

ORDINANCE NO. 557

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ADELANTO, COUNTY OF SAN BERNARDINO, CALIFORNIA, ADOPTING GENERAL PLAN AMENDMENT 16-04 AND CODE AMENDMENT 16-08 AMENDING THE ADELANTO GENERAL PLAN LAND USE AND ZONING MAP BY CREATING AN OVERLAY ZONE TO ALLOW CANNABIS CULTIVATION, MANUFACTURING, DISTRIBUTION/TRANSPORTATION, AND TESTING WITHIN THE LIGHT MANUFACTURING ZONE ON APPROXIMATELY 160 ACRES BOUNDED BY AIR EXPRESSWAY TO THE NORTH, YUCCA ROAD TO THE SOUTH, RACCOON AVENUE TO THE EAST, AND KOALA ROAD TO THE WEST

WHEREAS, on August 28, 2001 the City Council adopted the General Plan Update for the City of Adelanto ("City").

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, 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 837 ("SB 837"), effective immediately, which amends the MMRSA and renames it the Medical Cannabis Regulation and Safety Act ("MMRSA").

WHEREAS, the City of Adelanto Planning Commission ("Planning Commission") at a noticed public hearing on November 28, 2016 recommended that the City Council adopt Ordinance No. 557, approving General Plan Amendment 16-04 and Code Amendment 16-08, an Ordinance amending the Adelanto General Plan Land Use and Zoning Map by creating an Overlay Zone to allow cannabis cultivation, manufacturing, distribution/transportation, and testing within the Light Manufacturing ("LM") Zone on approximately 160 acres bounded by Air expressway to the north, Yucca Road to the south, Raccoon Avenue to the east, and Koala Road to the west.

WHEREAS, the Planning Commission at a duly noticed public hearing on November 28, 2016 approved Code Amendment 16-09 and recommended that the Adelanto City Council adopt Ordinance No. 558 amending sections 17.80.080(d)(1)(B) (Indoor Medical Cannabis Cultivation), 17.80.090(d)(1)(B) (Manufacturing of Medical Cannabis), 17.80.100(d)(1)(B) (Medical Cannabis Distribution/Transportation), and 17.80.110(d)(1)(B) (Medical Cannabis Testing Standards) to operate in the LM Zoning designation subject to the location requirements in those ordinances and restricted to the area bounded by Air Expressway to the north, Yucca Road to the south, Raccoon Avenue to the east, and Koala Road to the west.

WHEREAS, it is the purpose and intent of the City to regulate medical cannabis cultivation, manufacturing, distribution, transportation, and testing 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 cultivation, manufacturing, distribution, transportation, and testing.

WHEREAS, on December 9, 2016, the City Council held a duly noticed public hearing at which time it considered all evidence presented, both written and oral.

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. Findings and Determinations.

A. The proposed General Plan Amendment to the Land Use and Zoning Map by creating an Overlay Zone to allow cannabis cultivation, manufacturing, distribution/transportation, and testing within the LM Zone on approximately 160 acres (bounded by Air Expressway to the north, Yucca Road to the south, Raccoon Avenue to the east, and Koala Road to the west) would not create any inconsistencies with the City General Plan and Zoning Code as described.

B. The General Plan Amendment and creation of an Overlay Zone is necessary to provide zoning map consistency with the code amendment pursuant to Ordinance 558 in which the City desires to amend AMC sections 17.80.080(d)(1)(B), 17.80.090(d)(1)(B), 17.80.100(d)(1)(B), and 17.80.110(d)(1)(B) to provide for the cultivation, manufacture, distribution/transportation, and testing of Cannabis subject to a conditionally permitted use in the LM Zones subject to the locational requirements in those ordinances and restricted to the area bounded by Air Expressway to the north, Yucca Road to the south, Raccoon Avenue to the east, and Kola Road to the west.

C. On November 18, 2016, the project's Negative Declaration and Initial Study was posted for a 20 day review period which was made available for public review and inspection during the City's normal business hours at the Planning Department located in City Hall at 11600 Air Expressway, City of Adelanto and on the City's website. During the 20 day review period, the Planning Department received no comments regarding the proposed General Plan Amendment and creation of the Overlay Zone on the 160 acre project site located within the LM Zone and bounded by Air Expressway to the north, Yucca Road to the south, Raccoon Avenue to the east, and Koala Road to the west.

D. All City staff reports (and all other public reports and documents) prepared for the Planning Commission and the City Council relating to the General Plan Amendment, creation of the Overlay Zone, and the Code Amendments to provide

for the zoning accommodation in the LM Zone are accurate and consistent in accordance with the City's General Plan and Development Code.

E. All documentary and oral evidence received at the public hearings or submitted to the City Council or the City during the comment period relating to the Zoning Amendment and creation of the Overlay Zone have been considered and incorporated as part of the public record.

F. All other matters of common knowledge to the Planning Commission and City Council, including, but not limited to the City's MMRSA policies, regulations have been considered in accordance with city and state laws and regulations.

SECTION 3. The City Council of the City of Adelanto approves the General Plan Amendment and amends the General Plan Land Use and Zoning Map, attached hereto as Exhibit A, subject to the provisions of Section 6 hereof, and subject to such minor, conforming, and clarifying changes consistent with the terms thereof as may be approved by the City Council in consultation with the City Attorney prior to execution thereof, including completion of references and status of panning approvals, and completion and conformity of all exhibits thereto, and conformity to the General Plan as amended, as approved by the City Council.

SECTION 4. If any section subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 5. 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.


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


Rich Kerr, Mayor

APPROVED AS TO FORM:


Curtis R. Wright, City Attorney

I, Cindy Herrera, City Manager/City Clerk of the City of Adelanto, California, do hereby certify that the foregoing Ordinance No. 557 was duly introduced for first reading on the 9th day of December, 2016 and regularly adopted at a regular meeting of the City Council of the City of Adelanto on this 14th day of December 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 WHEREOF, I hereunto set my hand and affix the official seal of the City of Adelanto on this 14th day of December 2016.

A handwritten signature in cursive script, reading "Cynthia M. Herrera", is written over a horizontal line.

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