



## City of Colusa California

### STAFF REPORT

**DATE:** September 6, 2022

**TO:** Mayor Reische and Members of the City Council

**FROM:** Jesse Cain, City Manager

#### **AGENDA ITEM:**

Subject: Ordinances 519,551(Chapter 12F), 452 (Chapter 12C), and Article 21 'Cannabis Manufacturing Use Regulations' of the zoning code and other related codes to cannabis

**Recommendation:** Review staff change recommendations' and advise on additional changes and clean-up to bring back for a public hearing.

#### **BACKGROUND ANALYSIS:**

*In 2017, the City Council adopted Ordinance 519, which established regulations applicable to the City's review and potential approval of cannabis business applications in Colusa. Since that time, State cannabis laws, market conditions, and City Council requests necessitate an update and potential adoption of new cannabis regulations.*

*The cannabis regulations were prepared by the City Attorney's office with three primary objectives:*

- 1. To achieve consistency with State cannabis laws.*
- 2. To update application procedures and requirements based to reflect local conditions.*
- 3. To consider allowing cannabis storefront dispensaries.*

The City Planning Commission began reviewing the draft cannabis ordinance during a public hearing on September 8, 2021. Several additional public hearings were held by the Planning Commission, where testimony was shared by both opponents and proponents of various cannabis regulations, and where individual code provisions were reviewed. At their public hearing on January 26, 2022, City Planning Commission concluded their review of the draft ordinance and voted 3-0-2 (passing Resolution 2022-01) to recommend City Council approval of the ordinance. City Council adopted the new cannabis ordinance 551 on May 17<sup>th</sup>, 2022, allowing store fronts.

Since the adoption of ordinance 551 staff has advised on needed work to Chapters 12D (Ord. No. 486), 12E (Ord. No. 497), and 12F (Ord. No 519), as well as Article 21 of the Zoning Code to reduce and remove may conflict with each other. The Staff and Cannabis AD-Hoc members

met to review suggested changes that staff feels would clean up some of the conflicts while created new processes and procedures to better manage application and oversight of all Cannabusiness in The City of Colusa.

**In Chapter 12C** Administrative Citations Section 12-8 *First offense warning A is proposed to add the City Manager or his or her designee.*

**Chapters 12D and 12E** Recommend appeal of these ordinances from 2013 and 2014 respectively. While State Law and Chapter 12F of Colusa City Code override, staff recommends taking proper action to repeal outdated language and ordinances that may continue to cause confusion on Cannabis.

**Chapter 12F** Amend language of chapter to reflect updates presented in Ordinance 551, aligning 12F with Article 21

#### ***ADDITIONS:***

**Chapter 12F** Maximum number and type of authorized commercial cannabis businesses permitted. The number of each type of commercial cannabis business that shall be permitted to operate in the city shall be established by resolution by the city council.

- (a) This section is only intended to create a maximum number of commercial cannabis businesses that may be issued permits to operate in the city under each category. Nothing in this chapter creates a mandate that the city council must issue any or all of the commercial cannabis business permits if it is determined that the applications do not meet the standards which are established in the application requirements or further amendments to the application process or that the city council upon further deliberation determines that the issuance of any or all commercial cannabis business permits will impact the public safety, welfare or other policy concerns which may be detrimental in the issuance of these permits.

Each year following the city council's initial award of permits, if any, or at any time in the city council's discretion, the city council may reassess the number of commercial cannabis business permits which are authorized for issuance. The city council at its discretion may determine that the number of commercial cannabis permits should stay the same or be expanded

**Article 21** Section.21.5.03 states that we need to set special use permit fees by resolution so we will be bringing back a fee schedule establishing a use permit fee by resolution. We are also recommending that (P)be added that states an additional Odor Compliance Form is submitted with application and is required for applicant to receive a Certification of Occupancy after inspection by City Manager and his/her designee.

**BUDGET IMPACT: None**

**STAFF RECOMMENDATION:**

Staff recommends that the City Council consider the amended items and provide staff direction to bring these back to the planning commission and the City Council for public hearings