

Date: July 20 2017 (Thursday)

Time: 6:00 p.m.

Place: City Council Chambers
350 North Valencia Blvd.
Woodlake, CA 93286

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The full agenda including staff reports and supporting materials are available at City Hall.

I. CALL TO ORDER & WELCOME

II. PLEDGE OF ALLEGIANCE

III. PUBLIC COMMENTS

This portion of the meeting is reserved for persons wishing to address the Planning Commission on items within its jurisdiction but not on this agenda. NOTE: Prior to action by the Planning Commission on any item on this agenda, the public may comment on that item. Unscheduled comments may be limited to 3 minutes. The City conducts business in the English language only. If you need interpretative services, you will need to provide your own.

All items on the Consent Agenda are considered to be routine and non-controversial by Planning Commission staff and will be approved by one motion if no member of the Planning Commission or public wishes to comment or ask questions. Items pulled from the Calendar will be considered separately.

IV. CONSENT CALENDAR –ACTION AND INFORMATION ITEMS

Request Approval of the Consent Calendar Action Items (IV.A)

- A. Action: Approval of Minutes of the regular meeting held on May 31, 2017
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V. ACTION/DISCUSSION ITEMS

- A. Action: Adoption of Resolution: Receive Public Comments and Make a Recommendation to City Council on the Following Proposed Ordinance Additions or Amendment:
 - Chapter 5.48 Cannabis Operations
 - Chapter 17.22.03 Neighborhood Commercial Conditional Uses
 - Chapter 17.24.03 Central Commercial Conditional Uses
 - Chapter 17.32.04 Light Industrial Conditional Uses(Pages 2-32)
- B. Action: Adoption of Resolution: Affirm, Modify or Deny Appeal from Mr. Cabrera (Pages 33-36)
- C. Information: Sales Tax Update

VI. OTHER BUSINESS

- A. Information: Items from Staff
- B. Information: Items from Planning Commissioners
- C. Request from Planning Commissioners for Future Agenda Items

VII. ADJOURN

The next scheduled Planning Commission meeting will be held on Wednesday, August 16, 2017 (if needed) at 6:00 p.m. at City Council Chambers located at 350 North Valencia Boulevard, Woodlake, CA 93286.

Planning Commissioners:

Paul Lira - Vice Chair

Johnny Varela - Commissioner

Joe Perez – Commissioner

Guillermo Valero- Commissioner

Vacant - Commissioner

PRESENT: Commissioners Lira, Perez & Valero

OTHERS: City Employee Waters, Lara, and Llamas

ABSENT: Varela

MEETING CALLED TO ORDER AT 6:00 PM

PUBLIC COMMENTS – The Planning Commission received comments from James Henderson regarding a vacant property located on Naranjo across the street from the Woodlake Presbyterian church. James Henderson requested to use the vacant property for additional parking for the congregation. James Henderson indicated that they would put some DG base down for the parking lot. City Staff indicated that the property isn't zoned for a parking lot and that allowing for a lot could present problems for Caltrans regarding access off the State Route. Staff indicated that they did not believe that the project was beneficial or allowable. Attached is the proposal from Mr. Henderson.

IV. CONSENT CALENDAR –ACTION AND INFORMATION ITEMS

Request Approval of the Consent Calendar Action Items (IV.A)

A. Action: Approval of Minutes

ON A MOTION BY VALERO, SECOND BY LIRA IT WAS VOTED TO APPROVE THE MINUTES. APPROVED UNANIMOUSLY.

V. ACTION/DISCUSSION ITEMS

A. Action: Adoption of Resolutions: Approval of Site Plan Review, Bradford 16-

ON A MOTION BY VALERO, SECOND BY LIRA IT WAS VOTED TO ADOPT THE RESOLUTION AND APPROVE SITE PLAN

REPORTS

Staff discussed the two potential ballot measures. Staff explained the process to get the items on the ballot and the potential impacts of each measure.

Meeting adjourned at 7:00 pm.

Respectfully submitted,

Jason Waters

Acting Planning Commissioner Secretary

City of Woodlake

AGENDA ITEM V-A

July 20, 2017

Prepared by Jason Waters, City Staff

SUBJECT:

Action: Adoption of Resolutions: Receive Public Comments and Make a Recommendation to City Council on the following proposed ordinance additions or amendments:

Chapter 5.48 Cannabis Operations

Chapter 17.22.03 Neighborhood Commercial Conditional Uses

Chapter 17.24.03 Central Commercial Conditional Uses

Chapter 17.32.04 Light Industrial Conditional Uses

BACKGROUND:

The City is introducing drafts of the following ordinances:

Chapter 5.48 Cannabis Operations - The provisions of this ordinance are intended to repeal Chapter 8.50 Medical Marijuana and 8.51 Mobile Marijuana Dispensaries and create new guidelines for cannabis operations and sales within the City of Woodlake. The ordinance also establishes a process by which entities can apply for cannabis licenses within the City of Woodlake.

Chapter 17.22.03 Neighborhood Commercial Conditional Uses - The provisions of this ordinance are intended to add “Cannabis Dispensary” as a conditional use within the Neighborhood Commercial zone.

Chapter 17.24.03 Central Commercial Conditional Uses - The provisions of this ordinance are intended to add “Cannabis Dispensary” as a conditional use within the Central Commercial zone.

Chapter 17.32.04 Light Industrial Conditional Uses - The provisions of this ordinance are intended to add “Commercial Cannabis Production” as a conditional use within the Light Industrial zone.

DISCUSSION:

The purpose of this public hearing is to give citizens an opportunity to make their comments known regarding the proposed amendments and/or additions to the ordinances listed above.

City Staff will also request that the Commission make a recommendation to the City Council on the adoption of these two ordinances.

RECOMMENDATIONS:

City staff recommends that Commission receive public comments on and make recommendations to City Council on the following proposed ordinance additions or amendments:

Chapter 5.48 Cannabis Operations

Chapter 17.22.03 Neighborhood Commercial Conditional Uses
Chapter 17.24.03 Central Commercial Conditional Uses
Chapter 17.32.04 Light Industrial Conditional Uses

FISCAL IMPACT:

Chapter 5.48 Cannabis Operations may generate an undernimmed amount of revenue due to new cannabis businesses.

ATTACHMENTS:

1. Chapter 5.48 Cannabis Operations
2. Chapter 17 Zoning Amendments
3. Resolution: Receive Public Comments and Make a Recommendation to City Council on the proposed additions or amendments to the Woodlake Municipal Code

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WOODLAKE RECEIVING PUBLIC COMMENTS AND MAKING A RECOMMENDATION TO THE CITY COUNCIL ON CHAPTER 5 AND CHAPTER 17 OF THE WOODLAKE MUNICIPAL CODE

WHEREAS, the City of Woodlake wishes to update or add the following ordinances:

- Chapter 5.48 Cannabis Operations
- Chapter 17.22.03 Neighborhood Commercial Conditional Uses
- Chapter 17.24.03 Central Commercial Conditional Uses
- Chapter 17.32.04 Light Industrial Conditional Uses

WHEREAS, the City of Woodlake wishes to amend the Municipal Code; and

WHEREAS, the City of Woodlake held a public hearing at the Planning Commission meeting held on July 20, 2017 to receive comments regarding these ordinances; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, recommends that the City Council take the following action on these ordinances:

1. _____

The foregoing resolution was adopted upon a motion of Commissioner Perez, second by Commissioner Lira, at a regular meeting of the Woodlake Planning Commission on the 20th day of July 2017, by the following role call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Paul Lira, Chairman

Irene Zacarias, Planning Commission Secretary

AN ORDINANCE REPEALING CHAPTER 8.50 AND
CHAPTER 8.51 OF THE WOODLAKE MUNICIPAL
CODE AND ADDING CHAPTER 5.48 ALLOWING
CANNABIS BUSINESSES AND ESTABLISHING
PERMITTING PROCEDURES AND REGULATIONS

THE CITY COUNCIL OF THE CITY OF WOODLAKE DOES ORDAIN AS FOLLOWS:

Section 1. PURPOSE. The provisions of this ordinance are intended in order to permit and regulate legal cannabis businesses in the City of Woodlake

Section 2. CODE ENACTMENT. Woodlake Municipal Code Chapter 8.50 and 8.51 are removed from the Woodlake Municipal Code. Woodlake Municipal Code Chapter 5.48 Cannabis Businesses is added and will read as follows:

Chapter 5.48
CANNABIS BUSINESSES

5.48.010 – Definitions

"Applicant" means a person who is required to file an application for a permit under this section.

