

**LEMOORE PLANNING COMMISSION**  
**Special Meeting**  
**AGENDA**  
**Lemoore Council Chamber**  
**429 'C' Street**

**Tuesday**  
**May 28, 2019**  
**7:00 PM**

1. Pledge of Allegiance

2. Call to Order and Roll Call

3. Public Comment

This time is reserved for members of the audience to address the Planning Commission on items of interest that are not on the Agenda and are within the subject matter jurisdiction of the Commission. It is recommended that speakers limit their comments to 3 minutes each and it is requested that no comments be made during this period on items on the Agenda. The Commission is prohibited by law from taking any action on matters discussed that are not on the Agenda. Prior to addressing the Commission, any handouts for Commissioners shall be provided to the Planning Commission Secretary for distribution to the Commissioners and appropriate staff.

4. Approval – Minutes – Regular Meeting, May 13, 2019

5. Public Hearing – to consider Zoning Text Amendment No. 2019-01 and accept public comment for an ordinance of the City Council of the City of Lemoore amending Municipal Code Title 4, Chapter 8 to allow for and to regulate Commercial Cannabis operations; amending Municipal Code Title 9, Chapter 4, Section 9-4A-5 to conform certain land use definitions to State law; amending Municipal Code Title 9, Chapter 4, Section 9-4B-2 to clarify Medicinal and add Commercial Cannabis Activities in the DMX-1, DMX-2, NC, RC and ML zones; and amending Municipal Code Title 9, Chapter 4, Section 9-4D-3 to clarify Medicinal and add Commercial Cannabis Activities are prohibited in Community Gardens.

6. Director's Report – Judy Holwell

7. Commission's Reports and Requests for Information

8. Adjournment

Upcoming Meetings

Regular Meeting of the Planning Commission, June 10, 2019 (To Be Cancelled - No New Business)

Agendas for all Planning Commission meetings are posted at City Hall, located at 119 Fox Street, at least 72 hours prior to the meeting. Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection at the Community Development Department, located at 711 W. Cinnamon Drive, during normal business hours.

The City of Lemoore complies with the Americans with Disabilities Act (ADA of 1990). The Council Chamber is accessible to the physically disabled. Should you need special assistance, please call (559) 924-6740, at least four (4) business days prior to the meeting.

## CERTIFICATION OF POSTING

I, Kristie Baley, Planning Commission Secretary for the City of Lemoore, do hereby declare that I posted the above Planning Commission Agenda for the Special Meeting of Tuesday, May 28, 2019 at City Hall, 119 Fox Street, Lemoore, CA.

Posted this 24<sup>th</sup> day of May 2019.

//s//  
Kristie Baley, Planning Commission Secretary

**Minutes of the  
LEMOORE PLANNING COMMISSION  
Regular Meeting  
May 13, 2019**

PLEDGE OF ALLEGIANCE

MEETING CALLED TO ORDER

*At 7:00 p.m., the meeting was called to order.*

ROLL CALL	Chair:	Clement
	Vice Chair:	Etchegoin
	Commissioners:	Boerkamp, Franklin, Koelewyn, Meade, Rogers

City Staff and Contract Employees Present: City Planner Brandt (QK); City Attorney Linden (Lozano Smith); Commission Secretary Baley

PUBLIC COMMENTS AND INQUIRIES

ITEM NO. 3 PUBLIC COMMENT

*There was no comment.*

REQUESTS FOR APPROVAL

ITEM NO. 4 MINUTES – REGULAR MEETING, MARCH 11, 2019

*Motion by Commissioner Meade, seconded by Commissioner Etchegoin, to approve the Minutes of the Planning Commission Regular Meeting of March 11, 2019.*

*Ayes: Meade, Rogers, Franklin, Etchegoin, Koelewyn*

*Abstain: Boerkamp, Clement*

PUBLIC HEARINGS

ITEM NO. 5 PUBLIC HEARING – PLANNED UNIT DEVELOPMENT NO. 2019-01: A REQUEST BY WOODSIDE HOMES IN THE EXISTING BRISBANE EAST RESIDENTIAL SUBDIVISION TRACT 921 THAT WOULD ALLOW A MINIMUM 5-FOOT SIDE YARD SETBACK FOR TWO-STORY HOMES INSTEAD OF THE STANDARD 10-FOOT MINIMUM SIDE YARD SETBACK

*City Planner Brandt presented the proposal.*

*The public hearing opened at 7:12 p.m.*

*There was no comment.*

*The public hearing closed at 7:13 p.m.*

*Commissioner Meade recused himself and left the Dias.*

*Motion by Commissioner Franklin, seconded by Commissioner Koelewyn to approve Resolution No. 2019-03, a Resolution of the Planning Commission recommending approval of Planned Unit Development No. 2019-01 with the findings and conditions in the staff report.*

*Ayes: Franklin, Koelewyn, Boerkamp, Etchegoin, Rogers, Clement*

*Absent: Meade*

*Commissioner Meade returned to the Dias.*

### COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

#### ITEM NO. 6

*City Planner Brandt informed Commissioners that staff is working on multiple projects that are still in the preliminary stage. He expects to bring several of the projects to the Commission for review when they progress to the application stage.*

*Brandt stated that he attended the 14<sup>th</sup> Annual SJV Policy Conference held at the Tachi Palace and Casino the previous week, and Lemoore left a good impression on attendees.*

*Staff is working on zoning text amendments that will be brought to Commissioners in the future.*

*Staff is working on a street vending ordinance to coincide with new California laws regarding street vendors, but the ordinance will go directly to City Council for approval.*

### COMMISSION REPORTS AND REQUESTS FOR INFORMATION

#### ITEM NO. 7

*Commissioners asked staff for clarification regarding upcoming meetings they will be attending.*

### ADJOURNMENT

*At 7:30 p.m., the meeting adjourned.*

Approved the \_\_\_<sup>th</sup> day of \_\_\_\_\_ 2019.

APPROVED:

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Bob Clement, Chairperson

ATTEST:

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Kristie Baley, Commission Secretary



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## Staff Report

**To:** Lemoore Planning Commission **Item No. 5**  
**From:** Steve Brandt, City Planner  
**Date:** May 22, 2019 **Meeting Date:** May 28, 2017  
**Subject:** **Zoning Text Amendment No. 2019-01:** An ordinance amending Municipal Code Title 4, Chapter 8 to allow for and to regulate Commercial Cannabis operations; amending Municipal Code Title 9, Chapter 4, Section 9-4A-5 to conform certain land use definitions to State law; amending Municipal Code Title 9, Chapter 4, Section 9-4B-2 to clarify Medicinal and add Commercial Cannabis Activities in the DMX-1, DMX-2, MU, NC, RC and ML zones; and amending Municipal Code Title 9, Chapter 4, Section 9-4D-3 to clarify that Medicinal and Commercial Cannabis Activities are prohibited in Community Gardens.

### **Proposed Motion:**

Move to adopt Resolution No. 2019-04 recommending approval Zoning Text Amendment No. 2019-01, in accordance with the findings in the resolution.

### **Project Proposal:**

This proposal makes changes to both the Lemoore Zoning Ordinance (Title 9) and Lemoore's Public Health and Safety Ordinance regarding marijuana (Chapter 8 of Title 4). The proposal would allow the City to issue permits for commercial cannabis operations within the identified zones. Most permits would be issued after the City Council and the operator agree to a Development Agreement. In the Neighborhood Commercial (NC) zone, commercial cannabis cultivation would require both a conditional use permit from the Planning Commission and a Development Agreement from the City Council.

The changes to the Zoning Ordinance (Title 9) describe where the different types of uses can be located. The types of uses are similar to the uses defined in State law. The process to obtain a Development Agreement and the required operational standards are described in the revised Chapter 8 of Title 4. The ordinance would also allow a special event where cannabis products are sold and/or consumed with the approval of a temporary use permit.

Finally, the ordinance would clarify that cannabis shall not be allowed to be grown in a community garden, as it is defined in the Zoning Ordinance.

### **Previous Relevant Actions:**

On October 4, 2016, the City Council adopted Ordinance No. 2016-12, amending the Municipal Code to conform it to recent State law changes associated with medical Cannabis, specifically the State Compassionate Use Act, the Medical Cannabis Program Act, and the Medical Cannabis Regulation and Safety Act.

On November 9, 2016, California citizens approved Proposition 64 allowing for recreational and personal use of cannabis in addition to compassionate medical use.

On January 1, 2018, the State of California began licensing commercial cannabis businesses for both medicinal and adult Cannabis use throughout the State, including cultivation, distribution, manufacturing, testing and dispensaries, among others.

On May 15, 2018, the City Council adopted Ordinance No. 2018-03, amending the Municipal Code to permit and regulate the personal use of recreational and medical Cannabis in residential areas as required under State law.

On January 16, 2019, the State Office of Administrative Law approved new Bureau of Cannabis Control regulations that affect, among other things, the regulation of both brick-and-mortar and mobile cannabis dispensaries throughout the State.

On May 7, 2019, the Lemoore City Council held a study session to discuss the merits of allowing commercial cannabis operation in the City. The Council directed City staff to initiate a zoning text amendment and begin the public hearing process.

### **Discussion**

In 2017, the State announced that, beginning January 1, 2018, they would begin issuing commercial cannabis business licenses only to operators that locate in cities that allowed it. Lemoore initially changed its ordinance to prohibit commercial cannabis operations. Commercial cannabis operations include businesses that cultivate, deliver, distribute, test, or dispense cannabis products. Each type of business is specifically categorized and licensed by the State, similar to how the State categorizes the different types of alcohol sales through ABC licenses. Since January 2018, several cities in the San Joaquin Valley have adopted ordinances allowing commercial cannabis operations, or in the process of adopting them. This includes Coalinga, Woodlake, Farmersville, Lindsay, and Fresno. Some jurisdictions, like Tulare County, allow cannabis dispensaries but do not allow cannabis manufacturing.

The State currently categorizes their cannabis licenses into different types of businesses. Descriptions taken from the State website of these types is provided in Attachment A – Types of State Cannabis Licenses.

