

ORDINANCE NO. 577

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ADELANTO, COUNTY OF SAN BERNARDINO, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT NO. GPA 17-04, ZONE CHANGE NO. ZC 17-03, AND ZONE MAP AMENDMENT 17-02; 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 July 3, 2017 recommended that the City Council adopt this Ordinance approving General Plan Amendment 17-04, Zone Change No. ZC 17-03, and Zone Map Amendment No. 17-02 (General Plan and Zoning Map); amending the Adelanto General Plan Land Use and Zoning Map amending the Adelanto General Plan Land Use and Zoning Map from Desert Living (DL-5) and Open Space (OS) to Manufacturing Industrial (MI) and creating an overlay zone to allow cannabis cultivation, manufacturing, distribution, transportation, and testing within the established Manufacturing Industrial (MI) Zone on approximately 1,995 acres ("Overlay Zone") bounded by Air expressway to the north, Holly Road to the south, Koala Road to the east, and the areas west of Caughlin Road to the west; and establishing the City's Cannabis Overlay Zones as defined therein (Area 1); amending the Adelanto General Plan Land Use and Zoning Map on approximately 65.1 acres bounded by Rancho Road to the north, the Southern California Edison Power lines to the south, Aster Road to the east, and Muskrat Avenue to the west, by extending the Medical Cannabis Cultivation, Manufacturing, Transportation, Distribution, and Testing Overlay Zone to the identified area (Area 5); and amending the Adelanto General Plan and Land Use Map on approximately 235.5 acres bounded by Yucca Road to the north, Rancho Road to the south, Aster Road and Verbena Road to the east, and Raccoon Road to the west, by extending the Medical Cannabis Cultivation, Manufacturing, Transportation, Distribution, and Testing Overly Zone to the identified area (Area 6);

WHEREAS, the Planning Commission after a duly noticed public hearing on July 3, 2017 recommended that the City Council adopt Ordinance No. 577 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 July 3, 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 Desert Living (DL-5) and Open Space (OS) to Manufacturing Industrial (MI) and creating an overlay zone to allow cannabis cultivation, manufacturing, distribution, transportation, and testing within the established Manufacturing Industrial (MI) Zone on approximately 1,995 acres (“Overlay Zone”) bounded by Air expressway to the north, Holly Road to the south, Koala Road to the east, and the areas west of Caughlin Road to the west; and establishing the City's Cannabis Overlay Zones as defined therein (Area 1); amending the Adelanto General Plan Land Use and Zoning Map on approximately 65.1 acres bounded by Rancho Road to the north, the Southern California Edison Power lines to the south, Aster Road to the east, and Muskrat Avenue to the west, by extending the Medical Cannabis Cultivation, Manufacturing, Transportation, Distribution, and Testing Overlay Zone to the identified area (Area 5); and amending the Adelanto General Plan and Land Use Map on approximately 235.5 acres bounded by Yucca Road to the north, Rancho Road to the south, Aster Road and Verbena Road to the east, and Raccoon Road to the west, by extending the Medical Cannabis Cultivation, Manufacturing, Transportation, Distribution, and Testing Overlay Zone to the identified area (Area 6); 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 576, 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. 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.

D. 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 finds that the Planning Commission, at its meeting of July 3, 2017, considered the adoption of the proposed Ordinance amending the Adelanto General Plan, Zoning, and Zoning Map and determined the Ordinance is Exempt from the requirements of the California Environmental Quality Act under Section 15061(b)(3), as the adoption of this Ordinance will not result in any changes to the environment. Also, the Planning Commission found and determined that the actions taken are subject to a prior Environmental Impact Report (EIR).

SECTION 4. The City Council hereby approves the 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 5. 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 6. 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 9th day of August, 2017.



G. Michael Milhiser, *Interim City Manager*



Rich Kerr, *Mayor*

APPROVED AS TO FORM:



Ruben Duran, *City Attorney*

I, Cindy Herrera, City Clerk of the City of Adelanto, California, do hereby certify that the foregoing Ordinance No. 577 was duly introduced for first reading on July 14, 2017 and adopted at a regular meeting of the City Council of the City of Adelanto on August 9, 2017 by the following vote, to wit:

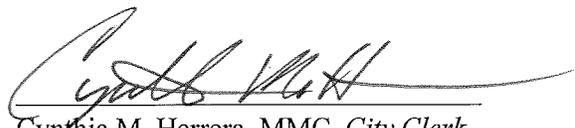
AYES: Council Members Glapser, Mayor Pro Tem Wright and Mayor Kerr

NOES: Council Member Camargo

ABSENT: None

ABSTAIN: Council Member Woodard

IN WITNESS THEREOF, I hereunto set my hand and affix the official seal of the City of Adelanto on this 9th day of August, 2017.