"Business Owner" means the owner(s) of the Cannabis Business. For publicly traded companies, owner means the chief executive officer or any person or entity with an aggregate ownership interest of 5% or more. For all other businesses, other than publicly traded companies, an owner is an individual that has an aggregate ownership of interest other than a lien or encumbrance, of 20% or more in the commercial cannabis business.

"Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not, including the seeds thereof. "Cannabis" also means cannabis as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972, and amended by the California Control, Regulate and Tax Adult Use of Cannabis Initiative, and as defined by other applicable State law.

"Cannabis business" or "cannabis industry" means any business activity in the City relating to cannabis, including but not limited to cultivation (including nurseries), transportation, distribution, manufacture, compounding, conversion, processing, preparation, testing, storage, packaging, delivery and sales (wholesale and/or retail sales) of cannabis or cannabis products, whether or not carried on for gain or profit. A cannabis business does not include any business whose only relationship to cannabis or cannabis products is the production or sale of cannabis accessories.

"Cannabis cultivation area" means the total aggregate area(s) of cannabis cultivation by a cannabis business as measured around the outermost perimeter of each separate and discrete area of cannabis cultivation at the dripline of the canopy expected at maturity and includes, but is not limited to, the space between plants within the cultivation area, the exterior dimensions of garden beds, garden plots, hoop houses, green houses, and each room or area where cannabis plants are grown, excluding non-production areas, as determined by the Community Development Director or his or her designee.

"Cannabis product" means any product containing cannabis, including, but not limited to, flowers, buds, oils, tinctures, concentrates, extractions, edibles and those products described in Section 11018.1 of the Health and Safety Code.

"Canopy" means all areas occupied by any portion of a cannabis plant, inclusive of all vertical planes, whether the areas are contiguous or noncontiguous. The plant canopy need not be contained to a single parcel of land in determining the total square footage that will be subject to tax under this Chapter. If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.

"City" means the City of Woodlake, either the entity or its territorial limits, as the context requires.

"City Council" or "Council" means the City Council of the City of Woodlake.

"Collector" means the City's Chief Financial Officer or his or her designee.

"Commercial cannabis cultivation" means cultivation conducted by, for, or as part of a cannabis business. Commercial cannabis cultivation does not include personal medical cannabis cultivation, or cultivation for personal recreational use as authorized under the "Control, Regulate and Tax Adult Use of Marijuana Act" approved by the State's voters on November 8, 2016, for which the individual receives no compensation whatsoever.

"Commercial Cannabis Business" or "Cannabis Business" or "Cannabis Operation" means any commercial marijuana activity allowed under State Law and the implementing regulations, as State Law and the implementing regulations may be amended from time to time, and all uses permitted under any subsequently enacted State law pertaining to the same or similar uses for recreational cannabis.

"Cannabis production" means the processes associated with the processing, extraction, manufacturing, testing, distribution and transportation of medical and non-medical cannabis products.

"Commercial Cannabis Regulatory Permit" or "Regulatory Permit" means the permit required under this section to have a Cannabis Business.

"Commingling" means the physical aggregation of harvest batches or nonmanufactured cannabis products by a licensee

"Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis. "Cultivation" also includes nurseries. In addition, and without limiting the foregoing, "cultivation" includes "cultivation" as defined in California Business and Professions Code section 19300.5 and any successor statute, as may be adopted and amended from time to time.

"Delivery" means the commercial transfer of marijuana cannabis or marijuana cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer, or independently licensed under this division, that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of marijuana or marijuana products.

"Delivery employee" means an individual employed by a licensed dispensary who delivers medical cannabis goods from the licensed dispensary premises to a medical cannabis patient or primary caregiver at a physical address.

"Dispensary" means a facility where cannabis or cannabis products, are offered, either individually or in combination, for retail sale, including an establishment that engages in delivery of cannabis or cannabis products as part of a retail sale. In addition, and without limiting the foregoing,

“dispensary” includes “dispensary” as defined in California Business and Professions Code section 19300.5 and any successor statute, as may be adopted or amended from time to time.

"Distributor" means a person engaged in procuring cannabis from a cultivator, and/or procuring cannabis products from a manufacturer, for sale to a licensed commercial cannabis business. In addition, and without limiting the foregoing, “distributor” includes “distributor” as defined in California Business and Professions Code section 19300.5 and any successor statute, as may be adopted or amended from time to time.

"Distribution" means the procurement, sale, and transport of cannabis or cannabis products between licensees.

"Employee" means each and every person engaged in the operation or conduct of any cannabis business, whether as owner, member of the owner's family, partner, associate, agent, manager or solicitor, and each and every other person employed or working in such cannabis business for a wage, salary, commission, barter or any other form of compensation.

"Gross Receipts," means the amount a Cannabis Operation received from all sources during its accounting period, without subtracting any costs or expenses.

“Indoor cultivation” means the cultivation of cannabis within a structure using artificial light, at a rate greater than 25 watts per square foot.

"Manufacturer" means a person who conducts the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, or that packages or repackages cannabis or cannabis products or labels or re-labels its container. In addition, and without limiting the foregoing, “manufacturer” includes “manufacturer” as defined in California Business and Professions Code section 19300.5 and any successor statute, as may be adopted or amended from time to time.

“Mixed-light cultivation” means the cultivation of cannabis using light deprivation and/or artificial lighting below a rate of 25 watts per square foot.”

"Nursery" means a person who produces cannabis clones, immature plants, and/or seeds for wholesale distribution, used specifically for the planting, propagation, and cultivation of cannabis. In addition, and without limiting the foregoing, “nursery” includes “nursery” as defined in California Business and Professions Code section 19300.5 and any successor statute, as may be adopted or amended from time to time.

"Operator" means the Business Owner and any other person designated by the Business Owner as responsible for the day to day Cannabis business operation.

"Personal medical cannabis cultivation" means cultivation, by either a qualified patient who cultivates cannabis exclusively for his or her personal medical use or by a caregiver who cultivates cannabis exclusively for medical use by qualified patients and who is exempt from State licensing requirements under the State Medical Cannabis Regulation and Safety Act.

“Premises” means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee.

"Responsible Party" shall mean the Business Owner, Operator, manager(s), and any employee having significant control over the cannabis businesses operations.

"State" means the State of California.

“State Law” means all regulations and laws pertaining to Cannabis Business in the State of California.

"State license," means a State license issued pursuant to California Business & Professions Code Sections 19300, et seq. or other applicable State law.

“Testing means a laboratory, facility, or entity in the State, that offers or performs tests of cannabis or cannabis products and that is both of the following:

- 1) Accredited by an accrediting body that is independent from all other persons involved in commercial marijuana cannabis activity in the State.
- 2) Registered with Licensed by the State Department of Public Health.

“Transport” means the transfer of cannabis or cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity authorized pursuant to this chapter.

5.48.020 Cannabis Production Permitted Uses and Zoning.

Business Owners meeting the requirements of this section shall be allowed to conduct the following Commercial Cannabis activities in the I - Light Industrial district of the City:

- Cultivation – Indoor or Mixed Light Only
- Manufacturing.
- Testing.
- Distribution.
- Transportation.

The Commercial Cannabis Operations shall at all times be in compliance with this section as it may be amended from time to time or repealed and replaced by another section governing the Commercial Cannabis Operations.

5.48.030 Commercial Cannabis Business Minimum Operational Requirements and Restrictions.

The following operational requirements and restrictions shall apply to all commercial cannabis manufacturing, testing, distribution, transportation and cultivation and as described in 5.48.020.

