



APPLICATION PROCEDURE TO OPERATE A COMMERCIAL CANNABIS BUSINESS IN FARMERSVILLE

The application process to operate a Commercial Cannabis Business (“CCB”) in Farmersville will open on **(date to be determined)**. Applications will be available at the Planning & Development Department located at City Hall. For questions regarding the application process please review the FAQ’s, at the Farmersville webpage: www.cityoffarmersville-ca.gov. This outlines the application process, required materials, and other information necessary to operate a CCB in Farmersville. To be considered, final applications **must be** submitted by **4:00 PM on (date to be determined)** at the Planning & Development Department located at 909 W. Visalia Rd, Farmersville, CA, 93223. This application process is adopted pursuant to the Farmersville Municipal Code Section 17.53.040, 17.53.060, and 17.53.100.

BEFORE YOU APPLY:

- a. Review the information regarding the commercial cannabis business permit application on the City webpage: www.cityoffarmersville-ca.gov which includes the following information:
 - Local regulations governing Farmersville CCB’s: Farmersville Municipal Code (“FMC”)
 - Background authorization form and/or Live Scan
 - Additional application information: Ordinance No. 485
 - Medical and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA)
 - Local Zoning Ordinance Title 17
 - Frequently Asked Questions

- b. Fees for the application process are due in 4 Phases.

• Phase 1: Preliminary determination of eligibility:	\$4,355.00
• LiveScan/Background Fee:	\$415.37
• Zoning Verification Letter:	\$225.00
• Total	\$4,995.37

 - Phase 2: Initial ranking. \$2,213
 - Phase 3: Second ranking. \$2,167
 - Phase 4: City Managers Final Recommendation to City Council. \$968

Payment of Application Fees: The individual designated as the CCB contact on the application will be notified by e-mail as to whether the application is advancing to Phase 2 and, subsequently, to Phase 3. Fees for each Phase are due before processing begins. As part of Phase 4 all eligible Applicants as determined by the Ordinance or by resolution will be presented to City Council to move forward for final consideration. Deadlines for these payments will be included in the e-mail notification to the primary contact person.

- c. **LiveScan/Background Fee:** As part of Phase 1 of the Application Process each owner must undergo a criminal background check demonstrating that they do not provide “good cause” for denial per FMC Section 17.53 100. The application for the Live Scan will be available on the City website or at the Planning & Development Department in City Hall. Please provide proof of a completed background form and/or Live Scan form along with proof of payment with your application on or before (date to be determined). This process will be required to meet the minimum threshold qualifications pursuant to FMC Section 17.53.060 and 17.53.100. Owners who do not meet criminal history eligibility requirements will be disqualified.

- d. Applicants will be required to obtain a **“Zoning Verification Letter”** (ZVL) from the Planning & Development Department. Please note the “ZVL” needs to be done by appointment only by calling

Contract Planner Karl Schoettler at 559.734.8737 this will ensure that the location proposal the applicant is applying for meets locational requirements prior to submitting their CCB application. The review process typically takes approximately ten (10) working days. The "ZVL" will need to be included with the application package. Please note the issuance of a "ZVL" does not mean the written evidence of permission given by the City of Farmersville or any of its officials 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. A regulatory permit for regulating a CCB does not constitute a permit that runs with the land on which the CCB is established. Request for a "ZVL" requires a written request from the Planning & Development Department and may not be completed over the counter since it may require additional research and review.

- e. **Application:** Applicants must hand deliver two (2) complete comprehensive and signed copies of the City of Farmersville Commercial Cannabis Business Form, and all attachments, if any, along with a flash drive which contains one comprehensive and signed copy of the application in a pdf format, and payment of **\$4,355** for the initial application fee by **4:00 PM on (date to be determined)**. Payment must be made by a certified check, cashier's check or money order made payable to the City of Farmersville. Please note the City will not accept cash and Application Fees are non-refundable. A complete application will consist of the following information:
- a. The City of Farmersville Commercial Cannabis Business Form;
 - b. Background Authorization Form and/or Proof of Live Scan payment for each of the Owners;
 - c. Zoning Verification Letter; and
 - d. All the information about the CCB to be evaluated in Phase 1, Phase 2 and Phase 3 which is described in the Application and Evaluation Process section below in this procedure. The only information that can be submitted after the initial application is proof of property ownership or lease agreement. However, any change in location will require a new "Zoning Verification Letter" and must be submitted with the application package prior to being interviewed as part of Phase 3 of the selection process. Please note that should you choose to submit a different location prior to Phase 3, you can only do so if your initial proposed site was approved as part of your original application package on or before **(date to be determined)**.

