

ORDINANCE NO. 563

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ADELANTO, COUNTY OF SAN BERNARDINO, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT NO. GPA 17-02, ZONE CHANGE NO. ZC 17-02, AND ZONE MAP AMENDMENT 17-01; AMENDING THE ADELANTO GENERAL PLAN LAND USE AND ZONING MAP TO CREATE AN OVERLAY ZONE PERMITTING MEDICAL CANNABIS ACTIVITIES THEREIN; AND ESTABLISHING THE CITY'S CANNABIS OVERLAY ZONES

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 ("MCRSA").

WHEREAS, the Adelanto Planning Commission ("Planning Commission") after a duly noticed public hearing on May 16, 2017 recommended that the City Council adopt this Ordinance approving General Plan Amendment 17-02, Zone Change No. ZC 17-02, and Zone Map Amendment No. 17-01 (General Plan and Zoning Map); amending the Adelanto General Plan Land Use and Zoning Map from Single Family Residential to Light Manufacturing and creating an overlay zone to allow cannabis cultivation, manufacturing, distribution/transportation, and testing within the established Light Manufacturing ("LM") Zone on approximately 87.37 acres ("Overlay Zone") bounded by Air expressway to the south, Bartlett Road to the north, Muskrat Avenue to the east, and Koala Road to the west; and establishing the City's Cannabis Overlay Zones as defined herein.

WHEREAS, the Planning Commission after a duly noticed public hearing on May 16, 2017 recommended that the City Council adopt Ordinance No. 564 amending Adelanto Municipal Code sections 17.80.080, 17.80.090, 17.80.100, and 17.80.110 to restrict medical cannabis cultivation, manufacturing, distribution/transportation, and testing within the City to properties within the City's Cannabis Overlay Zones—as that term is defined herein—to help protect the health and safety of City residents while permitting activities that can potentially have a beneficial medical effect on many individuals.

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 June 14, 2017, 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 from Single Family Residential to Light Manufacturing (LM) and the creation of an overlay zone to allow medical cannabis cultivation, manufacturing, distribution/transportation, and testing within the Light Manufacturing Zone on approximately 87.37 acres (“Overlay Zone”)—bounded by Air Expressway to the south, Bartlett Road to the north, Muskrat Avenue to the east, and Koala Road to the west—would not create any inconsistencies with the City’s General Plan and Zoning Code as described herein.

B. The General Plan Amendment and creation of the Overlay Zone is necessary to provide zoning map consistency with the code amendment established by Ordinance 564, through 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 restrict cannabis cultivation, manufacturing, distribution/transportation, and testing within the City to properties with the Manufacturing/Industrial (“MI”) zoning designation in the Industrial Park and to properties within the Overlay Zone created in Subsection A herein (collectively “Cannabis Overlay Zones”).

C. On March 11, 2017, the General Plan Amendment and related Zone Amendment’s Mitigated Negative Declaration (“MND”) were posted for 30-day review. The documents were 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 30-day public review period, the Planning Department received no comments regarding the proposed General Plan Amendment from Single Family to Light Manufacturing and the creation of the Overlay Zone.

D. All City staff reports (and all other public reports and documents) prepared for the Planning Commission and the City Council relating to the Development Agreement, General Plan Amendment, creation of the Overlay Zone, and the Code Amendments to provide for the zoning accommodation in the established LM Zone are accurate, consistent, and 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 General Plan

Amendment, Zoning Change, Zone Code 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 MCRSA policies and regulations have been considered in accordance with City and State laws and regulations.

SECTION 3. The City Council hereby approves the Development Agreement, General Plan Amendment, and Zone Change, and amends the General Plan Land Use and Zoning Map, attached hereto as Exhibit A, subject to the provisions of Section 2 hereof, and subject to such minor, conforming, and clarifying changes consistent with the terms thereof as may be approved by the City Council prior to execution thereof, including completion of references and status of panning approvals, completion and conformity of all exhibits thereto, and conformity to the General Plan as amended, as approved by the City Council.

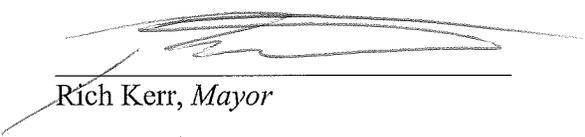
SECTION 4. If any section or provision of this Ordinance is for any reason held to be invalid, unconstitutional, illegal, or unenforceable by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, then such section or provision shall be severed and shall be inoperative, and the remainder of this Ordinance shall remain in full force and effect.

SECTION 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 28th day of June, 2017.



G. Michael Milhiser, *Interim City Manager*



Rich Kerr, *Mayor*

APPROVED AS TO FORM:



Curtis R. Wright, *City Attorney*

I, Cindy Herrera, City Clerk of the City of Adelanto, California, do hereby certify that the foregoing Ordinance No. 563 was duly introduced for first reading on the 14th day of June, 2017 and regular adopted at a regular meeting of the City Council of the City of Adelanto on this day 28th day of June, by the following voter, to wit:

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

NOES: None

ABSENT: Council Member Camargo

ABSTAIN: None

IN WITNESS WHEREOF, I hereunto set my hand and affix the official seal of the City of Adelanto on this 28th day of June, 2017

A handwritten signature in black ink, appearing to read "Cynthia M. Herrera", is written over a horizontal line. The signature is fluid and cursive.

Cynthia M. Herrera, MMC, City Clerk