The zones in which the different categories of commercial cannabis operations are allowed are shown in the land use table attached to the draft ordinance. Some sections are identified as new sections that add or replace existing sections in their entirety. Existing sections with

edits are shown with text to be added in bold/underline and text to be removed in strikeout. Except for a cannabis commercial cultivation use in the NC zone which would require a conditional use permit, the ordinance is written so that the uses are allowed in certain zones with a footnote (Notes 28) in the table that points to Chapter 8 of Title 4. This revised chapter would now require that a cannabis operations permit be issued by the City only after the City Council approves a Development Agreement. Proposed Development Agreements, according to the current Zoning Ordinance, would be sent to the Planning Commission for recommendation, prior to being sent to the City Council for approval. Both meetings would require a public hearing.

### **Environmental Assessment:**

Pursuant to California Environmental Quality Act (CEQA), it has been determined that this project is exempt from additional CEQA processes because the proposed ordinance falls under a special exemption set forth in Business and Professions Code section 26055(h), which states as follows:

“Without limiting any other statutory exemption or categorical exemption, Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity. To qualify for this exemption, the discretionary review in any such law, ordinance, rule, or regulation shall include any applicable environmental review pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code. This subdivision shall become inoperative on July 1, 2019.”

### **Recommended Findings:**

Staff recommends the following finding be made:

1. The zoning text amendment is consistent with the general plan goals, policies, and implementation programs.

### **Attachments:**

Attachment A – Types of State Cannabis Licenses  
Planning Commission Resolution  
Draft Ordinance describing the Code changes



## Attachment A Types of State Cannabis Licenses

**Note: Most license applications also must state if their license will be used for medicinal or recreational cannabis.**

### **CANNABIS RETAILER – 2 types of Cannabis Retailer Licenses** (regulated by the Bureau of Cannabis Control)

**Retailer – Non-Storefront (Delivery):** Sells and delivers cannabis or cannabis products to consumers. A Retailer Non-Storefront must have a licensed premises, but is not open to the public. It conducts sales exclusively by delivery.

**Retailer (Storefront Sales):** Sells and delivers cannabis and cannabis products to consumers. A Retailer must have a licensed premises which may be open to the public to sell cannabis and cannabis products to consumers. Sales may also be conducted by delivery.

### **CANNABIS CULTIVATION – 14 types of Cannabis Cultivation Licenses** (regulated by CalCannabis Cultivation Licensing, a division of the California Department of Food and Agriculture)

#### (a) Specialty Cottage:

- (1) “Specialty Cottage Outdoor” is an outdoor cultivation site with up to 25 mature plants.
- (2) “Specialty Cottage Indoor” is an indoor cultivation site with 500 square feet or less of total canopy.
- (3) “Specialty Cottage Mixed-Light Tier 1 and 2” is a mixed-light cultivation site with 2,500 square feet or less of total canopy.

#### (b) Specialty:

- (1) “Specialty Outdoor” is an outdoor cultivation site with less than or equal to 5,000 square feet of total canopy, or up to 50 mature plants on noncontiguous plots.
- (2) “Specialty Indoor” is an indoor cultivation site between 501 and 5,000 square feet of total canopy.
- (3) “Specialty Mixed-Light Tier 1 and 2” is a mixed-light cultivation site between 2,501 and 5,000 square feet of total canopy.

#### (c) Small:

- (1) “Small Outdoor” is an outdoor cultivation site between 5,001 and 10,000 square feet of total canopy.
- (2) “Small Indoor” is an indoor cultivation site between 5,001 and 10,000 square feet of total canopy.
- (3) “Small Mixed-Light Tier 1 and 2” is a mixed-light cultivation site between 5,001 and 10,000 square feet of total canopy.

#### (d) Medium:

- (1) “Medium Outdoor” is an outdoor cultivation site between 10,001 square feet and one acre of total canopy.
- (2) “Medium Indoor” is an indoor cultivation site between 10,001 and 22,000 square feet of total canopy.
- (3) “Medium Mixed-Light Tier 1 and 2” is a mixed-light cultivation site between 10,001 and 22,000 square feet of total canopy.

(e) “Nursery” is a cultivation site that conducts only cultivation of clones, immature plants, seeds, and other agricultural products used specifically for the propagation of cultivation of cannabis.

(f) “Processor” is a cultivation site that conducts only trimming, drying, curing, grading, packaging, or labeling of cannabis and nonmanufactured cannabis products.

**CANNABIS MANUFACTURING – 5 types of Cannabis Manufacturing Licenses** (regulated by Manufactured Cannabis Safety Branch, a division of the California Department of Public Health)

(a) "Type 7," for extractions using volatile solvents as defined by Section 40100(xx).

A Type 7 licensee may also:

(1) Conduct extractions using nonvolatile solvents or mechanical methods on the licensed premises, provided that the extraction process is noted on the application and the relevant information pursuant to Section 40131 is provided to the Department;

(2) Conduct infusion operations on the licensed premises, provided the infusion operations and product types are noted on the application and the relevant information pursuant to Section 40131 is provided to the Department;

(3) Conduct packaging and labeling of cannabis products on the licensed premises;  
and

(4) Register and operate the licensed premises as a shared-use facility in accordance with Article 6 (commencing with Section 40190) of Subchapter 2.

(b) "Type 6," for extractions using mechanical methods or nonvolatile solvents as defined by Section 40100(gg). A Type 6 licensee may also:

(1) Conduct infusion operations on the licensed premises, provided the infusion operations and product types are noted on the application and the relevant information pursuant to Section 40131 is provided to the Department;

(2) Conduct packaging and labeling of cannabis products on the licensed premises;  
and

(3) Register and operate the licensed premises as a shared-use facility in accordance with Article 6 (commencing with Section 40190) of Subchapter 2.

(c) "Type N," for manufacturers that produce cannabis products other than extracts or concentrates that are produced through extraction. A Type N licensee may also:

(1) Conduct packaging and labeling of cannabis products on the licensed premises;  
and

(2) Register and operate the licensed premises as a shared-use facility in accordance with Article 6 (commencing with Section 40190) of Subchapter 2.

(d) "Type P," for manufacturers that only package or repackage cannabis products or label or relabel cannabis product containers or wrappers.

(e) "Type S," for manufacturers that conduct commercial cannabis manufacturing activities in accordance with Article 6 (commencing with Section 40190) of Subchapter 2 at a registered shared-use facility.

**CANNABIS TESTING - 1 type of Cannabis Testing License** (regulated by the Bureau of Cannabis Control)

**Testing Laboratory:** A laboratory, facility, or entity in the state that offers or performs tests of cannabis or cannabis products.

**CANNABIS DISTRIBUTOR – 2 types of Cannabis Distributor Licenses** (regulated by the Bureau of Cannabis Control)

**Distributor:** Purchases, sells, arranges for testing, conducts quality assurance review of packaging and labeling, and transports cannabis goods between licensees.

**Distributor – Transport Only:** Transports cannabis goods between licensees. May not transport cannabis goods to a licensed retailer and may not engage in any other distributor activities.

**CANNABIS MICROBUSINESS – 1 type of Cannabis Microbusiness License** (regulated by the Bureau of Cannabis Control)

**Microbusiness:** May act (in part or whole) as a retailer, distributor, manufacturer (Level 1), and cultivator (on an area less than 10,000 sq. ft.). An applicant for microbusiness must engage in at least three (3) of the following commercial cannabis business activities:

- Retailer or Retailer – Non-Storefront
- Distributor or Distributor – Transport Only
- Cultivation (less than 10,000 sq. ft.)
- Manufacturer (Level 1, Type 6)

**City of Lemoore  
Ordinance 2019-\_\_**

**EXHIBIT 1**

**Amended Table 9-4-B2**

**ALLOWED USES AND REQUIRED ENTITLEMENTS FOR BASE ZONING DISTRICTS**

P	=	Permitted by right	N	=	Not permitted
A	=	Administrative use permit required	C	=	Conditional use permit required

Land Use/ Zoning District	Residential Zoning Districts							Special Purpose Zoning Districts				Mixed Use Zoning Districts				Office, Commercial, And Industrial Zoning Districts				
	AR	RVLD	RLD	RN	RLMD	RMD	RHD	W	AG	PR	CF	DMX -1	DMX -2	DMX -3	MU	NC	RC	PO	ML	MH
Residential uses:																				
Caretaker housing	C	P	P	P	P	P	P	C	N	C	C	P	P	P	P	C	C	P	P	P
Child daycare facility - family daycare home, large <sup>1</sup>	N	A	A	A	A	A	A	N	N	N	N	A	A	A	A	N	N	N	N	N
Child daycare facility - family daycare home, small	N	P	P	P	P	P	P	N	N	N	N	P	P	P	P	N	N	N	N	N
Dwelling, multi- family	N	N	N	N	P	P	P	N	N	N	N	P <sup>2</sup>	P	P	P	P <sup>27</sup>	N	C	N	N

Dwelling, second unit <sup>3</sup>	A	A	A	A	A	A	A	N	N	N	N	N	A	A	N	N	N	N	N	N
Dwelling, single-family	P	P	P	P	P	P	N	N	N	N	N	N	A	P	N	N	N	N	N	N
Dwelling, two-family	N	N	A	P	P	P	N	N	N	N	N	N	P	P	N	N	N	N	N	N
Emergency shelter	N	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N	N	N	C	N
Employee housing, large	P	C	N	N	N	N	N	N	P	N	N	N	N	N	N	N	N	N	N	N
Employee housing, small	P	P	P	P	P	P	N	N	P	N	N	N	P	P	N	N	N	N	N	N
Gated residential community	C	C	C	C	C	C	C	N	N	N	N	N	N	N	N	N	N	N	N	N
Group residential	N	N	N	N	N	P	P	N	N	N	C	P	P	P	P	N	N	N	N	N
Guesthouse	P	P	P	P	P	P	N	N	N	N	N	N	P	P	N	N	N	N	N	N
Live-work facility <sup>5</sup>	N	N	N	N	N	N	A	N	N	N	N	A	A	A	A	A	N	N	N	N
Marijuana <b><u>Personal</u></b> cultivation – personal <b><u>recreational and medicinal</u></b> use <sup>28</sup>	p <sup>28</sup>	p <sup>28</sup>	p <sup>28</sup>	p <sup>28</sup>	p <sup>28</sup>	p <sup>28</sup>	p <sup>28</sup>	N	N	N	N	N	N	N	N	N	N	N	N	N
Mobilehome park <sup>6</sup>	N	C	C	C	C	A	A	N	N	N	N	N	N	N	N	N	N	N	N	N
Recreational vehicle park <sup>24</sup>	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	C	N



