

Town of Yountville

Ordinance Number 20-[XXXX]

AN ORDINANCE OF THE PEOPLE OF THE TOWN OF YOUNTVILLE AMENDING CHAPTER 9.30 OF TITLE 9 AND ADDING CHAPTER 17.62 OF TITLE 17 OF THE YOUNTVILLE MUNICIPAL CODE REGARDING CANNABIS RETAIL BUSINESSES

NOW THEREFORE, THE PEOPLE OF THE TOWN OF YOUNTVILLE HEREBY ORDAIN AS FOLLOWS:

SECTION 1. CODE AMENDMENT: With the exception of Sections 9.30.050 and 9.30.060, which are hereby unchanged and renumbered to Sections 9.30.040 and 9.30.160, respectively, Chapter 9.30 of Title 9 of the Yountville Municipal Code is hereby amended to read as follows:

9.30.010 Purpose.

The purpose of this chapter is to regulate all commercial cannabis activity in the Town of Yountville to the extent authorized by and in accordance with law, including, without limitation, to provide for the licensure and regulation of cannabis retail businesses within the Town of Yountville.

9.30.020 Definitions.

As used in this chapter, the following meanings shall apply unless the context clearly indicates a contrary intent:

The following words and terms shall have the meanings ascribed to them in Business and Professions Code section 26001 as that statute may be amended or renumbered from time to time: “cannabis,” “cannabis accessories,” “cannabis products,” “commercial cannabis activity,” “delivery,” “license,” “operation,” “person,” “premises,” “sale.”

“Accessory structure” means a legal and permitted building that is completely detached from a private home. An accessory structure shall comply with this code, the California Building Code, and have a complete roof enclosure supported by walls extending from the ground to the roof, and a foundation, slab or equivalent base. An accessory structure shall be secure against unauthorized entry and shall be accessible only through one or more lockable doors. The walls and roofs of an accessory structure must be constructed of solid materials not easily broken through. Exterior walls must be constructed with non-transparent material.

“Cannabis retail business(es)” means any business and its premises from which adult use cannabis and/or adult use cannabis products are offered for sale, onsite consumption, and/or delivery that is licensed pursuant to applicable provisions of State law and this chapter.

“Commercial cannabis permit” means a permit issued pursuant to the provisions of this chapter.

“Day care” means a State-authorized facility serving children (operated per the California Child Day Care Facilities Act), in which such care is conducted as a business.

“Director” means the Planning and Building Director or designee.

“Group home” means a facility regulated and licensed by a Federal and/or State agency. Unlicensed facilities shall not constitute group homes.

“Interested part(y/ies)” means any of the following:

- A. Any person with an aggregate ownership interest, other than a security interest, lien, or encumbrance, of at least 10 percent of the cannabis retail business;
- B. Partners, officers, directors, and stockholders of every corporation, limited liability company, joint venture, or general or limited partnership that own at least 10 percent of the cannabis retail business or that is one of the partners in the cannabis retail business;
- C. The manager(s) of the cannabis retail business; and
- D. Employees and agents of the cannabis retail business.

“Manager” means a person with responsibility for the establishment, registration, supervision, or oversight of the operation of a cannabis retail business, including, but not limited to, a person who performs the functions of a board member, director, officer, owner, operating officer, or manager of the cannabis retail business.

“Primary residence” means the place where a person, by custom and practice, makes his or her principal domicile and address and to which the person intends to return following any temporary absence, such as a vacation. Residence is evidenced by actual daily physical presence, use and occupancy of the primary residence, and the use of the residential address for domestic purposes, such as, but not limited to, preparation of and eating of meals, regular mail delivery, and vehicle and voter registration.

“Private home” means a house, an apartment unit, a manufactured home, or other similar dwelling.

“Private residence” means a detached residential dwelling that is lawfully used as a residence.

“Responsible part(y/ies)” means one or more individuals who have an ownership interest in a cannabis retail business and are designated to be personally responsible for compliance with all terms and conditions of the commercial cannabis permit, all other permits required by the Town, and all ordinances and regulations of the Town. Any person having an ownership interest of more than fifty percent in a cannabis retail business shall be designated a responsible party on the application. If no individual owns more than fifty percent of a cannabis retail business, the individual owning the largest share shall be a responsible party, and if multiple individuals have the same percentage interest, each one shall be a responsible party. More than one individual can be designated a responsible party.

