

ORDINANCE NO. 1695

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF PLACERVILLE ADDING TITLE 10, CHAPTER 5, SECTION 25 TO THE
PLACERVILLE MUNICIPAL CITY CODE AND AMENDING THE OFFICIAL
ZONING MAP ADDING THE CANNABIS BUSINESS OVERLAY ZONE**

WHEREAS, Pursuant to Section 7 of Article XI of the California Constitution, the provisions of the Medicinal and Adult Use Cannabis Regulation and Safety Act (hereinafter “MAUCRSA”), any subsequent state legislation and/or regulations regarding same, the City of Placerville is authorized to adopt ordinances that establish standards, requirements and regulations for the licensing and permitting of commercial cannabis activity; and

WHEREAS, any standards, requirements, and regulations regarding health and safety, security, and worker protections established by the State of California, or any of its departments or divisions, shall be the minimum standards applicable in the City of Placerville to all commercial cannabis activity; and

WHEREAS, on October 9, 2018, the City Council adopted Ordinance No. 1693, an ordinance that repealed Title 5, Chapters 25; Title 10, Chapter 10, Sections 1-5 of the Placerville Municipal Code and Ordinance 1683; and added Title 5, Chapter 28 to the Placerville Municipal Code; and

WHEREAS, it is the stated intent of the Ordinance No. 1693 to regulate commercial cannabis activity in the City of Placerville in compliance with all provisions MAUCRSA and any subsequent state legislation; and

WHEREAS, City Code Title 5, Chapter 28 allows commercial cannabis business activities including the cultivation, manufacture, processing, laboratory testing, transportation, dispensing, distribution, or sale of cannabis or cannabis products with a valid commercial cannabis business permit and Business License from the City of Placerville and a valid State of California Seller’s Permit; and

WHEREAS, City Code Section 5.28.250 *Location and Design of Cannabis Businesses*, states: Cannabis businesses permitted to engage in Retail Storefront, Retail Non-Storefront, Microbusiness, Microbusiness-Cultivation, Microbusiness-Distribution, Microbusiness-Manufacturing, Testing Labs, for cannabis and cannabis products (collectively referred to in this section as “Cannabis Businesses”) shall only be operated within Heavy Commercial (HC), Commercial (C), Highway Commercial (HWC), Central Business District (CBD) and Industrial (I) zones at those locations where such activities are permitted pursuant to Title 10 of the Placerville City Code; and

WHEREAS, City Code Section 5.28.250 *Location and Design of Cannabis Businesses* requires that a permitted cannabis business be located in specified commercial zones and that minimum distances be maintained from specified “sensitive” uses as defined in the California Business & Professions Code (Section 26054(b)) and the California Health & Safety Code (Section 11362.768); and

WHEREAS, the City Council convened a committee (“Cannabis Regulating Committee”) that prepared a draft Cannabis Business Overlay Zone Map meeting the required minimum distance from sensitive uses criteria for consideration by the Planning Commission for recommendation to the City Council; and

WHEREAS, this ordinance establishes the Cannabis Business Overlay Zone District in accordance with City Code Title 5, Chapter 28; and

WHEREAS, this ordinance and zoning map amendment is consistent with the City of Placerville General Plan, which allows for the establishment and regulation of commercial cannabis activities in the Commercial and Highway Commercial Land Use Designations finding that commercial cannabis activities as regulated are consistent with the type and intensity of uses permitted; and

WHEREAS, this ordinance and zoning map amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City, because the site development standards of the City’s Zoning Ordinance, and the regulatory requirements for the permitting and licensing of commercial cannabis businesses ensure that the site will be compatible with surrounding development; and

WHEREAS, this ordinance and zoning map amendment is not a project subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) because the project is covered by the general rule that CEQA applies only to projects that may cause a significant effect on the physical environment and that the permitting of commercial cannabis businesses in the selected commercial zones are similar in nature to those commercial activities currently allowed by-right; and

WHEREAS, on December 4, 2018, the Planning Commission held a duly noticed public hearing on the proposed ordinance and zoning map amendment in which the Commission reviewed all comments received during the public review period, and made recommendation that the City Council adopt the proposed Ordinance adding Chapter 5, Section 25 to Title 10 to the Placerville Zoning Ordinance and to amend the Official Zoning Map as shown in Exhibit "A" and Exhibit “B” attached hereto.

