

MINUTES
CITY COUNCIL
BANNING, CALIFORNIA

09/10/18
SPECIAL MEETING

A special joint meeting of the Banning City Council was called to order by Mayor Moyer on September 10, 2018 at 3:01 p.m. at the Banning Civic Council Chambers, 99 E. Ramsey Street, Banning, California.

COUNCIL/BOARD MEMBERS PRESENT: Council Member Andrade
Council Member Franklin (arrived at 3:11 p.m.)
Council Member Peterson
Council Member Welch
Mayor Moyer

COUNCIL MEMBERS ABSENT: None

OTHERS PRESENT: Rochelle Clayton, Interim City Manager
Kevin Ennis, City Attorney
Patty Nevins, Community Development Director
Michelle Devoux, Fire Marshal
Art Chacon, Senior Code Compliance Officer
Sonja De La Fuente, Deputy City Clerk

WORKSHOP

1. Potential Regulations of Retail Cannabis

Community Development Director Patty Nevins and Maricela Marroquin, Senior Attorney with Richards Watson and Gershon, presented a PowerPoint (see Exhibit "A").

Council Member Andrade asked about the City's ability to create its own regulations and amend certain state laws. Maricela explained that Proposition 64 includes provisions allowing City's that allow cannabis businesses to regulate these businesses, however there may be a potential conflict.

Council Member Andrade asked if cities can limit the number of cannabis businesses. City Attorney Ennis explained the City could determine a cap, however there could be challenges.

Council Member Franklin asked how long the state license application takes to process. Maricela advised that there is not a specific timeline, however it appears to take approximately a month.

Council Member Welch explained that the state and local taxation is contentious. He also pointed out that the geography related to where businesses are allowed addresses the limits issue.

The Mayor opened Public Comment.

John Hagan requested everyone keep in mind that these businesses will increase crime in the City and police will be needed, as security is not there for the surrounding areas.

Seeing no further comments, the Mayor closed Public Comment.

Council Member Peterson explained how the City has come to this point and it has now been deferred to the public to decide whether or not they would like it legal in the City on the November ballot.

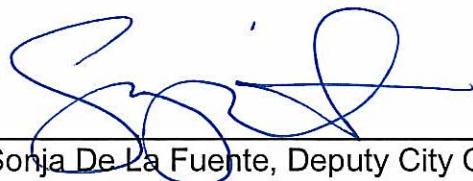
Council Member Welch expressed his concern with criminal activity occurring more so with it being illegal, as there is additional enforcement power if it is legal.

Community Development Director Nevins will adjust the distance from schools/daycares to 600 feet and leave 200 feet from residential zoning, bring to Planning Commission for consideration in October then back to Council at the second meeting in October.

ADJOURNMENT

By common consent the meeting adjourned at 3:38 p.m.

Minutes Prepared by:



Sonja De La Fuente, Deputy City Clerk

These Action Minutes reflect actions taken by the City Council. The entire discussion of this meeting can be found by visiting the following website: <https://banninglive.viebit.com/player.php?hash=4OlgHFvVjWr6> or by requesting a CD or DVD at Banning City Hall located at 99 E. Ramsey Street.

Exhibit “A”

to the September 10, 2018

3:00 P.M. Special City Council Meeting

Cannabis Workshop

City Council Workshop

City of Banning
99 E. Ramsey Street
Banning, CA 92220

September 10, 2018
3:00 P.M.



Overview

- Ad hoc committee meetings
- State licensing definition - Retail
- Banning vote on Proposition 64
- Ad hoc committee recommendations regarding cannabis retailer regulations

Cannabis Ad Hoc Committee

- At the June 27, 2017 City Council meeting, Council established a Marijuana Ad Hoc Committee, including Councilmembers Peterson and Welch, to work with staff on exploring the possibility of allowing cannabis uses within the City.
- The Ad Hoc Committee reviewed and provided recommendations on allowing and regulating commercial cannabis uses (indoor cultivation, manufacturing level 1, and testing laboratories) subject to voter passage of an associated tax measure, which recommendations ultimately resulted in ordinances by the City Council.
- The purpose of this workshop is to discuss Ad Hoc Committee recommendations pertaining to retail cannabis uses.

Retailer

State has two license categories for cannabis retailers:

- Retailer (storefront): Sells cannabis goods to customers at its premises or by delivery. A retailer must have a licensed physical location (premises) where commercial cannabis activities are conducted.
- Retailer (nonstorefront): Sells and delivers cannabis goods to customers. A retailer (nonstorefront) must have a licensed premises, but it is not open to the public.