- A. State Law. The Commercial Cannabis Business shall at all times be in compliance with State Law and the implementing regulations, as they may be amended from time to time, as well as all required State license(s) under State Law, and any other applicable State law. The Operator shall obtain required licenses under State Law prior to opening for business, or if the State is not ready to issue licenses under State Law prior to the time of opening, within twelve (12) months of the State being ready to issue the required license(s). Provided, however, that the Operator shall at all times be in compliance with all other requirements of State Law and implementing regulations, and any other applicable State law, regardless of the timing of the issuance of a license under State Law. If the Operator uses the approved Cannabis operations for commercial recreational cannabis, the Operator shall meet or exceed the health and safety requirements of State Law in any operations relating to recreational cannabis.
- B. Register of Employees. The Operator shall maintain a current register of the names of persons required to have Employee Permits. The register shall be available to the Police Chief or the Police Chief’s designee at all times immediately upon request.

- C. Signage. There shall be no signage or markings on the Premises, or off-site, which in any way evidences that Commercial Cannabis Businesses are occurring on the property. Interior building signage is permissible provided the signage is not visible outside of the building.
- D. Cannabis Consumption. No cannabis shall be smoked, ingested or otherwise consumed on the Premises. Adequate signage of this prohibition shall be displayed throughout the facility.
- E. Alcoholic Beverages. Alcohol for personal consumption shall not be provided, stored, kept, located, sold, dispensed, or used on the Premises.
- F. Transportation. Transportation shall only be conducted according to activity permitted by State law.
- G. Distribution. There shall be no deliveries from the Premises of cannabis or cannabis containing products except to another local licensed or permitted cannabis business.
- H. Retail Sales. The retail sale of cannabis is expressly prohibited.
- I. Public Access. There shall be no public access to the Premises without prior written authorization from the Police Chief or the Police Chief's designee.
- J. Minors. It shall be unlawful for any Operator to employ any person who is not at least twenty-one (21) years of age, or any older age if set by the State.
- K. Distance separation from schools. Commercial Cannabis Business shall comply with the distance separation requirements from schools as required by State law. In addition, a Cannabis operation shall not be located within 1000 feet from any existing school or proposed school site as identified in the General Plan. Measurements shall be from property boundary to property boundary. For purposes of this section, school means any public or private school providing instruction in kindergarten or grades 1-12, inclusive, but does not include any private school in which education is primarily conducted in private homes.
- L. Hours of Operation. Commercial cannabis operations shall be allowed to operate per the requirements of the underlying zone district and subject to the City's noise and nuisance ordinances. Deliveries to the commercial cannabis business may only take place during regular business hours
- M. Building and Related Codes. Commercial cannabis operations shall be subject to the following requirements:
 - 1. The Premises in which the Cannabis business occur shall comply with all applicable local, State and federal laws, rules, and regulations including, but not limited to, building codes and the Americans with Disabilities Act, as certified by the Building Official of the City. The Operator shall obtain all required building permits and comply with all applicable City standards.
 - 2. The Responsible Party shall ensure that the Premises has sufficient electrical load for the Cannabis production. The use of generators is prohibited other than for temporary emergency use.
 - 3. Butane and other flammable materials are permitted to be used for extraction and processing

provided the Operator complies with all applicable fire and building codes, and any other laws and regulations relating to the use of those products, to ensure the safety of that operation. Employee training records and safety equipment must be maintained and all equipment must be compliant with State safety regulations in §§40100 – 41099 and as they may be amended. The Woodlake Fire Department shall inspect and approve the Premises for use of the products prior to City's issuance of a certificate of occupancy, or otherwise prior to opening for business, to ensure compliance with this requirement.

4. The Operator shall comply with all laws and regulations pertaining to use of commercial kitchen facilities for the Cannabis production.
 5. The Operator shall comply with all environmental laws and regulations pertaining to the Cannabis production, including the use, storage, and disposal of water and pesticides, and shall otherwise use best practices to avoid environmental harm. The cannabis business must provide proof of a Board of Equalization Seller's Permit.
- N. Odor control. Cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the facility that is distinctive to its operation is not detected outside the Premises, outside the building housing the Cannabis business, or anywhere on adjacent property or public rights-of-way. As such, Cannabis businesses must install and maintain the following equipment or any other equipment which the City's Building Official determines has the same or better effectiveness, if a smell extends beyond a property line:
1. An exhaust air filtration system with odor control that prevents internal odors and pollen from being emitted externally; or an air system that creates negative air pressure between the cannabis facility's interior and exterior so that the odors generated inside the cannabis facility are not detectable outside the cannabis facility.
- O. Consumable Products. Cannabis businesses that manufacture products in the form of food or other comestibles shall obtain and maintain the appropriate approvals from the State Department of Public Health for the provision of food or other comestibles, unless otherwise governed by State Law and licensed by the State. The distance specified in this section shall be measured in the same manner as provided in subdivision (c) of Section 11362.768 of the Health and Safety Code unless otherwise provided by law.
- P. The City does not allow the outdoor commercial cultivation of cannabis products.
- Q. Secure Building. All commercial cannabis operations shall occur entirely inside of a building that shall be secure, locked, and fully enclosed, with a ceiling, roof or top. The building shall include a burglar alarm monitored by an alarm company or private security company. The building, including all walls, doors, and the roof, shall be of solid construction meeting the minimum building code requirements for industrial structures (including, without limitation, commercial greenhouse structures), and include material strong enough to prevent entry except through an open door. Notwithstanding the foregoing, the roof may be of solid translucent material provided other security measures exist to ensure that the Cannabis Operation cannot be seen, heard or smelled beyond the property line. The precise building construction and material to be used shall be identified and provided to the City prior to construction and provided with the application.
- R. Premises Security. The following security conditions shall apply:
1. Alarm System (both perimeter, fire and panic).

2. Remote monitoring of alarm systems.
3. Perimeter lighting systems (motion sensor) for after-hours security.
4. Perimeter security and lighting as approved by the Police Chief and Community Development Director.
5. Use of drive gates with card key access or similar to access the facility.
6. Entrance areas to be locked at all times areas, and under the control of a designated Responsible Party.
7. Use of access control systems to limit access to grow and processing areas.
8. Exterior and interior camera systems approved by the Police Chief. The camera systems shall meet the minimum requirements of State Law, include interior monitoring of all access points of the site from the interior, and be of a minimum 5 mega pixel in resolution.
9. All security systems at the site are attached to an uninterruptible power supply that provide 24 hour of power.
10. 24-hour security patrols by a recognized security company licensed by the California Department of Consumer Affairs or otherwise acceptable to the Police Chief.
11. All current contact information regarding the security company shall be provided to the Police Chief.
12. Woodlake Police Department or Department designee shall have access to all security systems.
13. Subject to the provisions below regarding the use and handling of Confidential Information, IP access for remote monitoring of security cameras by the Woodlake Police Department or Department designee.
14. Subject to the provisions below regarding the use and handling of Confidential Information, any and all video or audio tape recordings made for security or other purposes shall be marked with the date and time made and shall be kept, in an unaltered state, for a period of thirty (30) days and must be made available to the Woodlake Police Department or Department designee for duplication upon demand. In addition, upon request by the Woodlake Police Department the Responsible Party shall duplicate the records for the Woodlake Police Department or Department designee.
15. Hardened bullet resistant windows for exterior windows as part of any new or existing construction.
16. Accounting software systems need to be in place to provide audit trails of both product and cash, where applicable.
17. Electronic track and trace systems for cannabis products as approved by the Police Chief or or Police Chief's designee as required by State law.

