

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLUSA, CALIFORNIA
AMENDING ARTICLE 4, ARTICLE 21.5, AND ARTICLE 33 OF THE CITY ZONING
CODE AND REPEALING SECTION 32.11 OF ARTICLE 32 OF THE CITY ZONING CODE
REGARDING CANNABIS BUSINESS USES AND REGULATORY PERMITS.

WHEREAS, the electorate of the State of California voted and approved in November 2016 the Adult Use of Marijuana Act ("AUMA"). The purpose of AUMA is to establish a comprehensive system to legalize, control and regulate the cultivation, processing, manufacture, distribution, testing, and sale of nonmedical marijuana, including marijuana products. Adults, age 21 and older, will be allowed to possess marijuana and grow certain amounts at home for personal use.

WHEREAS, outdoor cultivation of marijuana plants can produce a strong odor, which can be detectable far beyond property boundaries; and,

WHEREAS, without regulation, the indoor cultivation and manufacturing of marijuana and subsequent testing, distribution, and transportation has potential adverse effects to the health and safety of the occupants; including structural damage to the building due to increased moisture and excessive mold growth which can occur and can pose a risk of fire and electrocution; additionally, the use of pesticides and fertilizers can lead to chemical contamination within the structure, and adequate security is necessary; and,

WHEREAS, the regulatory requirement imposed upon issuance or approval of special use permits and regulatory permits for cannabis cultivation, manufacturing, distribution, testing, and transportation facilities will combat any potential threat to public health, safety, or welfare; and

WHEREAS, the City previously adopted Municipal Code Chapter 12F Cannabis Manufacturing Facilities Regulatory Permit, establishing a regulatory permit scheme for cannabis cultivation, manufacturing, distribution, testing, and transportation facilities; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COLUSA, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Incorporation of Recitals.

The City Council hereby adopts the foregoing recitals as its findings in support of the following regulations and further finds that the following regulations are necessary and appropriate to protect the health, safety and welfare of the residents and businesses of Colusa from the identified adverse impacts of cannabis cultivation, processing, dispensing, delivery, and distribution within the City limits.

SECTION 2. CEQA.

The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 3. Amendment to Article 4 of the Zoning Code of the City of Colusa.

Article 4, Section 2.02 of the Zoning Code of the City of Colusa, Definitions, Part C, definitions “C” is hereby amended to modify the definition of Cannabis Manufacturing to read as follows:

“Manufacturing” or “manufacturing operation” means all aspects of the extraction process, infusion process, post-processing, remediation, and packaging and labeling processes, including processing, preparing, holding, and storing of cannabis products. Manufacturing also includes any processing, preparing, holding, or storing of components and ingredients.

Article 4, Section 2.02 of the Zoning Code of the City of Colusa, Definitions, Part C, definitions “C” is hereby amended to modify the definition of Cannabis Manufacturing Special Use Permit to read as follows:

Cannabis Business Special Use Permit means a special use permit issued submitted directly to, and issued by, the City Council after a public hearing.

SECTION 4. Amendment to Article 21.5 of the Zoning Code of the City of Colusa.

Article 21.5. - Cannabis Business Use Regulations. is hereby amended, as set forth in the attached **Exhibit A**, which is incorporated herein by this reference.

SECTION 5. Amendment to Article 32 of the Zoning Code of the City of Colusa.

“Article 32, Section 32.11. – Medical marijuana dispensaries” is hereby repealed

~~Article 32, Section 32.11. – Medical marijuana dispensaries.~~

~~(a) Purpose and Intent. The section identifies that medical marijuana dispensaries are not permitted uses in any zone of the city, and therefore, such use will not be listed as an allowed use anywhere in the city.~~

~~(b) Medical Marijuana Dispensary as a Prohibited Use. A medical marijuana dispensary, as defined in section 4-100 is prohibited in all zones of the city. No permit or any other applicable license or entitlement for use, nor any business license, shall be approved or issued for the establishment, maintenance or operation of a medical marijuana dispensary.~~

SECTION 6. Amendment to Article 33 of the Zoning Code of the City of Colusa.

Article 33, Use Permits, of the Zoning Code of the City of Colusa is hereby amended, as set forth in the attached **Exhibit B**, which is incorporated herein by this reference.

INTRODUCED at a regular meeting of the City Council of the City of Colusa held on _____ 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Colusa held on _____, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THOMAS REISCHE, MAYOR

ATTEST:

SHELLY KITTLE, City Clerk

EXHIBITS:

Exhibit A: Article 21.5 - Cannabis Business Use Regulations

Exhibit B: Article 33 - Cannabis Business and Cannabis Dispensary Special Use Permit
Application and Fee