“Town Manager” means the Town Manager or his or her designee.

“Youth center” means a public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

9.30.030 Compliance with State and local law.

Except as expressly provided by State law and this chapter, all commercial cannabis activity is prohibited in the Town regardless of any licenses issued under State law.

- A. Cannabis retail businesses shall operate in conformance with all requirements and standards set forth in State law and this chapter. No person shall open or operate a cannabis retail business without first possessing a commercial cannabis permit issued by the Town pursuant to this chapter, a use permit for use of the property as a cannabis retail business issued by the Town pursuant to Chapter 17.62, and an appropriate license issued by the State.
- B. Prior to beginning operations in the Town, a cannabis retail business shall submit to the Town Manager a copy of all state licenses required for its operation.

9.30.050 Permit applications.

- A. A person may apply for a commercial cannabis permit by submitting an application to the Town during an application period designated by resolution of the Town Council. Each person may submit only one application during a designated application period. The application shall be on a form approved by the Town Manager, and shall include:
 - 1. A non-refundable application fee in an amount determined by resolution of the Town Council.
 - 2. **Application Information.**
 - i. The printed full name, signature, date of birth and present address and telephone number of all interested parties for the cannabis retail business, and designation of responsible parties.
 - ii. A primary physical and mailing address, if different, for notices and other mailed information.
 - iii. The names and addresses of all cannabis retail businesses operated by responsible parties for the five years preceding the date of the application.
 - iv. A list identifying any litigation, or settled claims not litigated, in which interested parties have been involved during the five years immediately preceding the date of the application
 - v. A statement whether any business currently operated by an interested party, or operated by an interested party in the five years immediately preceding the date of the application, has been investigated by a government agency or the permit, license, or other authorization for the operation of such business has been revoked or suspended.
 - vi. Live Scan for each interested party that was conducted within 14 days immediately preceding the date of the application.
 - vii. The name and telephone number of an emergency contact available at all times. The emergency contact must reside within a one-hour drive of the cannabis retail business.

- viii. A certification, under penalty of perjury, that the information in the application is true and correct and that no person listed in the application, as an interested party, a responsible party, or an applicant, or as an owner, director, officer, or board member of the applicant, has been convicted of a felony.

3. Business Site Information.

- i. **Floor Plan.** A scaled floor plan for each level of each building that makes up the business site, including, but not limited to, the entrances, exits, walls, cannabis storage areas and customer-access areas. The floor plan shall distinguish locations where onsite consumption of cannabis and/or cannabis products will occur if permitted.
- ii. **Site Plan.** A scaled site plan, including, but not limited to, all buildings, structures, driveways, parking lots, landscape areas, and boundaries.
- iii. **Property Owner's Consent.** Evidence of the legal right to occupy and to use the proposed location for a cannabis retail business.

4. Odor Control Plan. A list and description of proposed odor control devices and techniques to prevent odors from cannabis and cannabis products from being detectable off-premises.

5. Business Operations Information.

- i. **Business Plan.** A plan describing how the cannabis retail business will operate in accordance with this code, State law, and other applicable laws and regulations. The business plan must also include the following:
 - 1. Hours of operation; and
 - 2. Record-keeping procedures
- ii. **Community Relations Plan.** A plan describing outreach and communications with the surrounding community, including the neighborhood and businesses, and a designated contact person responsible for implementing the plan.
- iii. **Community Benefits Plan.** A plan describing community benefits the cannabis retail business intends to provide to the surrounding community.
- iv. **Neighborhood Responsibility Plan.** A plan to address potential effects of the cannabis retail business on the surrounding neighborhood area.
- v. **Inventory Control Procedures.** A list and description of procedures for inventory control including prevention of diversion of cannabis and cannabis products, employee screening, securing and storage of cannabis and cannabis products, personnel policies, and record-keeping procedures.
- vi. **Tax Compliance.** A current copy of the responsible party's Town business license tax certificate, state sales tax seller's permit, and responsible party or parties' most recent year's financial statement and tax returns, as applicable.
- vii. **Insurance.** Proof of insurance, as required by Section 9.30.090(G).