Cynthia M. Herrera, MMC, City Clerk



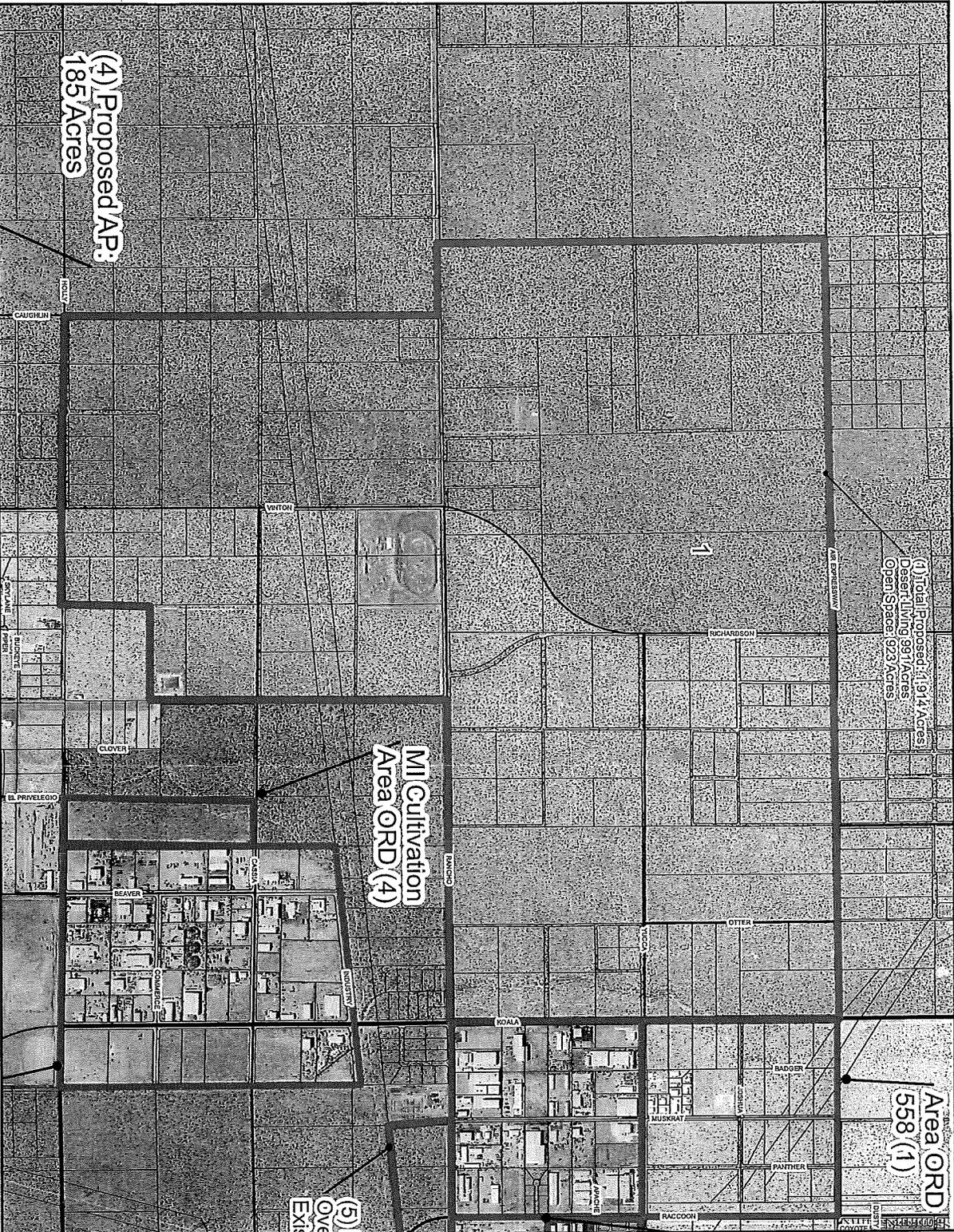
Land Use

- Airport Development District (ADD)
- Airport Park (AP)
- Business Park (BP)
- Commercial (C)
- Desert Living (DL-5) (1 du/5 ac)
- Desert Living (DL-9) (1 du/9 ac)
- Desert Living (DL-2.5) (1 du/2.5 ac)
- Light Manufacturing (LM)
- Manufacturing/Industrial (MI)
- Mixed Use (MU) (12 - 18 du/ac)
- Open Space (OS)
- Public Utilities (PU)
- Medium Density Residential (R-M12)
- Single Family Residential (R-S1)
- Single Family Residential (R-S5)
- Single Family Residential (R-1)
- High Density Residential (R3-30)
- Medium Density Residential (R3-8)

Legend

- Proposed Mixed Use
- Proposed Airport Park
- Existing Cultivation Zones
- Zone Change to MI

City of Adelanto
 Zone Change
 Adelanto Geographic Information System
 11600 Air Expressway
 Adelanto, CA 92301
 Created by: Development Services Department
 Date: 09/29/2017





**(5) Proposed Industrial
Overlay: 65.1 Acres,
Existing MI: 65.1**



Land Use

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- Commercial (C)
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 Adelanto, CA 92301
 Created by: Development Services Department
 Date: 08/29/2017



(6) Proposed Industrial
 Area: 235.5 Acres
 MI: 235.5 Acres



Land Use

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