	Household pets:																					
		4 or less	P	P	P	P	P	P	P	N	N	N	N	P	P	P	P	N	N	N	N	N
		More than 4	C	C	C	C	C	C	C	N	N	N	N	C	C	C	C	N	N	N	N	N
	Kennel		P	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C <sup>8</sup>	C <sup>8</sup>	P	N
	Veterinary facility		P	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	N
Recreation, resource preservation, open space, education, and public assembly uses:																						
	Assembly uses		A	N	C	C	A	A	A	N	N	A	A	A	A	A	A	A	A	P	C	N
	Cemetery/mausoleum		C	N	N	N	N	N	N	N	N	C	P	N	N	N	N	N	N	N	N	N
	Community food bank		N	N	C <sup>26</sup>	C <sup>26</sup>	C <sup>26</sup>	C <sup>26</sup>	N	N	N	A	A	N	A	N	C	N	N	N	N	N
	Community garden <sup>9</sup>		A	A	A	A	A	A	A	N	N	A	A	A	A	A	N	N	N	A	N	N
	Indoor amusement/entertainment facility <sup>10</sup>		N	N	N	N	N	N	N	N	N	P	P	P	P	C	P	P	P	N	A	N
	Indoor fitness and sports facility		N	N	N	N	N	N	N	N	N	P	P	P	P	C	P	P	P	C	A	N
	Library/museum		N	N	N	N	N	N	N	N	N	P	P	P	P	P	C	N	C	P	C	N

	Outdoor commercial barbeque	N	N	N	N	N	N	N	N	N	A	A	A	A	N	A	A	A	N	N	N
	Outdoor commercial recreation	N	N	N	N	N	N	N	N	N	P	P	P <sup>11</sup>	P <sup>11</sup>	P <sup>11</sup>	P <sup>11</sup>	N	N	N	C	N
	Park/public plaza	N	P	P	P	P	P	P	N	N	P	P	P	P	P	P	P	P	P	P	P
	Resource protection and restoration	P	N	N	N	N	N	N	P	N	P	P	N	N	N	N	N	N	N	N	N
	Resource related recreation	P	N	N	N	N	N	N	P	N	P	P	N	N	N	N	N	N	N	N	N
	School, academic - private and charter	N	N	C	C	C	C	C	N	N	N	P	N	N	N	C	N	N	N	C	N
	School, academic - public	P	P	P	P	P	P	P	P	N	P	P	P	P	P	P	P	P	P	P	P
	School, colleges and universities - private	N	N	N	N	N	N	N	N	N	N	P	C <sup>11</sup>	C <sup>11</sup>	N	C	N	N	P	C	N
	School, colleges and universities - public	P	P	P	P	P	P	P	P	N	P	P	P	P	P	P	P	P	P	P	P
	School, equipment/machinery/ vehicle training	N	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N	N	N	P	C
	School, specialized education and training/studio	N	N	N	N	N	N	N	N	N	N	N	P	P	C	P	P	P	P	C	N
	Theater/auditorium	N	N	N	N	N	N	N	N	N	P	P	P	C	C	P	P	P	N	N	N



Utility, transportation, public facility, and communication uses:																					
	Airport	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
	Ambulance service	N	N	C	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N
	Broadcasting and recording studio	N	N	N	N	N	N	N	N	N	N	N	P <sup>11</sup>	P <sup>11</sup>	C <sup>11</sup>	C	C	P	P	P	N
	Bus and transit shelter	P	P	P	P	P	P	P	N	P	P	P	P	P	P	P	P	P	P	P	P
	Fuel storage and distribution	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C
	Heliport	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C
	Park and ride facility	N	N	N	N	N	N	N	N	P	P	P	P	N	P	P	P	P	P	P	P
	Parking facility	N	N	N	N	N	N	N	N	N	N	P	P	C	P	P	P	P	P	P	P
	Public safety facility	P	P	P	P	P	P	P	N	P	P	P	P	P	P	P	P	P	P	P	P
	Solar power station	C	N	N	N	N	N	N	N	N	C	N	N	N	N	N	N	N	N	C	C
	Transit facility	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N	N	N	P	P	P
	Transit station/terminal	N	N	N	N	N	N	N	N	N	P	P	N	N	P	P	P	C	P	P	P
	Truck stop/travel center	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	C	C	C

	Utility facility and infrastructure	P	P	P	P	P	P	P	P	N	P	P	N	N	N	P	P	P	P	P	P
	Wireless telecommunication facility:																				
	Major <sup>12</sup>	N	N	N	N	N	N	N	N	N	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	N	C <sup>13</sup>	C <sup>13</sup>	C <sup>13</sup>	N	C <sup>13</sup>	C <sup>13</sup>
	Minor <sup>12</sup>	P	P	P	P	P	P	P	P	N	P	P	P	P	P	P	P	P	P	P	P
Retail, service, and office uses:																					
	Adult day healthcare center	N	N	N	N	N	N	C	N	N	N	N	N	C	C	C	C	C	P	N	N
	Alcoholic beverage sales, off site <sup>14</sup>	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C	C	C	C	C	N
	Alcoholic beverage sales, on site <sup>14</sup>	See “bar/nightclub” and “restaurant”																			
	Art, antique, collectible	N	N	N	N	N	N	N	N	N	N	N	P <sup>15</sup>	P <sup>15</sup>	P <sup>15</sup>	P	P	P	N	N	N
	Artisan shop	N	N	N	N	N	N	N	N	N	N	N	P <sup>15</sup>	P <sup>15</sup>	P <sup>15</sup>	P	P	P	N	N	N
	Banks and financial services	N	N	N	N	N	N	N	N	N	N	N	P <sup>15</sup>	P <sup>15</sup>	P <sup>15</sup>	P	P	P	P	C	N
	Bar/nightclub <sup>14</sup>	N	N	N	N	N	N	N	N	N	N	N	C	C	N	C	C	C	N	N	N
	Bed and breakfast inn	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	C	N	N	N	N

Building materials store/yard	N	N	N	N	N	N	N	N	N	N	N	N	P <sup>11,15</sup>	P	N	P	P	P	N	P	N
Business support services	N	N	N	N	N	N	N	N	N	N	N	N	P <sup>15</sup>	P <sup>15</sup>	C	P	P	P	P	N	N
Call center	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	C	N
<u>Cannabis Commercial Cultivation</u> <sup>28</sup> -	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u> <sup>28</sup> -	<u>N</u>	<u>N</u>	<u>P</u> <sup>28</sup> -	<u>N</u>
<u>Cannabis Commercial Manufacturing, Distribution, and/or Testing</u> <sup>28</sup> -	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u> <sup>28</sup> -	<u>N</u>
<u>Cannabis Commercial Dispensary</u> <sup>28</sup> -	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u> <sup>28</sup> -	<u>P</u> <sup>28</sup> -	<u>N</u>	<u>P</u> <sup>28</sup> -	<u>P</u> <sup>28</sup> -	<u>P</u> <sup>28</sup> -	<u>N</u>	<u>P</u> <sup>28</sup> -	<u>N</u>
Card room	N	N	N	N	N	N	N	N	N	N	N	N	C <sup>15</sup>	C <sup>15</sup>	N	N	N	C	N	N	N
Check cashing business	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	N	N	N
Child daycare facility - child daycare center <sup>25</sup>	N	N	N	C	C	A	A	N	N	N	N	C	N	P	P	P	P	P	P	N	N
Consignment store	N	N	N	N	N	N	N	N	N	N	N	N	P <sup>15</sup>	C <sup>15</sup>	N	P	P	P	P	N	N
Convenience store	N	N	N	N	N	N	N	N	N	N	N	N	P <sup>15</sup>	P <sup>15</sup>	C <sup>15</sup>	P	P	P	P	C	N
Crematory	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	C	P

Drive-in and drive-through sales and service <sup>16</sup>	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	A	A	A	C	A	N
Equipment sales and rental	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	C	N	P	P
Garden center/plant nursery	N	N	N	N	N	N	N	N	N	N	N	N	P <sup>15</sup>	P <sup>15</sup>	N	A	P	P	N	A	N
Grocery store/supermarket	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	N	N	N
Hookah parlor	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Hotel and motel	N	N	N	N	N	N	N	N	N	N	N	N	P	N	N	P	P	P	P	P	N
Maintenance and repair of small equipment	N	N	N	N	N	N	N	N	N	N	N	N	P <sup>15</sup>	P <sup>15</sup>	C <sup>15</sup>	C	P	P	P	P	P
Massage therapy <sup>17</sup>	N	N	N	N	N	N	N	N	N	N	N	N	A	N	N	A	A	A	N	N	N
Medical services, extended care	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	P	P	P	P	N	N
Medical services, general	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N	N
Medical services, hospital <sup>25</sup>	N	N	C	C	C	C	C	C	N	N	N	N	N	N	N	C	C	P	P	C	N
Mortuary/funeral home	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C	P	P	P	N	N

Neighborhood market	N	N	N	N	N	N	N	N	N	N	N	N	A	A	N	P	P	P	N	N	N
Office, accessory	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	P	P
Office, business and professional	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	A	A	P	N	N
Pawnshop	N	N	N	N	N	N	N	N	N	N	N	N	C	C	N	N	P	P	N	N	N
Personal services	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N	N
Restaurant	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	N
Retail, accessory	N	N	N	N	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P
Retail, general	N	N	N	N	N	N	N	N	N	N	N	N	P <sup>11,15</sup>	P <sup>11,15</sup>	P <sup>11,15</sup>	P <sup>18</sup>	P <sup>18</sup>	P	N	N	N
Retail, warehouse club	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	P	N	N	N
Semipermanent mobile food vehicle <sup>19</sup>	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	A	A	A	N	A	N
Sexually oriented business <sup>20</sup>	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C
Smoke shop	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	P	N	N	N
Tattoo parlor	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N	C	C	N	N	N
Thrift store <sup>21</sup>	N	N	N	N	N	N	N	N	N	N	N	N	C	C	N	A	A	A	N	N	N