6. Security Plan. An operations and security plan in conformance with Section 9.30.100.

7. **Indemnification.** An agreement, on a form provided by the Town Manager, whereby the responsible party defends, indemnifies and holds harmless the Town and its officers, employees, agents, independent contractors, and volunteers.
 8. **Certification.** A statement in writing by the responsible party that he or she certifies under penalty of perjury that all the information contained in the application is true and correct.
- B. In addition to any other reason established by resolution of the Town Council, an application shall be automatically disqualified if:
1. The application is incomplete, filed late, or is not responsive to the requirements of this chapter.
 2. The application contains a false or misleading statement or an omission of any material fact.
 3. The operation of the business site described in the application fails to comply with any of the requirements in this code, State law, or any other applicable law or regulation.
 4. An interested party has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made.
 5. The proposed location for the cannabis retail business is within 300 feet of Yountville Community Park, Yountville Community Church, St. Joan of Arc Church, or any school providing instruction in kindergarten or grades 1 through 12, day care center or youth center that is in existence at the time the application is submitted, measured in a straight line from the closest property line of the school, day care center or youth center to the closest point of the premises where the cannabis retail business is proposed.
 6. An interested party has operated a cannabis retail business within five years immediately preceding the date of the application for which a State or local license, permit, or other authorization has been revoked.
 7. The application does not permit onsite consumption of cannabis in compliance with Business and Professions Code section 26200.
 8. Operation of the proposed site for the cannabis retail business, as represented in the application, is a threat to the public health, safety, or welfare or would create a public nuisance.
- C. The Town Manager or a third-party consultant hired for this purpose shall rank applications by the following criteria, giving equal weight to each, and shall, thereafter, report to the Town Council the ranking of each application:
1. Community Benefit. Applicants' commitment to Town demonstrated through local hiring and community support.
 2. Equity and Labor. Applicants' commitment to equity ownership and competitive compensation in comparison to other mainstream commercial businesses.

3. Messaging. Applicants' commitment to responsible messaging practices.
 4. Control of Business Location. Applicants' control of a site to ensure a successful and timely transition from being awarded a license to opening the business.
 5. Financial Investment. Applicants' plans and capital to support a vibrant business within the Town.
 6. Other Criteria. Any other criteria established by resolution of the Town Council.
- D. The Town Council may issue one commercial cannabis permit to the highest ranked application. The Town Council may choose to not offer a commercial cannabis permit to the highest ranked application if it makes any of the following findings:
1. The highest ranked application does not provide substantial benefits to Town residents;
 2. The highest ranked application will be detrimental to other uses in the surrounding area;
 3. The highest ranked application is incompatible with the character of the location the cannabis retail business is proposed in; or
 4. The highest ranked application may directly or indirectly create or exacerbate public nuisance conditions, as defined by Chapter 9.32.
- E. If two or more applications are equally ranked highest, the Town Council may designate the highest ranked applicant by analyzing each such application based on the criteria set forth in Section 9.30.050(D)
- F. The responsible party or parties selected shall have the opportunity to apply for a use permit as outlined in Chapter 17.62.
- G. A commercial cannabis permit shall expire twelve months after the date of issuance. In accordance with this chapter, a responsible party may apply for a renewal of a commercial cannabis permit prior to its expiration in accordance with this chapter.

9.30.060 Permit renewal.

- A. An application for renewal of a commercial cannabis permit shall be filed by a responsible party at least 60 days before the expiration of the permit. The renewal application shall be filed on a form approved by the Town Manager and shall include a renewal application fee established by resolution of the Town Council.
- B. The Town Manager shall grant or deny renewal applications in writing and, if the renewal application is denied, shall specify the reasons for its denial. The Town Manager shall only approve a renewal permit if he or she makes the following findings, which the applicant has the burden to satisfy by substantial evidence:
1. The cannabis retail business has substantially complied with the business operations information as described in Section 9.30.050(A)(5);
 2. The cannabis retail business provides substantial benefits to Town residents;
 3. The cannabis retail business has not been detrimental to other uses in the surrounding area; and