18. Premises may be inspected and records of the Business Owner audited by the City for compliance on a quarterly basis.
19. State of the art network security protocols and equipment need to be in place to protect computer information.
20. The foregoing requirements shall be approved by the Police Chief or the Police Chief's designee prior to commencing operations. The Police Chief may supplement these security requirements once operations begin, subject to review by the City Council if requested by the Business Owner.
21. The City, Police Chief, Police Department employees, and any other law enforcement official acting under the direction of the Police Chief who access the Premises and video and/or audio feeds or recordings of the Premises ("Recipients") may receive or be provided with confidential information relating to the Cannabis business, which may include the following: data, records, plans, and matters relating to customers, vendors, tenants, agreements, and business records (collectively "Confidential Information").
22. To the extent Confidential Information is acquired without a warrant from access to the Premises and video and/or audio feeds or recordings as authorized under this section, the Recipients shall, to the maximum extent possible, keep such Confidential Information confidential and not disclose the Confidential Information to any third parties. Provided, however, that the Recipients may disclose Confidential Information to the State or Federal courts in California in connection with any criminal law enforcement action against the Business Owner or Operator, (including its employees, contractors and agents conducting business within the Premises) arising from or related to the Cannabis business, but only to the extent it is necessary and relevant to such criminal prosecution, and the Recipients shall file any such documents under seal to the extent they contain any Confidential Information. Notwithstanding the foregoing, the City may disclose Confidential Information:
 - a. As may be required by the California Public Records Act or pursuant to a civil subpoena, provided however, the City shall notify the Operator and provide the Operator with a reasonable opportunity to obtain a protective order before disclosing the Confidential Information.
 - b. In connection with any City enforcement proceeding relating to compliance with City's Municipal Code and this section, but only to the extent the Confidential Information is relevant to the proceeding.
23. Deliveries of Supplies and Transportation of Product. The following rules apply to the deliveries and transportation:
 - a. Deliveries to the Premises of supplies shall only occur as provided for in the diagram and floor plan on file with the City as part of the application process. Delivery vehicles shall not have any markings indicating that deliveries are being made to a commercial cannabis operation. During business hours, any shipment of medical cannabis goods accepted by the licensed dispensary shall not enter the premises through an entrance that is available for use by the public to enter or exit the premises. During business hours, any shipment of medical cannabis goods accepted by the licensed dispensary shall not enter the premises through an entrance that is available for use by the public to enter or exit the premises

- b. The transportation of cannabis samples and product to and from the Premises shall be in unmarked vehicles with no indication that the vehicles are transporting cannabis samples and products. The Responsible Party shall stagger transportation times, vary routes from the facility, and take other security measures as requested by the Police Chief.
- 24. Premises Maintenance. The Business Owner, Operator, and all Responsible Parties shall continually maintain the Premises and its infrastructure so that it is visually attractive and not dangerous to the health, safety and general welfare of employees, patrons, surrounding properties, and the general public. The Premises or Commercial Cannabis Operation shall not be maintained in a manner that causes a public or private nuisance.
- 25. Location of Uses. The Commercial Cannabis Operation permitted by this section shall only be allowed in the locations designated on the diagram and floor plan of the Premises submitted with the application for a Regulatory Permit. The Commercial Cannabis Operation shall not operate at any place other than the address of the Cannabis Operation stated in the Regulatory Permit.
- 26. Commercial Cannabis Regulatory Permit. No person or entity shall operate a Commercial Cannabis Operation within the City of Woodlake without first obtaining a Commercial Cannabis Regulatory Permit from the City. The Regulatory Permit shall be site specific and shall specifically identify the commercial cannabis activity that will be allowed at that site. No commercial cannabis activity will be allowed unless specifically identified in the Regulatory Permit.
- 27. Commercial Cannabis Use Permit. Prior to, or concurrently with, applying for a Regulatory Permit, the Applicant shall process a Commercial Cannabis Use Permit. Information that may be duplicative in the two applications can be incorporated by reference. The Cannabis Land Use Permit shall run with the Regulatory Permit and not the land.

5.48.040 Cannabis Dispensaries Permitted Uses and Zoning.

- A. Business Owners meeting the requirements of this section shall be allowed to conduct Cannabis Dispensary Operations in the CC-Central Commercial or CN – Neighborhood Commercial zone districts of the City: The Cannabis Dispensary Operation shall at all times be in compliance with this section as it may be amended from time to time or repealed and replaced by another section governing the Cannabis Dispensary operation.

5.48.050 Cannabis Dispensaries Requirements and Restrictions.

- A. The City of Woodlake will limit the number regulatory permits for dispensaries to one permit plus an additional permit per every 5,000 residents.
- B. The City will conduct a request for regulatory permit applications when dispensary regulatory permits are available.
- C. State Law and Other State Laws. The Cannabis dispensary shall at all times be in compliance with State Law and the implementing regulations, as they may be amended from time to time, as well as all required State license(s) under State Law, and any other applicable State law. The Operator shall obtain required licenses under State Law prior to opening for business, or if the State is not ready to issue licenses under State Law prior to the time of opening, within twelve (12) months of the State being ready to issue the required license(s). Provided, however, that the Operator shall at all times be in compliance with all other requirements of State Law and

implementing regulations, and any other applicable State law, regardless of the timing of the issuance of a license under State Law. The Operator shall meet or exceed the health and safety requirements of State Law in any operations relating to recreational cannabis.

- D. Register of Employees. The Operator shall maintain a current register of the names of persons required to have Employee Permits. The register shall be available to the Police Chief at all times immediately upon request. All agents, officers, or other persons acting for or employed by a licensee shall display a laminated identification badge issued by the licensee. The identification badge shall, at a minimum, include the licensee's "doing business as" name and license number, the employee's first and last name, and a color photograph of the employee that shows the full front of the employee's face and that is at least 2 inches by 2 inches in size.
- E. Labeling. All cannabis products offered to customers at a retail location must provide testing and labeling at a minimum as required by State law and in compliance with any additional City regulations and as they may be amended
- F. Signage. All signage shall be approved by the City of Woodlake and consistent with the City's Signage Ordinances.
- G. Alcoholic Beverages. Alcohol for personal consumption shall not be provided, stored, kept, located, sold, dispensed, or used on the Premises.
- H. Transportation. Transportation shall only be conducted according to activity permitted by State law.
- I. Distribution. There shall be no deliveries to or from the Premises of cannabis or cannabis containing products except to local licensed or permitted cannabis business.
- J. Minors. It shall be unlawful for any Operator to employ any person who is not at least twenty-one (21) years of age, or any older age if set by the State.
- K. Distance separation from schools. Cannabis dispensaries shall comply with the distance separation requirements from schools as required by State law. In addition, a Cannabis Dispensary shall not be located within 1000 feet from any existing school or proposed school site as identified in the General Plan. Measurements shall be from property boundary to property boundary. For purposes of this section, school means any public or private school providing instruction in kindergarten or grades 1-12, inclusive, but does not include any private school in which education is primarily conducted in private homes. The distance specified in this section shall be measured in the same manner as provided in subdivision (c) of Section 11362.768 of the Health and Safety Code unless otherwise provided by law.
- L. Hours of Operation. Cannabis Dispensaries shall be allowed to operate per the requirements of the underlying zone district and subject to the City's noise and nuisance ordinances but in no case shall exceed the minimum State standards or open before 6 a.m. or remain open after 9 p.m. Pacific time.
- M. Building and Related Codes. The Cannabis Dispensary shall be subject to the following requirements:
 - 1. The Premises in which the Cannabis Dispensary operations occur shall comply with all applicable local, State and federal laws, rules, and regulations including, but not limited to, building codes and the Americans with Disabilities Act, as certified by the Building Official

of the City. The Operator shall obtain all required building permits and comply with all applicable City standards.

- N. Secure Building. All Cannabis Dispensary operations shall occur entirely inside of a building that shall be secure, locked, and fully enclosed, with a ceiling, roof or top. The building shall include a burglar alarm monitored by an alarm company or private security company. The building, including all walls, doors, and the roof, shall be of solid construction meeting the minimum building code requirements for commercial structures and include material strong enough to prevent entry except through an open door.
- O. Premises Security. The following security conditions shall apply:
1. Alarm System (both perimeter, fire and panic). A licensee shall maintain an alarm system as defined in Business and Professions Code section 7590.1(n). A licensee shall ensure a licensed alarm company operator or one or more of its registered alarm agents installs, maintains, monitors, and responds to the alarm system
 2. Remote monitoring of alarm systems.
 3. Exterior lighting systems for after-hours security.
 4. Exterior and interior camera systems approved by the Police Chief. The camera systems shall meet the minimum requirements of State Law, include interior monitoring of all access points of the site from the interior, and be of a minimum 5 mega pixels in resolution. Cameras shall record continuously 24 hours per day and at a minimum of 20 frames per second. Areas monitored are defined by State law.
 5. All security systems at the site are attached to an uninterruptable power supply that provide continuous power.
 6. Woodlake Police Department or Department designee shall have access to all security systems.
 7. Subject to the provisions below regarding the use and handling of Confidential Information, IP access for remote monitoring of security cameras by the Woodlake Police Department or Department designee.
 8. Subject to the provisions below regarding the use and handling of Confidential Information, any and all video or audio tape recordings made for security or other purposes shall be marked with the date and time made and shall be kept, in an unaltered state, for a period of thirty (30) days and must be made available to the Woodlake Police Department or Department designee for duplication upon demand. In addition, upon request by the Woodlake Police Department the Responsible Party shall duplicate the records for the Woodlake Police Department or Department designee.
 9. Hardened bullet resistant windows for exterior windows as part of any new or existing construction.
 10. Accounting software systems need to be in place to provide audit trails of both product and cash, where applicable.
 11. Electronic track and trace systems for cannabis products as approved by the City and as

required by State law.

