

ORDINANCE NO. 578

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ADELANTO, COUNTY OF SAN BERNARDINO, CALIFORNIA, ADDING SECTION 17.165.001 TO THE ADELANTO MUNICIPAL CODE BY ADDING DEFINITIONS OF NONCONFORMING USES AND STRUCTURES AND SECTION 17.75.060 REGARDING TEMPORARY MEDICAL CANNABIS FACILITIES WITHIN THE CITY, AND FINDING THESE ADDITIONS EXEMPT FROM CEQA PURSUANT TO STATE CEQA GUIDELINES SECTIONS 15183, 15378, 15303, 15311 AND 15061. .

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

WHEREAS, it is the goal of the City to regularly update its Municipal Code to provide clarification and ensure consistency with generally acceptable industry practices and remove outdated, contradicting and/or misleading information.

WHEREAS, the City of Adelanto recognized the lack of definitions for nonconforming uses and structures in Section 17.165 of the Adelanto Municipal Code and has determined it necessary to provide such definitions to facilitate easier interpretation of the Municipal Code;

WHEREAS, the City of Adelanto is experiencing an increase in the demand for the use of temporary structures for the Medical Cannabis industry while permanent structures are under construction, has recognized the fact that Municipal Code Section 17.75 does not current address the use of temporary structures for Medical Cannabis purposes and had resolved to include Medical Cannabis facilities under the City's temporary use permit.

WHEREAS, the Adelanto Planning Commission ("Planning Commission") after a duly noticed public hearing on August 15, 2017, recommended that the City Council adopt this Ordinance adding Section 17.165.001 to the Adelanto Municipal Code by adding definitions of nonconforming uses and nonconforming structures, and Section 17.75.060 regarding temporary medical cannabis facilities within the City;

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. The City Council finds that pursuant to CEQA and the State CEQA Guidelines, no further environmental review is required prior to the adoption of the proposed revisions to sections 17.165.001 and 17.75.060 of the Adelanto Municipal Code.

Specifically, the Council finds that Public Resources Code section 21083.3 and State CEQA Guidelines section 15183 exempt the proposed Municipal Code amendments from environmental review on grounds they are consistent with existing land use designations and

development densities established by the General Plan and analyzed in a previously certified environmental impact report. Further, the Council finds that State CEQA Guidelines section 15378(b)(5) exempts organizational and administrative activities of governments that will not result in physical environmental impacts, and here the proposed amendments merely codify long-standing City practice. Further, the Council finds that State CEQA Guidelines section 15303 exempts construction of small structures, and section 15311 exempts accessory and temporary use structures, and these exemptions would apply to any future temporary structures for the Medical Cannabis industry.

Finally, the City Council finds that State CEQA Guidelines section 15061(b)(3) exempts those activities for which it can be seen with certainty there is no potential to result in significant environmental impacts. Here, because the proposed amendments would be consistent with the existing General Plan, codify existing City practice, and continue to permit temporary use structures that are, in of themselves, exempt from CEQA, it can be seen with certainty that no environmental impacts would occur.

SECTION 3. Section 17.165.001 of the Adelanto Municipal Code is amended in part to add the following definitions:

Nonconforming Use:

“A “legal nonconforming use” is a use of land which was legally established according to the applicable zoning and building laws of the time, but which does not meet current zoning and building regulations. A use or structure can become “legal nonconforming” due to rezoning, annexation, or revisions to the Zoning Code”.

Nonconforming Structure:

“A “legal nonconforming structure” is a structure which was legally established according to the applicable zoning and building laws of the time, but which does not meet current zoning and building regulations. A use or structure can become “legal nonconforming” due to rezoning, annexation, or revisions to the Zoning Code”.

SECTION 4. Chapter 17.75 (Temporary Uses and Structures) is amended in part to include a new Section 17.75.060 (Temporary Cannabis Facilities), which shall provide as follows:

“Section 17.50.060 (Temporary Cannabis Facilities)

A temporary cannabis facility, used to cultivate, manufacture or test cannabis, shall be permitted subject to the following conditions. A temporary cannabis facility may not be used as a dispensary.

(a) The temporary cannabis facility may consist of a modular structure provided the structure is erected or installed according to the Uniform Housing Code requirements for temporary construction units, subject to reasonable conditions by staff.

(b) A temporary cannabis facility shall be removed or shall be converted to a permitted use prior to the issuance of a certificate of use and occupancy for the main building or buildings. If construction is phased over a length of time, the permit may provide that certificates of use and occupancy may be issued for completed buildings.

(c) Not later than the granting of Certificates of Occupancy for the last buildings in a Tract or phase, the temporary construction offices shall be removed (or converted into permanent structures, where permitted).

(d) If no construction activity is anticipated to occur for a period of forty-five (45) days or more, the temporary cannabis facility shall be removed and the site maintained in a clean and orderly condition.”

SECTION 5. The City Council hereby finds that the Planning Commission, at its meeting of August 15, 2017, considered the adoption of the proposed Ordinance adding Section 17.165.001 to the Adelanto Municipal Code by adding definitions of Nonconforming use and Structures and Section 17.75.060 regarding Temporary Uses and Structures for Medical Cannabis facilities 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.

SECTION 6The City Council hereby approves Ordinance No. 578.

SECTION 7. The City Council directs staff to prepare and file a Notice of Exemption (“NOE”) with the Clerk of the Board of Supervisors for the County of San Bernardino within five (5) working days of the passage and adoption of this Ordinance.

SECTION 8. The documents and materials that constitute the record of proceedings on which these findings are based are located at the Department of Community Development for the City of Adelanto, Adelanto City Hall, 11600 Air Expressway, Adelanto, CA 92301.

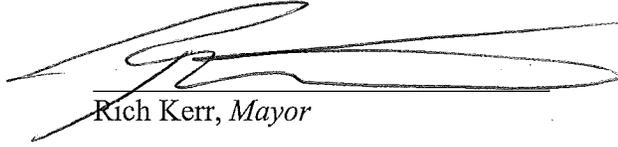
SECTION 9. If any section or provision of this Ordinance is for any reason held to be invalid, unconstitutional, illegal, or unenforceable by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, then such section or provision shall be severed and shall be inoperative, and the remainder of this Ordinance shall remain in full force and effect.

SECTION 10. 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 11th day of October, 2017.

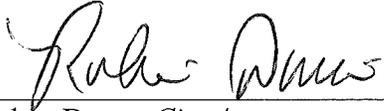


Gabriel Elliott, *City Manager*



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. 578 was duly introduced for first reading on September 27, 2017 and regularly adopted at a regular meeting of the City Council of the City of Adelanto on October 11, 2017, by the following vote, to wit:

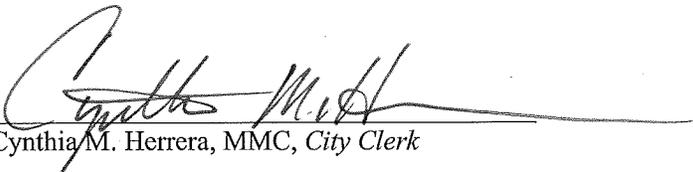
AYES: Mayor Kerr, Mayor Pro Tem Wright, Council Members Woodard, and Glasper

NOES: Council Member Camargo

ABSENT: None

ABSTAIN: None

IN WITNESS THEREOF, I hereunto set my hand and affix the official seal of the City of Adelanto on this 11th day of October, 2017.


Cynthia M. Herrera, MMC, City Clerk