4. The cannabis retail business has not directly or indirectly created or exacerbated public nuisance conditions, as defined by Chapter 9.32.
- C. An application for renewal of a commercial cannabis permit shall be denied if any of the following exist:
1. The commercial cannabis permit is revoked before renewal.
 2. The cannabis retail business has not timely paid cannabis business license tax pursuant to Section 5.04.310.
 3. The responsible party conducted unpermitted commercial cannabis activity in the Town at any time preceding the renewal application.
 4. Any of the grounds for denying a permit application, as described in Section 9.30.050(B).
 5. The cannabis retail business, or any responsible party or interested party, has violated any provision of this chapter or this code, or any rules or regulations adopted thereunder, or State law, or any conditions on the commercial cannabis permit or use permit authorizing the cannabis retail business.
 6. The Town Manager does not make the findings required by Section 9.30.060(B).
- D. An application for renewal of a commercial cannabis permit may be denied if any of the following exists:
1. The commercial cannabis permit is suspended at the time the application is submitted or thereafter.
 2. The application is filed late.
 3. The cannabis retail business, or any responsible party or interested party, has received a notice of violation, abatement order, and/or administrative citation under Chapter 8.05 for violating any provision of this Code related to commercial cannabis activity in the Town during the prior twelve months and the notice of violation, abatement order, and/or administrative citation has not been resolved in favor of the party to whom it was issued at the time the application is submitted.
 4. The cannabis retail business has not been in regular and continuous operation in the three months immediately preceding the date the application is submitted.
- E. If a timely and complete application for renewal of a commercial cannabis permit is filed, the permit's expiration shall be stayed until a decision on the renewal application is issued.

9.30.070 Permit suspension or revocation.

- A. A commercial cannabis permit may be suspended or revoked if one or more of the circumstances upon which a commercial cannabis permit application or renewal application may be or must be denied, as described in Sections 9.30.050(B) and 9.30.060(C), (D), exists.
- B. The Town Manager has discretion to choose the appropriate administrative action based on the severity and regularity of the violations. The Town Manager shall provide notice of the revocation or suspension in writing. The notice shall describe the reason for suspension or revocation and the process to appeal the determination.

- C. Pursuant to Business and Professions Code Section 26200(c), the Town Manager shall promptly notify the Bureau of Cannabis Control within the Department of Consumer Affairs upon the Town's revocation of any local license, permit, or authorization for a state licensee to engage in commercial cannabis activity within the Town.

9.30.080 Appeal.

- A. The following decisions are not appealable:
 - 1. Ranking of applications pursuant to Section 9.30.050(C); and
 - 2. Disqualification of an application pursuant to Section 9.30.050(D).
- B. The following decisions may be appealed to the Town Council no later than 15 days after issuance:
 - 1. Denial of a renewal application pursuant to Section 9.30.060(C), (D);
 - 2. Suspension or revocation of a commercial cannabis permit pursuant to Section 9.30.070.
- C. Appeals shall follow the procedures set forth in Section 1.30.010. If the appeal includes a notice of violation, abatement order, and/or an administrative citation issued under Chapter 8.05, the Town Council may choose to consolidate appeals in a single hearing pursuant to this section.

9.30.090 Operating requirements.

The following operating requirements shall apply to any cannabis retail business operating in the Town:

- A. No cannabis or cannabis products shall be visible from the exterior of the building. No outdoor storage of cannabis or cannabis products is permitted.
- B. The cannabis retail business shall utilize a point-of-sale tracking system to track and report on all aspects of business, including, but not limited to, cannabis tracking, inventory data, and gross sales (by weight and by sale) and shall ensure that such information is compatible with the Town's record-keeping systems. The system must be able to produce historical transactional data for review by the Town.
- C. The cannabis retail business shall not allow persons under the age of 21 years on the premises or sell cannabis or cannabis products to such persons.
- D. The cannabis retail business shall not employ persons under 21 years of age.
- E. The cannabis retail business shall use odor control systems to ensure that cannabis odors are not detectable off-premises. Odor control systems shall include, but are not limited to, ventilation and exhaust systems.
- F. The cannabis retail business shall post the original copy of their commercial cannabis permit in a location readily-visible to the public.
- G. The cannabis retail business shall maintain a comprehensive general liability combined single occurrence insurance policy issued by an "A" rated insurance carrier in an amount not less than five million dollars (\$5,000,000) with primary coverage, naming the Town of Yountville and its officers, employees, agents, and volunteers as additional insured.

