

RESOLUTION NO.

A RESOLUTION ESTABLISHING APPLICATION REQUIREMENTS AND MINIMUM QUALIFICATIONS FOR MEDICINAL CANNABIS OPERATIONS PURSUANT TO ARTICLE X, CHAPTER 2, PART F OF THE PORT HUENEME MUNICIPAL CODE

THE CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION 1: The City Council finds and declares that:

- A.** On **[TBD]**, the City Council adopted Ordinance No. **[TBD]** that adds Article X, Chapter 2, Part F of the Port Hueneme Municipal Code ("PHMC"), entitled "Medicinal Cannabis Activity";
- B.** Ordinance No. **[TBD]** establishes the general requirements for obtaining Permit approval for operating a commercial cannabis activity within the City of Port Hueneme and allowing cultivation for personal medicinal use;
- C.** Ordinance No. **[TBD]** provides that the City Council may, by resolution, establish application and qualifications requirements for persons seeking a Permit for a Medicinal Cannabis Activity; and
- D.** This Resolution is adopted pursuant to Ordinance No. **[TBD]** for the purpose of establishing the minimum qualifications and application requirements for persons seeking to obtain a Permit.

SECTION 2: **Form and Content of Application.** In addition to the general application requirements set forth in PHMC Sections 10352 (Conditional Uses) and 10354 (Ministerial Permits), applications for a Permit must include the following:

- A. Application Filing.** Each application must be filed on forms prescribed by the City and shall include the following basic information and certifications.
 - 1. Every application must be signed by the commercial proprietor and/or residential occupant (as the case may be), under penalty of perjury, along with the property owner of record;
 - 2. The name, mailing address, and contact information for the person filing the application, along with the name, address and contact information for the business/individual for which the Permit is sought; and

3. Evidence of site control by means of ownership, lease or letter of intent from the property owner (with name, address, contact information, and signature of the property owner on the application).

B. Conditional Uses. Every commercial cannabis activity shall require a Conditional Use Permit under the terms and conditions set forth in PHMC Section 10352. Each application for Conditional Use shall be accompanied with the following information and documents:

1. **Physical Plan.** A graphic depiction of the proposed business location including site plan, floor plan and proposed improvements of sufficient detail to clearly communicate the realm, character and physical attributes of the proposed operations. The physical plan shall also include a map, of measurable scale, to depict the proposed business location relative to: (i) the distance to schools within the vicinity of the site; and (ii) the type of land uses within 1,000 feet of the site.
2. **Qualifications Statement.** A detailed resume of each person having an ownership interest in the proposed business including all training, certifications, education, licenses and all relevant credentials demonstrating a working knowledge of federal, state and local laws, regulations and guidelines governing medicinal cannabis. The resume shall also list all relevant business experience including the location and duration of other comparable facilities operated by the owner.
3. **Business Operations.** A business plan consisting of: (i) a narrative outlining the scope of physical improvements and timing of occupancy; (ii) hours of operation, signage and advertising; (iii) number and classification of all employees; (iv) number and location of off-street parking required to accommodate employees, customers and deliveries; (v) availability of off-street parking and impact on shared arrangements; and (vi) staging, frequency and scheduling of deliveries to and from the site.
4. **Safety Precautions.** A detailed description of fire prevention, suppression, HVAC and alarm systems that includes an assessment of fire safety by a qualified fire prevention/suppression consultant. The analysis and associated recommendations shall consider all possible fire hazards, storage/handling of hazardous materials, and inhalation issues/threats. The assessment shall provide an evaluation of all potential risks along with recommendations to affirmatively further public health, safety and welfare.
5. **Security Measures.** A narrative and detailed schematic of overall security for the proposed business including, without limitation,

measures for securing ingress and egress to the premises, protecting the building perimeter (including patrolling for vagrancy and loitering), safeguarding products and cash maintained onsite, use of cameras and video equipment to monitor activities and number/credentials of security personnel to be employed.

