

ORDINANCE NO. 2019-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CHARTERED CITY OF VISTA, CALIFORNIA, AMENDING THE USES PERMITTED WITHIN "USE AREA 'B'" OF THE VISTA BUSINESS PARK SPECIFIC PLAN

The City Council of the City of Vista does resolve as follows:

1. Findings. The City Council hereby finds and declares the following:

A. This ordinance is enacted by the City Council pursuant to the authority under the Charter of the City of Vista and Article 11, Section 7 of the California Constitution.

B. The City Council: (1) finds and determines that adoption of this ordinance qualifies for an exemption from the California Environmental Quality Act pursuant to § 26055(h) of the Business and Professions Code, and 14 CCR § 15161(b)(3); and (2) directs that a Notice of Exemption be filed with the Office of Planning and Research.

2. Code Amendment.

Use Area B (Research Light Industrial and Business Support Group) of the Vista Business Park Specific Plan is amended as follows:

A. The list of "Permitted Uses, Primary Activities" is amended so Item 2.a. reads as follows:

"a. Scientific, research testing, and laboratory facilities, including laboratory facilities engaged in cannabis testing which are licensed pursuant to Chapter 5.98 of the Vista Municipal Code. Failure of a cannabis testing laboratory to operate in accordance with Chapter 5.98 shall also be a violation of this Section."

B. The list of "Permitted Uses, Primary Activities" is amended to add Item 2.e. to read as follows:

"e. Medical cannabis businesses which have been issued a Notice of Completed Registration pursuant to Chapter 5.94 of the Vista Municipal Code."

C. The list of "Uses permitted subject to granting of a Special Use Permit" is amended to add items (9) and (10) as follows, with the understanding that compliance with the California Environmental Quality Act shall occur at the time that action on the Special Use Permit occurs:

"(9) Cannabis manufacturing (M - Type 1) uses, not to exceed two and not located within 600 feet of any residentially-zoned property, which are licensed pursuant to Chapter 5.98 of the Vista Municipal Code. An application for a special use permit remains incomplete until all required information and elements are provided, including notice of tentative approval or a notice of

pending review pursuant to Chapter 5.98. Failure of a cannabis manufacturer (M – Type 1) to operate in accordance with Chapter 5.98 shall be a violation of this Section”

- (10) Cannabis distribution uses, not to exceed two and not located within 600 feet of any residentially-zoned property, which are licensed pursuant to Chapter 5.98 of the Vista Municipal Code. An application for a special use permit remains incomplete until all required information and elements are provided, including notice of tentative approval or a notice of pending review pursuant to Chapter 5.98. Failure of a cannabis distributor to operate in accordance with Chapter 5.98 shall be a violation of this Section”

3. Definitions. Terms used in this ordinance shall have the meanings assigned to those terms pursuant to Chapter 5.98 or if not defined therein, as provided in the Vista Municipal Code or State law.

4. Regulations; Interpretation. The City Manager is hereby authorized to adopt rules or regulations to govern the acceptance and prioritization of special use permit applications authorized pursuant to this Ordinance. Further, the City Manager shall be authorized to adopt final and binding interpretations regarding this Ordinance and any regulations or rules adopted thereunder.

5. Moratorium. The City Council approved a moratorium on certain cannabis-related uses by adopting the Ordinance No. 2018-19, and subsequently extending that moratorium through the adoption of Urgency Ordinances No 2019-04 and No. 2019-17 (collectively “Moratorium”). As of the effective date of this Ordinance, the City Council intends a limited suspension of the Moratorium to permit the City to issue permits or approvals for the uses described in Section 2 of this Ordinance, but not for other uses. The Moratorium, with respect to those other uses, shall remain in effect until first to occur of the following: (1) that certain ordinance adopted by the Vista City Council takes legal effect which is entitled “An Ordinance of the City Council of the Chartered City of Vista, California Amending Chapters 18.02 and 18.06 of the Vista Development Code with Respect to Cannabis Uses and Other Matters”; (2) December 10, 2020, which is the date on which the Moratorium expires by its own terms; or (3) such other date on which the Moratorium terminates by action of the City Council.

6. Condition Precedent to Effectiveness of Ordinance. This ordinance shall not take effect unless the City Council has adopted an ordinance entitled, “An Ordinance of the City Council of the Chartered City of Vista California, Adding Chapter 5.98 to the Vista Municipal Code Relating to Licensing of Cannabis Testing, Distribution and Manufacturing Facilities,” and that ordinance has taken effect.

7. Severability. If any word, sentence, paragraph, or other portion of this ordinance is deemed to be invalid or unenforceable for any reason by a court of competent jurisdiction, the City Council declares its intent that all remaining words, sentences, paragraphs or portions of the ordinance not held to be invalid or unenforceable shall remain in full force and effect, and shall be so construed, as if the original ordinance did not contain the invalid or unenforceable language.

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8. Effective Date. Subject to satisfaction of the condition precedent described in Section 6, this Ordinance shall be in full force and effect on the thirty-first day following the date of its adoption.

9. Adoption. INTRODUCED and ADOPTED at a meeting of the City Council of Vista held on December 10, 2019, by the following vote:

AYES: Mayor Ritter, Rigby, Franklin, Green, Contreras

NOES: None

ABSTAIN: None



JUDY RITTER, MAYOR

APPROVED AS TO FORM:
DAROLD PIEPER, CITY ATTORNEY

By: 

ATTEST:
KATHY VALDEZ, CITY CLERK

By: 

CERTIFICATION

I, Kathy Valdez, City Clerk of the City of Vista, California, certify that I caused the foregoing Ordinance No. 2019-19 to be posted on December 12, 2019, at the following locations within the City of Vista: 1) the Reference Desk of the Vista Branch of the San Diego County Public Library, 700 Eucalyptus Avenue; 2) the Lobby Counter at the Gloria E. McClellan Senior Center, 1400 Vale Terrace Drive; and 3) the City Clerk's Office, 200 Civic Center Drive.

A handwritten signature in blue ink that reads "Kathy Valdez". The signature is written in a cursive, flowing style.

Kathy Valdez, City Clerk