- H. The cannabis retail business shall ensure all delivery, loading and unloading areas are within a secured area.
- I. The cannabis retail business shall pay all employees in lawful money of the United States as hourly or salaried employees of the business and all federal, state, and local laws pertaining to employees shall be followed including, but not limited to, workers' compensation laws.
- J. The cannabis retail business shall update the Town at least once per month if there are any changes to the information submitted as part of the application pursuant to Section 9.30.050.
- K. The cannabis retail business shall substantially comply with the business plan, community relations plan, community benefits plan and neighborhood responsibilities plan submitted to the Town with the application pursuant to Section 9.30.050. The cannabis retail business may submit a request, in writing, to the Town Manager to amend such plans.
- L. The cannabis retail business shall comply with all conditions placed on the use permit issued for the property.
- M. The Town Manager may adopt regulations imposing additional requirements on cannabis retail businesses, including the maximum amount of cannabis and cannabis products allowed on the site, the number and type of equipment allowed, and security measures.

9.30.100 Security measures.

- A. A cannabis retail business shall implement security measures to:
 - 1. Deter and prevent unauthorized entrance into areas containing cannabis or cannabis products and theft of cannabis or cannabis products.
 - 2. Protect customers and the public from potential harms associated with the cannabis retail business.
- B. The Town Manager may adopt regulations specifying security measures to implement the requirements of Section 9.30.100(A).
- C. A cannabis retail business shall notify the Town Manager within 24 hours of discovering any of the following:
 - 1. Significant discrepancies in quantity, type, composition, or other characteristics of cannabis or cannabis products identified during inventory.
 - 2. Diversion, theft, loss, or any other criminal activity involving the cannabis retail business or any agent or employee of the cannabis retail business.
 - 3. The loss or unauthorized alteration of records related to cannabis or cannabis products, or employees or agents, of the cannabis retail business.
 - 4. Any breach of security.
- D. The Town Manager and any other Town employee charged with enforcing provisions of this code, may enter the location of a cannabis retail business at any time during regular hours of operation without notice and inspect the location as well as recordings and records maintained pursuant to this chapter or State law. No person shall refuse to allow,

impede, obstruct, or interfere with an inspection or the review of records, including, but not limited to, the concealment, destruction, or falsification of any recordings or records.

9.30.110 Onsite consumption.

- A. Consumption of cannabis on the premises of the cannabis retail business is permitted only if authorized by a use permit issued pursuant to Chapter 17.62 and:
 - 1. Access to the area where cannabis consumption is proposed is restricted to persons 21 years or older and can only be accessed by persons who have made an appointment with the cannabis retail business at least 24 hours in advance;
 - 2. Cannabis consumption is not visible from any public place or nonage-restricted area; and
 - 3. Sale or consumption of alcohol or tobacco is prohibited on the premises.
- B. Cannabis retail businesses shall create an appointment system for customers to schedule a time period for onsite consumption. Customers must make an appointment with the cannabis retail business prior to onsite consumption of cannabis or cannabis products. Such appointments shall be no longer than 60 minutes and customers may attend no more than one appointment per day.

9.30.120 Records and reporting.

- A. Cannabis retail businesses shall maintain the following records in physical format for at least three years on the business site, and shall produce them to the Town within 24 hours of receipt of a request from the Town:
 - 1. The name, address, and telephone numbers of the owner and landlord of the property.
 - 2. The name, date of birth, address, and telephone number of each manager and staff of the cannabis retail business; the date each was hired; and the nature of each manager's and staff's participation in the cannabis retail business.
 - 3. A written accounting of all income and expenditures of the cannabis retail business, including, but not limited to, cash and in-kind transactions.
 - 4. A copy of the cannabis retail business's commercial general liability insurance policy and all other insurance policies related to the business.
 - 5. A copy of the cannabis retail business's most recent year's financial statement and tax return.
 - 6. An inventory record documenting the dates and amounts of cannabis and cannabis products received at the business site, the daily amounts of cannabis and cannabis products stored on the site, and the daily amounts of cannabis and cannabis products sold from the site.
- B. The cannabis retail business shall report any loss, damage, or destruction of these records to the Town Manager within twenty-four hours of the loss, damage, or destruction.

9.30.130 Regulations and fees.

The Town Council or designee may establish all regulations necessary or convenient to implement the requirements and fulfill the policies of this chapter and to expand upon the same.

