



## **NOTICE OF SPECIAL MUNICIPAL ELECTION AND NOTICE OF MEASURES TO BE VOTED ON**

**NOTICE IS HEREBY GIVEN** that the following measures are to be voted on at the Special Municipal Election that will be held in the City of Campbell, County of Santa Clara, State of California, on Tuesday, April 25, 2017, and votes will be asked to vote on the following three measures:

### **MEASURES TO BE VOTED ON:**

#### **MEASURE A**

Measure A was placed on the ballot by the Campbell City Council. Approval of the measure would place a tax on the gross receipts from a marijuana business that is conducted within the City of Campbell. A "marijuana business" means business activity including but not limited to, planting, cultivation, harvesting, transporting, delivering, transferring, dispensing, manufacturing, compounding, converting, processing, preparing, storing, packaging, and/or the wholesale and/or retail sales of marijuana and any ancillary products in the City. Under Measure A, the tax rate would be 7% of the gross receipts. However, the Council could adopt an ordinance to increase or reduce the tax, so long as the tax rate did not exceed 15% of the gross receipts. The tax could not be increased above 15% of gross receipts without approval of the voters. The City has estimated that the gross receipts tax proposed by Measure A would raise between \$130,000 to \$260,000 for general City services.

#### **MEASURE B**

Measure B was placed on the ballot by a petition signed by the requisite number of voters. The measure would establish a framework to allow medical marijuana dispensaries in Campbell, and establish new regulations for delivery and limited cultivation of medical marijuana.

Measure B would provide that the City shall issue licenses for dispensaries of medical marijuana, and require the City to prescribe reasonable rules that are consistent with the measure and applicable State laws. Once the regulations are adopted, no one could engage in the cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution or sale of medical marijuana ("commercial cannabis activity") without obtaining an annual permit from the City, except for certain activities that are exempted under the measure. Among these exemptions, no City permit would be required for individual qualified patients to cultivate up to 100 square feet of marijuana for the patient's personal use, or for a primary caregiver to cultivate up to 500 square feet for the personal use of no more than five qualified patients. Commercial cannabis activity would be limited to the City's Industrial and Planned Development zoning districts, except for delivery of medical cannabis to a qualified patient or a primary caregiver at their residence. Licensed dispensaries would be limited to three, which could not operate within a 600-foot radius of a school for kindergarten through twelfth grade. Commercial cannabis activity would also generally be prohibited on a property that has entrances or exits on a side that abuts any residentially zoned land, or

shares a corner with residentially zoned land, or is directly across the street from residentially zoned land, unless the commercial cannabis activity is separated from the residentially zoned property by a street that is at least 80 feet in width. It is not clear whether the measure is referring to entrances or exits to streets or to buildings. Dispensaries would be required to impose security measures such as establishing areas limited to dispensary personnel, and storing their products in a locked room or safe. Hours of operation would be limited to 10:00 a.m. to 8:00 p.m. No alcohol could be sold; and no marijuana products or alcohol could be used on the site. No lighting is allowed when the business is closed, except as may be necessary for security. The measure also establishes requirements for record keeping, and privacy of patients and primary caregivers.

### **MEASURE C**

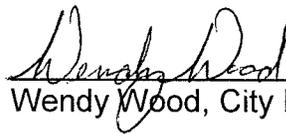
Measure C was placed on the ballot by the Campbell City Council. The measure would continue the City's current prohibition on marijuana dispensaries until at least April 1, 2019, at which time the Council would have discretion to adopt ordinances allowing medical marijuana dispensaries, subject to certain restrictions set forth in the measure.

Measure C would amend the Municipal Code to continue the City's prohibition on dispensaries until at least April 1, 2019. The stated purpose of this moratorium is to provide time to fully study the impacts of marijuana dispensaries, and assess whether the existence of deliveries and personal cultivation provides adequate access to marijuana for qualified patients. Beginning on April 1, 2019, the Council could adopt ordinances allowing dispensaries in Campbell. However, the Council would not be required to do so. Measure C provides that dispensaries could not be located in any residential, Planned Development, or Condominium Planned Development zoning district. Additionally, any building containing a dispensary would need to be at least 600-feet from any day care, preschool, park, school serving kindergarten through twelfth grade, the Campbell Community Center, or any other dispensary. Measure C also provides that buildings containing dispensaries would need to be at least 100-feet from any of the zoning districts in which dispensaries are prohibited, and any property containing a legally existing residence. The Council could adopt more restrictive provisions as necessary to protect the public health, safety, or welfare. The existing Municipal Code provisions governing the cultivation of marijuana for personal use and the delivery of medical marijuana would remain unchanged.

By its terms, Measure C conflicts with the provisions of Measure B of this election. Measure B would require the City to establish procedures to allow up to three dispensaries in Campbell, including in Planned Development districts. Measure C provides that if both measures receive a majority of votes cast in their favor, but Measure C receives a higher number of affirmative votes than Measure B, the provisions of Measure C shall supersede Measure B in its entirety, and the provisions sought to be enacted by Measure B shall be null and void.

The polls will be open between the hours of 7:00 a.m. and 8:00 p.m.

Dated: February 17, 2017

  
Wendy Wood, City Election Official

CITY OF CAMPBELL