

# **CANNABIS CULTIVATION REGISTRATION F.A.Q.**

## **1. When is the deadline to register existing non-conforming grows?**

The deadline to register existing non-conforming marijuana grows ended on November 18<sup>th</sup>, 2016, at 4:30 p.m.

## **2. I missed the deadline, can I register a new grow?**

Growers who missed the deadline are able to register a new cultivation site. However, the new cultivation site will only be allowed to grow (6) or fewer marijuana plants (including both mature and immature plants), per qualified patient at any one time, or be grown by primary care caregiver for up to five (5) qualified patients, and does not exceed six (6) marijuana plants per qualified patient. New cultivation sites are not allowed on any vacant or undeveloped parcel.

Please note that new cultivation sites registered by a primary caregiver will be denied unless the individual identifying themselves as the primary caregiver can show that they meet the Health and Safety Code Section 11362.7(d) definition of a primary caregiver. Please refer to FAQ 3 below for additional information.

## **3. What is a primary caregiver?**

As previously mentioned in FAQ 2 above, A “primary caregiver” is defined in the Health and Safety Code section 11362.7(d). It states the following: “Primary caregiver means the individual, designated by a qualified patient or by a person with an identification card, who has consistently assumed responsibility for the housing, health, or safety of that patient or person...” Please refer to the California Health and Safety Code for more details on what qualifies a person as a primary caregiver.

**4. How long is my registration valid? Will my registration be valid when a permanent ordinance is adopted?** All registrations are valid for the duration of the urgency ordinance. The ordinance is set to expire September 19, 2017. The Board of Supervisors has the option to extend the urgency ordinance for an additional year. The permanent ordinance is anticipated to be heard at a Board of Supervisors hearing sometime in August or September. Growers who registered under the urgency ordinance will not be considered “Grandfathered” for the permanent ordinance. All growers who registered under the urgency ordinance will have to re-apply for the necessary for land use permits under the permanent ordinance, should one be passed.

## **5. Am I able to have a greenhouse in California Valley?**

Yes, if there is a house on the property, an accessory greenhouse may occupy up to 500 square feet per dwelling unit or 10 percent of the site, whichever is smaller. Please note that an accessory greenhouse requires a construction permit to be obtained for its construction. Larger greenhouses are not allowed in Residential Suburban land use categories unless authorized by Conditional Use Permit approval

Alternatively, traditional agricultural hoop structures do not require a construction permit and are allowed even without the presence of a house. Please refer to FAQ 6 below.

## **6. What is a hoop structure?**

A hoop structure is a structure consisting of flexible bands or rings of metal or plastic formed/shaped into a semicircular cross section used for agricultural crop protection, recognized as temporary, covered with a flexible translucent material.

Hoop structures do not require a construction permit if the following conditions are met:

- Hoop structures shall not have trusses.
- Hoop structure shall not have prefabricated components.
- Hoop structures shall not be made of wood.
- Hoop structures shall be open on two sides
- Hoop structures shall not be used for retail sales or storage of combustible materials.
- Hoop structures shall not have a permanent anchoring system or foundation.
- Hoop structures with plastic cover shall have a maximum thickness of 10 mills.
- Maximum vertical 12 feet tall.
- Maximum vertical sidewalls limited to 4 feet.
- Does not contain any plumbing, electrical, or mechanical systems or portion thereof, attached or not.

#### **7. Prop. 64 has passed. What does this mean?**

The urgency ordinance prohibits all cultivation, not just medical. No recreational cultivation will be allowed, except for six (6) indoor plants per individual, as provided by Prop. 64. Registration is required as outlined in FAQ 2, above.

#### **8. What happens if a grower doesn't register or doesn't know they are required to register?**

No non-conforming cultivation will be allowed to continue for the term of the urgency ordinance. Penalties for a violation of the ordinance can be civil or criminal.

#### **9. Where do growers register?**

County of San Luis Obispo Planning and Building Department, 976 Osos St #200 (Permit Center), San Luis Obispo, CA 93401 (corner of Palm St. and Osos St.).

#### **10. After registration what happens? Does an official visit the site?**

Yes, an investigator will visit a registered site to confirm the activity and that the site is in compliance with all code requirements.

#### **11. How much is this fee?**

Fees may vary depending on a variety of factors, including whether the site needs an address or multiple inspections are required. For an estimate on fees that may be assessed, please contact the Planning and Building Department at (805) 781-5600.

#### **12. What does that fee cover?**

The fee covers staff time and is unlikely to be returned since some work by County employees will have been completed related to the registration, processing and site visit regardless of whether the grow is approved or not.

#### **13. What assurances do patients have that their information will be kept confidential?**

Protection of patient information is not covered by the ordinance itself, but other provisions apply. Some of the information gathered will be subject to a Public Records Request, while other pieces may be protected by laws such as the Health Insurance Portability and Accountability Act (HIPAA).

**14. Can the urgency ordinance be revised or modified to address any concerns of the community?**

The ordinance cannot be modified or revised. The Board may, with a 4/5th vote, terminate the urgency ordinance.

**15. How many legal non-compliant cultivation operators currently exist in SLO County?**

While there are no definitive numbers, the County estimates as many as 800 to 1,000 cultivation sites in the unincorporated areas of San Luis Obispo County, excluding very small personal grows in the six-plant count range.

**16. What is allowed, and what will County Staff be looking for at the site of the cultivation?**

Fencing around the cultivation is important. The fence should be solid wood or masonry not taller than 6'6". However we will allow cyclone type fencing or hog wire with fabric screening on the inside to prevent the cultivation from being seen. The gate must be locking. Plants must not be visible from outside the fence. If they are, they should be covered with shade cloth.

A tool shed 50 square feet in size is allowed unless there is a legal dwelling on the property. Water tanks will be allowed without primary use (a house). If you have a house on the property you can have a shed smaller than 120 square feet without requiring a building permit for it. Any larger sheds require building permits. Traditional hoop structures are allowed without a primary use (refer to FAQ 6). Living in or using a recreational vehicle for habitation is prohibited. All plumbing and electric must be safe and hardwired and new plumbing and gas requires permits.

Pesticide and Herbicides must be legal in California and used according to their labels. Please check with the Agricultural Department at (805)781-5910 for questions.

**17. Where can I find a draft of the permanent ordinance or more information?** The permanent ordinance, as well as information regarding public meetings, can be found here: <http://www.slocounty.ca.gov/planning/Cannabis-Cultivation.htm>