ORDINANCE NO. 1171

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COACHELLA, CALIFORNIA, AMENDING VARIOUS PROVISIONS OF THE COACHELLA MUNICIPAL CODE REGARDING INTERIM OUTDOOR COMMERCIAL CANNABIS CULTIVATION IN THE CITY'S AGRICULTURAL SECTOR. CITY-INITIATED. *(1ST Reading)*

WHEREAS, pursuant to the authority granted to the City of Coachella ("City") by Article XI, Section 7 of the California Constitution, the City has the police power to regulate the use of land and property within the City in a manner designed to promote public convenience and general prosperity, as well as public health, welfare, and safety; and,

WHEREAS, adoption and enforcement of comprehensive zoning regulations and business license regulations lies within the City's police power; and,

WHEREAS, on November 8, 2016, California voters passed Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act ("AUMA"), legalizing the use and possession of cannabis and cannabis products by adults aged 21 years and older; and,

WHEREAS, on June 27, 2017, Governor Brown signed into law Senate Bill 94, which created a single regulatory scheme for both medicinal and non-medicinal cannabis known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA"); and,

WHEREAS, MAUCRSA allows local jurisdictions to allow or prohibit the various commercial cannabis activities which are allowed by the State, including outdoor cannabis cultivation; and,

WHEREAS, the proposed Ordinance would amend Title 5 (Business Licenses and Regulations), Chapter 5.68 to (i) allow outdoor commercial cultivation; (ii) provide additional application and operational requirements for outdoor commercial cultivation; and (iii) comply with current City policies and State law; and,

WHEREAS, the proposed Ordinance would also amend Title 17 (Zoning), Chapters 17.10, 17.12, 17.14, and 17.85 to (i) allow outdoor commercial cultivation in certain City zones and subject to certain property development standards, and (ii) comply with current City policies and State law; and,

WHEREAS, the subject Municipal Code Amendment is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2), 15060(c)(3), and 15061(b)(3). The activity is not subject to CEQA because it will not result in a direct or reasonably foreseeable indirect physical change in the environment; the activity is not a project as defined in Section 15378 of the California Public Resources Code, and the activity is covered by the general rule that CEQA applies only to projects, which have the potential for causing a significant impact on the environment. Where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA; and,

WHEREAS, on February 26, 2020 the City Council of the City of Coachella ("City Council") conducted a study session which included a discussion item on the possibility of allowing outdoor cannabis cultivation uses in the City's remote agricultural areas bounded by Avenue 48 on the north, Tyler Street on the west, the All-American Canal on the east, and Avenue 52 on the south; and,

WHEREAS, at the February 26, 2020 the City Council provided staff direction to work on a draft ordinance that would allow for "interim agricultural uses" for outdoor cannabis cultivation on properties that are: 1) remotely located and removed from sensitive odor receptors; 2) have land use entitlements for future development but wish to include an interim agricultural use to cultivate cannabis for three to five years prior to construction of the first phase of urban development; and,

WHEREAS, the Planning Commission of the City of Coachella ("Planning Commission") conducted a properly noticed public hearing on December 16, 2020 at which members of the public were afforded an opportunity to comment upon this Ordinance, the recommendations of staff, and other public testimony; and,

WHEREAS, after said public hearing, the Planning Commission recommended that the City Council approve this Ordinance with modifications; and,

WHEREAS, the City Council conducted a properly noticed public hearing on January 27, 2021 at which members of the public were afforded an opportunity to comment on this Ordinance, the recommendations of staff, and other public testimony.

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

SECTION 1. Incorporation of Recitals. The City Council of the City of Coachella, California, hereby finds that the foregoing recitals are true and correct and are incorporated herein as substantive findings of this Ordinance.

SECTION 2. Amendment to Coachella Municipal Code. Section 5.68.030 *Regulatory permit required* of Chapter 5.68 *Commercial Cannabis Activity Regulatory Permit* of the Coachella Municipal Code is hereby amended to add underlined text as follows:

"**5.68.030 - Regulatory permit required.**

Commercial cannabis activity permitted under this chapter includes indoor and interim outdoor cultivation, manufacture (including shared-use facilities), distribution, testing, and non-retail microbusinesses (including possession, processing, storing, and labeling incidental to such activity). Prior to initiating operations and as a continuing requisite to operating a commercial cannabis activity, the legal representative of the persons wishing to operate and/or lease out a facility for commercial cannabis activity shall obtain both a conditional use permit and a regulatory permit from the city manager and shall pay an application fee as established by resolution adopted by the city council as amended from time to time. Regulatory permit requirements for retail cannabis businesses can be found in Chapter 5.69."

