

City Attorney's Impartial Analysis of the First Ballot Measure
Measure __
November 6, 2018 Election

[Submitted pursuant to Elections Code section 9280]

Ballot Question:

Shall the measure, an ordinance to allow and regulate commercial, greenhouse nursery cultivation of immature cannabis plants on existing greenhouse sites in the City's A-1 (Agricultural/Exclusive Floriculture) Zoning District for cannabis nurseries that receive a license from the City Council and comply with specified standards, be adopted?

Impartial Analysis:

This Measure is an ordinance that was placed on the ballot by the City Council for the City of Half Moon Bay. If approved, the Measure would amend the Half Moon Bay Municipal Code to provide procedures and regulations to allow cannabis nursery businesses to operate in certain locations within the City. "Cannabis" is also known as "marijuana."

The Half Moon Bay Municipal Code currently prohibits cannabis businesses. This Measure would amend the Municipal Code to (1) update that ban to reflect current state law terms, (2) specify that the prohibition does not apply to cannabis delivery businesses established outside of the City, and (3) create an exception from the ban for cannabis nurseries that comply with specified regulations and receive a City license.

The Measure includes the following requirements for cannabis nurseries, among others:

License:

- The business must apply for and receive a City Cannabis Nursery License.
- The City Council must consider the license application at a noticed public hearing and could only approve it after finding that the business (1) complies with applicable regulations, (2) includes adequate safety and security measures, and (3) will not threaten public health, safety, quiet enjoyment of residential property, or general welfare.
- A license is valid for 12 months and can be renewed if certain requirements are met.

Location:

- Nurseries must be located on parcels with existing greenhouses in the A-1 (Agricultural/Exclusive Floriculture) Zoning District.
- Nursery structures must be at least 1,000 feet away from any school, day care center, or youth center.

- Nursery structures must be at least 200 feet away from Highway 1 and any parcel with a residential zoning or land use designation.

Cultivation:

- No more than 66,000 square-feet of cannabis canopy can be cultivated by any single business.
- All cultivation must occur within a greenhouse. Existing greenhouses may be replaced or relocated but the size may not be increased.
- Cultivation of mature (flowering) cannabis plants is prohibited.
- Plants may not exceed 18 inches, except for mother plants used for cloning.

Business Operations:

- Nurseries cannot employ persons under 21 years of age.
- Nurseries must be screened from public view by vegetation along the perimeters of the site.
- Businesses must facilitate local hires.
- Cannabis odors cannot be detectable beyond the site.
- Greenhouse lighting must be shielded.
- Local groundwater and surface water cannot be used for any increased water demand.
- Runoff cannot drain into storm drains or waterways.
- Electrical power must come from renewable energy sources.
- The nursery must be secured and under video surveillance.
- Owners and managers must pass a background check.
- Businesses must comply with state cannabis business regulations.
- The City must conduct unannounced inspections at least once a year.

If the Measure is approved, the City Council could amend or repeal the new cannabis nursery regulations or cannabis business ban without a vote of the people.

A “Yes” vote is a vote to approve the Measure.

A “No” vote is a vote to reject the Measure.

This Measure must receive a majority of “yes” votes to pass.

Submitted August 13, 2018

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City of Half Moon Bay