How the Banning Electorate Voted on Proposition 64

- Banning voters opposed Proposition 64 (56% opposed versus 44% in favor)
- 5,213 voted against Proposition 64 and 4,215 voted in favor

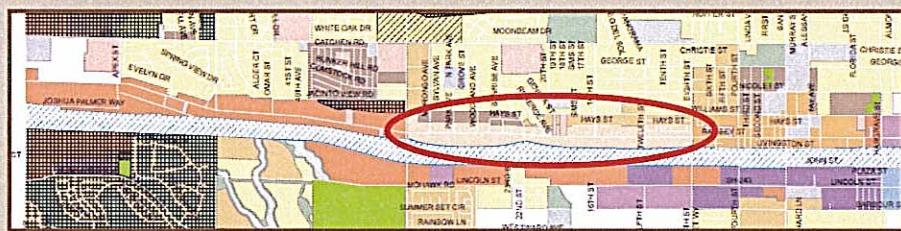


Limits on Locations of Cannabis Retailers

- State requires that cannabis business be located at least 600 feet from a day care center, youth center or school providing instruction in kindergarten, or grades 1-12.
- Distance requirements from sensitive uses
200 feet from residential recommended
- Distance requirement from other cannabis businesses
2,700 feet between retail cannabis businesses; this number will need to be reviewed to determine if it is supportable.