12. Premises may be inspected and records of the Business Owner audited by the City for compliance on a quarterly basis or at any reasonable time at the City's discretion.
13. State of the art network security protocols and equipment need to be in place to protect computer information.
14. The foregoing requirements shall be approved by the Police Chief prior to commencing operations. The Police Chief may supplement these security requirements once operations begin, subject to review by the City Council if requested by the Business Owner.
15. The City, Police Chief, Police Department employees, and any other law enforcement official acting under the direction of the Police Chief who access the Premises and video and/or audio feeds or recordings of the Premises ("Recipients") may receive or be provided with confidential information relating to the Cannabis dispensary, which may include the following: data, records, plans, and matters relating to customers, vendors, tenants, agreements, and business records (collectively "Confidential Information"). To the extent Confidential Information is acquired without a warrant for access to the Premises and video and/or audio feeds or recordings as authorized under this section, the Recipients shall, to the maximum extent possible, keep such Confidential Information confidential and not disclose the Confidential Information to any third parties. Provided, however, that the Recipients may disclose Confidential Information to the State or Federal courts in California in connection with any criminal law enforcement action against the Business Owner or Operator, (including its employees, contractors and agents conducting business within the Premises) arising from or related to the Cannabis dispensary, but only to the extent it is necessary and relevant to such criminal prosecution, and the Recipients shall file any such documents under seal to the extent they contain any Confidential Information. Notwithstanding the foregoing, the City may disclose Confidential Information:
 - a. As may be required by the California Public Records Act or pursuant to a civil subpoena, provided however, the City shall notify the Operator and provide the Operator with a reasonable opportunity to obtain a protective order before disclosing the Confidential Information
 - b. In connection with any City enforcement proceeding relating to compliance with City's Municipal Code and this section, but only to the extent the Confidential Information is relevant to the proceeding.

P. Delivery.

- a. All deliveries of cannabis goods must be performed by a delivery employee of a licensed dispensary.
- b. Each delivery employee of a licensed dispensary shall be at least 21 years of age.
- c. A licensed dispensary shall not use the services of an independent contractor or courier service to deliver medical cannabis goods.
- d. All deliveries of cannabis goods shall be made in person. A delivery of medical cannabis goods shall not be made through the use of an unmanned vehicle.
- e. A delivery employee begins the process of delivering when the delivery employee leaves the dispensary premises with the medical cannabis goods for delivery. The process of delivering ends when the delivery employee returns to the licensed dispensary premises after delivering the medical cannabis goods to the medical cannabis patients or primary caregivers.
- f. A delivery employee of a licensed dispensary shall, during deliveries, carry a copy of

the dispensary's current license, the employee's government-issued identification, and an employer provided badge containing a picture and the name of the delivery employee.

- g. A licensed dispensary shall maintain an accurate list of the dispensary's delivery employees.

Q. Deliveries of Supplies and Transportation of Product. The following rules apply to the deliveries and transportation:

1. Deliveries to the Premises of supplies shall only occur as provided for in the diagram and floor plan on file with the City as part of the application process. Delivery vehicles shall not have any markings indicating that deliveries are being made to a Cannabis Dispensary.
2. The transportation of cannabis samples and product to and from the Premises shall be in unmarked vehicles with no indication that the vehicles are transporting cannabis samples and products. The Responsible Party shall stagger transportation times, vary routes from the facility, and take other security measures as requested by the Police Chief.

R. Premises Maintenance. The Business Owner, Operator, and all Responsible Parties shall continually maintain the Premises and its infrastructure so that it is visually attractive and not dangerous to the health, safety and general welfare of employees, patrons, surrounding properties, and the general public. The Premises of the Cannabis Dispensary shall not be maintained in a manner that causes a public or private nuisance.

S. Commercial Cannabis Regulatory Permit. No person or entity shall operate a Cannabis Dispensary within the City of Woodlake without first obtaining a Cannabis Regulatory Permit from the City. The Regulatory Permit shall be site specific and shall specifically identify the commercial cannabis activity that will be allowed at that site. No commercial cannabis activity will be allowed unless specifically identified in the Regulatory Permit.

T. Conditional Use Permit. Prior to, or concurrently with, applying for a Regulatory Permit, the Applicant shall process a Conditional Use Permit as required by the City's Land Use Regulations. Information that may be duplicative in the two applications can be incorporated by reference. The Conditional Use Permit shall run with the Regulatory Permit and not the land.

5.48.060 Regulatory Permit Required

A. Applications for Regulatory Permits shall be filed by the proposed Business Owner(s) with the City and include the information set forth herein. The City may request such additional information as they deem necessary to determine who the applicant is.

The applicant shall certify under penalty of perjury that all the information contained in the application is true and correct. The application shall contain the following items for the Business Owner, Operator and all Responsible Parties known at the time (if different than the Business Owner), and any other party designated below, to the extent the same shall apply:

1. The full name, present address, and telephone number, including such information to the Premises Owner.
2. Date of birth.

3. Tax identification number.
4. The address to which notices relating to the application is to be mailed.
5. Previous addresses for the five (5) years immediately preceding the present.
6. The height, weight, color of eyes and hair.
7. Photographs for identification purposes (photographs shall be taken by the Police Department).
8. All business, occupation, or employment for the five (5) years immediately preceding the date of submittal of the application form.
9. 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 cannabis related license revoked or suspended, the reason therefore, and the business or activity or occupation subsequent to such action of suspension or revocation.
10. Complete property ownership and lease details, where applicable. If the Business Owner is not the Premises Owner, the application form must be accompanied with a notarized acknowledgment from the Premises Owner that Cannabis sales will occur on its property.
11. A descriptive business plan for the Cannabis Operation, including a detailed list of all Cannabis Business activities proposed to occur on the Premises.
12. A diagram and floor plan of the entire Premises, denoting all the use of areas proposed for Cannabis production, including, but not necessarily limited to, cultivation, processing, manufacturing, testing, transportation, deliveries, and storage.

For Cannabis Dispensaries, the floor plan should show the layout and design of the building. The diagram and floor plan need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the Premises to an accuracy of plus or minus six (6) inches.

13. The name or names of the Operator. 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. The contact information and schedule of the Operator and Responsible Parties shall be provided to the Police Chief and updated within twenty-four (24) hours of any changes.
14. The proposed security arrangements for insuring the safety of persons and to protect the Premises from theft.
15. 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 Cannabis Operation and the property line of any school or any other sensitive use as set forth in the Operational Requirements.
16. Authorization for the City, its agents and employees to seek verification of the information submitted.

- B. Improper or Incomplete Application. If the applicant has completed the application improperly, or if the application is incomplete, the Police Chief shall, within thirty (30) days of receipt of the original application, notify the applicant of such fact. The Applicant shall have 15 days to remedy or correct the application. After 15 days, the application will be deemed abandoned and the Applicant shall begin the application process again.
- C. Changes in Information. Except as may otherwise be provided, the information provided in this subsection shall be updated to the Police Chief upon any change within ten (10) days.
- D. Other Permits or Licenses. The fact that an applicant possesses other types of State or City permits or licenses does not exempt the applicant from the requirement of obtaining a Regulatory Permit.