LATE APPLICATIONS WILL NOT BE CONSIDERED.

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 as authorized in writing by the City Manager or his/her designee. During Phase 1, applicants will be notified if any of the Owners are ineligible and/or if their application is incomplete and will not move forward in the application process. However, in some cases the City may move forward in the application process to other phases should it anticipate that the Live Scan or background check may be delayed expediting the application process in a timely manner. 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 because of a background or a Live Scan disqualification they will not be eligible for a refund of any fees collected resulting from the modification of this procedure.

EVALUATION AND SELECTION PROCESS:

Phase 1: Determination of Eligibility and Application

- Each Owner must undergo a criminal history check demonstrating compliance with the eligibility requirements of FMC Section 17.53.100.
- Applications must be complete to be considered. Applications will be considered complete only if they include all the information required for Phases 1,2, and 3.
- Proposed location of business.
- Execute an agreement indemnifying the City from liability.

Phase 2: Initial Ranking (1,500 Points)

- Applications will be evaluated based on the following criteria:
- Proposed Location of business (200 Points)
- Business Plan (400 Points)
- Neighborhood Compatibility Plan (300 Points)
- Safety and Security Plan (300 Points)
- Air Quality Plan (100 Points)
- Labor and Employment Plan (200 Points)
- Those applicants who scored a minimum of 80% in Phase 2 will move on to Phase 3.

Phase 3: Second Ranking (2,500 Points)

All applications who score at least 80% in Phase 2, will be interviewed and evaluated by the Selection Committee based on the criteria listed below.

Prior to the scheduling of the interviews in Phase 3 each of the applicants may be required to have their proposed site inspected by the assigned City designee to ascertain current conditions of the facility.

The second ranking will be scored based on the following criteria:

- Final Location (proof of ownership or a signed and notarized statement from the Property Owner)(200 Points)
- Business Plan (300 Points)
- Community Benefits (200 Points)
- Enhanced Product Safety (200 Points)
- Environmental Benefits (200 Points)
- Labor & Employment (200 Points)
- Local Enterprise (200 Points)
- Neighborhood Compatibility Plan (200 Points)
- Qualifications of Owners (300 Points)
- Safety and Security Plan (300 Points)
- Air Quality Plan (200 Points)

After all the applicants from Phase 3 scores have been tabulated they will be combined with Phase 2 to establish a new ranking of the top applicants. All the applicants who continued to maintain a score of at least 80% or as determined by resolution will move onto Phase 4 of the selection process.

Phase 4: City Manager's Recommendations and City Council's Final Approval. Steps to be followed:

- Selection Committee's final review and evaluation.
- City Manager presents final rankings and recommendation report to City Council.
- City Council Approves Final recommendations.

After Phase 3, and before Phase 4, the final applicants chosen from each category shall participate in a public meeting which will be held in the City of Farmersville Council Chambers on a date and time to be determined by City staff. Notice of the public meeting shall be noticed in the same manner pursuant to FMC Section 17.96.030. Notice of the public meeting shall be sent to all property owners located within three hundred (300) feet of the proposed business locations of each of the top finalists in each permitted category.

At the Public Meeting, the community will be allowed to present concerns and/or support and provide additional considerations for potential permit conditions that may be implemented by staff. The Public Meeting will not be determinative as to who gets the permit but shall inform staff of potential concerns for which the imposition of a condition or conditions may be necessary to address. Furthermore, decisions, recommendations, and conditions will be based primarily on-site inspection results, business feasibility, and the viability of the proposed location. After the completion of the Public Meeting and prior to the Selection Committee's final recommendation to City Council, the City reserves the right to request and obtain additional information from any candidate who submitted a proposal.

Upon the completion of the final review process, the Selection Committee will tabulate its final scores of the all applicants who were interviewed in Phase 3. The City Manager will present to the City Council the final ranking along with his/her recommendation in which the City Council may award permits who meet the requirements in FMC Chapter 17.53. The City Council reserves the right to award a limited number of permits, or to award no permits at all. Only those applicants on the final list will be eligible to be issued a permit from the initial permit process. The top Applicants which are being recommended by the City Manager for consideration to the City Council should be prepared to attend a City Council meeting in City of Farmersville to respond to questions before the Mayor and City Council if necessary if requested by the City Manager.

Please note that being awarded a CCB does not constitute a land use entitlement and does not waive or remove the requirements of applying for and receiving permits for 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 application process meet the standards or requirements in Chapter 17 and any other permit requirements from other city departments or agencies.