Automobile and vehicle uses:																					
	Auto and light vehicle sales	N	N	N	N	N	N	N	N	N	N	N	C	C	N	C	N	P	N	P	N
	Auto and vehicle rental	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	C	C	C	P	P
	Auto and vehicle sales, wholesale	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
	Auto and vehicle storage	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
	Auto parts sales	N	N	N	N	N	N	N	N	N	N	N	N	P <sup>11,15</sup>	N	P	P	P	P	P	P
	Auto vehicle dismantling	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	P
	Car washing and detailing	N	N	N	N	N	N	N	N	N	N	N	N	P	N	C	C	P	N	P	P
	Fueling station <sup>22</sup>	N	N	N	N	N	N	N	N	N	N	N	N	C	N	C	C	C	C	C	C
	Heavy vehicle sales	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	P	N	P	N
	Vehicle services - major	N	N	N	N	N	N	N	N	N	N	N	N	C	N	C	N	N	N	P	P
	Vehicle services - minor	N	N	N	N	N	N	N	N	N	N	N	N	C <sup>23</sup>	N	C <sup>23</sup>	C <sup>23</sup>	C <sup>23</sup>	N	P	C <sup>23</sup>

[illegible]

	Research and development	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N	N	P <sup>23</sup>	P	P
	Storage, personal storage facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
	Storage, warehouse	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
	Storage, yard	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
	Wholesaling and distribution	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
Temporary uses		See article C, “Temporary Uses,” of this chapter																				
Nonconforming uses		See chapter 2, article C, “Nonconforming Uses, Structures, And Properties,” of this title																				

Notes:

1. See additional regulations for large family daycare homes in section 9-4D-7 of this chapter.
2. Only permitted on the first floor when located along an alley or side street; otherwise must be on an upper floor.
3. See additional regulations for second dwelling units in section 9-4D-12 of this chapter.
4. Reserved.
5. See additional regulations for live-work facilities in section 9-4D-8 of this chapter.
6. See additional regulations for mobilehome parks in section 9-4D-10 of this chapter.
7. Minimum lot size shall be 20,000 square feet.
8. All activities and storage shall be located within an enclosed structure(s).
9. See additional regulations for community gardens in section 9-4D-3 of this chapter.
10. See special permit requirements in title 3, chapter 4, article C of the Municipal Code.
11. Maximum tenant space shall be 10,000 square feet.
12. See additional regulations for wireless telecommunication facilities in section 9-4D-15 of this chapter.
13. Facilities less than 75 feet tall are permitted by right, except that major site plan and architectural review is still required. Otherwise, a conditional use permit is required in addition to major site plan and architectural review.
14. See additional regulations for alcoholic beverage sales in section 9-4D-2 of this chapter.
15. Use is permitted by right when located on the ground floor. Otherwise, a conditional use permit is required.
16. See additional regulations for drive-in and drive-through facilities in section 9-4D-4 of this chapter.
17. See additional regulations for massage therapy in section 9-4D-9 of this chapter. Additionally, see additional permit requirements in title 4, chapter 7 of the



Municipal Code.

18. Maximum tenant space shall be 30,000 square feet; however, store size may be larger upon approval of an administrative use permit.
19. See additional regulations for semi-permanent mobile food vendors in section 9-4D-13 of this chapter.
20. See additional regulations for sexually oriented businesses in section 9-4D-14 of this chapter.
21. See additional regulations for thrift stores in section 9-4D-16 of this chapter.
22. See additional regulations for fueling stations in section 9-4D-6 of this chapter.
23. Use is permitted by right when located more than 500 feet from a residential use or district.
24. See additional regulations for recreational vehicle parks in section 9-4D-11 of this chapter.
25. This “sensitive receptor” use shall not be located within:
  - a. 500 feet of a freeway, urban roads carrying 100,000 vehicles per day, or rural roads carrying 50,000 vehicles per day.
  - b. 1,000 feet of a distribution center (that accommodates more than 100 trucks a day, more than 40 trucks with operating transport refrigeration units [TRUs] a day, or where TRU operation exceeds 300 hours per week).
  - c. 300 feet of any dry cleaning operation that uses toxic chemicals. For operations with 2 or more machines, a minimum 500 feet shall be provided. For operations with 3 or more machines, a larger distance may be required based upon consultation with the Kings County Air District.
  - d. 300 feet of a “large gas station,” defined as a facility with a throughput of 3.6 million gallons or more per year.
26. If developed incidental to an existing charitable operation, this use is allowed subject to approval of an administrative use permit.
27. Permitted on second floors above retail and neighborhood serving office when ancillary in size and does not interfere with primary retail use.
28. **Use is permitted** as allowed by State law and/or as defined authorized in title 4, chapter 8 of the Municipal Code. ~~Further, any such cultivation will require the appropriate building permits and compliance with all applicable Building Codes, Lemoore Municipal Codes and the building requirements outlined in title 4, chapter 8 of the Municipal Code.~~

**RESOLUTION NO. 2019-04**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE  
RECOMMENDING APPROVAL OF ZONING TEXT AMENDMENT NO. 2019-01:  
AN ORDINANCE AMENDING MUNICIPAL CODE TITLE 4, CHAPTER 8 TO ALLOW FOR AND TO  
REGULATE COMMERCIAL CANNABIS OPERATIONS; AMENDING MUNICIPAL CODE TITLE 9,  
CHAPTER 4, SECTION 9-4A-5 TO CONFORM CERTAIN LAND USE DEFINITIONS TO STATE LAW;  
AMENDING MUNICIPAL CODE TITLE 9, CHAPTER 4, SECTION 9-4B-2 TO CLARIFY MEDICINAL  
AND ADD COMMERCIAL CANNABIS ACTIVITIES IN THE DMX-1, DMX-2, NC, MU, RC, AND ML  
ZONES; AND AMENDING MUNICIPAL CODE TITLE 9, CHAPTER 4, SECTION 9-4D-3 TO CLARIFY  
THAT MEDICINAL AND COMMERCIAL CANNABIS ACTIVITIES ARE PROHIBITED IN COMMUNITY  
GARDENS.**

At a Special Meeting of the Planning Commission of the City of Lemoore duly called and held on May 28, 2019, at 7:00 p.m. on said day, it was moved by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_ and carried that the following Resolution be adopted:

**WHEREAS**, on October 4, 2016, the City Council of the City of Lemoore adopted Ordinance No. 2016-12, amending the Municipal Code to conform it to recent State law changes associated with medical Cannabis , specifically the State Compassionate Use Act, the Medical Cannabis Program Act, and the Medical Cannabis Regulation and Safety Act; and

**WHEREAS**, on November 9, 2016, California citizens approved Proposition 64 allowing for recreational and personal use of cannabis in addition to compassionate medical use; and

**WHEREAS**, on January 1, 2018, the State of California began licensing commercial cannabis businesses for both medicinal and adult Cannabis use throughout the State, including cultivation, distribution, manufacturing, testing and dispensaries, among others; and

**WHEREAS**, on May 15, 2018, the City Council of the City of Lemoore adopted Ordinance No. 2018-03, amending the Municipal Code to permit and regulate the personal use of recreational and medical Cannabis in residential areas as required under State law; and

**WHEREAS**, this newly licensed commercial cannabis industry is evolving quickly and the State Office of Administrative Law, on January 16, 2019, approved new Bureau of Cannabis Control regulations that affect, among other things, the regulation of both brick-and-mortar and mobile cannabis dispensaries throughout the State; and

**WHEREAS**, on May 7, 2019, the Lemoore City Council held a study session to discuss the merits of allowing commercial cannabis operation in the City. The Council directed City staff to initiate a zoning text amendment and begin the public hearing process; and

**WHEREAS**, the Lemoore Planning Commission held a duly noticed public hearing at a May 28, 2019, special meeting.

**NOW THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Lemoore recommends that the Lemoore City Council make the following findings regarding California Environmental Quality Act (CEQA) compliance:

1. Pursuant to California Environmental Quality Act (CEQA), it has been determined that this project is exempt from additional CEQA processes because the proposed ordinance falls under a special exemption set forth in Business and Professions Code section 26055(h), which states as follows: “Without limiting any other statutory exemption or categorical

exemption, Division 13 (commencing with Section 21000) of the Public Resources Code does not apply to the adoption of an ordinance, rule, or regulation by a local jurisdiction that requires discretionary review and approval of permits, licenses, or other authorizations to engage in commercial cannabis activity. To qualify for this exemption, the discretionary review in any such law, ordinance, rule, or regulation shall include any applicable environmental review pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code. This subdivision shall become inoperative on July 1, 2019.”

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Lemoore recommends that the Lemoore City Council approve Zoning Text Amendment No. 2019-01, adopting an ordinance to regulate cannabis uses in the City of Lemoore, based on the evidence presented and the following specific findings:

1. The zoning text amendment is consistent with the general plan goals, policies, and implementation programs.

Passed and adopted at a Special Meeting of the Planning Commission of the City of Lemoore held on May 28, 2019, by the following votes:

**AYES:**  
**NOES:**  
**ABSTAINING:**  
**ABSENT:**

**APPROVED:**

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**Bob Clement, Chairperson**

**ATTEST:**

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**Kristie Baley, Planning Commission Secretary**

**ORDINANCE NO. 19-\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMOORE AMENDING THE LEMOORE MUNICIPAL CODE RELATING TO CANNABIS AS FOLLOWS: TITLE 4, CHAPTER 8 – CANNABIS , TO ALLOW FOR AND TO REGULATE COMMERCIAL CANNABIS OPERATIONS; TITLE 9, CHAPTER 4, SECTION 9-4A-5 TO CONFORM CERTAIN LAND USE DEFINITIONS TO STATE LAW; TITLE 9, CHAPTER 4, SECTION 9-4B-2 TO CLARIFY MEDICINAL AND ADD COMMERCIAL CANNABIS ACTIVITIES IN DESIGNATED ZONES; AND TITLE 9, CHAPTER 4, SECTION 9-4D-3 TO CLARIFY THAT CANNABIS ACTIVITIES ARE PROHIBITED IN COMMUNITY GARDENS**

**WHEREAS**, in October 2016, the City updated its marijuana/cannabis ordinance (Lemoore Municipal Code, Title 4, Chapter 8) to address recent State law changes associated with medical Cannabis, specifically the State Compassionate Use Act, the Medical Cannabis Program Act, and the Medical Cannabis Regulation and Safety Act; and

**WHEREAS**, in November 2016, California citizens approved Proposition 64 allowing for adult recreational use of cannabis in addition to compassionate medical use; and

**WHEREAS**, on January 1, 2018, the State of California began licensing commercial cannabis businesses for both medicinal and adult Cannabis use throughout the State, including cultivation, distribution, manufacturing, testing and dispensaries, among others; and

**WHEREAS**, in May 2018, the City Council, amended its cannabis ordinance to address the adult recreational use of cannabis, but chose to continue to prohibit commercial cannabis operations under its regulatory authority for the reasons set forth in the record; and

**WHEREAS**, this newly licensed commercial cannabis industry is evolving quickly and the State Office of Administrative Law, in January 2019, approved new Bureau of Cannabis Control regulations that affect the regulation of commercial cannabis operations throughout the State; and

**WHEREAS**, the City Council now desires to allow commercial cannabis operations in the City for the primary purpose of raising general fund revenue; and

**WHEREAS**, the Council believes that the following zones are appropriate for commercial cannabis activities: dispensaries in the DMX-1 (Downtown Mixed Use), DMX-2 (Downtown Mixed Use), NC (Neighborhood Commercial) and ML (Light Industrial) zones; cultivation, manufacturing, and testing in light industrial zones. Dispensaries would be capped at one dispensary for every 12,000 residents; and

**WHEREAS**, this Ordinance is exempt from the California Environmental Quality Act pursuant to Business and Professions Code, section 26055, subdivision(h).

