



City of Sonora

Community Development Department
94 N. Washington Street
Sonora, CA 95370
(209) 532-3508
(209) 532-3511 *fax*
www.sonoraca.com

DATE: May 7, 2018
TO: Honorable Mayor and City Council Members
FROM: Rachele Kellogg, Community Development Director
SUBJECT: Ordinance No. 849 – Cannabis Businesses

RECOMMENDATIONS:

City Staff recommends that the City Council approve the following:

- 1) Introduce by title Ordinance No. 849, Cannabis Businesses, and waive the first reading.

DISCUSSION:

Sonora Municipal Code (“S.M.C.”) Chapter 17.60 provides the comprehensive list for all conditional uses allowed within the City of Sonora (the “City”). Ordinance No. 849 amends Section 17.60.040 of the S.M.C. to allow cannabis businesses within specific zones pursuant only to a use permit.

Cannabis dispensaries, as defined by Chapter 8.36 of the Sonora Municipal Code, are allowed in Tourist and administrative (CO), commercial (C), general commercial (CG), and limited manufacturing (ML) zones. However, locations in the Benefit Zone A are prohibited. Cannabis manufacturing businesses and cannabis testing laboratories, as defined by Chapter 8.36 of the Sonora Municipal Code, are only allowed in the ML zone. No other cannabis businesses are permissible. Additionally, any business allowed in these zones must be at least 600 feet from any school, youth center, day care, church, or park operating at the time the cannabis business applies for a use permit.

A summary of the Cannabis Business Pilot Program is provided below:

<u>Business Type</u>	<u>Regulations</u>	<u>Allowable Location</u>
Cannabis Dispensary	<ul style="list-style-type: none">• Medicinal businesses only.• Businesses are prohibited from operating within 600 feet of a school, youth center, day care, church, or park.• Locations in the Benefit Zone A downtown are prohibited.	<ul style="list-style-type: none">• Tourist and administrative (CO), commercial (C), general commercial (CG), and limited manufacturing (ML) zones
Cannabis Manufacturing	<ul style="list-style-type: none">• Medicinal and adult-use businesses allowable.• Businesses are prohibited from	<ul style="list-style-type: none">• ML zone

<u>Business Type</u>	<u>Regulations</u>	<u>Allowable Location</u>
	<p>operating within 600 feet of a school, youth center, day care, church, or park.</p> <ul style="list-style-type: none"> • Volatile and non-volatile businesses permissible. 	
Cannabis Testing Laboratory	<ul style="list-style-type: none"> • Medicinal and adult-use businesses allowable. • Businesses are prohibited from operating within 600 feet of a school, youth center, day care, church, or park. 	<ul style="list-style-type: none"> • ML zone
Commercial Cannabis Cultivation	<ul style="list-style-type: none"> • Prohibited. 	

At their April 9, 2018 Planning Commission Meeting, Commissioners reviewed the ordinance and approved Resolution No. 04-09-2018-A recommending to the Sonora City Council approval of an ordinance as described within the attached Resolution and included within Ordinance No. 849.

CEQA DETERMINATION:

The Cannabis Zoning Ordinance is exempt under the California Environmental Quality Act (“CEQA”) because MAUCRSA provides an exemption from CEQA for any ordinance, rule, or regulation by a city that requires discretionary review and approval for commercial cannabis activity. Additionally, the Cannabis Zoning Ordinance does not constitute a project under the CEQA, because it does not establish any entitlements or authorize any projects within the City.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Sonora City will conduct a public hearing at 5:00 PM, or shortly thereafter, on the 7th day of May, 2018, in the Sonora City Council Chambers, 94 North Washington Street, Sonora, CA for the purpose of considering the following:

- 1. Cannabis Businesses – Code Amendment.** An ordinance to amend the Sonora Municipal Code, amending Section 17.60.040, Uses permitted in specific zones, relating to cannabis businesses.