THE CITY COUNCIL OF THE CITY OF PLACERVILLE DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals Adopted.

The foregoing recitals are true and correct and made a part of this ordinance as findings by the City Council.

SECTION 2. Purpose and Authority.

The purpose of this ordinance is to amend Title 10 of the Placerville City Code, adding Section 10-5-25 *Cannabis Business Overlay Zone* to Chapter 5 *General Regulations* to allow and regulate the establishment of commercial cannabis business activities within the City of Placerville. Section 7 of Article XI of the California Constitution, the provisions of the Medicinal and Adult Use Cannabis Regulation and Safety Act (hereinafter “MAUCRSA”), any subsequent state legislation and/or regulations regarding same, authorizes the City of Placerville to adopt ordinances that establish standards, requirements and regulations for the licensing and permitting of commercial cannabis businesses. Any standards, requirements, and regulations regarding health and safety, security, and worker protections established by the State of California, or any of its departments or divisions, shall be the minimum standards applicable in the City of Placerville to all commercial cannabis activity.

SECTION 3. Regulation:

Add Section 10-5-25 entitled *Cannabis Business Overlay Zone* to Chapter 5 *Zone Regulations* of Title 10 *Placerville Zoning Ordinance* as follows:

10-5-25: CANNABIS BUSINESS OVERLAY ZONE (CBO)

Sections:

- (A) Purpose.
 - (B) Definitions.
 - (C) Applicability.
 - (D) Permitted Uses.
 - (E) Regulations.
 - (F) Review process.
 - (G) Terms and renewal.
 - (H) Inspection and Enforcement.
- (A) Purpose: The purpose of this chapter is to establish regulations to allow for the establishment of commercial cannabis businesses permitted and licensed in accordance with City Code Title 5, Chapter 28 to limited areas that may include the cultivation, manufacture, processing, laboratory testing, transporting, dispensing, distribution, or sale of cannabis or a cannabis product.
- (B) Definitions: The definitions under City Code Section 5.28.050 shall apply in the interpretation of this chapter.
- (C) Applicability: A parcel of land that has the Cannabis Business Overlay Zone may engage in a commercial cannabis business activity when permitted, licensed and in compliance with City Code Title 5, Chapter 28. Said CBO Zone shall only be applied to Commercial, Highway Commercial, Heavy Commercial, and Industrial Zone Districts.

- (D) Permitted Uses: All of the uses permitted by-right or by conditional use permit shall be those listed in the underlying zone district and to include commercial cannabis business activities as authorized herein.
- (E) Regulations: The regulations under City Code Title 5, Chapter 28 shall supplement all development standards and general regulations in the underlying zone district.
- (F) Review process: Prior to engaging in a commercial cannabis business activity, a Certification from the Development Services Director must be obtained in accordance with City Code Section 5.28.230.
- (G) Terms and Renewal: The terms and renewal process for commercial cannabis business permits shall be in accordance with City Code Section 5.28.110.
- (H) Inspection and Enforcement: Inspection and enforcement shall be in accordance with City Code Section 5.28.260 et seq.

SECTION 4. Zoning Map Amendment.

The Official Zoning Map for the City of Placerville is hereby amended to rezone the following lands adding the Cannabis Business Overly Zone as shown in Exhibit "A" and Exhibit "B" attached hereto.

SECTION 5. Severability.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 6: Compliance with California Environmental Quality Act.

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) because CEQA only applies to projects which have the potential for causing a significant effect on the environment and it can be seen with certainty that there is no possibility that the proposed ordinance allowing for a cannabis business activity within the Heavy Commercial (HC), Commercial (C), Highway Commercial (HWC), and Industrial (I) Zones; which allow for similar land use activities including retail sales and service, eating and drinking establishments, restaurants, grocery stores, pharmacies, compounding pharmacies, bakeries, micro breweries, etc. would not create impacts beyond the scope of those uses currently authorized in the underlying zone district.

SECTION 7. Effective Date.

This ordinance shall become effective on and after the thirtieth (30th) day following adoption.

SECTION 8. Adoption.

