

APPLICATION PROCEDURES TO OPERATE A COMMERCIAL CANNABIS BUSINESS IN CITY OF LEMOORE

The application process to operate a Commercial Cannabis Business (“CCB”) in the City of Lemoore is adopted pursuant to City of Lemoore Ordinance No. 19-03 and the Lemoore Municipal Code. The following procedures outline the application process, required materials, and other information necessary to apply for a Regulatory Permit to operate a CCB in **the City of Lemoore**. **PLEASE READ CAREFULLY BEFORE COMPLETING THE APPLICATION. FAILURE TO SUBMIT A COMPLETE APPLICATION COULD RESULT IN DISQUALIFICATION.**

Application forms and instructions will be available at City Hall located at 711 W. Cinnamon Dr., Lemoore, CA 93245, the Lemoore Police Department, located at 657 Fox Street, Lemoore, CA 92345, or online at www.lemoore.com. Completed applications must be submitted to the Chief of Police at the Lemoore Police Department, located at 657 Fox Street, Lemoore, CA 92345.

Information regarding the commercial cannabis business application process can be found on the City’s website: www.lemoore.com, and may include the following:

- City of Lemoore Commercial Cannabis Regulatory Permit Application Procedures
- Live Scan form
- Local regulations governing City of Lemoore CCBs: City of Lemoore Ordinance No. 19-03; Lemoore Municipal Code, including but not limited to Titles 4 & 9
- Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA)

CONTACT: If you have any questions during the application process or would like an update on the status of your Regulatory Permit application, please contact Nathan Olson at (559) 924-6744 ext. 700 or by email at nolson@lemoore.com.

DESCRIPTION OF APPLICATION EVALUATION AND APPROVAL PROCESS:

Permit and Application Requirement: No person or entity shall operate a Commercial Cannabis Operation within the City of Lemoore without first obtaining a Regulatory Permit and entering into a Project Development Agreement as set forth in this chapter. Applications for Regulatory Permits shall include the information required by Section 4-8-5 of the Municipal Code. The applicant shall certify under penalty of perjury that all of the information contained in the application is true and correct.

Applications for Regulatory Permits are evaluated by the Chief of Police in order for the Chief to make a determination and recommendation whether the application should be approved or denied, consistent with the public health, safety, and welfare of the community. The Chief will consider the application information outlined below and the criminal history of the Business Owner(s), Operator(s), and/or Responsible Parties. The Chief’s recommendation will be sent to the City Council for action on the application following any required noticing and public hearings.

APPLICATION CONTENT AND REQUIREMENTS:

Application Packet: Applicants must prepare an Application for Regulatory Permit for Commercial Cannabis Business Packet. The application must contain the following items and information (failure to include any of these required items will result in automatic rejection of the application):

- **Individual Information:** Provide the following information and/or items for each individual who is or intends to be a Business Owner, Operator, or Responsible Party for the CCB entity for which the Application Packet is submitted. Note: Operators and Responsible Parties are also required to obtain Employee Permits, for which a separate application may be required.
 - Name
 - Residence and mailing address(es)
 - Telephone number
 - Social Security Number
 - Height, weight, color of eyes and hair
 - Previous addresses for the five (5) years immediately preceding the present
 - All business, occupation, or employment for the five (5) years immediately preceding the date of submittal of the application
 - Photographs for identification purposes (photographs shall be taken by the Police Department and may be arranged after the Application Packet is submitted)

- **Business Information:** Provide the following information for the proposed CCB entity applying for a Regulatory Permit and the owner of the proposed CCB premises if the Applicant is not the owner of the premises where the proposed CCB is intended to operate.
 - Contact Information:
 - Business name
 - Address
 - Telephone number
 - Tax Identification Number
 - Organization date
 - The address to which notices relating to the application is to be mailed
 - Previous business addresses for the five (5) years immediately preceding the present

 - A descriptive **business plan** for the Cannabis operation, including a detailed list of all Cannabis operations proposed to occur on the Premises. This shall include:
 - A description of day-to-day operations.
 - How cannabis inventory will be tracked and monitored.
 - A schedule for beginning operation, including a narrative outlining any proposed construction and improvements and a timeline for completion.

