

**ORDINANCE NO. 2018-03**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ISLETON PERMITTING PERSONAL CANNABIS CULTIVATION IN R-ONE-FAMILY RESIDENT DISTRICTS AND RM—MULTI FAMILY RESIDENTIAL DISTRICTS AND CONDITIONALLY PERMITTING COMMERCIAL CANNABIS FACILITIES IN C-COMMERCIAL AND PDI-PLANNED INDUSTRIAL DISTRICTS**

The City Council of the City of Isleton hereby finds and declares as follows:

**SECTION 1. FINDINGS.**

A. In November 1996, the voters of the State of California approved Proposition 215, entitled "The Compassionate Use Act of 1996" ("CUA"), which decriminalized the use of medical cannabis. The Legislature of the State of California enacted Senate Bill 420 ("SB 420," entitled the "Medical Cannabis Program Act") in 2004 to clarify the scope of the Compassionate Use Act of 1996 and to allow cities and other governing bodies to adopt and enforce rules and regulations consistent with SB 420. In 2015, the State Legislature adopted the Medical Cannabis Regulation and Safety Act ("MMRSA"), which addressed state licensing with respect to medical cannabis cultivation, dispensing, and manufacturing.

B. In November 2016, the voters of the State of California approved Proposition 64, the Adult Use of Cannabis Act ("AUMA"), legalizing the recreational use of cannabis for adults 21 years of age and older. The AUMA allows cities to retain their police powers and land use authority to regulate, but not prohibit indoor cultivation of up to a total of six cannabis plants per residence, and to regulate or prohibit cultivation or other commercial activity related to cannabis.

C. In June 2017, the State Legislature passed the Medical and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA") in Senate Bill 94. It established a single system of administration for cannabis laws in California and conforms the regulations contained in MCRSA and AUMA together for all commercial cannabis activity.

D. In light of these developments in state law, and in the interest of applying consistent law enforcement guidelines, the City now desires to regulate personal cannabis cultivation and commercial cannabis facilities in the City

E. The addition of these permitted and conditionally permitted uses is in accordance with the purposes of the district in which the use is proposed, the uses have the same basic characteristics as the uses permitted in the district, and the proposed uses can be expected to conform with the required conditions for the district.

F. The proposed uses as set forth in this ordinance will not be detrimental to the public health, safety or welfare, or adversely affect the character of any district in which such use will be located.

G. The proposed uses, as set forth in his Ordinance, will not create more odor, dirt, smoke, noise, vibration, illumination, glare, unsightliness or any other objectionable influence other than the amount normally created by any of the other uses permitted in the subject districts.

H. The uses proposed in this ordinance will not create any greater hazard of fire or explosion than the hazards normally created by any of the uses permitted in the subject districts.

I. The authority to enact this ordinance is derived from Article XI, section 7 of the California Constitution which provides that a city may make and enforce within its limits all local police, sanitary, and other ordinances and regulations not in conflict with general laws. Additionally, California Health and Safety Code section 11362.2(b)(1) authorizes cities to adopt zoning, land use, and permit regulations concerning the location and establishment of cannabis businesses.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ISLETON HEREBY ORDAINS AS FOLLOWS:**

**SECTION 2. PURPOSE AND AUTHORITY.**

The purpose of this ordinance is to amend the City's land use and zoning ordinance (Ordinance No. 2015-01) in order to conditionally permit commercial cannabis activity in a manner that protects the health, safety, and welfare of the community. This ordinance is intended to be consistent with Proposition 64, also known as the Control, Regulate, and Tax Adult Use of Cannabis Act ("AUMA"), and with the Medical and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA").

**SECTION 3. AMENDMENT TO ARTICLE 6, SECTION 602 OF THE ISLETON ZONING ORDINANCE.**

The following is added to Article 6, Section 602 ("R-PERMITTED USES") of the Isleton Zoning Ordinance:

R. Cultivation of cannabis for personal purposes pursuant to Article 23 ("CANNABIS LAND USE REGULATIONS") Sections 2302 – 2306.

**SECTION 4. AMENDMENT TO ARTICLE 7, SECTION 702 OF THE ISLETON ZONING ORDINANCE.**

The following is added to Article 7, Section 702 ("RM-PERMITTED USES") of the Isleton Zoning Ordinance:

G. Cultivation of cannabis for personal purposes pursuant to Article 23 ("CANNABIS LAND USE REGULATIONS") Sections 2302 – 2306.

**SECTION 5. AMENDMENT TO ARTICLE 8, SECTION 802, SUBSECTION C. OF THE ISLETON ZONING ORDINANCE.**

The following is added to Article 8, Section 802, Subsection C. ("CC-CONDITIONAL USES: COMMISSION APPROVAL") of the Isleton Zoning Ordinance:

P. Commercial cannabis facilities pursuant to Article 23 ("CANNABIS LAND USE REGULATIONS") Section 2307.

**SECTION 6. AMENDMENT TO ARTICLE 9, SECTION 903 OF THE ISLETON ZONING ORDINANCE.**

The following is added to Article 9, Section 903 ("PDI-CONDITIONAL USES: COMMISSION APPROVAL") of the Isleton Zoning Ordinance:

I. Commercial cannabis facilities pursuant to Article 23 ("CANNABIS LAND USE REGULATIONS") Section 2307.

**SECTION 7. CEQA.**

This ordinance is consistent with the protection of the public interest, health, safety and welfare of the City. This ordinance is hereby found to be categorically exempt from environmental review pursuant to the California Environmental Quality Act ("CEQA") Guidelines Section 15061(b)(3).

**SECTION 8. SEVERABILITY.**

The provisions of this chapter are hereby declared to be severable. If any provision, clause, word, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not result in the invalidity of the entire chapter which can be given effect without the invalid provision or application. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

**SECTION 9. EFFECTIVE DATE AND PUBLICATION.**

This ordinance shall take effect thirty (30) days after its adoption. The City Clerk is hereby directed to publish this ordinance within fifteen (15) days after its passage in a newspaper of general circulation published in the City of Isleton or to post it in at least three (3) public locations in the City of Isleton.

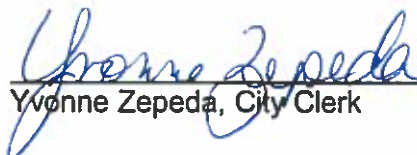
**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Isleton that it hereby:

Adopted and approved this ordinance at a meeting held on the 25<sup>th</sup> day of April, 2018 by the following vote:

AYES: Councilmember's Dean Dockery, Robert Jankovitz, Mayor Eric Pene.  
NOES: Councilmember Glenn Giovannoni, Vice Mayor Elizabeth Samano.  
ABSTAIN: None.  
ABSENT: None.

  
Eric Pene, Mayor  
City of Isleton

ATTEST:

  
Yvonne Zepeda, City Clerk