

**TOWN OF TRUCKEE  
California**

**RESOLUTION 2018-53**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TRUCKEE  
ESTABLISHING ELIGIBILITY CRITERIA FOR  
CANNABIS DELIVERY SERVICE BUSINESSES**

**WHEREAS**, in 1996, the voters of the State of California approved Proposition 215 (codified at Health and Safety Code section 11362.5 et. seq. and titled “The Compassionate Use Act of 1996”). The intent of Proposition 215 was to enable persons residing in California who are in need of cannabis for medical purposes to be able to obtain and use it without fear of criminal prosecution under limited, specified circumstances; and

**WHEREAS**, in 2004, the State enacted Senate Bill 420 (codified at Health and Safety Code section 11362.7 et. seq., and titled the “Medical Cannabis Program”, to clarify the scope of the Compassionate Use Act of 1996 and to allow cities, counties, and other governing bodies to adopt and enforce rules and regulations consistent with the Medical Cannabis Program; and

**WHEREAS**, in 2015, Assembly Bills 243 and 266 and Senate Bill 643 were enacted (codified at Business and Professions Code section 19300 et seq. and titled the “Medical Cannabis Regulation and Safety Act (MCRSA), previously known as the Medical Marijuana Regulation and Safety Act); and

**WHEREAS**, in 2016, Proposition 64, also known as the Adult Use of Marijuana Act (AUMA) was approved by the voters on November 8, 2016 and as a result, it is no longer illegal under State law, regardless of medical purposes to (1) posses, process, transport, purchase, obtain, or give away certain amounts of cannabis or concentrated cannabis, including as contained in cannabis products, to those 21 years of age or older; (2) possess, plant, cultivate, harvest, dry, or process not more than six living cannabis plants and the cannabis produced by those plants; (3) smoke or ingest cannabis or cannabis products; and (4) possess, transport, purchase, obtain, use, manufacture, or give away cannabis accessories without compensation to those 21 years of age or older; and

**WHEREAS**, to regulate the commercial adult use cannabis industry, the AUMA added Division 10 to the California Business and Professions Code, establishing State licensing requirements for commercial cannabis activity, defined as the cultivation, possession, or sale of cannabis and cannabis products, regardless of medicinal purposes and granting State agencies the “exclusive authority to create, issue, renew, discipline, suspend, or revoke” licenses for businesses including the transportation, storage, distribution, sale, cultivation, manufacturing, and testing of cannabis, except as otherwise authorized; and

**WHEREAS**, the AUMA gave local governments authority to prohibit or regulate commercial cannabis activities and subject the commercial cannabis activities to zoning and permitting requirements; and

**WHEREAS**, on June 27, 2017, the State enacted Senate Bill 94, titled “Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA), which repealed MCRSA; and

**WHEREAS**, in September 2017, the California Legislature adopted Assembly Bill 133, which further developed the State's regulatory framework for both medicinal and adult use cannabis and clarified and corrected certain elements of MAUCRSA; and

**WHEREAS**, in order to allow future medicinal or adult use cannabis delivery service businesses to pursue licensing for commercial cannabis activities with the State pursuant to the uses allowed by AUMA and the regulations provided in MAUCRSA, amendments to Municipal Code Title 18 (Truckee Development Code) and Chapters 18.12 (Commercial and Manufacturing Zoning Districts) and 18.58 (Standards for Specific Land Uses) are necessary; and

**WHEREAS**, at its June 12, 2018 meeting, the Town Council adopted regulations to allow commercial cannabis delivery services in Truckee and directed staff to return with a resolution which identifies the criteria businesses must meet in order to be eligible for Use Permit approval; and

**WHEREAS**, the Town Council has also identified a uniform set of conditions of approval which will be applied to all Use Permits and Cannabis Delivery Service Licenses issued to operators of cannabis delivery services.

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**NOW THEREFORE BE IT RESOLVED**, the Town Council of the Town of Truckee hereby takes the following actions:

1. Approves the eligibility criteria for commercial cannabis delivery services as set forth in Exhibit A.
2. Determines the eligibility criteria to be exempt from further environmental review pursuant to Section 15184 (State Mandated Local Projects) of the California Environmental Quality Act.
3. Directs staff to create a supplemental application checklist for a Cannabis Delivery Service License which includes the adopted eligibility criteria.

**The foregoing resolution was introduced by Council Member Flora, seconded by Council Member Goodwin, at a regular meeting of the Truckee Town Council, held on the 24 day of July, 2018 and adopted by the following vote:**

**AYES:** Council Member Flora, Council Member Goodwin, and Vice Mayor Tirman

**NOES:** None.

**ABSENT:** Council Member Abrams and Mayor Wallace Dee

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**Carolyn Wallace Dee, Mayor**

**ATTEST:**

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**Judy Price, MMC, Town Clerk**

## TOWN COUNCIL RESOLUTION 2018-53

### EXHIBIT A

#### ELIGIBILITY CRITERIA FOR COMMERCIAL CANNABIS DELIVERY SERVICES

The Town Council hereby adopts the following eligibility criteria which must be met in order to establish a commercial cannabis delivery service in the Town of Truckee:

##### **(1) *Locational Requirements***

- Allowable Zone District
  - If located in CG (General Commercial) zone, business not located on ground floor
- Development Code compliance
  - 600 feet from all sensitive uses
  - Fixed location
  - No larger than 3,000 square feet
- Property Owner Consent
  - Includes acknowledgment of cannabis business being operated on premises
  - Includes acknowledgment that operation of a cannabis business is illegal under Federal law
  - Confirmation that any applicable CC&Rs allow operation of a cannabis business

##### **(2) *Use Permit/Cannabis Delivery Service License Conditions of Approval***

- All delivery service businesses shall not be open to the public.
- No delivery of cannabis shall occur within the structure or on the premises thereof.
- Retail storefront is prohibited.
- Licensee shall implement security measures reasonably designed to prevent unauthorized entrance into areas containing cannabis or cannabis products and theft of cannabis or cannabis products from the premises.
- Window security bars shall not be installed on the exterior of any building façade.
- Reasonable security measures shall be in place to preclude public access to the interior of the facility.
- Signed agreement indemnifying the Town of Truckee.
- State license shall be provided to Town following issuance or within four months of issuance of

Town Cannabis Delivery Service License.

- Operator consent to periodic site inspections as part of Town's ongoing monitoring program.
- All businesses that have operated within the State of California within the previous three years, and individuals that have held any ownership interest in a cannabis business operating within the State of California within the previous three years, shall provide records of payment to the State for both sales and income taxes for any such period of operation.

The locational requirements and the Use Permit conditions of approval shall be incorporated into a supplemental checklist for Cannabis Delivery Service Licenses.