- A. Regulations shall be published on the Town's website.
- B. Regulations established by the Town Council or designee shall have the same force and effect of law and become effective upon the date of approval.

The Town Council may, by resolution, adopt such fees to implement this chapter with respect to the application and qualification for, and the selection, future selection, investigation, process, issuance, renewal, and revocation and suspension of, commercial cannabis permits.

9.30.140 Limitations on Town liability.

The Town shall not be liable for issuing, or failing to issue, suspending, revoking or failing to renew, a commercial cannabis permit pursuant to this chapter or otherwise approving or disapproving the operation of any cannabis retail business pursuant to this chapter.

9.30.150 Assignment prohibited.

- A. No person shall operate a cannabis retail business under a commercial cannabis permit issued pursuant to this chapter at any place or location other than that identified on the permit.
- B. No person shall transfer ownership or control of a commercial cannabis permit issued pursuant to this chapter, and/or a cannabis retail business licensed under this chapter, unless and until that person first obtains the consent of the Town Manager and the proposed transferee submits all required application materials, pays all applicable fees and charges, and independently meets the requirements of this chapter such that the transferee would be entitled to the issuance of an original commercial cannabis permit.
- C. Any attempt to transfer or any transfer of a commercial cannabis permit in violation of this section is hereby declared void and the commercial cannabis permit deemed immediately forfeited and no longer of any force or effect.

9.30.170 Violations.

- A. A violation of any provision of this chapter shall be subject to administrative enforcement under Chapter 8.05 of this code in addition to any other enforcement remedies available under law and this code.
- B. A violation of any provision of this chapter shall constitute a public nuisance which may be abated and/or enjoined pursuant to law and this code.
- C. Each responsible party as to a cannabis retail business shall be jointly and severally liable for all violations of State laws or of regulations and ordinances of the Town, whether committed by the permittee or an employee or agent of the permittee.
- D. Notwithstanding any other provision of this code, no conduct which is protected from criminal liability pursuant to State or Federal law shall be made criminal by this code.

SECTION 2. CODE AMENDMENT: Chapter 17.62 of Title 16 of the Yountville Municipal Code is hereby added to read as follows:

17.62.010 Purpose and application.

17.62.020 Supplemental definitions.

17.62.030 Requirements.

17.62.040 Uses requiring a use permit.

17.62.050 General conditions.

17.62.060 Criteria for a use permit.

17.62.010 Purpose and application.

The purpose of this section is to protect the public health, safety, and welfare, enact strong and effective regulatory and enforcement controls in compliance with state law, protect neighborhood character, and minimize potential for negative impacts on people, communities, and the environment within the Town by establishing land use requirements and development standards for cannabis retail businesses. Cannabis retail businesses, as defined in chapter 9.30, include locations where adult use cannabis and/or adult use cannabis products are offered for sale, onsite consumption, and/or delivery and which are licensed pursuant to the provisions of State law and chapter 9.30. Therefore, this section recognizes that cannabis retail businesses require land use controls due to state legal constraints on commercial cannabis activity, and the potential environmental and social impacts associated with cannabis retail businesses. Nothing in this section is intended to affect or alter federal law, which identifies marijuana (cannabis) as a Schedule I controlled substance.

17.62.020 Supplemental definitions.

In addition to the definitions provided in Section 17.08.010, the definitions provided in Section 9.30.020 shall apply to this chapter unless the context clearly indicates a contrary intent.

17.62.020 Requirements.

- A. No person or entity shall operate or conduct a cannabis retail business without first obtaining both a commercial cannabis permit from the Town pursuant to Chapter 9.30 and a use permit from the Town pursuant to this chapter. Any use permit authorizing a cannabis retail business pursuant to this chapter shall be conditioned on the holder obtaining and maintaining a Town commercial cannabis permit and the appropriate state license for the activity.
- B. No person shall have any entitlement or vested right to operate a cannabis retail business solely by virtue of issuance of a use permit under this chapter. Operation of a cannabis retail business requires both the approval of a use permit under this chapter and issuance of a commercial cannabis permit under Chapter 9.30, which is a revocable privilege and not a right in the Town. The applicant bears the burden of proving that all qualifications for both permits have been satisfied and continuously maintained prior to operating or conducting a cannabis retail business in the Town.
- C. A use permit application shall include all information required for a commercial cannabis permit application pursuant to Section 9.30.060.