- A budget for construction, operation, maintenance, compensation of employees, equipment costs, utility costs, and other operation costs. The budget must demonstrate sufficient capital in place to pay startup costs and at least three months of operating costs, as well as a description of the sources and uses of funds.
 - Projections for fees and taxes expected to be generated by the CCB and payable to the City pursuant to the Municipal Code. Monthly projections for one (1) year shall be required.
 - The Cannabis operation **business history**, including whether the Business Owner and Responsible Parties while previously operating in this or another city, county or state has had a marijuana related license revoked or suspended, the reason therefore, and the business or activity or occupation subsequent to such action of suspension or revocation.
 - Any **special business or professional qualifications or licenses** of the Business Owner(s) that would add to the number or quality of services that the CCB would provide.
 - The **name(s) of the Operator(s)**. The Operator shall designate **one or more Responsible Parties**, one of which shall at all times be available as a point of contact for the City, 24 hours per day.
- **Security Information:**
 - The proposed **security arrangements** for insuring the safety of persons and to protect the Premises from theft.
 - This should be presented as a **detailed security plan** that includes a description and detailed schematic of the overall facility security and details on operational security, including but not limited to general security policies for the facility, employee specific policies, training, sample written policies, transactional security, visitor security, 3rd party contractor security, and delivery security.
 - The security plan should address ingress and egress access, perimeter security, product security (at all hours), internal security measures for access (area specific), types and locations of security systems (alarms and cameras), and security personnel to be employed.
 - The security plan shall also include an assessment of site security by a qualified security consultant.
 - **Security plans will not be made public.**
- **Location information:**
 - **Physical address and detailed description** of the proposed/final location.
 - A **diagram and floor plan** of the entire Premises, denoting all the use of areas proposed for Cannabis operations, including, but not necessarily limited to, cultivation, processing, manufacturing, testing, transportation, deliveries, and storage. The diagram and floor plan need not be professionally prepared, but must be drawn to scale and marked with dimensions of the interior of the Premises to an accuracy of plus or minus six (6) inches.
 - Description of all known **nearby sensitive use areas**. Note that a proposed/final location shall not be closer than 600 feet from any parcel containing a school, daycare facility, youth center, and other uses as dictated by the City ordinance. The CCB must be located in the appropriate zoning and meet all of the locational requirements as in described in Lemoore Municipal Code.

- An accurate **straight-line drawing** prepared within thirty (30) days prior to the application depicting the building and the portion thereof to be occupied by the Marijuana Operation and the property line of any school as set forth in the Operational Requirements.
 - Complete **property ownership and lease details**, where applicable. If the Business Owner is not the Premises Owner, the Application Packet must be accompanied with a **notarized acknowledgment** from the Premises Owner that Cannabis operations will occur on its property.
- **Community Impact:**
 - The application shall describe:
 - How the proposed CCB will be **compatible with the neighborhood and surrounding community**.
 - How the CCB, including its exterior areas and surrounding public areas, will be managed so as to avoid becoming a nuisance or having impacts on its neighbors and the surrounding community.
 - The application should describe **benefits** that the CCB would provide to the local community, such as employment for local residents of the City, community contributions, or economic incentives to the City.
- **Certification & Authorization:** The Application Packet must include the following statements:
 - For the CCB Entity Applicant, to be signed by an individual authorized by the Applicant to make such statement:
 - “I declare under penalty of perjury under the laws of the State of California that the information contained in this Application Packet is true and correct. I hereby authorize the City of Lemoore, through its City Manager and/or Chief of Police, or other designated employee(s) or agent(s), to seek verification of the information submitted.”
 - For each individual Business Owner, Operator, and Responsible Party, to be signed by the individual Business Owner, Operator, or Responsible Party:
 - “I declare under penalty of perjury under the laws of the State of California that the information contained in this Application Packet that relates to me individually is true and correct. I hereby authorize the City of Lemoore, through its City Manager and/or Chief of Police, or other designated employee(s) or agent(s), to seek verification of the information submitted.”

Application Fee: All Regulatory Permit applicants will be required to pay a **\$200.00** fee, against which City staff time is charged for reviewing applications. Applicants are advised that they may be required to pay additional amounts as required for the sole purpose of the City’s completion of the application review process. The fee described here is specific to the application for Regulatory Permit for Commercial Cannabis Business and is not intended to satisfy any other applicable fees, such as fees for Employee Permits and/or business licenses required by the City Municipal Code.

