
Sec. 33.03 Commercial Cannabis Special Use Permit Application and Fee

Commercial Cannabis special use permits, which may be revocable, conditional or valid for a term period, may be issued by the city council for any of the uses or purposes for which such permits are required or permitted by the City of Colusa Municipal Code. Guarantees to ensure compliance with terms and conditions may be required by the city council. For the purposes of this section, all references to cannabis permits in the subsections of this Section 33.03 shall apply equally to cannabis dispensary special use permit applications, fees, issuance, and permits.

(a) Cannabis Special Use Permit Application and Fee.

1. Application for a cannabis special use permit shall be made to the city planning department in writing on a form prescribed by the city and shall be accompanied by plans and elevations necessary to show details of the proposed use or building. Such application shall be accompanied by a fee in an amount as established from time to time by resolution of the city council and of which no part shall be returnable to the applicant. The application shall be presented directly to the city council for action.
2. The city council shall hold a public hearing within sixty days after filing of an application for a cannabis special use permit. Notice of use shall be given by one publication in a newspaper of general circulation published in the City of Colusa and by mailing notice to the applicant and owners of all property within three hundred feet of any boundary of the lot or parcel for which the cannabis special use permit has been filed, as such owners are shown on the last equalized assessment roll of the County of Colusa. Notice in each case to be given at least ten days prior to such hearing for categorically exempt applications under CEQA, and twenty-one days for applications under CEQA for negative declarations and/or environmental impact reports prior to such hearing.

(b) Action by the City Council.

1. The findings of the city council shall be that the establishment, maintenance or operation of the use or building applied for will or will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or to be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.
2. After making findings the city council shall either approve, with or without conditions, or deny said cannabis business special use permit.

(c) Revocation.

1. In any case where the conditions of the granting of a cannabis special use permit have not been, or are not, complied with, the city council shall give notice to the permittee of intention to revoke such permit at least ten days prior to a hearing thereon. Following such hearing the city council may revoke such permit.
2. In any case where a cannabis special use permit has not been used within one year after the date of granting thereof, then without further action by the city council the use permit granted shall be null and void.

(d) Decision of the City Council Final. The decision of the city council shall be a final decision and appeal from said action shall be by writ of mandate in superior court.

(e) Whenever a cannabis business special use permit is granted, the county assessor shall be so notified within thirty days of such action.

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- (f) The cannabis special use permit shall be issued to the business operator, be conditional upon issuance and holding of a valid cannabis business regulatory permit, and shall not run with the land.
 - (g) No cannabis-special use permit shall be issued until the city council approves a development agreement and a regulatory permit for the site, or until after the effective date of an approved ballot measure authorizing the taxation of commercial cannabis cultivation in the city.
 - (h) The cannabis special use permit shall run with the regulatory permit and not the land.

(Ord. No. 519, § 6, 7-18-2017; Ord. No. 551 , § 6(Exh. B), 5-17-2022)