

SONORA PLANNING COMMISSION

RESOLUTION NO. 04-12-2021-B

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SONORA RECOMMENDING THE CITY COUNCIL ADOPT THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF SONORA AND THE BRACT HOUSE, LLC.

WHEREAS, on October 9, 2015, Governor Jerry Brown signed three bills into law (Assembly Bill 266, Assembly Bill 243, and Senate Bill 643), which are collectively referred to as the Medical Cannabis Regulation and Safety Act ("MCRSA"). MCRSA established the first statewide regulatory system for medical cannabis businesses; and

WHEREAS, in 2016, the voters of California approved Proposition 64 entitled the "Control, Regulate and Tax Adult Use of Marijuana" ("AUMA"). AUMA legalized the adult-use and possession of cannabis by persons 21 years of age and older and the personal cultivation of up to six cannabis plants within a private residence. However, AUMA authorizes local jurisdictions to reasonably regulate personal cultivation; and

WHEREAS, on June 27, 2017, Governor Jerry Brown signed into law the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA"), which created a single regulatory scheme for both medical and adult-use cannabis businesses. MAUCRSA retains the provisions in the MCRSA and AUMA that granted local jurisdictions control over whether businesses engaged in commercial cannabis activity may operate in a particular jurisdiction; and

WHEREAS, on January 16, 2018, the Sonora City Council (the "City Council") adopted an ordinance that regulates cannabis businesses through a development agreement and conditional use permit (the "Cannabis Business Pilot Program"); and

WHEREAS, on August 5, 2019, the Sonora City Council adopted Ordinance No. 858 approving a development agreement between the City and The Bract House, LLC to operate a cannabis dispensary business (the "Original Agreement") at 10 Calaveras Street, in the City of Sonora, County of Tuolumne, State of California, Assessor's Parcel Number 056-090-32-00 (the "Site"); and

WHEREAS, on November 16, 2020, the City Council adopted Ordinance No. 873, which amended the Cannabis Business Pilot Program to allow adult-use cannabis dispensaries, cannabis manufacturing, and cannabis testing laboratories in the City; and

WHEREAS, the proposed amendment to the Original Agreement (the "Amendment") revises the Original Agreement to allow Developer to sell adult-use cannabis pursuant to state and local law (the "Project"); and

WHEREAS, the Sonora Planning Commission ("Planning Commission") finds that an ordinance approving the Amendment will allow Developer to operate its business in accordance with state and local law; and

WHEREAS, the Planning Commission finds that environmental impacts for the Project have been reviewed and assessed by the City pursuant to the California Environmental Quality Act ("CEQA") (Public Resources Code section 21000 et seq.; California Code of Regulations, title 14, section 15000 et seq.). The Project is exempt from CEQA pursuant to Business and Professions Code section 26055, subdivision (h), which provides an exemption from CEQA for any ordinance, rule, or regulation by a city that requires discretionary review and approval for commercial cannabis activity and pursuant to Section 15301, existing facilities involving no expansion of the facility.

WHEREAS, the Planning Commission finds that the Amendment is in the best interest of the health, welfare, and safety of the public.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Sonora hereby recommends by this resolution that the City Council of the City of Sonora adopt Ordinance No. 879 approving the First Amendment to the Development Agreement by and between the City of Sonora and The Bract House, LLC.

PASSED AND ADOPTED as a resolution by the Sonora Planning Commission on this 12th day of April 2021, by the following vote:


Members of the Commission:

AYES: Garnin; Jensen; Richardson; Anderson

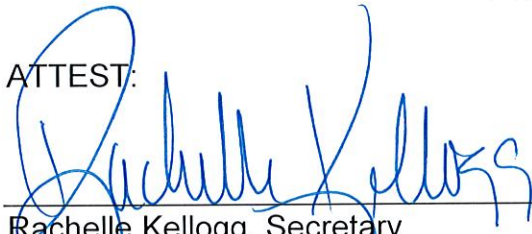
NOES: Ghiorso

ABSENT: _____

ABSTAIN: _____

SIGNED: 

Chris Garnin, Chair
Planning Commission

ATTEST: 

Rachelle Kellogg, Secretary
Planning Commission