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LEMOORE  
DOES ORDAIN AS FOLLOWS:**

**Section 1.** Title 4, Chapter 8 currently titled “Marijuana” – in the Lemoore Municipal Code is hereby amended in its entirety as follows:

**Chapter 8  
CANNABIS**

**4-8-1: PURPOSE AND INTENT.**

It is the purpose and intent of this chapter to promote the health, safety, morals, and general welfare of the residents and businesses within the city by regulating the cultivation, processing, extraction, manufacturing, testing, distribution, transportation, sale, and consumption of Cannabis, whether for medical purposes or recreational use. This Ordinance does not authorize conduct or acts that violate Federal law and does not protect any person from arrest or prosecution under Federal law. Persons engaged in Cannabis activities assume any and all risk and any and all liability that may arise or result under State and Federal laws.

**4-8-2: DEFINITIONS.**

For purposes of this chapter, unless otherwise specified, the following definitions shall apply:

“Act” means the Medicinal and Adult Use Cannabis Regulation and Safety Act (“MAUCRSA”), California Business and Professions Code § 26000 et. seq., including implementing regulations, as the Act and implementing regulations may be amended from time to time. Definitions in this section incorporating provisions of the Act shall also include amendments to the Act and implementing regulations.

“Applicant” means a person who is required to file an application for a Regulatory Permit or Employee Permit under this chapter.

“Business Owner” or “Owner” means the owner(s) of a Commercial Cannabis Operation and includes the following:

- a. A person with an aggregate ownership interest of ten percent (10%) or more in the person applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.
- b. The chief executive officer, president, and vice president of a nonprofit or other corporate entity.
- c. A member of the board of directors of a nonprofit entity.
- d. All general partners and managing partners of a partnership.

“Cannabis” shall be as defined in the Act. “Cannabis” and “Marijuana” may be used interchangeably, but shall have the same meaning.

“Cannabis Dispensary or Dispensary” shall mean any facility or location, whether fixed or

mobile, and any building or structure, where cannabis is made available to, distributed by, or distributed to more than two (2) persons.

“Cannabis Products” means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, cannabidiol (CBD), or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

“Collective or Cooperative Cultivation” means the association within California of qualified patients, persons with valid identification cards, and designated primary caregivers to cultivate Cannabis for medical purposes as may be allowed under State law.

“Commercial Cannabis Operation” means any commercial cannabis activity, and all facilities and equipment that support that activity, as set forth in the Act.

“Commercial Cannabis Regulatory Permit” or “Regulatory Permit” means the permit required under this chapter to operate a Commercial Cannabis Operation within the City of Lemoore.

“Cultivate or Cultivation” shall be as defined in the Act and shall also include nurseries and the storage of one or more cannabis plants or any part thereof in any location.

“Delivery” means the commercial transfer of medical or recreational use cannabis and cannabis products from a dispensary to a customer as well as the use of any technology platform that enables persons, whether qualified patients, caregivers, or recreational users, to arrange for or facilitate the transfer.

“Distribution” shall be as defined in the Act and includes the procurement, sale, and transport of cannabis and cannabis products between licensees.

“Employee Permit” means the permit required under this chapter for every employee or independent contractor working at a Commercial Cannabis Operation or involved in transportation/Delivery-related services for a Commercial Cannabis Operation.

“Licensed smoking lounge” means those facilities licensed pursuant to Section 26050 of the Business and Professions Code, or a licensed retailer with a specified consumption café/lounge designation, pursuant to Section 26070 of the Business and Professions Code.

“Manufacture” shall be as defined in the Act and includes means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

“Medical Cannabis or Medical Cannabis Use” means the use of cannabis for the purposes set forth in the Compassionate Use Act and the Medical Marijuana Program Act, California Health and Safety Code sections 11362.5 and 11362.7 et seq.

“Nursery” shall be as defined in the Act.

“Operator” means the Business Owner and any other person designated by the Business Owner as responsible for the day-to-day Commercial Cannabis Operation.

“Ordinance” means the ordinance enacting this chapter, which may be commonly referred to as the City’s “Cannabis Ordinance.”

“Police Chief” means the Police Chief of the City of Lemoore or his or her designee.

“Premises or Site” means the actual building(s), and/or designated units/suites, as well as any accessory structures, parking areas, or other immediate surroundings, and includes the entire parcel of property used by the Business Owner in connection with the Commercial Cannabis Operation.

“Premises or Property Owner” means the fee owner(s) of the Premises where Commercial Cannabis Operations are occurring.

“Primary Caregiver” shall have the same definition as set forth in California Health and Safety Code sections 11362.5 and 11362.7, *et seq.*

“Project Development Agreement” shall be as set forth in Section 4-8-4.

“Qualified Patient” shall have the same definition as set forth in California Health and Safety Code sections 11362.5 and 11362.7, *et seq.*

“Recreational Cannabis”, “Recreational Cannabis Use”, or “Adult Use Cannabis” means cannabis not included within the definition of Medical Cannabis Use.

“Responsible Party” means the Business Owner, Operator, manager(s), and any employee having significant control over the Commercial Cannabis Operations.

“Smoking Lounge” means a licensed premise where cannabis may be purchased (for on-site consumption only) and consumed by persons 21 years of age and over. A cannabis consumption area must be limited to one of the following uses: 1. Consumption of cannabis by smoking, vaping, and ingesting edible products; 2. Consumption of cannabis edible products by ingestion only.

“Special Cannabis Event” means those temporary events held on premises within the City at which Cannabis and/or Cannabis products are sold and/or consumed under a temporary use permit pursuant to Section 9-2B-4 of this Code.

“Special Cannabis Event Organizer” means any person who organizes a Special Cannabis Event within the City.

#### 4-8-3: REGULATIONS APPLICABLE TO THE CULTIVATION AND CONSUMPTION OF PERSONAL USE CANNABIS.

To the extent that the city is required to allow the cultivation and consumption of personal use cannabis, whether for medical or recreational use, under state law, the rules set forth herein shall apply, subject to the limits set forth in any applicable state law.

- A. Cultivation. An individual that has a right to cultivate marijuana for personal use shall be allowed to cultivate cannabis within his/her private residence, in an attached garage, or in an accessory building if the property is detached single-family residential. No outdoor cultivation is allowed within the city. Cannabis cultivation for personal use shall be subject to the following requirements:

1. Area: The Cannabis cultivation area shall not exceed thirty two (32) square feet measured by the canopy and not exceed ten feet (10') in height per residence. This limit applies regardless of the number of individuals residing in the residence. The cultivation area shall be a single designated area.
2. Lighting: Cannabis cultivation lighting shall not exceed a total of twelve hundred (1200) watts.
3. Building Code Requirements: Any alterations or additions to the residence, including garages and accessory buildings, shall be subject to applicable building and fire codes, including plumbing and electrical, and all applicable zoning codes, including lot coverage, setback, height requirements, and parking requirements.
4. Gas Products: The use of gas products (CO<sub>2</sub>, butane, etc.) for marijuana cultivation or processing is prohibited.
5. Evidence of Cultivation: From a public right of way, there shall be no exterior evidence of Cannabis cultivation occurring on the site.
6. Residence: The qualified individual shall reside in the residence where the Cannabis cultivation occurs.
7. Cultivation Elsewhere In City: The qualified individual shall not participate in Cannabis cultivation in any other location within the City of Lemoore.
8. Incidental Use: The residence shall maintain kitchen, bathrooms, and primary bedrooms for their intended use and not be used primarily for Cannabis cultivation.
9. Ventilation: The Cannabis cultivation area shall include a ventilation and filtration system designed to ensure that odors from the cultivation are not detectable beyond the residence, or property line for detached single-family residential, and designed to prevent mold and moisture and otherwise protect the health and safety of persons residing in the residence and cultivating the marijuana. This shall include at a minimum, a system meeting the requirements of the current, adopted edition of the California building code section 1203.4 natural ventilation or section 402.3 mechanical ventilation (or their equivalent(s)).
10. Storage of Chemicals: Any chemicals used for Cannabis cultivation shall be stored outside of the habitable areas of the residence and outside of public view from neighboring properties and public rights of way.
11. Nuisance: The Cannabis cultivation area shall: not (1) adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts; and (2) not be hazardous due to the use or storage of materials, processes, products or wastes, or from other actions related to the cultivation.
12. Property Owner Authorization: For rental property, the lessee shall obtain written authorization from the property owner or property management company to cultivate Cannabis.



13. Notification: The owner and any lessee of the residence upon which cultivation will occur shall inform the police department of the intent to cultivate Cannabis and shall acquire from the police department ~~pick-up~~ a handout setting forth the owner and lessee responsibilities under this section. This notification shall be provided prior to the commencement of the cultivation, except that for existing cultivation, the information shall be provided within ten (10) days of the effective date of this chapter. The police department may direct the owner and lessee to the department of planning and development services for more information about building code and permit requirements that may be applicable if alterations or additions to the residence are contemplated. The police department and department of planning and development services shall keep patient information confidential to the extent required by law.