6. **Applicant Credentials.** A criminal history background report for each person having an ownership interest in the proposed business that demonstrates, to the reasonable satisfaction of the Chief of Police, that such individuals do not pose a threat to public health, safety or welfare by virtue of their involvement in the proposed business. Each person who is employed in the proposed business shall also submit to a criminal background investigation for review and approval by the Chief of Police as a condition of employment.
7. **Regulatory Compliance.** A detailed explanation as to: (i) how medical cannabis will be tracked and monitored to prevent diversion in compliance with applicable federal, state and local laws; (ii) how transactions will be recorded, monitored and audited to assure that all purchases and sales are fully documented; (iii) how cash will be managed and secured; and (iv) measures to assure that the City will receive the appropriate amount of taxes and license fees that apply to the proposed business.
8. **Product Handling.** A detailed description of all products to be produced, processed, packaged and sold as part of the proposed business. The description shall indicate how products will be packaged and displayed for sale, disclosures as to strength and content, quality control measures including laboratory testing, consultation with customers as to products best suited for their particular medical circumstance, and safeguards as the type and amount of product that can be sold to a specific customer.
9. **Neighborhood Compatibility.** A narrative describing how the proposed business will be managed and operated so as to avoid becoming a nuisance or having impact on its neighbors and the surrounding community including, but not limited to: (i) compliance with the performance standards set forth in PHMC Section 10227; (ii) prevention of vagrancy, loitering and disruptive behavior; and (iii) enforcement of the terms and conditions of Permit approval.
10. **Community Benefits.** A detailed description of benefits that the proposed business would provide to the local community such as employment of local residents, voluntary contributions to civic organizations, sponsorship of community events, revenue enhancement for the City, "green" business practices relating to energy usage, water conservation and waste management, serving a need not presently provided, and similar such opportunities.

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C. Private Cultivation. Private cultivation for personal medicinal purposes shall require a Ministerial Permit under the terms and conditions set forth in PHMC Section 10354. Each application for a Ministerial Permit shall be accompanied with the following information and documents:

1. Physical Plan. A graphic depiction of where the cultivation activities are proposed including site plan, floor plan and proposed improvements of sufficient detail to clearly communicate the realm, character and physical attributes of the proposed operations. The physical plan shall also include a map, of measurable scale, to depict the proposed location relative to: (i) the distance to schools within the vicinity of the site; and (ii) the type of land uses within 1,000 feet of the site.

2. Qualifications Statement. A qualifications statement consisting of: (i) a title report (or equivalent) evidencing that the applicant is the legal owner of record and current occupant of the property for which private cultivation is proposed; (ii) criminal history background report for the applicant that demonstrates, to the reasonable satisfaction of the Chief of Police, that the applicant does not pose a threat to public health, safety or welfare by virtue of the proposed cultivation; and (iii) documentation that validates the applicant's legal entitlement to consume cannabis for medicinal purposes.

SECTION 3: Minimum Qualifications. In addition to all other requirements of applicable law including, without limitation, PHMC Article X, applicants for a Permit must meet the following minimum qualifications:

A. Conditional Uses. The applicant, owners and operators: (i) possess the required licenses, certifications and authorities to conduct commercial cannabis operations; (ii) are of good character, honesty, and integrity, whose background, reputation and associations will not result in adverse consequences; (iii) have a successful track record in operating comparable cannabis related businesses; (iv) evidence sufficient financial capacity and operational wherewithal; and (v) demonstrate that the use or uses proposed will not be injurious or detrimental to the public health, safety or welfare or to property in the vicinity or zone in which the use or uses will be situated.

B. Ministerial Permit. The applicant: (i) possess the required licenses, certifications and authorities to cultivate cannabis for personal medicinal use; and (ii) is of good character, honesty, and integrity, whose background, reputation and associations will not result in adverse consequences.

SECTION 4: Delegation of Authority. While this Resolution establishes the minimum requirements and qualifications for persons seeking to obtain a Permit, the City Manager, or designee, is authorized to promulgate administrative policies and procedures ("AP&P") that implement PHMC Article X and, specifically, such additional measures as may be necessary for obtaining a Permit. Nothing in such AP&P can substantively alter this Resolution; the AP&P must be reconciled with the intent of PHMC Article X and this Resolution.

SECTION 5: The Mayor, or presiding officer, is authorized to sign this Resolution signifying its adoption by the City Council of the City of Port Hueneme and the City Clerk, or her duly appointed deputy, may attest thereto.

SECTION 6: This Resolution will become effective immediately upon effectuation of Ordinance No. _____ and will remain effective unless repealed or superseded .

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF PORT HUENEME ON THIS _____ DAY OF _____, 2017.

MAYOR

ATTEST:

APPROVED AS TO FORM:
