

RESOLUTION NO. PC 2023-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMARILLO RECOMMENDING APPROVAL TO THE CITY COUNCIL OF AN ORDINANCE AMENDING SECTIONS 19.55.030 AND 19.32.040 AND THE ADDITION OF SECTION 19.32.325 OF THE CAMARILLO MUNICIPAL CODE TO IMPLEMENT STATE LAW RELATED TO MEDICINAL CANNABIS

The Planning Commission of the City of Camarillo resolves as follows:

SECTION 1. General Findings. The Planning Commission finds as follows:

A. The purpose of this Ordinance is to implement State law and impose reasonable regulations governing medicinal cannabis.

B. The Planning Commission is authorized by Chapter 19.72 of the Camarillo Municipal Code ("CMC") to review and make recommendations on any proposed zoning-related ordinance that seeks to amend Title 19 of the CMC.

C. The City reviewed this text amendment pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, et seq., the "CEQA Guidelines"). CEQA and the CEQA Guidelines are collectively referred to as "CEQA Regulations"; and

D. Notices of Public Hearing before the Planning Commission were duly given and published in the time, form, and manner as required by law; and

E. On October 3, 2023, the Planning Commission considered this zoning ordinance text amendment. Its findings are made based on the entire administrative record including testimony and evidence presented to the Planning Commission on October 3, 2023, including, without limitation, the staff report submitted by the Director of Community Development.

SECTION 2. General Plan Findings. Considering all of its aspects, the proposed amendments to the CMC will further the goals, objectives, and policies of the General Plan and will not obstruct their attainment. The amendments are relatively minor in nature and are intended to bring the Municipal Code into compliance with State law mandates. Therefore, the amendment will not frustrate any goal or policy set forth in the General Plan.

SECTION 3. Environmental Findings. This zoning ordinance text amendment was reviewed pursuant to CEQA and is exempt from further environmental review because it establishes rules and procedures for operation of existing facilities; minor temporary use of land; minor alterations in land use; new construction of small

structures. The text amendment, therefore, is categorically exempt from further CEQA review under CEQA Guidelines §§ 15301; 15303, 15304(e); 15305; and 15311. Further, the text amendment is also exempt from review under CEQA pursuant to CEQA Guidelines § 15061(b)(3) because the text amendment is for general policies and procedure-making. It can be seen with certainty that there is no possibility that the proposed ordinance may have a significant effect on the environment. Individual projects utilizing these regulations will each be separately subject to an environmental assessment.

SECTION 4. Recommendation of Approval. Based on the above findings, and after receiving evidence and testimony at a public hearing, the Planning Commission recommends approval of the proposed Ordinance, attached as Exhibit A, to the City Council.

SECTION 5. Construction. This Resolution must be broadly construed in order to achieve the purposes stated in this Resolution. It is the Planning Commission's intent that the provisions of this Resolution be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Resolution.

SECTION 6. Limitations. The Planning Commission's analysis and evaluation of this matter is based on the best information currently available. It is inevitable that in evaluating the matter that absolute and perfect knowledge of all possible aspects of the matter will not exist. One of the major limitations on analysis of the matter is the Planning Commission's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are the limitations on the City's ability to solve what are in effect regional, state, and national problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 7. Severability. If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the Planning Commission intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Resolution are severable.

SECTION 8. Electronic Signatures. This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 9. Office of Record. The record of proceedings upon which this decision is based is located in the Community Development Department, which is the office of record for the same.

SECTION 10. This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 11. The Planning Commission Chair, or presiding officer, is hereby authorized to affix their signature to this Resolution signifying its adoption by the Planning Commission of the City of Camarillo, and the Planning Commission Secretary is directed to attest thereto.

PASSED, APPROVED AND ADOPTED on October 3, 2023, by the Planning Commission with the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair

Secretary

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAMARILLO, CALIFORNIA, AMENDING SECTIONS 19.55.030 AND 19.32.040 AND THE ADDITION OF SECTION 19.32.325 OF THE CAMARILLO MUNICIPAL CODE TO IMPLEMENT STATE LAW RELATED TO MEDICINAL CANNABIS

The City Council of the City of Camarillo ordains as follows:

SECTION 1. General Findings. The City Council finds as follows:

A. The purpose of this Ordinance is to implement State law and impose reasonable regulations governing medicinal cannabis.

B. The California Legislature has declared that it is the policy of the state and the intent of the Legislature to ensure that Californians throughout the state have timely and convenient access to safe, effective, and affordable medicinal cannabis.

C. Senate Bill 1186 (2022) ("SB 1186") was approved by the Governor and chaptered by the Secretary of State on September 18, 2022. SB 1186 adds Chapter 26 to Division 10 of the Business and Professions Code which impacts the City's ability to regulate medicinal cannabis within the City.

D. This Ordinance amends Title 19 of the Camarillo Municipal Code ("CMC") to conditionally allow the establishment of physical premises for the retail sale by delivery of medicinal cannabis in the General Manufacturing ("M-2") Zone and to comply with State law governing the delivery of medicinal cannabis within the City.

E. Notice of Public Hearing before the City Council was duly given and published in the time, form, and manner as required by law.

F. On November ____, 2023, the City Council considered this Ordinance. Its findings are made based on the entire administrative record including testimony and evidence presented to the Planning Commission on October 3, 2023, and to the City Council at its November ____, 2023 public hearing, including, without limitation, the staff report submitted by the Director of Community Development.

SECTION 2. Environmental Review. This Ordinance was reviewed pursuant to CEQA and is exempt from further environmental review because it establishes rules and procedures for operation of existing facilities; minor temporary use of land; minor alterations in land use; new construction of small structures. The Ordinance, therefore, is categorically exempt from further CEQA review under CEQA Guidelines §§ 15301; 15303, 15304(e); 15305; and 15311. Further, the Ordinance is also exempt from review under CEQA pursuant to CEQA Guidelines § 15061(b)(3) because the Ordinance is for general policies and procedure-making. It can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment. Individual projects utilizing these regulations will each be separately subject to an environmental assessment.

SECTION 3: General Plan Findings. Pursuant to Government Code § 65860, the City Council hereby determines that this Ordinance is compatible with, consistent with and integrated with all other elements of the City's General Plan and makes the following findings:

- General Plan Industrial Use Principle: “[e]nsuring compatibility by preventing the intrusion of incompatible uses which would reduce the efficiency of the industries that already exist.” General Plan Industrial Use Principle: “[e]nsure proper access, off-street parking or employees, vanpool parking, rideshare parking, off-street loading, and protection service area.”

The purpose of this Ordinance is to implement State law which prohibits local agencies from imposing regulations that effectively ban the establishment of physical premises from which retail sale by delivery of medicinal cannabis is conducted. Such physical premises are unlike other retail uses because they will not be open to the public. It is anticipated that operations, including traffic to and from such physical premises will be limited to employees, and receipt and delivery of medicinal cannabis products. Stated differently, these facilities will be used merely as distribution centers to medicinal cannabis patients. These types of operations do not require significant off-street parking and are characteristic of general industrial uses. Moreover, development in the M-2 Zone requires less parking than traditional commercial retail development. Accordingly, permitting physical premises from which retail sale by delivery of medicinal cannabis is conducted is most compatible with other general industrial uses found in the M-2 Zone and will ensure that that sufficient off-street parking is maintained.

SECTION 4. CMC Amendment. CMC § 19.55.030 (Prohibition on commercial cannabis facilities and cannabis deliveries) is amended as follows:

“A. Unless otherwise provided by California law, commercial cannabis facilities are prohibited in all zones in the City, except that a delivery-only medicinal cannabis retailer (Type 9 retail license from the State’s Department of Cannabis Control with an M-designation) may be conditionally permitted in the M-2 Zone. Except as otherwise stated in this Title, no person or entity may establish or operate a commercial cannabis facility within City limits and a property owner may not allow its property to be used by any person or entity as a commercial cannabis facility.

B. Unless otherwise provided by California law, the delivery of cannabis to any person within the City limits is prohibited. Where permitted by State law, all businesses delivering cannabis within City limits must obtain a City business license and all deliveries must be conducted through the use of unmarked vehicle(s). Except for deliveries of medicinal cannabis, deliveries are permitted to occur only from the hours of 7:00 am to 8:00 pm and deliveries are permitted only to a private residence.”

SECTION 5. CMC Amendment. CMC § 19.32.040 (Uses permitted by conditional use permit) is amended as follows:

“19.32.040 – Uses permitted by conditional use permit.

A. The following uses are permitted in the M-2 Zone if a conditional use permit is obtained in the manner provided in Chapter 19.62 of this code:

1. Amusement activities other than arcades, carnivals, circuses, skating rinks, theaters (outdoor) and accessory uses.
2. Auto salvage yards, junkyards, auto wrecking yards.
3. [Intentionally deleted];
4. Brick and terra cotta manufacturing.
5. Buildings in excess of forty feet, excluding rooftop mechanical equipment.
6. Dog kennels.
7. Drop forge manufacture.
8. Emergency shelters and transitional housing.
9. Exploration, drilling, production, and storage of oil and natural gas.
10. Fertilizer manufacture.
11. Glue manufacture.
12. Heliports, including site sales, ancillary repair and storage.
13. Hospital or clinic for animals; provided, that such hospital or clinic and any treatment rooms, cages, pens, or kennels be maintained within a completely enclosed, soundproof building and that such hospital or clinic be operated in such a way as to produce no objectionable odors or noise outside its walls.
14. Jet propulsion engine testing.