The above ordinance was introduced at a regular meeting of the City Council of the City of Placerville on January 8, 2019, by Vice-Mayor Saragosa, and the first reading was waived. The second reading was waived on January 22, 2019, by Vice-Mayor Saragosa who moved its adoption. The motion was seconded by Councilmember Taylor. A poll vote was taken, which stood as follows:

AYES: Acuna, Saragosa, Taylor

NOES: None

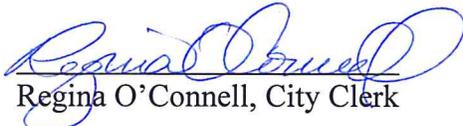
ABSENT: Thomas

ABSTAIN: Borelli

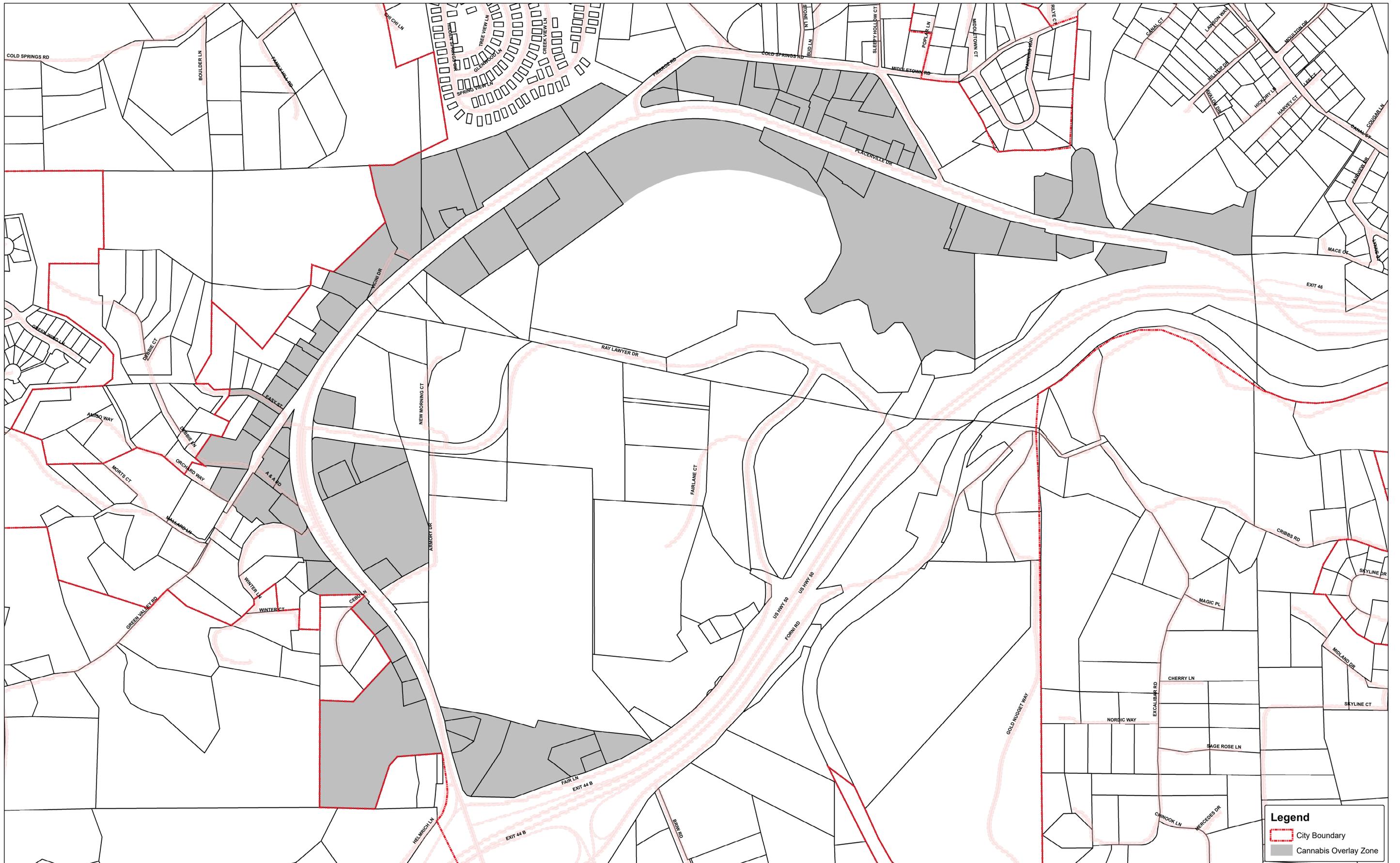


Mayor Mark A. Acuna

ATTEST:

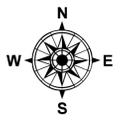


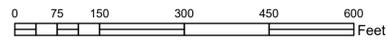
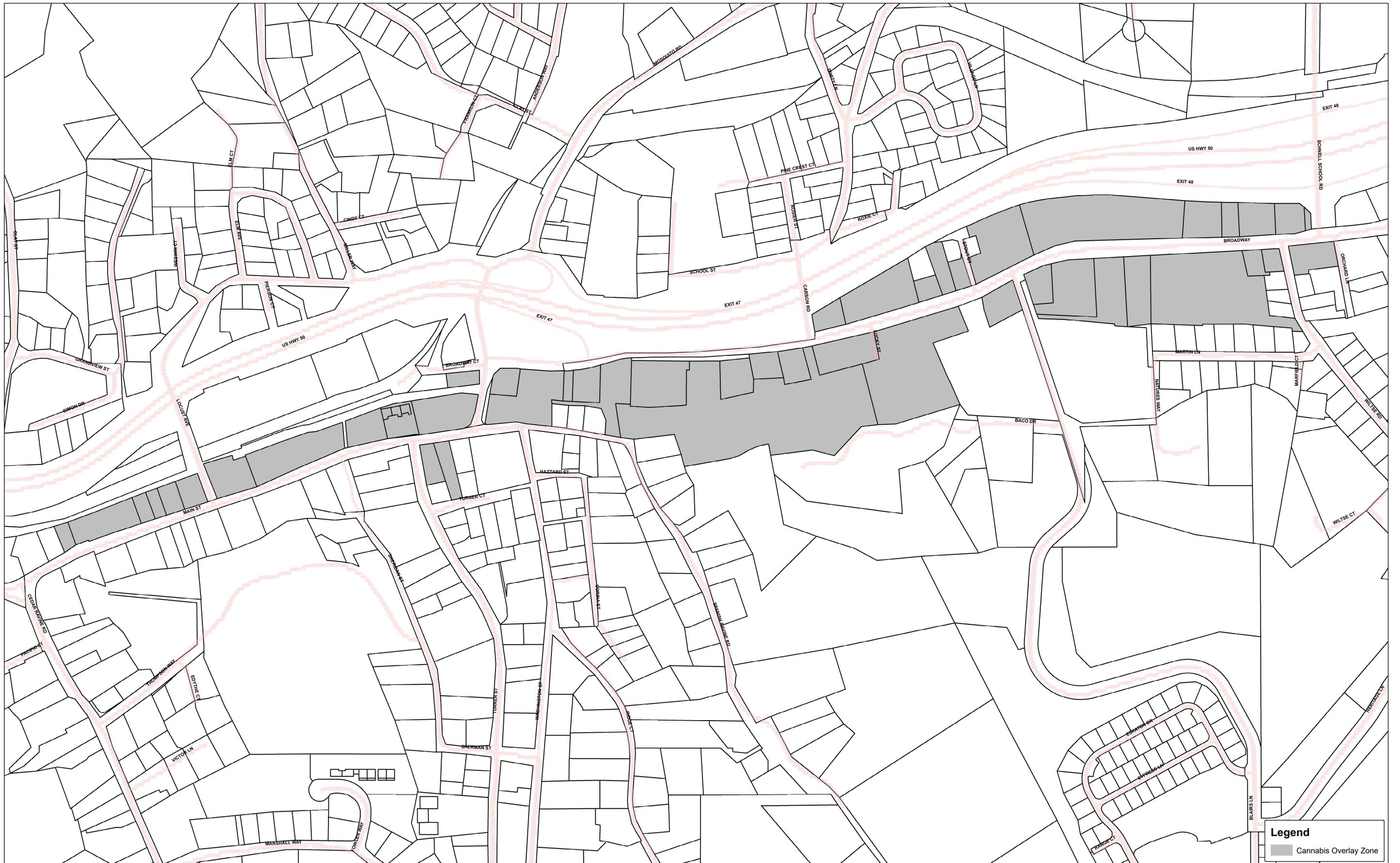
Regina O'Connell, City Clerk



0 125 250 500 750 1,000 Feet
 ADOPTED BY CITY COUNCIL
 January 22, 2019

CANNABIS BUSINESS OVERLAY ZONE EXHIBIT A





ADOPTED BY CITY COUNCIL
January 22, 2019

CANNABIS BUSINESS OVERLAY ZONE EXHIBIT B