17.62.030 Uses requiring a use permit.

Cannabis retail businesses shall be allowed in areas demarcated with CAN, Cannabis overlay zoning subject to a use permit as provided in Chapter 17.156 and this chapter.

17.62.040 General conditions.

The following general conditions shall be required for all use permits issued for a cannabis retail business on land designated as CAN, Cannabis:

- A. Obtaining and maintaining a commercial cannabis permit under chapter 9.30 and appropriate state license.
- B. Operating in substantial compliance with the application materials submitted pursuant to section 9.30.050.
- C. No cannabis retail business may be located on a property that directly abuts a residential zoning district, except that a cannabis retail business may be located on a property directly abutting the rear yard of a private residence.
- D. No cannabis retail business may be within 300 feet of Yountville Community Park, Yountville Community Church, St. Joan of Arc Church, or any school providing instruction in kindergarten or grades 1 through 12, day care center or youth center that is in existence at the time the commercial cannabis permit application is submitted, measured in a straight line from the closest property line of the school, day care center or youth center to the closest point of the premises where the cannabis retail business is proposed.
- E. Payment of applicable current and future state and local taxes and all applicable commercial cannabis fees and related penalties established by the Town.
- F. Prohibition of the possession, storage, sale, distribution or consumption of alcoholic beverages on the premises, or the holding of license from the State Division of Alcoholic Beverage Control for the sale of alcoholic beverages, or operating a business that sells alcoholic beverages on or adjacent to the cannabis retail business.
- G. No cannabis, cannabis products, or cannabis accessories may be displayed in windows or visible from the public right-of-way or from places accessible to the general public.
- H. Prohibition of minors and persons under the age of twenty-one on the premises, even if accompanied by a parent or guardian.
- I. Prohibition on outdoor storage of cannabis or cannabis products.
- J. Any other development and operational standards as the Town Council deems necessary or appropriate for the cannabis retail business under consideration, provided that such conditions do not conflict with operational requirements applicable pursuant to other provisions of this Code. The Town Council may, regardless of what commercial cannabis activity is permitted by a commercial cannabis permit under Chapter 9.30, limit a cannabis retail business to one or more of the following activities: sale, on-site consumption, or delivery of cannabis in any form.

17.62.050 Criteria for a use permit.

In addition to the findings listed in Section 17.156.020, the Town Council, after a public hearing, shall make the following findings before granting a use permit for a proposed use in the overlay designation CAN, Cannabis:

- A. The proposed use provides benefit to residents;
- B. The proposed use will not be environmentally detrimental to existing or potential commercial and residential uses in the surrounding area;
- C. The street network is suitable and adequate to carry projected traffic that is generated by the proposed use;
- D. The design of the structure or structures is compatible with the character of the Town; and
- E. The existing or proposed utility, police and fire services are adequate to serve the proposed use.

SECTION 3. Amendment: This Ordinance may be amended from time to time by the Town Council without a vote of the People.

SECTION 4. CEQA: The Town Council has considered all of the evidence in the record, including the staff reports, the testimony received during the meeting on the matter held by the Town Council, and hereby determines that this Ordinance is exempt from review under the California Environmental Quality Act (CEQA). Pursuant to section 15061(b)(3) of the CEQA Guidelines, CEQA applies only to projects which have the potential for causing a significant effect on the environment. This Ordinance will not result in a significant foreseeable environmental impact.

SECTION 5. Severability: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases or portions might be declared invalid or unconstitutional.

SECTION 6. Effective Date: This ordinance shall not take effect until ten days after the certification of its approval by a majority vote (50% + 1) of the electorate voting at the general election to be held on November 3, 2020 under Elections Code sections 9217 and 9222.

SECTION 7. Certification: The Mayor shall sign and the Town Clerk shall attest to the passage of this Ordinance upon certification by the Town Council of the results of the election approving this Ordinance.

I hereby certify that the foregoing ordinance was duly adopted by a majority of the voters of the Town of Yountville casting votes on the question in the election held on November 3, 2020:

John F. Dunbar, Mayor

ATTEST:

Michelle Dahme, CMC
Town Clerk

DRAFT