14. Additional Requirements for Garages and Accessory Buildings: The following additional requirements shall apply for personal use cultivation that occurs in a garage or accessory building. The garage or accessory building shall be secure, locked, and fully enclosed, with a ceiling, roof or top, and entirely opaque. The garage or building shall include a burglar alarm monitored by an alarm company or private security company. The garage or building, including all walls, doors, and the roof, shall be constructed with a firewall assembly of green board meeting the minimum building code requirements for residential structures and include material strong enough to prevent entry except through an open door.

15. Collective or Cooperative Cultivation: The collective or cooperative cultivation of Cannabis shall be prohibited in the City except to the extent the cultivation is considered a Commercial Cannabis Operation subject to a Regulatory Permit under this chapter.

B. Consumption. No person shall smoke, ingest, or otherwise consume Cannabis or Cannabis Products in the City unless such smoking, ingesting or consumption occurs entirely within a private residence or a licensed smoking lounge.

“Within a private residence” shall mean inside habitable areas and shall not include garages, whether attached or detached, and other accessory buildings unless those buildings are at all times fully enclosed during the consumption.

All consumption shall be done in a manner so as to not cause a nuisance to nearby residents and businesses with noxious odors or other adverse health and safety impacts and shall be in accordance with applicable law including, but not limited to, Section 11362.3 of the Health and Safety Code.

#### 4-8-4: LIMITED COMMERCIAL CANNABIS OPERATIONS PURSUANT TO REGULATORY PERMIT AND PROJECT DEVELOPMENT AGREEMENT.

A. Permitted Uses and Zoning. Business Owners meeting the requirements of this section shall be allowed to conduct the following Commercial Cannabis Operations in the zones designated:

- Cultivation – Light Industrial (“ML”) and Neighborhood Commercial (“NC”) zones.
- Manufacturing - Light Industrial (“ML”) zone.

- Testing - Light Industrial (“ML”) zone.
- Distribution - Light Industrial (“ML”) zone.
- Dispensaries – Downtown Mixed Use, core (“DMX-1”), Downtown Mixed Use, auto oriented (“DMX-2”), Mixed Use (“MU”), Neighborhood Commercial (“NC”), Regional Commercial (“RC”), and Light Industrial (“ML”) zones.
- Deliveries – As allowed by this Chapter or State laws.

B. Regulatory Permit and Project Development Agreement. No person or entity shall operate a Commercial Cannabis Operation within the City of Lemoore without first obtaining a Regulatory Permit and entering into a Project Development Agreement as set forth in this chapter. The Commercial Cannabis Operation shall at all times be in compliance with this section and any other applicable sections of this chapter, as they may be amended from time to time or repealed and replaced by another section governing the Commercial Cannabis Operation, or State or Federal law.

Other than for Deliveries as defined herein, 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. A fifty percent (50%) or more changing the ownership interest of any Business Owner shall require the Business Owner to seek a new Regulatory Permit. The issuance of a Regulatory Permit shall be at the discretion of the City Council.

C. Minimum Operational Requirements and Restrictions for all Commercial Cannabis Operations. The following operational requirements and restrictions shall apply to all Commercial Cannabis Operations:

1. The Act and Other State Laws. Commercial Cannabis Operations 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). The Operator shall obtain all required state licenses prior to opening for business.
2. Register of Employees. The Operator shall maintain a current register of the names of persons required to have Employee Permits. The register shall be made available to the Police Chief at all times immediately upon request.
3. Signage. There shall be no signage or markings on the Premises or off-site that in any way evidences that Commercial Cannabis Operations are occurring on the property. Interior building signage is permissible provided the signage is not visible outside of the building.
4. Cannabis Consumption. No Cannabis or Cannabis product shall be smoked, ingested or otherwise consumed on the Premises. Prominent signage of this prohibition shall be displayed throughout the facility.
5. Alcoholic Beverages. No Commercial Cannabis Operation shall hold or maintain a retail license from the state Department of Alcohol Beverage Control to sell

alcoholic beverages, or to operate a business that sells alcoholic beverages. In addition, alcohol for personal consumption shall not be provided, stored, kept, located, sold, dispensed, or used on the Premises.

6. Transportation. Transportation shall only be conducted as permitted by state law.
7. Deliveries. There shall be no deliveries of cannabis or cannabis-containing products from the Premises, except to another state or locally licensed or permitted cannabis business. Deliveries are expressly allowed as set forth in Section 4-8-4(E).
8. Non-Commercial Cannabis Activity. No non-commercial or recreational cannabis activity shall occur on the Premises except as allowed by Section 4-8-8.
9. Retail Sales. The retail sale of cannabis is only allowed as set forth in section 4-8-4(B) and other related provisions of this Chapter.
10. Public Access. There shall be no public access to the Premises except as allowed for dispensaries approved under this Chapter.
11. Minors. It shall be unlawful for any Operator to employ or allow any person who is not at least twenty-one (21) years of age on the Premises of a Commercial Cannabis Operation.
12. Distance Separation from Schools, Daycare Centers and Youth Centers. A Commercial Cannabis Operation shall not be located within 600 feet from any existing school, daycare center or youth center as defined by state law. 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.
13. 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.
14. Building and Related Codes. The Commercial Cannabis Operation shall be subject to the following requirements:
  - (a) The Premises in which the Commercial Cannabis 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. The Operator shall obtain all required building permits and comply with all applicable City standards.
  - (b) The Responsible Party shall ensure that the Premises have sufficient electrical load for the Commercial Cannabis Operations.
  - (c) To the extent permitted by state law, 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. The Lemoore Fire Department, or other qualified agency retained by the City, 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. Such inspection shall be at the Business Owner's expense.

- (d) The Operator shall comply with all laws and regulations pertaining to use of commercial kitchen facilities for the Commercial Cannabis Operations.
- (e) The Operator shall comply with all environmental laws and regulations pertaining to the Commercial Cannabis Operations, including the storage, use and disposal of water and pesticides, and shall otherwise use best practices to avoid environmental harm.

15. Odor Control. The Business Owner shall provide an odor-absorbing ventilation and exhaust system, so that odor generated inside the facility that is distinctive to its Commercial Cannabis Operations is not detected outside the Premises, outside the building housing the Commercial Cannabis Operations, or anywhere on adjacent property or public rights-of-way. Accordingly, the Business Owner must install and maintain the following equipment or any other equipment which the City's building official determines has the same or better effectiveness:

- (a) An exhaust air filtration system with odor control that prevents internal odors and pollen from being emitted externally; or
- (b) 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.

16. Consumable Products. Commercial Cannabis Operations that manufacture products in the form of food or other comestibles shall obtain and maintain all appropriate approvals from the state and county Departments of Public Health for the provision of food or other comestibles, unless otherwise governed by state law and licensed by the state.

17. Secure Building. All Commercial Cannabis Operations shall occur entirely inside of a building or temporary greenhouse that shall be secure, locked, and fully enclosed, with a ceiling, roof or top, and entirely opaque except that a temporary greenhouse may be constructed of all non-opaque materials as set forth in the Regulatory Permit and Project Development Agreement. Notwithstanding the foregoing, the roof may be of solid non-opaque material, provided other security measures exist to ensure that the Commercial Cannabis Operation cannot be seen, heard or smelled beyond the property line. The building shall include a burglar alarm monitored by an alarm company or private security company. The building or temporary greenhouse, 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). The precise building construction parameters and materials to be used shall be identified and provided with the application to the City prior to construction.

18. Premises Security. The following security conditions shall apply:

- (a) Alarm System (including perimeter, fire and panic).
- (b) Remote monitoring of alarm systems.
- (c) Perimeter lighting systems (motion sensor) for after-hours security.
- (d) Perimeter security and lighting as approved by the Police Chief.
- (e) Use of drive gates with card key access or similar to access the facility.
- (f) Entrance areas to be locked at all times, and under the control of a designated Responsible Party.
- (g) Use of access-control systems to limit access to inventory, grow and processing areas.
- (h) 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 to the site from the interior, and be of a minimum five (5) mega-pixel resolution.
- (i) All security systems at the site are attached to an uninterruptable power supply providing 24-hour power.
- (j) 24-hour security patrols by a recognized security company licensed by the California Department of Consumer Affairs or otherwise acceptable to the Police Chief. All current contact information regarding the security company shall be provided to the Police Chief.
- (k) Lemoore Police Department or Department designee shall have access to all security systems.
- (l) Internet Protocol (“IP”) access for remote monitoring of security cameras by the Lemoore Police Department or a Department designee upon request.
- (m) Any and all video or audio tape recordings made for security purposes shall be marked with the date and time made and shall be kept, in an unaltered state, for a period of at least thirty (30) days and must be made available to the Lemoore Police Department or Department designee for duplication upon demand. In addition, upon request by the Lemoore Police Department, the Responsible Party shall duplicate the records for the Lemoore Police Department or the Department designee.
- (n) Hardened bullet-resistant windows for exterior windows as part of any new or existing construction.
- (o) Accounting software systems need to be in place to provide audit trails of both product and cash, where applicable.
- (p) Electronic track-and-trace systems for cannabis products as required by state law and regulations.

