

**ORDINANCE NO. 556**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
ADELANTO, COUNTY OF SAN BERNARDINO, CALIFORNIA,  
AMENDING ADELANTO MUNICIPAL CODE (“AMC”)  
SECTIONS 17.80.080 CULTIVATION OF MEDICAL  
MARIJUANA, 17.80.090 MANUFACTURING OF MEDICAL  
MARIJUANA, 17.80.100 MEDICAL CANNABIS  
DISTRIBUTION/TRANSPORTATION, AND 17.80.110 MEDICAL  
CANNABIS TESTING TO CHANGE THE LAND USE  
ENTITLEMENT APPLICATION REQUIREMENTS FOR  
CANNABIS CULTIVATION, MANUFACTURING,  
DISTRIBUTION/TRANSPORTATION, AND TESTING WITHIN  
EXISTING BUILDINGS FROM A CONDITIONAL USE PERMIT  
 (“CUP”) PROCESS TO A MINOR USE PERMIT (“CUPm”)  
PROCESS**

**WHEREAS**, on October 9, 2015, Governor Brown approved the Medical Marijuana Regulation and Safety Act (“MMRSA”), effective January 1, 2016, which establishes a comprehensive State licensing and regulatory framework for the cultivation, manufacturing, testing, distribution, transportation, dispensing, and delivery of medical cannabis, and which recognizes the authority of local jurisdictions to prohibit or impose additional restrictions on any such medical cannabis activity.

**WHEREAS**, on June 27, 2016, Governor Brown approved Senate Bill number 837 (“SB 837”), effective immediately, which amends the MMRSA and renames it the Medical Cannabis Regulation and Safety Act (“MCRSA”).

**WHEREAS**, the City of Adelanto (“City”) has adopted Adelanto Municipal Code (“AMC”) sections 17.80.080, 17.80.090, 17.80.100, and 17.80.110 to regulate medical cannabis cultivation, manufacturing, distribution/transportation, and testing, respectively, in the City.

**WHEREAS**, the City desires to amend AMC sections 17.80.080, 17.80.090, 17.80.100, and 17.80.110 pertaining to medical cannabis cultivation, manufacturing, distribution/transportation, and testing, respectively, by changing the Conditional Use Permit (“CUP”) process to a Minor Conditional Use Permit (“CUPm”) process for uses proposed within existing buildings, thereby allowing Planning Director approval for operations within existing buildings in lieu of a public hearing through the Planning Commission.

**WHEREAS**, the City desires to exclude proposed dispensaries within existing buildings from this Ordinance and continue allowing them per Ordinance No. 553 (“Ordinance 553”) through the Conditional Use Permit (“CUP”) process under the review authority of the Planning Commission because it is the purpose and intent of the City to regulate medical cannabis dispensing and delivery in a manner that is consistent with State law and promotes the health, safety, and general welfare of the residents and businesses within the City, while limiting the negative impacts associated with such medical cannabis dispensing and delivery.

**WHEREAS**, nothing in this Ordinance shall be construed to allow persons to engage in conduct that violates the law, endangers others, causes a public nuisance, allows the use or diversion of cannabis for nonmedical purposes, or allows any activity relating to cannabis that is otherwise illegal under California law.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ADELANTO DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** The above recitals are true and correct and are incorporated herein.

**SECTION 2.** AMC section 17.80.080(d)(1)(A.) is hereby amended to read as follows (“.....” added to denote unchanged code sections in front and behind amended sections; new language shown in *red italics*):

**17.80.080 Cultivation of Medical Marijuana**

.....

(d) **Indoor Medical Marijuana Cultivation Conditionally Permitted.** Indoor medical marijuana cultivation is conditionally permitted in the City only as expressly specified in this Section.

(1) Indoor Medical Marijuana Cultivation Standards. Indoor medical marijuana cultivation, within the City, shall be in conformance with the following standards:

A. Indoor medical marijuana cultivation shall only be allowed upon application and approval of a Cultivation Permit and a CUP, *or Minor Conditional Use Permit (CUPm) for proposed uses within existing buildings requiring no more than Tenant Improvements*, in accordance with the criteria and process set forth in this Section and this Code.

.....

**SECTION 3.** AMC section 17.80.090(d)(1)(A.) is hereby amended to read as follows (“.....” added to denote code sections in front and behind amended sections; new language shown in *red italics*):

**17.80.090 Manufacturing of Medical Marijuana**

.....

(d) **Medical Marijuana Manufacturing Conditionally Permitted.** Medical marijuana manufacturing is conditionally permitted in the City only as expressly specified in this Section.

(1) Medical Marijuana Manufacturing Standards. Medical marijuana manufacturing, within the City, shall be in conformance with the following standards:

A. Medical marijuana manufacturing shall only be allowed upon application and approval of a Manufacturing Permit and a CUP, *or Minor Conditional Use Permit (CUPm) for proposed uses within existing buildings requiring no more than Tenant Improvements*, in accordance with the criteria and process set forth in this Section and this Code.

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**SECTION 4.** AMC section 17.80.100(d)(1)(A.), Medical Cannabis Distribution/Transportation Conditionally Permitted, Medical Cannabis Distribution/Transportation Standards, is hereby amended to read as follows (“.....” added to denote code sections in front and behind amended sections; new language shown in *red italics*):

**17.80.100 Medical Cannabis Distribution/Transportation**

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(d) **Medical Cannabis Distribution/Transportation Conditionally Permitted.** Medical cannabis distribution/transportation is conditionally permitted in the City only as expressly specified in this Section.