SECTION 3. Amendment to Municipal Code. Section 5.68.040 *Regulatory permit application* of Chapter 5.68 *Commercial Cannabis Activity Regulatory Permit* is hereby amended to include underlined text and delete stricken text as follows:

"**5.68.040 - Regulatory permit application.**

…

M. A complete and detailed diagram of the proposed premises showing the boundaries of the property and the proposed premises to be permitted, showing all boundaries, dimensions, entrances and exits, interior partitions, walls, rooms, windows, doorways, and common or shared entryways, storage areas and exterior lighting. The diagram must show the areas in which all commercial cannabis activity will take place, including but not limited to, limited-access areas. All construction, including but not limited to, buildings, fences, security systems, light blocking apparatuses, signs and outdoor lighting fixtures, shall be designed to blend in with the character of the surrounding area.

N. For cultivation applicants, a detailed water management plan including the proposed water supply, proposed conservation measures, and any water offset requirements; information regarding stormwater control and wastewater discharge; a list of all pesticides, fertilizers, and any other hazardous materials that are expected to be used in the cultivation process; a storage and hazard response plan for all pesticides, fertilizers, and any other hazardous materials kept on the cultivator's site; all power sources proposed to be used.

~~N~~O. A detailed security plan outlining the measures that will be taken to ensure the safety of persons and property on the premises. As part of the security plan, a lighting plan is required that shows existing and proposed exterior and interior lighting that will provide adequate security lighting for the commercial cannabis activity and premises. The security plan must be prepared by a qualified professional and include provisions in compliance with the following:

1. Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least two hundred forty (240) concurrent hours of digitally recorded documentation in a format approved by the city manager. The cameras shall be in use twenty-four (24) hours per day, seven days per week. The areas to be covered by the security cameras shall include, but are not limited to, the public areas, storage areas, employee areas, all doors and windows, and any other areas as determined to be necessary by the city manager.

2. The premises shall be alarmed with an audible interior and exterior alarm system, unless waived for extenuating circumstances by the city manager that is operated and monitored by a recognized security company, deemed acceptable by the city manager. Any change in the security company shall be subject to the approval of the city manager. All current contact information regarding the security company shall be provided to the city manager.

3. Entrance to the cultivation, manufacturing, and testing areas and any storage areas shall be locked at all times, and under the control of cannabis facility staff.

4. All cannabis shall be securely stored, and a reliable, commercial alarm system shall be installed and maintained where the cannabis is secured.

5. A licensed security guard, licensed by the California Department of Consumer Affairs, shall be present at the premises during all hours of operation. If the security guard is to be armed, then the security guard shall possess at all times a valid security guard card and firearms permit issued by the California Department of Consumer Affairs.

6. A heavy-gauge chain-link (or other material as approved by the ~~city manager~~ planning commission) fence a minimum of eight-feet in height (or as otherwise approved by the city manager) shall be constructed around the perimeter of the premises to prevent public access and obscure the cannabis cultivation facility from public view. Screening can include landscaping or vinyl slats, as permitted by law enforcement.

~~O~~ P. An odor control plan that describes the air treatment system or other methods that will be implemented to prevent odors generated by the commercial cannabis activity from being detected outside the building(s) on the premises. This section is not intended to prohibit the use of Polyethylene Plastic Film, Polycarbonate Sheeting, and Shade Cloth Fabrics for use in temporary greenhouses and temporary hoop houses as part of an approved "interim outdoor cannabis cultivation uses" allowed under Title 17.

~~P~~ Q. A comprehensive business operations plan that includes the following:

1. Business plan. A plan describing how the commercial cannabis activity business will operate in accordance with this code, state law, and other applicable regulations. The business plan must include plans for handling cash and transporting cannabis and cannabis products to and from the premises, if applicable.

2. Community relations plan. A plan describing who is designated as being responsible for outreach and communication with the surrounding community, including the neighborhood and businesses, and how the designee can be contacted.

3. Neighborhood responsibility plan. A plan addressing any adverse impacts of the proposed commercial cannabis activity on the surrounding area.

4. Insurance. The applicant's certificate of commercial general liability insurance and endorsements and certificates of all other insurance related to the operation of the commercial cannabis activity.

