

ORDINANCE NO. 836

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COALINGA, CALIFORNIA AMENDING COALINGA MUNICIPAL CODE SECTION 9-5-128(f) RELATED TO COMMERCIAL CANNABIS CONDITIONAL USE PERMIT REQUIREMENTS.

WHEREAS, Article 1 of Chapter 5 of the Coalinga Planning and Zoning code establishes local regulations applicable to commercial cannabis operations as may be permitted under the California Medicinal and Adult-Use Cannabis Regulation and Safety Act (SB 94), approved by the Governor on June 27, 2017 or subsequently enacted State law pertaining to the same; and

WHEREAS, Section 9-5.128(f) states that prior to, or concurrently with, applying for a regulatory permit, the applicant shall process a conditional use permit as required by the City's Land Use Regulations. Information that may be duplicative in the two (2) applications can be incorporated by reference. The conditional use permit shall run with the regulatory permit and not the land; and

WHEREAS, the City desires to amend section 9-5.128(f) of the planning and zoning code to amend the language of the code to allow the conditional use permit to run with the land in order to expedite project turnover and ownership changes; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COALINGA DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** The City Council finds that all the facts, findings, and conclusions set forth above in this Ordinance are true and correct.

**SECTION 2.** The City Council hereby amends Section 9-5.128(f) to Article 1 of Chapter 5 in Title 9 of the Coalinga Municipal Code to read as follows:

*(f) Conditional use permit. Prior to, or concurrently with, applying for a regulatory permit, the applicant shall process a conditional use permit as required by the City's Land Use Regulations. Information that may be duplicative in the two (2) applications can be incorporated by reference. The conditional use permit shall run with the ~~regulatory permit and not the land.~~*

**SECTION 3.** Severability Clause:

Should any section, clause, or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

**SECTION 4.** Effective Date:

This Ordinance shall take effect 30 days after its passage and adoption pursuant to California Government Code Section 36937 and shall supersede any conflicting provision of any City of Coalinga ordinance.

**SECTION 5.** Certification:

The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published or posted according to law.

**PASSED, APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Ron Lander, Mayor

ATTEST:

\_\_\_\_\_  
Shannon Jensen, City Clerk

APPROVED AS TO FORM:  
\_\_\_\_\_  
Mario U. Zamora, City Attorney