Live Scan Criminal History Check: Each individual applying to be or identified in an application as a proposed Business Owner, Operator, or Responsible Party of the CCB must undergo a Live Scan criminal history check. The Live Scan process involves submitting fingerprints to the DOJ/FBI to review for criminal offender record information (CORI). CORI reports will be provided to the City for the sole purpose of determining eligibility for operating a CCB. Business Owners who do not demonstrate a satisfactory criminal history will be disqualified.

The Live Scan must be conducted by the Lemoore Police Department. Applicants will be required to make an appointment in advance to ensure the proper Police Department staff are available. Due to limited staff resources, you are encouraged to schedule your appointment as early as possible. .

Project Development Agreement: As required by City Municipal Code section 4-8-4(b), a CCB may only operate pursuant to a Project Development Agreement. The purposes of a Project Development Agreement are as follows: (a) to allow the City Council to select the desired Business Owner and Operator to ensure that the Business Owner and Operator will conform the community norms; (b) to determine the precise type of Commercial Cannabis Operation and whether the operation will be limited to medicinal cannabis; (c) to allow the precise project details, including building design and elevations, to be negotiated with the City to ensure compatibility with the surrounding area; and (d) to guarantee that the City will receive the Revenue Raising Fee set forth in the Municipal Code.

The Project Development Agreement shall be processed concurrently with the Regulatory Permit. Applicants must submit a proposed Project Development Agreement along with the applicant's CCB Regulatory Permit application. The applicant may meet and confer with the City's designated representative(s) to discuss the terms and conditions of a Project Development Agreement prior to submitting a proposed Project Development Agreement with the applicant's Regulatory Permit application.

The proposed Project Development Agreement must include the following content:

- Term of the Agreement.
- Description of Applicant's proposed CCB operations, location, facility/building, and facility/building ownership. If Applicant is not the owner of the facility/building where the CCB operations will occur, Applicant must represent and warrant that Applicant has the consent of the owner to conduct such business at the location and provide proof of such consent.
- Description or schedule of applicable fees and/or taxes that Applicant shall agree to pay to City in connection with its CCB operations.
- Applicant's agreement to comply with all applicable laws.
- Insurance coverage in connection with Applicant's CCB operations requiring applicant to carry general commercial liability and automobile liability at levels not less than \$1,000,000 per occurrence and \$2,000,000 aggregate coverage, naming City as an additional insured.
- Indemnification provision requiring applicant to indemnify, defend, and hold City harmless in connection with applicant's CCB operations.

Submitting the Application: Applications for Regulatory Permits shall be filed with the Police Chief at the Lemoore Police Department, located at 657 Fox Street, Lemoore, CA 92345. Applicants must submit two (2) copies of the complete application, each in a three-ring binder; one (1) copy of the complete application in PDF format on a flash drive.

Amendments to the Application: Applicants will not be allowed to make amendments to their application or to supplement their application, except as otherwise specifically permitted in these procedures or authorized in writing by the City. Applicants will be notified if any of the Business Owners are ineligible and/or if their application is incomplete and may not move forward in the application process. However, in some cases the City may move forward in the application process should it anticipate that the Live Scan will take a significant amount of time to be returned to the City. In this case, Applicants wishing to move forward in the process acknowledge by signing the application that they agree to these terms and should they be disqualified as a result of a background or a Live Scan, they will not be eligible for a refund of any fees collected resulting from the modification of this procedure.

Disclaimer: Being awarded a CCB Regulatory Permit does not constitute a land use entitlement and does not waive or remove the requirements of applying for and receiving permits for any and all construction including electrical, plumbing, fire, planning permits or reviews, and any other permits, licenses, or reviews as may be necessary by the relevant departments or governmental entities in charge of said permits. Nor does it guarantee that the plans submitted via the CCB Regulatory Permit application process meet the standards or requirements of those permitting departments. All permit awardees will still be required to complete all the permitting processes for the proposed construction or occupation of their facility. A Regulatory Permit for the purpose of regulating a CCB does not constitute a permit that runs with the land on which the CCB is established.

The Project Development Agreement is not effective and binding until approved by the City Council and is contingent upon approval by the City Council of the applicant's Regulatory Permit and any other required permits and/or licenses. Negotiation of a Project Development Agreement at any stage does not guaranty approval of a Regulatory Permit, nor does it imply permission given by the City of Lemoore or any of its officials to a CCB Business Owner to operate a CCB, nor does it not mean "permit" within the meaning of the Permit Streamlining Act, nor does it constitute an entitlement under the Zoning or Building Code.

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