- (q) The City may inspect the Premises and audit the records of the Commercial Cannabis Operations for compliance on a quarterly basis, or in the event of a suspected violation with 24 hours notice or as allowed by a court order or search warrant.
  - (r) Security protocols and equipment need to be in place to protect computer information.
  - (s) The foregoing Premises security 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.
19. Shipments of Supplies and Transportation of Product. The following rules apply to Deliveries, shipments and transportation:
- (a) Shipments of supplies to the Premises shall only occur as provided for in diagram and floor plans on file with the city as part of the application process. Vehicles delivering to the Premises shall not have any markings indicating that deliveries are being made to a Commercial Cannabis Operation.
  - (b) The transportation of cannabis samples and/or products to and from the Premises shall be in unmarked vehicles with no indication that the vehicles are transporting cannabis samples and/or products. The Responsible Party shall stagger transportation times, vary routes from the facility, and take other security measures as requested by the Police Chief.
20. 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.
21. Location of Uses. Except for Deliveries as defined in section 4-8-2, the Commercial Cannabis Operation permitted by this section shall only be allowed in the locations designated on the diagram and floor plans of the Premises submitted with the application for a Regulatory Permit. Other than for Deliveries as defined in this Chapter, Commercial Cannabis Operations shall not operate at any location other than as stated in the Regulatory Permit. The City may allow "Special Cannabis Events" as defined in this Chapter without a Regulatory Permit but will instead require a Temporary Use Permit pursuant to the Lemoore Municipal Code section 9-2B-4.
- D. Dispensaries. No more than one (1) Cannabis Dispensary may be permitted for every 12,000 residents of the City.
- E. Deliveries. Once a Dispensary opens in the City, the Delivery of Cannabis is allowed within the City of Lemoore only from dispensaries operating in the City that have obtained the required Regulatory Permit and entered into the required Project Development Agreement. Notwithstanding the foregoing, any state licensed or permitted commercial cannabis operator that Delivers within the City of Lemoore boundaries from a

business outside of the City shall be obligated to collect and remit to the City of Lemoore any and all taxes and fees that apply to City of Lemoore dispensaries, of whatever kind, that are legally effective at the time of the Delivery. The taxes and fees shall be remitted within thirty (30) days of the transaction. A failure to timely remit the fees and taxes shall be a separate violation from the unlawful delivery of Cannabis into the City.

F. Project Development Agreement.

1. Purpose. The purposes of a Project Development Agreement are as follows: (a) to allow the City Council to select the desired Business Owner and Operator to ensure that the Business Owner and Operator will conform the community norms; (b) to determine the precise type of Commercial Cannabis Operation and whether the operation will be limited to medicinal cannabis; (c) to allow the precise project details, including building design and elevations, to be negotiated with the City to ensure compatibility with the surrounding area; and (d) to guarantee that the City will receive the Revenue Raising Fee set forth in this Chapter.

2. Form. The Project Development Agreement shall be in a form approved by the City Attorney. Depending on the relationship between the Premises Owner and Business owner, the City Council may require that the Commercial Cannabis Operator be selected through an RFP process or by negotiation. City staff shall develop guidelines for the selection of an Operator and a checklist for the terms to be included in the Project Development Agreement. Those documents shall be made available to the public.

3. Approval. The Project Development Agreement shall be negotiated at the staff level and processed concurrently with the Regulatory Permit, as further set forth in this chapter.

4-8-5. Applications for Regulatory Permits and Responsible Party Designation.

A. Application. Applications for Regulatory Permits shall be filed by the proposed Business Owner(s) with the Police Chief and include the information set forth herein. The Police Chief may request such information he or she deems necessary to determine who the applicant is. The applicant shall certify under penalty of perjury that all of 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 marijuana 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 operations will occur on its property.

11. A descriptive business plan for the Cannabis operation, including a detailed list of all Cannabis operations 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 operations, including, but not necessarily limited to, cultivation, processing, manufacturing, testing, transportation, deliveries, and storage. The diagram and floor plan need not be professionally prepared, but must be drawn to 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 Marijuana Operation and the property line of any school 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.

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.



E. 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.

4-8-6. Employee Permits.

A. Permit Required. Every employee or independent contractor working at a Commercial Marijuana Operation or involved in transportation/delivery related services for a Marijuana Operation 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. Application. 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.

4-8-7. Investigation and Action on Permit Applications.

A. Application Fees. Every 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 fee 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 review and processing of the application.

B. Investigation.

1. 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 Lemoore Police Department.

2. 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 Police Chief 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 Police Chief 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.

3. 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.

C. Term of Permits and Renewals.

1. Regulatory permits. Provided the Business Owner is current on all fees and taxes set forth in this chapter and in the Project Development Agreement, Regulatory Permits issued under this Chapter shall remain in effect until revoked, one (1) year following the date of issuance, or as outlined in the Project Development Agreement, whichever occurs first. 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.

2. Employee permits. Employee Permits issued under this Chapter shall expire one (1) year following the date of issuance. 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.

C. Grounds for Denial of Regulatory Permit. Regulatory Permits are issued at the discretion of the City Council in conjunction with a Project Development Agreement with the Applicant. No Regulatory Permit will be considered by the City Council until a draft Project Development Agreement has been completed. The City Council will generally consider as grounds for denial of a Regulatory Permit the same reasons that are grounds for denial of a Conditional Use Permit. The City Council will also consider the prior Cannabis

business history, both within and outside of California, and criminal background of the Applicant. No Regulatory Permit shall be issued if the Applicant cannot demonstrate that it can fully comply with this Chapter.

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

1. The Applicant 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 applicant has had disciplinary action relating to the permit.

2. The Applicant has been convicted of any crime that would disqualify the applicant from working at a Commercial Cannabis Operation under the Act.

3. The Applicant has been convicted of a serious or violent offense as listed under California Penal Code sections 667.5 and 1192.7(c); 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 convicted of a crime involving the illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act.

4. The Applicant has engaged in misconduct related to the qualifications, functions or duties of a permittee.

5. The Applicant has committed any act, which, if done by a permittee, would be grounds for suspension or revocation of a permit.

E. Notice of Decision and Final Action.

1. Regulatory Permit. Following a noticed public hearing before the City Council, the Council may grant the Regulatory Permit subject to such conditions 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 Council shall not issue a Regulatory Permit until the Applicant has entered into a Project Development Agreement. The Project Development Agreement shall be considered by the City Council concurrently with the Regulatory Permit. The decision of the Council shall be final, subject to judicial review below.

2. Employee Permit. 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.

F. Suspension and Revocation of Regulatory Permit or Employee Permit.

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

(a) The Cannabis operation is conducted in violation of any provision of this section, the Act, or any other applicable law.

(b) The Cannabis Operation is conducted in such a manner as to create a public or private nuisance.

(c) A failure to pay the Regulatory Fee or Revenue Raising Fee required by this Chapter.

(d) A material breach of the Project Development Agreement.

(e) 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.

(f) A failure to comply with the terms and conditions of the Regulatory Permit.

(g) Any act which would be considered grounds for denial of the Regulatory Permit in the first instance.

2. 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:

(a) Any act which would be considered a ground for denial of the permit in the first instance.

(b) Violates any provision of this section, the Act, or any other applicable law relating to the Marijuana Operation.

(c) Violates or fails to comply with the terms and conditions of the Employee Permit.

H. 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.

I. Procedures for 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 Chief's decision shall be final, subject to judicial review as set forth in this section.

J. 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 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 Marijuana 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.

K. 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 the action denying or revoking the Regulatory Permit or Employee Permit.

#### 4-8-8: SMOKING LOUNGES.

Smoking Lounge Facilities. Facilities shall be subject to the following requirements:

- a. Concurrent Commercial Uses. In the event that a Smoking Lounge Facility operates concurrent in a single premises with another commercial use, the Smoking Lounge Facility shall be a permitted use in accordance with this Chapter. In the absence of a concurrent commercial use, operation of a Smoking Lounge Facility shall require a conditional use permit.
- b. Separate Premises. Smoking Lounge Facilities shall be located on a separate parcel or within a tenant space that is segregated and apart from any other use. A Smoking Lounge Facility shall have a dedicated entrance from the street or public sidewalk, and shall have no internal connections or passage to any other tenant space or use.
- c. Sale of Cannabis and Cannabis Products. Medical or adult-use cannabis and medical or adult-use cannabis products may be sold on the premises of a Smoking Lounge, subject to the following:
  - 1) The operator must hold an Regulatory Permit for a Dispensary as provide in this Chapter.
  - 2) Operators shall not permit patrons to bring their own personal cannabis or cannabis products to the Smoking Lounge Facility.
  - 3) All cannabis or cannabis products purchased and opened at the facility must be smoked, inhaled, consumed or ingested on site, and shall not be permitted to leave the facility unless repackaged in a container that is compliant with all applicable state law and regulation.
  - 4) Operators shall only permit patrons to leave the Smoking Lounge Facility with cannabis and cannabis products that remain in originally sealed and unopened packaging, or have been transferred by the Operator for repackaging in a container that is compliant with all applicable state law and regulation.
- d. Smoking of Cannabis. The smoking of cannabis may be permitted at a Smoking Lounge Facility, as may be allowable under state law.

- e. Alcohol and Tobacco Products. The sale or consumption of alcohol or tobacco products is not allowed on the premises.
- f. Minors. Access to the Smoking Lounge Facility shall be restricted to persons twenty-one (21) years of age and older.
- g. Visibility. The smoking, inhalation, consumption or ingestion of cannabis or cannabis products shall not be visible from any public place or any area where minors may be present. The Smoking Lounge shall be located within a completely enclosed building.
- h. Odor Control.
  - 1) The operator of each Smoking Lounge Facility shall provide adequate air filtration so as to prevent any detectable odor at the exterior of the premises. Within twenty-four (24) hours of any complaint concerning odors emanating from or originating within the facility, the operator shall respond to the complaint in question, and shall timely file a written disclosure to the Building Official documenting any and all actions taken and planned to address the odor complaints. The Building Official, upon a determination of the continued existence of detectable odor from the facility, may require an operator to submit an implementation plan and/or a performance schedule, above and beyond this written disclosure filed within twenty-four (24) hours, to ensure the employment of measures to control the odor.
  - 2) Odors from a Smoking Lounge Facility are identified as a public nuisance pursuant to the Lemoore Municipal Code. The City may pursue all administrative, civil and criminal remedies identified in that chapter in relation to any nuisance determined to exist with respect to the operation of a Smoking Lounge facility.

4-8-9: FEES AND TAXES. All Commercial Cannabis Operations in the City of Lemoore shall pay applicable fees and taxes, which include the following.

A. Business License Fee. The Business Owner shall at all times maintain a current and valid business certificate and pay all business taxes required by Title 3, Chapter 1, of the Lemoore Municipal Code pertaining to business licensing.

B. Regulatory Permit Fee. The Business Owner permitted to operate a Commercial Cannabis Operation within the City of Lemoore shall pay an annual regulatory permit fee (“Regulatory Fee”) to cover the costs of services, including but not limited to, anticipated enforcement relating to the Commercial Cannabis Operation. The amount of the fee shall be set by Resolution of the City Council and be supported by the estimated additional service costs associated with the Commercial Cannabis Operation. The Regulatory Fee shall be due and payable prior to opening for business and thereafter on or before the anniversary date each year. The Regulatory Fee may be amended from time to time based upon actual costs.