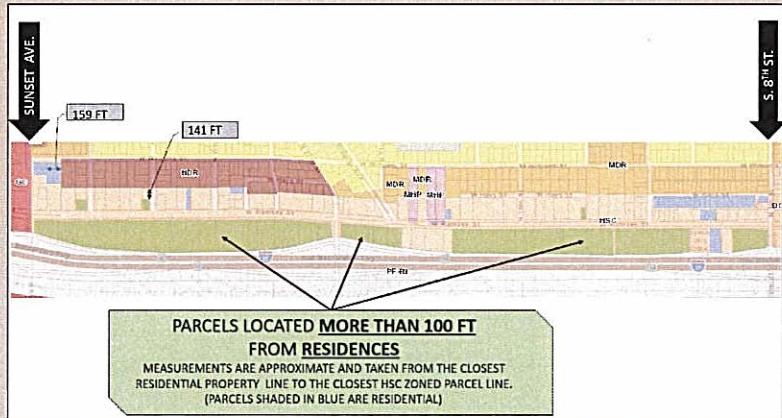
Highway Serving Commercial Zoning

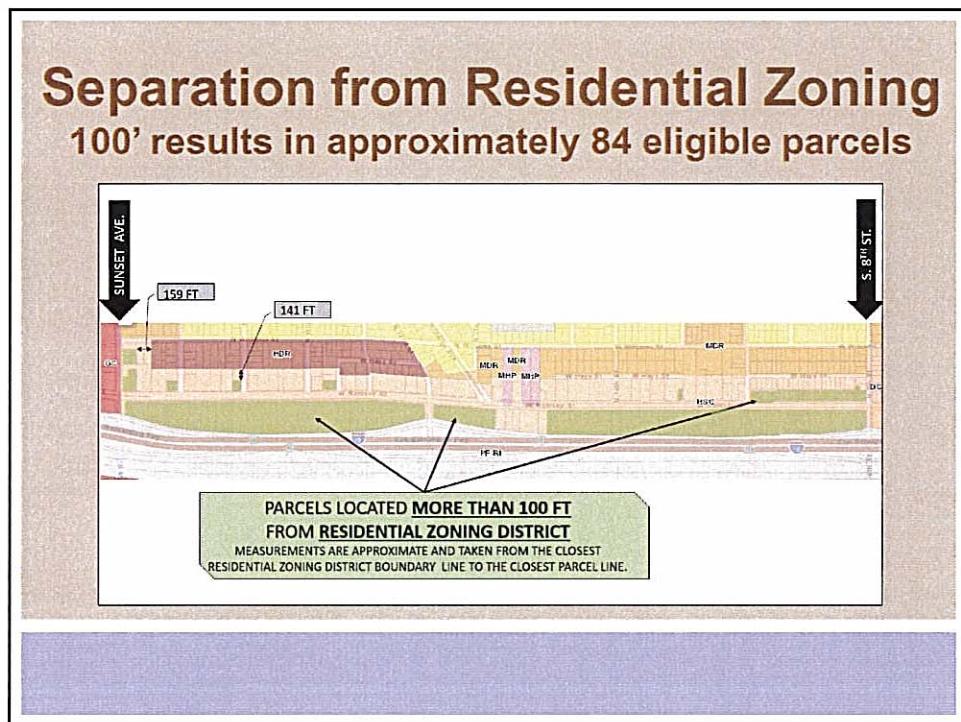
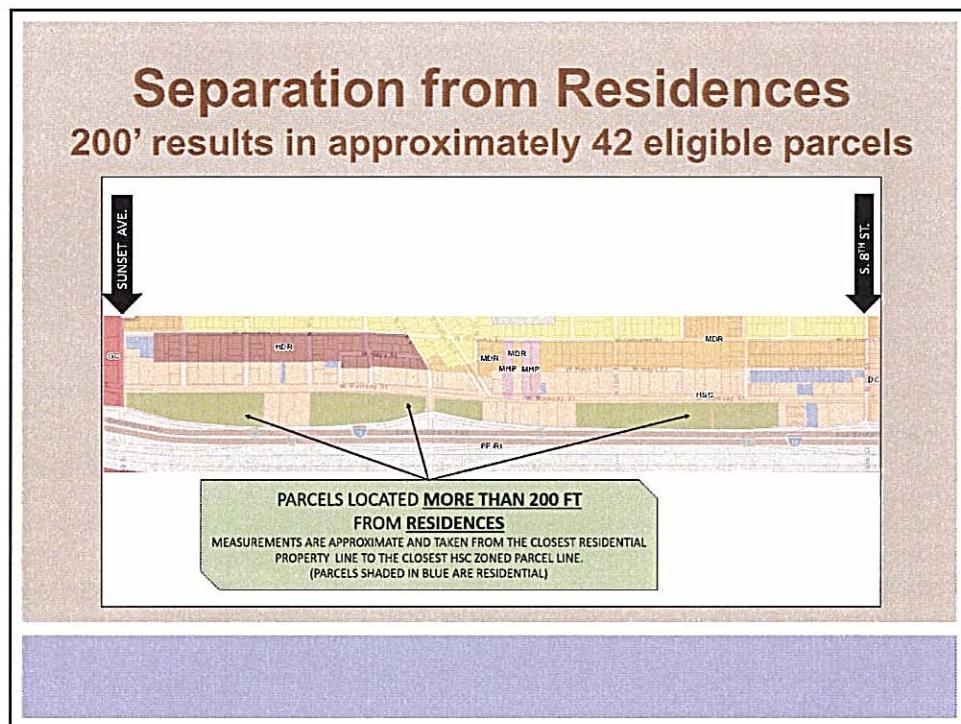
The Ad Hoc Committee recommended that Retail Cannabis uses be limited to the Highway Serving Commercial zoning district.



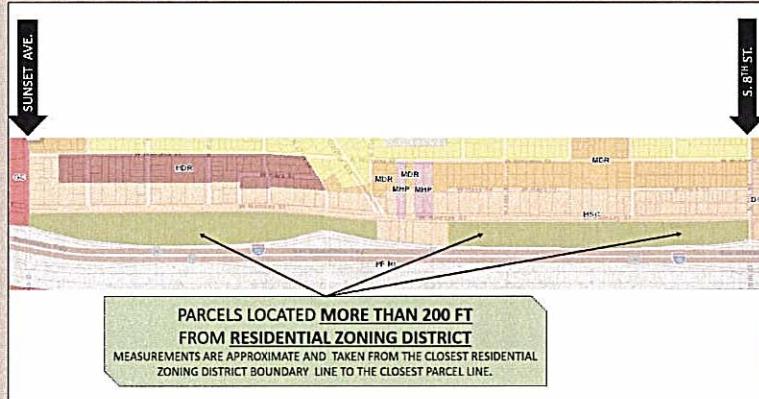
Separation from Residences

100' results in approximately 57 eligible parcels





Separation from Residential Zoning 200' results in approximately 58 eligible parcels



Regulations To Be Included in CUP Ordinance

- Security: Guard, surveillance, alarms
- Cannabis cannot be visible from outside the building
- Ventilation regulations: install ventilation and filtration systems to prevent odors generated from the cannabis business from escaping the buildings so odors cannot be detected outside of the building
- Signage: restriction on use of graphics, illumination, numbers, size

Additional Regulations

- Hours of operation limited to between 8:00am and 10:00pm
- No on-site consumption
- Indemnification
- Other regulations?

Regulatory Permit

- Amendment to Title 5 of the Municipal Code to allow the issuance of a regulatory permit to cannabis businesses.
- The regulatory permit would include background check, operation regulations, and additional regulations.

Cannabis Retailer Conditional Use Permit

- Amendment to Title 17 of the Municipal Code to allow consideration of a Cannabis Retailer Conditional Use Permit to allow retail cannabis businesses.
- Cannabis Retailer Conditional Use Permits would be reviewed by Planning Commission for recommendation and final approval by the City Council.