15. Natural resources: development of, including necessary structures and appurtenances.
16. Medicinal cannabis retailer (delivery-only)
17. Race tracks.
18. Recycling facility—Large.
19. Rifle or pistol ranges.
 - a. 20. Rock crushing plants.
 - b. 21. Soda and compound manufacture.”

SECTION 6. CMC Amendment. Title 19 (Zoning), Chapter 32 (M-2 General Manufacturing Zone) is hereby amended by adding Section 19.32.325 (Medicinal Cannabis Retailer (delivery only)) as follows:

“19.32.325 – Medicinal Cannabis Retailer (delivery only)

- A. A conditional use permit issued pursuant to Chapter 19.62 for a non-storefront, delivery only medicinal cannabis retailer must include, as conditions of approval, the operational standards set forth in this Section. In addition, the Conditional Use Permit must incorporate by reference an Operations Plan approved by the Police Chief, that implements not only the operations standards set forth in this Section, but such additional conditions that the Police Chief finds reasonably necessary to implement the purpose of this title when considering the location and size of the proposed non-storefront, delivery only medicinal cannabis retailer.
- B. Operations standards.
 1. To operate, non-storefront, delivery only medicinal cannabis retailer must obtain and maintain both licensure from the California Department of Consumer Affairs and a City business license.
 2. It is unlawful for alcohol or tobacco to be sold.
 3. It is unlawful for cannabis or cannabis products to be publicly visible from the exterior of the property.
 4. Each cannabis dispensary must provide the City Manager, or designee, with the name and telephone number of an on-site employee or owner to whom emergency notice can be provided. The telephone number provided must be capable of accepting recorded voice messages in the event the contact person does not answer.

5. Uniformed security personnel must be employed to monitor all entrances and exits during all hours of operation. Every security guard employed by or provided by the dispensary must be currently licensed by the California Bureau of Security and Investigative Services and in possession of a valid “guard card.” The number of such security personnel must be set forth in the Operations Plan.
6. Odor control devices and techniques must be incorporated to ensure that odors from cannabis and cannabis products are not detectable outside of the building or in any tenant space or area adjacent to the building.
7. All law enforcement personnel seeking admission to the premises for the purpose of ascertaining compliance with the standards and regulations of this Code must be given unrestricted access to all areas of the premises at all times during hours of operation. Consent to such unrestricted access must be acknowledged by the permittee and included within the Operations Plan.
8. The premises must have a professionally installed, maintained, and monitored alarm system as approved through the Operations Plan.
9. All food products, food storage facilities, food-related utensils, equipment and materials must be approved, used, managed and handled in accordance with the provisions of the California Retail Food Code (Health and Safety Code Section 113700, et seq.). All food products must be protected from contamination at all times, and all food handlers must be clean, in good health, and free from communicable diseases. The Ventura County Department of Public Health may inspect the dispensary at any time during business hours to ensure compliance with State and local laws.
10. No delivery driver may carry more than \$200.00 in cash while engaged in the service of delivering cannabis or cannabis products.”

SECTION 5. Renumbering. All sections of the CMC affected by changes implemented by this Ordinance are renumbered as appropriate.

SECTION 6. Construction. This Ordinance must be broadly construed to achieve the purposes stated in this Ordinance. It is the City Council’s intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 7. Enforceability. Repeal of any provision of the CMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 8. Validity of Previous Code Sections. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the CMC or other city ordinances by this Ordinance will be rendered void and cause such previous CMC provision or other the city ordinance to remain in full force and effect for all purposes.

SECTION 9. Limitations. The City Council's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the City Council's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are limitations on the City's ability to solve what are in effect regional, state, and National problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 10. Summaries of Information. All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 11. Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 12. Publication. The City Clerk, or her duly appointed deputy, is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Camarillo's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, cause it to be published or posted in accordance with California law.

SECTION 13. Electronic Signatures. This Ordinance may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 14. Execution. The Mayor, or presiding officer, is hereby authorized to affix their signature to this Ordinance signifying its adoption by the City Council of the City of Camarillo, and the City Clerk, or duly appointed deputy, is directed to attest thereto.

SECTION 16. Effective Date. This Ordinance becomes effective on the 30th day following its passage and adoption.

PASSED, APPROVED, AND ADOPTED _____, 2023.

Susan Santangelo, Mayor

ATTEST:

Kristy Buxkemper, City Clerk