5.48.070 Employee Permit Required

- A. Every employee or independent contractor working at a Cannabis Operation or involved in transportation/delivery related services for a Cannabis Business shall obtain an Employee Permit. It shall be the duty of the Operator to ensure that Employee Permits are obtained from the Police Department prior to the employee or independent contractor commencing work. Persons who are listed as a Business Owner on a Regulatory Permit shall not be required to obtain an Employee Permit if such person also serves as an employee or contractor. All Responsible Parties, except the Business Owner, shall be required to obtain an Employee Permit.
- B. Each employee and independent contractor shall be required to provide the following information under penalty of perjury, so that the Police Department can perform a background check:
 - 1. Name, current resident address, and telephone number.
 - 2. Date of birth.
 - 3. Tax identification number.
 - 4. Height, weight, color of eyes, and hair.
 - 5. Photographs for identification purposes (photographs shall be taken by the Police Department).
 - 6. Be fingerprinted by the Police Department.
 - 7. Such other identification and information as deemed necessary by the Police Chief and pertinent to the Employee Permit.
 - 8. Authorization for the City, its agents and employees to seek verification of the information contained within the application.
 - 9. The name of the Business Owner holding the Regulatory Permit and the Operator for which such person is proposed to work.

5.48.080 Application Fees

Every new application for a Regulatory Permit, Employee Permit, or renewal shall be accompanied by a nonrefundable fee, as established by resolution of City Council. This fee shall be in addition to any other business license, tax, or permit fee imposed by this Code or other governmental agencies. The fee shall include an amount to cover the costs of fingerprinting, photographing, background checks as well as general ongoing monitoring for compliance and processing of the application.

5.48.090 Investigation and Action on Application.

- A. Upon the filing of a properly completed application and the payment of the fee, the Police Chief shall conduct an investigation of the application, including a background check of the applicant and all employees and independent contractors. All applicants for a Regulatory Permit and Employee Permit shall be required to submit to a fingerprint-based criminal history records check conducted by the Woodlake Police Department.
- B. For Regulatory Permits, after the background checks and investigation are complete, and in no case later than ninety (90) days after receipt of a properly completed application, the City shall issue a recommendation that the City Council approve or deny a Regulatory Permit in accordance with the provisions of this section. The recommendation for approval shall include conditions the City deems reasonable under the circumstances to protect the public health, safety, and welfare of the community. The recommendation shall be forwarded to the City Council for action following any required noticing and public hearings, and may be processed concurrently with any other entitlements necessary for the Cannabis Operation.
- C. For Employee Permits, after the background checks and investigation are complete, and in no case later than thirty (30) days after receipt of a properly completed application, the Police Chief shall either approve or deny an Employee Permit. At the discretion of the Police Chief, Employee Permits may be conditionally approved pending the background investigation.

5.48.100 Term of Permits and Renewals.

- A. Regulatory Permits issued under this Chapter shall expire on December 31st each year. Applications for renewal shall be made at least forty-five (45) days prior to the expiration date of the permit and shall be accompanied by the nonrefundable fee referenced in this section. When made less than forty-five (45) days before the expiration date, the expiration of the permit will not be stayed. Applications for renewal shall be acted on similar to applications for permits except that the Police Chief shall renew annual permits for additional one year periods if the circumstances and information provided with the initial application have not materially changed. Regulatory fees may be pro-rated based on the term of the Regulatory Permit.

5.48.110 Grounds for Denial of Regulatory Permit.

The grounds for denial of a Regulatory Permit shall be one or more of the following:

- A. The business or conduct of the business at a particular location is prohibited by any local or State law, statute, rule or regulation.
- B. The Business Owner or Operator has been issued a local or State permit related to Cannabis operations at any other location in California, or another state, and that permit was suspended or revoked, or the Business Owner or Operator has had disciplinary action relating to the permit.

- C. The Business Owner or Operator has knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application.
- D. Consistent with State Law or other applicable State law, the Business Owner or Operator, or any Responsible Person, has been:
 - 1. Convicted of a serious or violent offense as listed under California Penal Code sections 667.5 and 1192.7(c); or
 - 2. Convicted of any of the offenses listed in Business and Professions Code section 19323; or.
 - 3. Convicted of a misdemeanor involving moral turpitude as defined under State law (generally crimes relating to theft and dishonesty) within the five (5) years preceding the date of the application; or
 - 4. Convicted of a felony involving the illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, unless the individual has received a Certificate of Rehabilitation as defined in the Act; or
 - 5. Has engaged in misconduct related to the qualifications, functions or duties of a permittee, such as lying on an application, falsifying legal documents, or anything that would otherwise ban the permittee from obtaining a State license under State Law.
 - 6. Consistent with State Law or other applicable State law, the Business Owner or Operator has engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.
 - 7. The Business Owner or Operator is under twenty-one (21) years of age, or any older other age set by the State.
 - 8. The Cannabis Operation does not comply with the zoning ordinance standards of the City of Woodlake or the development standards set forth in this Title.
 - 9. The required annual business license fee, annual regulatory fee or revenue raising fee has not been paid.

5.48.120 Grounds for Denial of Employee Permit.

The grounds for denial of an Employee Permit shall be one or more of the following:

- A. The applicant has been issued a local or State permit related to Cannabis production at any other location in California, or another state, and that permit was suspended or revoked, or the applicant has had disciplinary action relating to the permit.
- B. Consistent with State Law or other applicable State law, the applicant has been:
 - 1. Convicted of a serious or violent offense as listed under California Penal Code sections 667.5 and 1192.7(c); or
 - 2. Convicted of any of the offenses listed in Business and Professions Code section 19323; or.

3. Convicted of a misdemeanor involving moral turpitude as defined under State law (generally crimes relating to theft and dishonesty) within the five (5) years preceding the date of the application; or
4. Convicted of a felony involving the illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, unless the individual has received a Certificate of Rehabilitation as defined in State Law; or has engaged in misconduct related to the qualifications, functions or duties of a permittee.
5. Consistent with State Law or other applicable State law, the applicant has engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices.
6. The applicant has committed any act, which, if done by a permittee, would be grounds for suspension or revocation of a permit.
7. An applicant is under eighteen (18) years of age, or any older age set by the State.

5.48.130 Notice of Decision and Final Action.

A. Regulatory Permit. Action on the Regulatory Permit shall be as follows:

1. The Police Chief shall cause a written notice of his or her recommendation on the issuance or denial of a Regulatory Permit, and the date and time when the City Council will consider action on the Regulatory Permit, to be personally delivered or mailed to the applicant by certified U.S. mail, postage prepaid.
2. Following a public hearing before the City Council, the Council may grant the Regulatory Permit subject to such conditions as it deems reasonable under the circumstances to protect the public health, safety, and welfare of the community, or it may deny the issuance of the Regulatory Permit for any of the grounds specified in this section. The decision of the Council shall be final, subject to judicial review below.
3. Employee Permit. Action on the Employee Permit shall be as follows:
4. The Police Chief shall cause a written notice of his or her determination on the issuance or denial of an Employee Permit to be personally delivered or mailed to the applicant by certified U.S. mail, postage prepaid. The Police Chief's decision on an Employee permit shall be final, subject to judicial review.

5.48.140 Suspension and Revocation of Regulatory Permit or Employee Permit.

A. Regulatory Permit. The City Council may suspend or revoke the Regulatory Permit of a Commercial Cannabis Operation when any of the following occur:

1. The Cannabis Operation is conducted in violation of any provision of this section, State Law, or any other applicable State law.
2. The Cannabis Operation is conducted in such a manner as to create a public or private nuisance.
3. A failure to pay the Regulatory Fee or Revenue Raising Fee required by this section.