At its meeting of April 9, 2018, the City of Sonora Planning Commission held a public hearing on said project. Subsequent to the hearing, the Commission voted to recommend approval by the City Council of said ordinances. The ordinance is exempt under the California Environmental Quality Act (“CEQA”) because MAUCRSA provides an exemption from CEQA for any ordinance, rule, or regulation by a city that requires discretionary review and approval for commercial cannabis activity. Additionally, the Cannabis Zoning Ordinance does not constitute a project under the CEQA, because it does not establish any entitlements or authorize any projects within the City.

At the above time and place, all persons interested in the above, either for or against, will be given the opportunity to be heard. Pursuant to State law, challenges in court to actions on the above proposal may be limited to issues raised at public hearings or meetings conducted on the matter, or in correspondence submitted at, or prior to, the hearing or meeting.

The project staff reports and all supporting documents are available for review at the City of Sonora Community Development Department, 94 North Washington Street, Sonora CA 95370 Monday through Friday, between the hours of 8:00 AM and 4:00 PM. Notification of at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to insure accessibility to this meeting (28CFR35.102-35.104ADA Title II). Questions regarding the project may be directed to Community Development Director Rachelle Kellogg at (209) 532-3508.

Rachelle Kellogg
Community Development Director

-v-

Publication Date: April 27, 2018

The Union Democrat
Sonora, CA

ORDINANCE NO. 849

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONORA
Cannabis Businesses**

**Amending Section 17.60.040, Uses permitted in specific zones, of the Sonora
Municipal Code, relating to cannabis businesses.**

The City Council of the City of Sonora does hereby ordain as follows:

SECTION ONE: Amend Section 17.60.040, Uses permitted in specific zones, to add the following:

- P. A cannabis dispensary, as defined by Chapter 8.36 of this code, in the CO, C, CG, and ML zones; however, a cannabis dispensary is prohibited from operating within the Benefit Zone A, as defined by Chapter 3.36 of this code. A cannabis dispensary is prohibited from operating within 600 feet of a school, youth center, day care, church, or park operating at the time of the cannabis dispensary application.
- Q. A cannabis manufacturing business, as defined by Chapter 8.36 of this code, in the ML zone. A cannabis manufacturing business is prohibited from operating within 600 feet of a school, youth center, day care, church, or park operating at the time of the cannabis manufacturing business application.
- R. A cannabis testing laboratory, as defined by Chapter 8.36 of this code, in the ML zone. A cannabis testing laboratory is prohibited from operating within 600 feet of a school, youth center, day care, church, or park operating at the time of the cannabis testing laboratory application.

This Ordinance shall take effect thirty (30) days after its passage and shall be published within (15) days after its final passage as required by law.

Said Ordinance was introduced at a regular meeting of the City Council of the City of Sonora held on May 7, 2018, and passed and adopted as an Ordinance of said City at a regular meeting of said Council held on May 21, 2018, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Connie L. Williams, Mayor

ATTEST: _____
Marijane Cassinetta, City Clerk

Approved as to Form:

Douglas L. White, City Attorney

Publish: The Union Democrat, Sonora
_____, 2018

PLANNING COMMISSION RESOLUTION

RESOLUTION NO. 04-09-2018-A

A RESOLUTION RECOMMENDING TO THE SONORA CITY COUNCIL approval of an ordinance amending Chapter 17, Zoning Ordinance of the Sonora Municipal Code, Section 17.60.040, Uses permitted in specific zones, relating to cannabis businesses

WHEREAS, the City of Sonora Planning Commission is officially formed by Chapter 2.32 of the Sonora Municipal Code (SMC); and,

WHEREAS, Section 2.32.010 of the SMC states that the purpose of the Planning Commission is to promote and insure the comprehensive and adequate planning of the City, and Section 2.32.080(B) of the SMC prescribes that the Planning Commission investigate and make recommendations to the City Council upon reasonable and practicable means for putting the general plan into effect, in order that it will serve as a pattern and guide for the orderly physical growth and development of the City; and

