent and address potential negative impacts to neighborhood livability such as noise, parking, garbage, or loitering from your patrons.**

**4. Please briefly describe your business's process to respond to and resolve complaints and/or concerns from neighboring businesses or residences.**



OFFICE OF  
Community  
& Civic Life

Jo Ann Hardesty, Commissioner

Suk Rhee, Director

1120 SW 5<sup>th</sup> Avenue, Suite 114

Portland, OR 97204

503-823-4519

[portlandoregon.gov/civic](http://portlandoregon.gov/civic)

## PERSONAL HISTORY FORM

Please include primary business contacts, business owners, and managers.

Business Name:	Must match Secretary of State Business Registry				
Facility Address:	Street, City, Zip				
License Type:	<input type="checkbox"/> Retailer	<input type="checkbox"/> Retail Courier	<input type="checkbox"/> Processor	<input type="checkbox"/> Producer	<input type="checkbox"/> Micro-Producer
				<input type="checkbox"/> Micro-Wholesaler	<input type="checkbox"/>

*This contact will be the PRIMARY BUSINESS CONTACT. All business correspondence will be sent to this individual.*

PRIMARY CONTACT	First Name	Last Name
	Ownership %:	Title/Position:
	Phone Number:	Email:

Contact 2:	First Name	Last Name
	Ownership %:	Title/Position:
	Phone Number:	Email:

Contact 3:	First Name	Last Name
	Ownership %:	Title/Position:
	Phone Number:	Email:

Contact 4:	First Name	Last Name
	Ownership %:	Title/Position:
	Phone Number:	Email:

Contact 5:	First Name	Last Name
	Ownership %:	Title/Position:
	Phone Number:	Email:

Please list the names and locations of other cannabis businesses with which these contacts are affiliated.  
Attach additional sheets if necessary.

<b>PRIMARY CONTACT:</b>	<b>Business Name:</b>	<b>City/State:</b>
	<b>Business Name:</b>	<b>City/State:</b>
	<b>Business Name:</b>	<b>City/State:</b>
<b>Contact 2:</b>	<b>Business Name:</b>	<b>City/State:</b>
	<b>Business Name:</b>	<b>City/State:</b>
	<b>Business Name:</b>	<b>City/State:</b>
<b>Contact 3:</b>	<b>Business Name:</b>	<b>City/State:</b>
	<b>Business Name:</b>	<b>City/State:</b>
	<b>Business Name:</b>	<b>City/State:</b>
<b>Contact 4:</b>	<b>Business Name:</b>	<b>City/State:</b>
	<b>Business Name:</b>	<b>City/State:</b>
	<b>Business Name:</b>	<b>City/State:</b>
<b>Contact 5:</b>	<b>Business Name:</b>	<b>City/State:</b>
	<b>Business Name:</b>	<b>City/State:</b>
	<b>Business Name:</b>	<b>City/State:</b>

Have any of these contacts engaged in the direct management and operation of, OR had 10 percent or more interest in, a Medical Dispensary or Marijuana Business regulated by the City of Portland whose license has been revoked under Portland City Code 14B.130?

Yes  
 No

The undersigned hereby states that the statements made in this form are true and correct to the best of their knowledge and belief, and that this statement is executed with the knowledge and understanding that any false statement, misrepresentation, or failure to reveal or provide requested information **may be cause for refusal to issue, suspension, or revocation, of any License issued under Portland City Code 14B.130.**

<b>Print Name:</b>	<b>Date:</b>
<b>Signature:</b>	<b>Title:</b>

## Marijuana Information Referral Form (IRF)

This form is used to report possible violations of the Fort Collins Municipal Code or Colorado Medical and Retail marijuana codes, by licensed marijuana businesses and unlicensed marijuana cultivation operations. Reporting this information is completely voluntary and you are not required to provide your own name and contact information, nor to provide complete information if you do not have it. However, the more information you provide, the more likely the City can take appropriate action. The information you provide will be used by the City to investigate the violation, and if proven could lead to an administrative disciplinary action by the City's Marijuana Licensing Authority and/or criminal prosecution.

In addition, Section 4 provides a place to compliment or comment positively about a particular business or employee. Please complete Sections 1 and 4. Section 5 is optional.

<b>1. Please provide the following information about the Business you are reporting, if known:</b>					
DBA/Facility Name		Business License No.			
Street Address		City	State		
Principal Business Activity (Dispensary, Cultivation, Infused Products)		Email Address			
<b>Please provide the following information about the Person you are reporting, if known:</b>					
Name		Occupational License No.			
Street Address		City	State		
Role in Business (Owner, Partner, Employee)		Email Address			
<b>Please provide the following information about the location you are reporting, if known:</b>					
Type of Building		Residential or Commercial			
Street Address		City	State		
Associated Person		Email Address			
<b>2. Alleged violation of Colorado Marijuana Laws and Regulations. Check all that apply. If not listed, describe in the Comments section below.</b>					
<input type="checkbox"/> Operating without a license <input type="checkbox"/> Sale to minors <input type="checkbox"/> Sale after hours <input type="checkbox"/> Product standards <input type="checkbox"/> Cultivation/Lab practices		<input type="checkbox"/> Sale to nonqualified persons <input type="checkbox"/> Packaging/Labeling <input type="checkbox"/> Providing delivery service <input type="checkbox"/> Diversion out of Colorado <input type="checkbox"/> Failure to withhold payroll tax		<input type="checkbox"/> Advertising/Consumer safety <input type="checkbox"/> Crime on premises <input type="checkbox"/> Money laundering <input type="checkbox"/> Unlawful consumption on premise <input type="checkbox"/> Other(describe below)	
<b>Comments.</b> Briefly describe the facts of the alleged violation/issue. – Who/What/Where/When/How. Attach a separate sheet if needed. Include date of incident.					

**3. How did you learn about or obtain the information provided in this report? Attach a separate sheet if needed.**

**4. Compliments:**

**5. Optional: Please enter your own information and when you may be contacted.**

Name	Email		
Street Address	City	State	Zip
Telephone number (included area code)	Best time to contact		

**6. Please send your completed form to: Marijuana Enforcement Officer**

**PO Box 580  
Fort Collins, CO 80522  
970-416-2949**

**Or email form to: [marijuanaenforcement@fcgov.com](mailto:marijuanaenforcement@fcgov.com)**

Date complaint/compliment submitted: \_\_\_\_\_



**PRIME & TUVEL**

ATTORNEYS AT LAW



**Heather Kumer**  
Partner at Prime & Tuvel

**[heather@primelaw.com](mailto:heather@primelaw.com)**