4. A failure to take reasonable measures to control patron conduct, where applicable, resulting in disturbances, vandalism, or crowd control problems occurring inside of or outside the Premises, traffic control problems, or obstruction of the operation of another business.
 5. A failure to comply with the terms and conditions of the Regulatory Permit or any conditional use permit issued in connection therewith.
 6. Any act which would be considered grounds for denial of the Regulatory Permit in the first instance.
- B. Employee Permit. The Police Chief may suspend or revoke an Employee Permit when the permittee or the employee has committed any one or more of the following acts:
1. Any act which would be considered a ground for denial of the permit in the first instance.
 2. Violates any provision of this section, State Law, or any other applicable law relating to the Cannabis Operation.
 3. Violates or fails to comply with the terms and conditions of the Employee Permit.
- C. Procedures for Revoking Regulatory Permits. For Regulatory Permits, the procedures for revoking conditional use permits shall be utilized except that the matter shall be heard by the City Council in the first instance, and shall be subject to the same judicial process as applied to a Conditional Use Permit. (See, Woodlake Municipal Code section 17.74.080).
- D. Procedures/or Revoking Employee Permits. Prior to suspension or revocation of an Employee Permit, the Police Chief shall conduct a hearing. Written notice of the time and place of such hearing shall be served upon the permittee at least five (5) calendar days prior to the date set for such hearing. The notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending the permit. Notice may be given either by personal delivery or by certified U.S. mail, postage prepaid. Any permittee aggrieved by the decision of the Police Chief in suspending or revoking an Employee Permit shall have no appeal rights and the Police Chiefs decision shall be final, subject to judicial review as set forth in this section.
- E. Immediate Suspension. The Police Chief may immediately suspend or revoke a Regulatory Permit and an Employee Permit without notice or a hearing, subject to the appeal rights set forth herein, under either of the following circumstances:
1. The Business Owner or Operator is convicted of a public offense in any court for the violation of any law which relates to the Cannabis Operation, or in the case of an Employee Permit, the employee is convicted of a public offense in any court for the violation of any law which relates to the permit.
 2. The Police Chief determines that immediate suspension is necessary to protect the public health, safety, and welfare of the community. The Police Chief shall articulate the grounds for the immediate suspension in writing and the suspension shall only be for as long as necessary to address the circumstances which led to the immediate suspension.

5.48.150 Effect of Denial or Revocation.

When the City Council shall have denied a Regulatory Permit or revoked a Regulatory Permit, or the Police Chief shall have denied or revoked an Employee Permit, no new application for a Regulatory Permit and no new application for an Employee Permit shall be accepted and no Regulatory Permit or Employee Permit shall be issued to such person or to any corporation in which he or she shall have any beneficial interest for a period of one (1) year after denying or revoking the Regulatory Permit or Employee Permit.

5.48.160 Abandonment.

In addition to the suspension or revocation of a Regulatory Permit, a Regulatory Permit shall be deemed abandoned if Cannabis production cease for a period of more than ninety (90) consecutive days. Before restarting operations, a new Regulatory Permit shall be secured. The 90 day period shall be tolled during periods of force majeure, which shall be defined as follows: war; insurrection; strikes; lock-outs; riots; floods; earthquakes; fires; casualties; supernatural causes; acts of the "public enemy"; epidemics; quarantine restrictions; freight embargoes; lack of transportation; unusually severe weather; inability to secure necessary labor, materials or tools; delays of any contractor, subcontractor or supplier; or any other causes beyond the reasonable control of the permittee.

5.48.170 Water Availability.

As a condition of opening for business, the Premises Owner, Business Owner, Operator, and all Responsible Parties shall be deemed to have acknowledged and agreed to the following if the Cannabis Operation is connected to the City's water system.

The City cannot provide any guarantees that City water will be available for operations. Under circumstance where the City cannot or elects to not provide water, the Cannabis Operation may be required to find alternative sources of water supply. The Premises Owner, Business Owner, and Operator assume all risk associated with water supply to the Site, including all costs associated therewith.

The Premises Owner, Business Owner, Operator, and all Responsible Parties shall hold harmless, release, indemnify, and defend the City, its officers, employees, and agents, from any liability associated with the curtailment of water because of the foregoing. This release includes any damages to the Premises Owner, Business Owner, Operator, and all Responsible Parties, its employees and contractors, and third parties, and includes the risk of lost revenue, profits and consequential damages.

If the Premises Owner, Business Owner, Operator, or Responsible Party procures their own source of water they must comply with all State and Federal water reporting laws and procedures.

5.48.180 Other Licenses, Permits, Taxes, Fees, or Charges.

Except as expressly provided in this Chapter, nothing contained in this Chapter shall be deemed to repeal, amend, be in lieu of, replace or in any way affect any requirements for any permit or license required by, under or by virtue of any provision of any other title or Chapter of this Code or any other ordinance or resolution of the City, nor be deemed to repeal, amend, be in lieu of, replace or in any way affect any tax, fee or other charge imposed, assessed or required by, under or by virtue of any other title or Chapter of this Code or any other ordinance or resolution of the City. Any references made or contained in any other title or Chapter of this Code to any permits,

licenses, taxes, fees, or charges, or to any schedule of license fees, shall be deemed to refer to the permits, licenses, taxes, fees or charges, or schedule of license fees, provided for in other titles or Chapters of the Woodlake City Code unless otherwise expressly provided.

5.48.190 Violation Deemed Misdemeanor.

Any person who violates any provision of this Chapter or who other than by a sworn statement, knowingly or intentionally misrepresents to any officer or employee of the City any material fact herein required to be provided is guilty of a misdemeanor punishable as provided in Section 5.04.420 of this Code. A person who on a sworn statement states as true a material fact that he or she knows to be false is guilty of perjury.

5.48.200 Actions to Collect.

The amount of any tax, fee, penalty and/or interest imposed pursuant to this Chapter shall be deemed a debt owed to the City. An action may be commenced in the name of the City in any court of competent jurisdiction, for the amount of any delinquent tax, fees, penalties and interest thereon.

5.48.210 Severability.

If any provision of this Chapter, or its application to any person or circumstance, is determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Chapter or the application of this Chapter to any other person or circumstance and, to that end, the provisions hereof are severable.

5.48.220 Remedies Cumulative.

All remedies prescribed under this Chapter shall be cumulative and the use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions hereof.

5.48.230 Amendment or Repeal.

This Chapter may be repealed or amended by ordinance of the Woodlake City Council.

5.48.240 Penalties.

Any entity that fails to pay the fees required by this chapter within fifteen (15) days after the due date shall pay in addition to the taxes a penalty for nonpayment in the sum equal to twenty-five percent (25%) of the total amount due. Additional penalties will be assessed in the following manner: ten percent (10%) shall be added on the first day of each calendar month following the month of the imposition of the twenty-five percent (25%) penalty if the fee remains unpaid – up to a maximum of one hundred percent (100%) of the fee payable on the due date. Receipt of the fee payment by the City shall govern the determination of whether the fee is delinquent. Postmarks will not be accepted as adequate proof of a timely payment.

Section 3. CEQA REVIEW. The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) [there is no possibility the activity in question may have a significant

affirmative effect on the environment]. In addition to the foregoing general exemption, the City Council further finds that the ordinance is categorically exempt from review under CEQA under the Class 8 categorical exemption [regulatory activity to assure the protection of the environment]. The City Manager is hereby directed to ensure that a *Notice of Exemption* is filed pursuant to CEQA Guidelines section 15062 [14 C.C.R. § 15062].

Section 4. NO LIABILITY. The provisions of this ordinance shall not in any way be construed as imposing any duty of care, liability or responsibility for damage to person or property upon the City of Woodlake, or any official, employee or agent thereof.

Section 5. PENDING ACTIONS. Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding pending or impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance or code repealed by this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Woodlake hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 7. CONSTRUCTION. The City Council intends this ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this ordinance shall be construed in light of that intent. To the extent the provisions of the Woodlake Municipal Code as amended by this ordinance are substantially the same as provisions in the Woodlake Municipal Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

Section 8. EFFECTIVE DATE. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof. Prior to the expiration of fifteen (15) days from the enactment hereof a certified copy of this ordinance shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1) and a summary shall be published once in the Foothills Sun-

Gazette, a newspaper printed and published in the City of Woodlake, State of California, together with the names of the Council members voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the City Council of the City of Woodlake, State of California, on August 14, 2017 at a regular meeting of said Council duly and regularly convened on said day by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Rudy Mendoza

Mayor, City of Woodlake

ATTEST:

Irene Zacarias

City Clerk

ORDINANCE NO. 611

AN ORDINANCE AMENDING CHAPTER 17 OF THE
WOODLAKE MUNICIPAL CODE ALLOWING CANNABIS
DISPENSARIES AND BUSINESSES IN PERMITTED ZONES
IN WOODLAKE WITH A CONDITIONAL USE PERMIT

THE CITY COUNCIL OF THE CITY OF WOODLAKE DOES ORDAIN AS
FOLLOWS:

Section 1. PURPOSE. The provisions of this ordinance are intended in order to amend the Woodlake Municipal Code to allow for cannabis related business within Woodlake City Limits within certain zones and with a Conditional Use Permit.