(1) Medical Cannabis Distribution/Transportation Standards. Medical cannabis distribution/transportation, within the City, shall be in conformance with the following standards:

A. Medical cannabis distribution and transportation shall only be allowed upon application and approval of a Distribution/Transportation Permit and a CUP, *or Minor Conditional Use Permit (CUPm) for proposed uses within existing buildings requiring no more than Tenant Improvements*, in accordance with the criteria and process set forth in this Section and this Code.

.....

**SECTION 5.** AMC Section 17.80.110(d)(1)(A.), Medical Cannabis Testing Conditionally Permitted, Medical Cannabis Testing Standards, is hereby amended to read as follows (“.....” added to denote code sections in front and behind amended sections; new language shown in *red italics*):

**17.80.110 Medical Cannabis Testing**

.....

(d) **Medical Cannabis Testing Conditionally Permitted.** Medical cannabis testing is conditionally permitted in the City only as expressly specified in this Section.

(1) Medical Cannabis Testing Standards. Medical cannabis testing, within the City, shall be in conformance with the following standards:

A. Medical cannabis testing shall only be allowed upon application and approval of a Testing Permit and a CUP, *or Minor Conditional Use Permit (CUPm) for proposed uses within existing buildings requiring no more than Tenant Improvements*, in accordance with the criteria and process set forth in this Section and this Code.

.....

**SECTION 6.** Recognizing that there is a potential conflict between federal and State law, it is the City Council’s intention that this Ordinance shall be deemed to comply with California law as established by the MCRSA.

**SECTION 7.** It is the City Council’s intention that nothing in this Ordinance shall be construed to:

1. Allow persons to engage in conduct that endangers others or causes a public nuisance.
2. Allow the use of cannabis for nonmedical purposes of any kind.
3. Allow any activity relating to cannabis that is otherwise not permitted under State law.

**SECTION 8.** The City Council finds that these amendments to the Zoning Code are consistent with the goals, policies, and objectives of the City’s General Plan, and that they will not adversely affect properties surrounding the pre-existing Cultivation, Manufacturing, Distribution/Transportation, or Testing Zones, or the proposed Dispensary Zone.

**SECTION 9.** The City Council finds that the actions contemplated by this Ordinance are exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) and 15305 of the Guidelines, in that the Ordinance alone does not have the potential for causing a

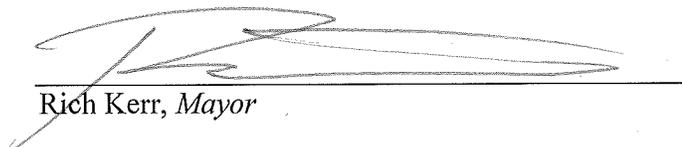
significant effect on the environment. Further permits and approvals will be required before any activity that may affect the environment will be permitted.

**SECTION 10.** If any section or provision of this Ordinance is for any reason held to be invalid, unconstitutional, illegal, or unenforceable by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, then such section or provision shall be severed and shall be inoperative, and the remainder of this Ordinance shall remain in full force and effect.

**SECTION 11.** As with previous amendments pertaining to the medical cannabis land uses, the City Council is not assuming, nor is it imposing on its officers and employees, an obligation for which a breach thereof would expose the City to liability in money damages to any person who claims that such breach proximately caused injury. To the fullest extent permitted by law, the City shall assume no liability whatsoever, and expressly does not waive sovereign immunity, with respect to any provision of this Ordinance or for the activities of any medical cannabis land uses. To the fullest extent permitted by law, any actions taken by a public officer or employee under the provisions of this Ordinance shall not become a personal liability of any public officer or employee of the City. Nothing in this Ordinance shall be deemed or considered in any respects to constitute authorization to violate any law.

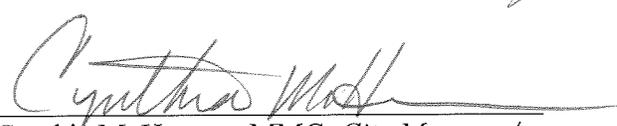
**SECTION 12.** The Mayor shall sign and the City Clerk shall certify passage and adoption of this Ordinance, and the City Clerk shall cause the same to be published and posted pursuant to the provisions of law in this regard, and this Ordinance shall take effect 30 days after its final passage.

**PASSED, APPROVED, and ADOPTED** this 14th day of December, 2016.



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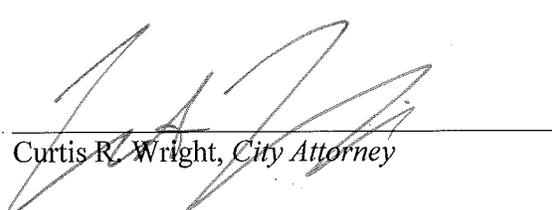
Rich Kerr, *Mayor*



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Cynthia M. Herrera, MMC, *City Manager/*  
*City Clerk*

APPROVED AS TO FORM:



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Curtis R. Wright, *City Attorney*

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I, Cindy Herrera, City Manager/City Clerk of the City of Adelanto, California, do hereby certify that the foregoing Ordinance No. 556 was duly introduced for first reading on November 9, 2016 and regularly adopted at a regular meeting of the City Council of the City of Adelanto on December 14, 2016 by the following vote, to wit:

AYES: Council Members Glasper, Woodard, Mayor Pro Tem Wright and Mayor Kerr

NOES: None

ABSENT: None

ABSTAIN: Council Member Camargo

IN WITNESS THEREOF, I hereunto set my hand and affix the official seal of the City of Adelanto on this 14th day of December, 2016.

  
Cynthia M. Herrera, MMC, *City Manager/  
City Clerk*

SEAL