C. Revenue Raising Fee. An annual revenue raising fee (“Revenue Raising Fee”) shall be applied for the privilege of having the right to operate in the City and made a term of the Project Development Agreement.

1. Revenue Raising Fee Finding. The City Council specifically finds that it is approving this Ordinance allowing Commercial Cannabis Operations to operate in the City with the express understanding that the business (exclusive of Cannabis Special Events and Smoking Lounges) will pay the Revenue Raising Fee to the City as set forth herein, and that without the Revenue Raising Fee, the City Council would not have adopted this Ordinance allowing Commercial Cannabis Operations to operate in the City. By opening a Commercial Cannabis Operation in the City, the Premises Owner, Business Owner, Operator, and all Responsible Parties agree that, if the Revenue Raising Fee is challenged by any one of them or a third party and set aside, the business must cease operation.

2. Amount of Fee and Terms of Payment. The Revenue Raising Fee shall be an annual fee for all Commercial Cannabis Operations (exclusive of Cannabis Special Events and Smoking Lounges) in the City and will be set forth as a condition of the Project Development Agreement. The Revenue Raising Fee shall be payable in advance, in not less than quarterly installments, with the first quarterly payment due prior to issuance of a certificate of occupancy. The first payment shall not be prorated, and in no event shall the first payment be less than the equivalent of one full quarterly payment. All quarterly payments shall be received by the City before the end of the quarter. The Revenue Raising Fee shall be as follows:

(a) Non-Dispensary Commercial Cannabis Operations.

Manufacturing: Fifteen Dollars (\$15.00) a square foot of the Commercial Cannabis Operation, with a minimum fee of Forty Five Thousand Dollars (\$45,000.00).

Cultivation (excluding Nurseries): Six Dollars (\$6.00) a cubic foot of the cultivation.

Nurseries: Two Dollars (\$2.00) per square foot of the cultivation.

Other Non-Dispensary Commercial Cannabis Operations: Ten Dollars (\$10.00) per square foot for the first 3000 square feet of the Commercial Cannabis Operation, Eight Dollars (\$8.00) a square foot for additional square footage in the amount of 3001 to 5000 square feet, and Six Dollars (\$6.00) a square foot for any additional square footage over 5000 square feet.

(b) Dispensaries. Five percent (5%) of gross sales revenues.

(c) Multiple Cannabis Operations. If more than one Commercial Cannabis Operation operates on the Premises, whether within a single building or multiple buildings, each Regulatory Permit holder shall be responsible for paying the Revenue Raising Fee.

4. Alternative Voter-Approved Tax. If the voters of the City approve a tax on the applicable Commercial Cannabis Operations, the Business Owner shall pay that tax in lieu of the Revenue Raising Fee that the tax is designed to replace.

5. Other Taxes. In addition to any other business or license fees required under this Chapter, the Business Owner or state-licensed Cannabis permittee shall be responsible for collecting and remitting any and all taxes, whatever their nature, that are legally in effect at the time of the sale or transfer of Cannabis or Cannabis Products.

#### 4-8-10: VIOLATION AND PENALTY.

The following remedies shall apply for violations of this Chapter:

A. Criminal Enforcement. Violations for conduct that is not otherwise considered lawful under State law, shall be considered misdemeanors and are punishable by the maximum penalty of six (6) months' imprisonment in the county jail or a fine of one thousand dollars (\$1,000.00), as well as the administrative penalties as set forth below. Each and every day, or portion thereof, that a violation exists is a separate offense.

Should a court of competent jurisdiction subsequently determine that the criminal penalty provision renders this Chapter unlawful, the City intends that the misdemeanor provision be severable from the remaining penalty provisions and the City will only pursue non-criminal remedies for violations of this Chapter.

B. Administrative Enforcement. The City may also pursue all applicable civil and administrative remedies, including but not limited to injunctive relief and administrative citations.

C. Nuisance. Any use or condition caused or permitted to exist in violation of any of the provisions of this Chapter shall be and is hereby declared a public nuisance and may be summarily abated by the City pursuant to the City of Lemoore Municipal Code.

D. Civil Penalties. Any person who violates the provisions of this Chapter may be subject to an administrative fine of up to one thousand dollars (\$1000.00) for each violation and for each day the violation continues to persist.

E. Non Exclusive Remedies. All remedies set forth in this section are not exclusive and the exercise of any remedy does not preclude the exercise of any other remedy that may now or subsequently exist in law or in equity or by statute or otherwise.

#### 4-8-11: JUDICIAL REVIEW.

Judicial review of a decision made under this chapter may be had by filing a petition for a writ of mandate with the superior court in accordance with the provisions of the California Code of Civil Procedure section 1094.5. Any such petition shall be filed within ninety (90) days after the day the decision becomes final as provided in California Code of Civil Procedure section 1094.6, which shall be applicable for such actions.

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**Section 2.** The following definitions are hereby adding to or deleted from Title 9, Chapter 4, Section 9-4A-5 (Description of Land Uses) of the Lemoore Municipal Code as follows (additions are shown in bold underline; deletions are stricken through):

#### 9-4A-5: DESCRIPTION OF LAND USES:

\* \* \*

C. "C" Definitions:

**CANNABIS: Shall have the same definition as in California Health and Safety Code section 11018, and title 4, chapter 8 of the Municipal Code as they now read or as may be amended.**



**CANNABIS COMMERCIAL DISPENSARY:** Any facility or location, whether fixed or mobile, and any building or structure, where cannabis is made available to, distributed by, or distributed to more than two (2) persons. This definition includes Smoking Lounge Facilities as defined and regulated in Chapter 8 of Title 4 of the Lemoore Municipal Code.

**CANNABIS COMMERCIAL MANUFACTURING:** Shall have the same definition as in the California Business and Professions Code section 26001(ag), and Title of the Municipal Code as they now read or as may be amended, and means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

**CANNABIS COMMERCIAL TESTING:** 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 cannabis activity in the state; and (2) licensed by the state.

**CANNABIS COMMERCIAL CULTIVATION:** A facility that cultivates cannabis or cannabis products as a commercial activity.

**CULTIVATE OR CULTIVATION:** Any activity involving the planting, growing, harvesting, drying, curing, processing, or storage of one (1) or more marijuana plants or any part thereof in any location. grading, or trimming of cannabis/marijuana, as set out in California Business and Professions Code section 26001(l) as amended from time to time.

D. “D” Definitions:

**DELIVERY:** As defined in the California Business and Professions Code section 26001(p), as such section may be amended from time to time, and includes the commercial transfer of Cannabis and Cannabis Products to a customer. “Delivery” also includes the use by a retailer of any technology platform that enables qualified patients and caregivers to arrange for or facilitate the transfer. As defined in the Medical Marijuana Regulation and Safety Act, California Business and Professions Code section 19300.5(m), Adult Use Marijuana Act (AUMA), and as such section may be amended from time to time, and includes the commercial transfer of marijuana and marijuana products from a dispensary as well as the use of any technology platform that enables qualified patients and caregivers to arrange for or facilitate the transfer.

**CANNABIS COMMERCIAL DISTRIBUTION:** The procurement, sale, and transport of cannabis and cannabis products between state licensees.

M. “M” Definitions

**MARIJUANA COLLECTIVE OR DISPENSARY:** Any operation, including a storefront facility or structure, mobile facility, or delivery service, wherein medical marijuana is made available, sold, offered for sale, given, distributed, traded, cultivated for, or otherwise provided to primary caregivers or qualified patients, as defined by this chapter.

~~A "marijuana collective" or "dispensary" shall not include the following uses, as long as the location of such uses is otherwise regulated by code or applicable law: 1) a clinic licensed pursuant to chapter 1 of division 2 of the California Health And Safety Code; 2) a healthcare facility licensed pursuant to chapter 2 of division 2 of the California Health And Safety Code; 3) a residential care facility for persons with chronic life threatening illnesses licensed pursuant to chapter 3.01 of division 2 of the California Health And Safety Code; 4) a residential care facility for the elderly licensed pursuant to chapter 3.2 of division 2 of the California Health And Safety Code; and 5) a residential hospice or a home health agency licensed pursuant to chapter 8 of division 2 of the California Health And Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, California Health And Safety Code section 11362.7 et seq.~~

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**Section 3:** Title 9, Chapter 4, Section 9-4B-2 (Allowed Uses and Required Entitlements; Base Zoning Districts) of the Lemoore Municipal Code is hereby amended as shown on the Table 9-4B-2 attached hereto as Exhibit A and incorporated herein by reference (additions are shown in bold underline; deletions are stricken through).

**Section 4:** Title 9, Chapter 4, Section 9-4D-3 (Community Gardens) of the Lemoore Municipal Code is hereby amended as follows:

**9-4D-3: COMMUNITY GARDEN:**

B. Development Standards: Community gardens shall comply with all of the following development standards:

1. Use: Community gardens are limited to the cultivation of herbs, fruits, flowers, or vegetables, including the cultivation and tillage of soil and the production, cultivation, growing, and harvesting of any agricultural, floricultural, or horticultural commodity. **Medicinal and commercial Cannabis operations are prohibited in community gardens.**

**Section 5:** This ordinance shall take effect thirty (30) days after its adoption.

**Section 6:** The City Clerk is authorized and directed to cause this ordinance to be codified after its adoption.

**Section 7:** The City Clerk is further authorized and directed to cause this ordinance, or a summary of this ordinance, to be published once in a newspaper of general circulation published and circulated in the City of Lemoore within fifteen (15) days after its adoption. If a summary of this ordinance is published, then the City Clerk also shall cause a summary of the proposed ordinance to be published and a certified copy of the full text of the proposed ordinance to be posted in the Office of the City Clerk at least five (5) days prior to the Council's meeting at which the ordinance is to be adopted and again after the meeting at which the ordinance is adopted. The City Attorney shall approve the summary.

\* \* \*

The foregoing Ordinance No. 2019-\_\_ was introduced at a regular meeting of the City Council of the City of Lemoore on the \_\_\_\_ day of \_\_\_\_\_, 2019, and was passed and adopted at a regular meeting of the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2019, by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

**APPROVED:**

**ATTEST:**

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Eddie Neal, Mayor  
City of Lemoore

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Marisa Avalos, City Clerk  
City of Lemoore

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