

## **ATTACHMENT 2**

### **RESOLUTION NO. PC-2017-32**

#### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING THE ELIGIBLE AREA FOR CANNABUS DELIVERY DISPENSARIES AND BY FINDING AN EXEMPTION FROM CEQA (DCA17-00005)**

**WHEREAS**, pursuant to the City's express statutory authority and its police power, the City has the authority to prohibit and/or regulate commercial cannabis activities (whether not-for-profit or for-profit) that may otherwise be permitted by the State of California under the AUMA and/or the MCRSA, by adding a new Article XIV (Cannabis Related Uses and Prohibited Activities) to the Hesperia Municipal Code; and

**WHEREAS**, On September 19, 2017, the City Council of the City of Hesperia conducted a duly noticed public hearing pertaining to marijuana related activities and remanded the portion of this ordinance pertaining to eligible locations for medical cannabis delivery dispensaries to the Planning Commission for review and recommendation; and

**WHEREAS**, this proposed revision to the Ordinance will expand eligible locations for medical cannabis delivery dispensaries to a portion of the Commercial Industrial Business Park (CIBP) zone bounded by Smoketree Street, I Avenue, Santa Fe Ave, East, and Juniper Street, subject to all other provisions and restrictions of the ordinance; and

**WHEREAS**, On October 12, 2017, the Planning Commission of the City of Hesperia conducted a duly noticed public meeting pertaining to eligible locations for medical cannabis delivery dispensaries and concluded said hearing on that date; and

**WHEREAS**, All legal prerequisites to the adoption of this Resolution have occurred.

#### **NOW THEREFORE, THE PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:**

1. All of the facts set forth in the Recitals, Part A of this Resolution, are true, correct and are adopted as findings.
2. Based upon substantial evidence presented to the Commission, including written and oral staff reports, the Commission specifically finds that the proposed Resolution is consistent with the goals and objectives of the adopted General Plan.
3. Based upon substantial evidence presented to this Commission during the above-referenced October 12, 2017, meeting, including public testimony and written and oral staff reports, this Commission has determined that the amendment will enable the City to regulate marijuana related activity in accordance with state laws.
4. This Development Code Amendment is exempt from the requirements of the California Environmental Quality Act per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment. The proposed Development Code Amendment and

Specific Plan Amendment are also exempt from the requirements of the California Environmental Quality Act by Section 16.12.415(B)(10) of the City's CEQA Guidelines, as the Amendments are exempt if they do not propose to increase the intensity of development allowed in the General Plan.

5. Based upon the conclusions set forth in paragraphs 1, 2 and 3 above, this Commission recommends that the City Council adopt Development Code Amendment DCA17-00005, as amended, to revise regulations regarding eligible locations for medical cannabis delivery dispensaries, as shown on Exhibit "A."

6. The Secretary shall certify to the adoption of this Resolution.

**ADOPTED AND APPROVED** this 12<sup>th</sup> day of October 2017.

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Tom Murphy, Chair, Planning Commission

ATTEST:

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Denise Bossard, Secretary, Planning Commission