

ORDINANCE NO. 877

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SONORA APPROVING THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF SONORA AND HAZY BULLDOG FARMS, 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 use permit (the "Cannabis Business Pilot Program"); and

WHEREAS, on November 5, 2018, the Sonora City Council adopted Ordinance No. 850 approving a development agreement between the City and Hazy Bulldog Farms, LLC to operate a cannabis dispensary business (the "Original Agreement") at 1243 Mono Way, in the City of Sonora, County of Tuolumne, State of California, Assessor's Parcel Number 056-190-012 (the "Site"); and

WHEREAS, on November 2, 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, on February 8, 2020, the Sonora Planning Commission ("Planning Commission") found that this proposed ordinance (the "Ordinance") and the Amendment will allow the City to adequately regulate medicinal and adult-use cannabis businesses in the City in accordance with state law and local law; and

WHEREAS, the City and Hazy Bulldog, LLC intend to enter into the Amendment pursuant to state law and the Sonora Municipal Code; and

WHEREAS, the City Council, based on its independent review of staff analysis, oral and written testimony, and the record as a whole, finds, after due study, deliberation, and public hearing, and based on its independent judgment, that the following circumstances exist:

1. The Project and the Amendment are consistent with all applicable standards and ordinances of the City of Sonora.
2. The City Council finds that the Amendment:
 - a. Is consistent with the objectives, policies, general land uses and programs specified in the Sonora General Plan and any applicable specific plan; and
 - b. Will not be detrimental to the health, safety and general welfare of persons residing in the immediate area nor detrimental to the general welfare of the residents of the City as a whole; and
 - c. Will not adversely affect the orderly development of property or the preservation of property values; and
 - d. Is consistent with the provisions of Government Code sections 65864 through 65869.5; and
 - e. Contains a legal description of the property.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SONORA ORDAINS AS FOLLOWS:

Section 1. The City Council of the City of Sonora approves the First Amendment to the Development Agreement by and between the City of Sonora for development of a cannabis business at 1243 Mono Way, and instructs the City Manager to execute the amendment subject to final, technical revisions as required and approved by the City Attorney.

Section 2. The City shall review the Original Agreement for compliance with its terms and conditions not less than once every twelve (12) months from the effective date of the Original Agreement.

SECTION 2. If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3. This Ordinance shall take effect thirty (30) days after its final passage and adoption.

SECTION 4. CERTIFICATION OF COUNCIL ADOPTION AND APPROVAL. This Ordinance was introduced at a regular meeting of the City Council of the City of Sonora held on the _____, of _____, 2021, and adopted at a regular meeting of the City Council of the City of Sonora held on the _____, of _____, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

City Clerk of the City of Sonora

Matt Hawkins
Mayor of the City of Sonora