Section 2. CODE ENACTMENT. Within Title 17 of the Woodlake Municipal Code is hereby enacted to read in its entirety as follows:

Chapter 17.22.03 within Title 17 of the Woodlake Municipal Code is hereby enacted to read in its entirety as follows:

17.22.03 – Conditional Uses

The following conditional uses may be permitted in accordance with the provisions of Chapter 17.48.

- A. Churches and other religious institutions;
- B. Cafes and restaurants serving alcoholic beverages;
- C. City, county, state or federal administrative offices, libraries, police and fires stations;
- D. Single-family dwellings; provided, that such dwellings are for the exclusive use of the person or persons owning or operating the commercial use on the same site; and further provided, that each site so used shall be subject to the use, site area, coverage and yard requirements of the RM-2 district;
- E. Single family dwellings; provided, that the dwelling is a reconstruction or an addition to an existing dwelling; and

F. Cannabis dispensaries

Chapter 17.24.03 within Title 17 of the Woodlake Municipal Code is hereby enacted to read in its entirety as follows:

17.24.03– Conditional Uses

- A. Bus depots and transit stations;
- B. City, county, state and federal administrative offices and libraries;
- C. Card rooms, pool halls, bars, cocktail lounges and night clubs;
- D. Drive-in restaurants;
- E. Upholstery shops;
- F. Electrical, gas or utility sub-stations; above ground water tanks, or pumping stations;
- G. Service stations;
- H. Pool halls or card rooms;
- I. Second-hand stores;
- J. Auction houses;
- K. Bars, cocktail lounges, and night clubs;
- L. Car washes, automated and self-service;
- M. Cannabis dispensaries; and
- N. Other uses added by the planning director consistent with Chapter 17.02.

Chapter 17.32.04 within Title 17 of the Woodlake Municipal Code is hereby enacted to read in its entirety as follows:

17.32.04 – Conditional Uses

- A. Breweries, distilleries, and wineries;
- B. Building materials manufacturing;
- C. Carpet and rug manufacturing;
- D. Cement plant;
- E. Clay pipe manufacturing;
- F. Agricultural chemicals, storage and distribution;
- G. Heavy equipment and machinery manufacturing;
- H. Meat processing and packing;
- I. Paper, metal and plastic manufacturing;
- J. Recycling operations, including storage, sorting, baling, and crushing;
- K. Hazardous waste facility;
- L. Waste water treatment facility;
- M. Equipment rental yards;
- N. Single-family dwellings;
- O. Rodeo grounds;
- P. Special event facilities;
- Q. Public buildings and grounds; and
- R. Cannabis businesses, excluding dispensaries;

S. Other uses that are added to this list by the planning director consistent with Chapter 17.02.

(Ord. No. 579, § 1, 4-25-2011)**Section 3. CEQA REVIEW.** The City Council hereby finds that this ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) [there is no possibility the activity in question may have a significant affirmative effect on the environment]. In addition to the foregoing general exemption, the City Council further finds that the ordinance is categorically exempt from review under CEQA under the Class 8 categorical exemption [regulatory activity to assure the protection of the environment]. The City Manager is hereby directed to ensure that a *Notice of Exemption* is filed pursuant to CEQA Guidelines section 15062 [14 C.C.R. § 15062].

Section 4. NO LIABILITY. The provisions of this ordinance shall not in any way be construed as imposing any duty of care, liability or responsibility for damage to person or property upon the City of Woodlake, or any official, employee or agent thereof.

Section 5. PENDING ACTIONS. Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding pending or impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance or code repealed by this ordinance, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of Woodlake hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 7. CONSTRUCTION. The City Council intends this ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this ordinance

shall be construed in light of that intent. To the extent the provisions of the Woodlake Municipal Code as amended by this ordinance are substantially the same as provisions in the Woodlake Municipal Code existing prior to the effectiveness of this ordinance, then those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

Section 8. EFFECTIVE DATE. The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof. Prior to the expiration of fifteen (15) days from the enactment hereof a certified copy of this ordinance shall be posted in the office of the City Clerk pursuant to Government Code section 36933(c)(1) and a summary shall be published once in the Sun Gazette, a newspaper printed and published in the City of Woodlake, State of California, together with the names of the Council members voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the City Council of the City of Woodlake, State of California, on _____ at a regular meeting of said Council duly and regularly convened on said day by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Rudy Mendoza

Mayor, City of Woodlake

ATTEST:

Irene Zacarias

City Clerk

City of Woodlake

AGENDA ITEM V-B

July 20, 2017

Prepared by Jason Waters, City Staff

SUBJECT:

Action: Adoption of Resolutions: Affirm, Modify or Deny Appeal from Mr. Cabrera

BACKGROUND:

Mr. Cabrera has submitted an appeal letter regarding his property at APN 060-114-005.

DISCUSSION:

The purpose of this appeal is to give Mr. Cabrera the opportunity to appeal an administrative fine received on APN 060-114-005. Mr. Cabrera's appeal and the City's response to the appeal are attached with this item. The Planning Commission may affirm, modify or deny the appeal from Mr. Cabrera.

RECOMMENDATIONS:

City staff recommends that Commission deny the appeal.

FISCAL IMPACT:

None

ATTACHMENTS:

1. Resolution: Affirm, Modify or Deny Appeal from Mr. Cabrera
2. City Letter
3. Mr. Cabrera Letter

June 14, 2017

Mr. Cabrera
146 N. Palm St
Woodlake, CA 93286

RE: Hearing for the Property at APN 060-114-005

Mr. Cabrera,

Thank you for taking the time to attend your appeal hearing with the City regarding your property located at APN 060-114-005. The appeal was in regards to an administrative citation issued on the property due to a zoning violation. The City has listed your requests below with the City's responses to those requests.

1. Request to use the property as a parking lot.

The City finds that due to the property's zoning and current use, the property cannot be used as a parking lot. The following City Ordinances apply:

Chapter 17.20 – PO Zone

The property is zoned for Professional Offices. The uses for this property are limited to office space, pharmacies and medical offices, medical and dental clinics, single and multi-family use (in accordance with RM-3 district), utility infrastructure, public parks and accessory uses.

None of the allowed or conditional uses within the PO Zone authorize the use of the property for a parking lot.

2. Request to keep the metal poles/fencing on the property line for security purposes.

The City finds that due to the property's zoning and building code requirements, the site cannot have metal poles and that they must be removed. The following City Ordinances apply:

Chapter 17.20 – PO Zone

The property is zoned for Professional Office which may allow for perimeter fencing when the parcel has a use consistent with the uses allowed in the PO Zone. The property is vacant and not currently being used for any allowed uses.

Chapter 14.04 – Construction Codes

The poles were installed without seeking building permits from the City of Woodlake. The installation of any structures or fencing require building permits and inspection. The City requires that unpermitted structures be removed.

3. Request to prevent trespassing.

The City requests that the parcel owners immediately contact the City of Woodlake Police Department when trespassers enter the property without the permission of the property owner.

In summary, the City requires that the metal poles be removed and that the property no longer be used for the storage of vehicles.

If you wish to contest the City's findings you may request a hearing from the Planning Commission to further appeal the City's decision. Please let me know if you have any comments, questions, or concerns related to the City's requests.

A handwritten signature in blue ink, appearing to read "Jason Waters". The signature is stylized and written in a cursive-like font.

Jason Waters
City of Woodlake

To: City Hall

I would like to have a hearing at your next Wednesday Planning Commission meeting.

Regarding the metal fence post on property APN 060-114-005

I'm appealing your decision on this property

Thank you.

Raul Cabrera