5. Budget. A copy of the applicant's most recent annual budget for operations.

~~Q~~ R. The name and address of the owner and lessor of the real property upon which the commercial cannabis activity is to be operated. In the event the applicant is not the legal owner of the property, the application must be accompanied with a notarized acknowledgement from the owner of the property that a commercial cannabis activity will be operated on his or her property.

~~R~~ S. Authorization for the city manager to seek verification of the information contained within the application.

~~S~~ T. A statement in writing by the applicant that he or she certifies under penalty of perjury that all the information contained in the application is true and correct.

~~T~~ U. A full and complete copy of the applicant's most current application submitted to and approved by the applicable state licensing authority.

~~U~~ V. Any such additional and further information as is deemed necessary by the city manager to administer this chapter."

SECTION 4. Amendment to Coachella Municipal Code. Section 5.68.130 *Operating standards* of Chapter 5.68 *Commercial Cannabis Activity Regulatory Permit* of the Coachella Municipal Code is hereby amended to add underlined text and delete stricken text as follows:

"**5.68.130 - Operating standards.**

A. Indoor cultivation ~~only~~. An indoor cultivation permittee shall only cultivate cannabis in a fully enclosed and secure building. An indoor cultivation permittee shall not allow cannabis or cannabis products on the premises to be visible from the public right of way, the unsecured areas surrounding the buildings on the premises, or the premises' main entrance and lobby.

B. Interim Outdoor Cultivation. Cannabis plants shall not be easily visible from offsite. All interim outdoor commercial cultivation sites should have a minimum twenty-foot (20 ft.) setback with an opaque fencing material to screen the outdoor cannabis grow areas from vuew to the public streets. All interim outdoor commercial cultivation activities shall occur within a secure fence at least six (6) feet in height that fully encloses the cultivation area(s) and prevents access to the cultivation area(s). The fence must include a lockable gate(s) that is locked at all times, except for during times of active ingress and egress. Outdoor lighting shall be used for the purpose of illumination only. Outdoor lighting shall not be located within the canopy area, used for photosynthesis, mixed-light processes, other purposes intended to manipulate cannabis plant growth. Temporary lighting, whether powered by a portable generator or permitted electrical service, is prohibited.

~~B~~ C. Odor control. A permittee shall comply with the odor control plan that is submitted during the application process and approved by the city manager. Commercial cannabis activity premises shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the building(s) that is distinctive to its operation is not detected outside the premises, anywhere on adjacent property or public rights-of-way, on or about any exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for common use by tenants or the visiting public, or within any other unit located within the same building as the commercial cannabis activity. As such, applicants must install and maintain the following equipment or any other equipment which the city manager or designee determines has the same or better effectiveness:

1. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; or

2. An air system that creates negative air pressure between the cannabis facility's interior and exterior so that the odors generated inside the cannabis facility are not detectable outside the cannabis facility.

3. Should compliance with the odor control plan fail to properly control odor, the city manager may impose additional or modified plan restrictions.

~~C~~ D. 'Track and trace'. Commercial cannabis activity businesses shall have an electronic 'track and trace' system that produces historical transactional data for review by the city manager for auditing purposes.

~~D~~ E. Records. A commercial cannabis activity business shall maintain the following records in printed format for at least three years on the premises and shall produce them to the city within twenty-four (24) hours after receipt of the city's request:

1. The name, address, and telephone numbers of the owner and landlord of the property.

2. The name, date of birth, address, and telephone number of each manager and staff of the commercial cannabis activity business; the date each was hired; and the nature of each manager's and staff's participation in the business.

3. A written accounting of all income and expenditures of the commercial cannabis activity business, including, but not limited to, cash and in-kind transactions.

4. A copy of the commercial cannabis activity business' commercial general liability insurance policy and all other insurance policies related to the operation of the business.

5. A copy of the commercial cannabis activity business' most recent year's financial statement and tax return.

6. An inventory record documenting the dates and amounts of cannabis received at the premises, the daily amounts of cannabis on the premises, and the daily amounts of cannabis transported from the premises.

A commercial cannabis activity business shall report any loss, damage, or destruction of these records to the city manager within twenty-four (24) hours of the loss, damage, or destruction.

~~E~~ F. Security. A permittee shall comply with the security plan that is submitted during the application process as approved by the city manager. A permittee shall report to the Coachella Police Department all criminal activity occurring on the premises. Should compliance with the security plan fail to properly secure the commercial cannabis activity premises, the city manager may impose additional or modified plan restrictions.