WHEREAS, zoning is one of the primary means for promoting the comprehensive and adequate planning of the City and for implementing the general plan; and

WHEREAS, on October 9, 2015, Governor Jerry Brown signed three bills into law (Assembly Bill 266, Assembly Bill 243, and Senate Bill 643), which are collectively referred to as the Medical Cannabis Regulation and Safety Act ("MCRSA"). MCRSA established the first statewide regulatory system for medical cannabis businesses; and

WHEREAS, in 2016, the voters of California approved Proposition 64 entitled the "Control, Regulate and Tax Adult Use of Marijuana" ("AUMA"). AUMA legalized the adult-use and possession of cannabis by persons 21 years of age and older and the personal cultivation of up to six cannabis plants within a private residence. However, AUMA authorizes local jurisdictions to reasonably regulate personal cultivation; and

WHEREAS, on June 27, 2017, Governor Jerry Brown signed into law the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA"), which created a single regulatory scheme for both medicinal and adult-use cannabis businesses. MAUCRSA retains the provisions in the MCRSA and AUMA that granted local jurisdictions control over whether businesses engaged in commercial cannabis activity may operate in a particular jurisdiction; and

WHEREAS, on January 16, 2018, the Sonora City Council ("City Council") adopted an ordinance that regulates cannabis businesses through a development agreement and a use permit (the "Cannabis Business Pilot Program"); and

WHEREAS, the proposed zoning ordinance only addresses the zoning restrictions for cannabis businesses allowed within the City pursuant to the Cannabis Business Pilot Program. The proposed zoning ordinance does not permit any specific cannabis business; and

WHEREAS, the Sonora Planning Commission ("Planning Commission") finds that this proposed zoning ordinance will give the City clear land use guidelines for allowing cannabis businesses in accordance with state law while ensuring that no cannabis business will be located in any residential zones or areas of sensitive use; and

WHEREAS, at its regular meeting conducted on April 9, 2018, the Planning Commission conducted a public hearing to consider the Text Amendments to Chapter 17, Zoning Ordinance of the Sonora Municipal;

NOW, THEREFORE, BE IT RESOLVED THAT THE SONORA PLANNING COMMISSION HEREBY RECOMMENDS to the Sonora City Council adoption, by ordinance, Text Amendments to Chapter 17, Zoning Ordinance of the Sonora Municipal Code, Section 17.60.040, Uses permitted in specific zones, contained in the Attached Ordinance based on the following findings:

The proposed rezoning:

- A. Is consistent with the objectives, policies, general land uses and programs specified in the General Plan;
- B. Is in conformity with public convenience, general welfare and good land use practice;
- C. Will not be detrimental to the health, safety and general welfare;
- D. Will not adversely affect the orderly development of property or the preservation of property values; and
- E. The project has been reviewed in compliance with CEQA and is exempt from further review pursuant to the California Environmental Quality Act.

PASSED AND ADOPTED as a resolution by the Sonora Planning Commission on this 9th day of April 2018, by the following vote:

Members of the Commission:

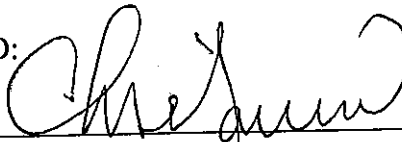
AYES: Kevin Anderson, Chris Garnin, Ron Jensen, John Richardson

NOES: _____

ABSENT: Gary Anderson

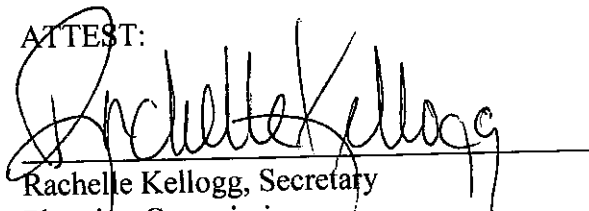
ABSTAIN: _____

SIGNED:



Chris Garnin, Chair
Planning Commission

ATTEST:



Rachelle Kellogg, Secretary
Planning Commission