DESCRIPTION OF EVALUATION CRITERIA:

Proposed Location. Your application must include the address and a detailed description of the proposed location. (Note that proof of ownership, or a notarized letter of the owner's willingness to lease will not be given any additional consideration until Phase 3). This section should also describes all sensitive uses described in within six hundred (600) feet of the proposed location from the property line of a K-12 school, daycare center and youth center. The CCB must be in the appropriate zoning and meet all the locational requirements as described in FMC Chapter 17.04.060, FMC Chapter 17.53.040 and 17.53.060.

Business Plan. With as much detail as possible, the Business Plan should describe:

- Description of day-to-day operations which meet industry best practices for the specific type of permit in which they will be applying for in the City.
- How the CCB will conform to state and local law. See FMC Sections 17.53.010, 17.53.040, and Ordinance 485.
- How medical and adult-use will be tracked and monitored to prevent diversion.
- A schedule for beginning operation, including a narrative outlining any proposed construction and improvements and a timeline for completion.

The Business Plan should include:

- 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.
- **Proof of capitalization**, in the form of documentation of cash or other liquid assets on hand, Letters of Credit or other equivalent assets.
- A **pro forma** for at least three years of operation.

Neighborhood Compatibility Plan. For the proposed location, your application should address how the CCB, including its exterior areas and surrounding public areas, will be managed, to avoid becoming a nuisance or having impacts on its neighbors and the surrounding community. Furthermore, a site plan (accurate, dimensioned and to-scale [minimum scale of 1/4"]) should be included for each potential location.

Safety and Security Plan. For each proposed location, your application should include:

- A detailed **safety plan**. This plan should describe the fire prevention, suppression, HVAC and alarm systems the facility will have in place. **It should include an assessment of the facility's fire safety by a qualified licensed fire prevention and suppression consultant.** An appropriate plan will have considered all possible fire, hazardous material, and inhalation issues/threats and will have both written and physical mechanisms in place to deal with each specific situation.
- A detailed **security plan**. This plan should include a description and detailed schematic of the overall facility security. It should have 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. In particular, applications should address ingress and egress access, perimeter security, product security (at all hours), internal security measures for access (area specific), types 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 licensed security consultant.** Security plans will not be made public.
- A **floor plan** showing existing conditions. If changes are proposed as part of the project, then a proposed floor plan should also be submitted. The floor plan(s) should be accurate, dimensioned and to-scale (minimum scale of 1/4").

Community Benefits. The application should describe benefits that the CCB would provide to the local community, such as employment for residents of the City, community contributions, or economic incentives to the City.

Enhanced Product Safety. The application should state how the CCB will ensure enhanced consumer safety as required by State and/or local law.

Environmental Benefits. The application should describe any proposed "green" business practices relating to energy and climate, water conservation, and materials and waste management.

Labor & Employment. The application should describe to what extent the CCB will adhere to heightened pay and benefits standards and practices, including recognition of the collective bargaining rights of employees. Specific practices that are subject to consideration include the following:

- Providing compensation to and opportunities for continuing education and training of employees/staff (applications should provide proof of the CCB policy and regulations to employees);
- Providing a "living wage" to facility staff and employees. Wage scale should be provided in writing for all levels of employment at the facility. "Living Wage" shall mean 150% of the minimum wage mandated by California or Federal law, whichever is greater.

Local Enterprise. The application should state the extent to which the CCB will be a locally managed enterprise whose Owners reside within Farmersville and/or the County of Tulare.

Qualifications of Owners. The application should include information concerning any special business or professional qualifications or licenses of Owners that would add to the number or quality of services that the CCB would provide, especially in areas related to medical cannabis, such as scientific or health care fields.

Air Quality Plan. Must demonstrate the air circulation does not impact the employees' health and welfare nor the surrounding businesses.

The City's Reservation of Rights

The City reserves the right to reject any and/or all proposals, with or without any cause or reason. The City may also, modify, postpone, or cancel the request for permit applications without liability, obligation, or commitment to any party, firm, or organization. In addition, the City reserves the right to request and obtain additional information from any candidate submitting a proposal. Late proposals WILL BE REJECTED. Furthermore, a proposal RISKS BEING REJECTED for any of the following reasons:

1. The application or documents submitted are incomplete, filed late, or not responsive to the requirements of this code.
2. The issuance of the permit or operation of the commercial cannabis business at the proposed location is inconsistent with State law, Chapter 17.53, or other applicable City of Farmersville Municipal Codes.

CONTACT:

If you have any questions or would like an update on the status of your application, please contact the City of Farmersville at (559) 747-0458 or by email at Cannabis@cityoffarmersville-ca.gov.