~~F~~ G. Retail sales prohibited. No person shall conduct any retail sales of any good or services on or from a permitted commercial cannabis activity premises that is regulated under this chapter.

~~G~~ H. Cannabis consumption prohibited. No person shall smoke, ingest, or otherwise consume cannabis in any form on, or within twenty (20) feet of, a commercial cannabis activity premises regulated under this chapter.

~~H~~ I. Alcohol prohibited. No person shall possess, consume, or store any alcoholic beverage on any commercial cannabis activity premises.

~~I~~ J. Juveniles prohibited. No one under the age of eighteen (18) shall be on the commercial cannabis activity premises or operate a commercial cannabis activity in any capacity, including, but not limited to, as a manager, staff, employee, contractor, or volunteer."

SECTION 5. Amendment to Municipal Code. Section 17.10.020 *Permitted uses* of Chapter 17.10 *A-R Agricultural Reserve Zone* is hereby amended to include underlined text and delete stricken text as follows:

"**17.10.020 - Permitted uses.**

The following uses are permitted in the A-R zone subject to all provisions of this chapter:

…

C. Conditional Uses. The following may be permitted in the A-R zone, subject to obtaining a conditional use permit as specified in Section 17.74.010.

1. Public parks;

2. One temporary stand, of temporary construction, for the display and sale of agricultural products produced on the premises, and placed not less than twenty-five (25) feet from any street or highway upon which such property fronts. When granting approval for such a temporary stand, the planning commission shall set a maximum time limit not to exceed one year on each such stand. Said time limit may be renewed at the option of the commission;

3. Cemeteries, crematories, columbariums, and mausoleums;

4. Reserved;

5. Reserved;

6. Farms or establishments for the selective or experimental breeding of cattle or horses, or the raising and training of horses or show cattle;

7. Dairy farms;

8. Kennels;

9. Animal raising, commercial; small animals, such as poultry, birds, fish, fowl, rabbits, chinchilla, mice, frogs, earthworms, bees, and others of similar nature, form and size, including hatching and fattening, and involving eggs or similar products derived therefrom;

10. Reserved;

11. Fruit and vegetable packing houses; ~~and~~

12. Farm labor camps~~.~~; and

13. Interim outdoor commercial cannabis cultivation, pursuant to Chapter 17.85."

SECTION 6. Amendment to Municipal Code. Section 17.12.020 *Permitted uses* of Chapter 17.12 *A-T Agricultural Transition Zone* is hereby amended to include underlined text and delete stricken text as follows:

"**17.12.020 - Permitted uses.**

The following uses are permitted in the A-T zone subject to all provisions of this chapter:

…

C. Conditional Uses. The following may be permitted in the A-T zone, subject to obtaining a conditional use permit as specified in Section 17.74.010.

1. Public and private parks; golf courses; swimming, polo and country clubs;

2. One temporary stand, of temporary construction, for the display and sale of agricultural products produced on the premises, and placed not less than twenty-five (25) feet from any street or highway upon which such property fronts. When granting approval for such a temporary stand, the planning commission shall set a maximum time limit not to exceed one year on each such stand. Said time limit may be renewed at the option of the commission;

3. Cemeteries, crematories, columbariums, and mausoleums;

4. Equestrian establishments, provided that in no case shall permanent maintenance or stabling of horses, storage of feed, riding arenas, or storage or maintenance of equipment be permitted within three hundred feet of the boundary of any R-S or RM;

5. Borrow pits, gravel pits, and other recovery of natural mineral resources;

6. Farms or establishments for the selective or experimental breeding of cattle or horses, or the raising and training of horses or show cattle;

7. Dairy farms;

8. Kennels;

9. Animal Raising, Commercial. Small animals, such as, poultry, birds, fish, fowl, rabbits, chinchilla, mice, frogs, earthworms, bees, and others of similar nature, form and size, including hatching and fattening, and involving eggs or similar products derived therefrom;

10. Campgrounds, private, containing picnic areas, overnight camping facilities and temporary parking for travel trailers and camper trucks;

11. Fruit and vegetable packing houses; ~~and~~

12. Farm labor camps~~.~~; and,

13. Interim outdoor commercial cannabis cultivation, pursuant to Chapter 17.85."

SECTION 7. Amendment to Municipal Code. Section 17.14.020 *Permitted uses* of Chapter 17.14 *R-E Residential Estate Zone* is hereby amended to include underlined text and delete stricken text as follows:

"**17.14.020 - Permitted uses.**

The following uses are permitted in the R-E zone subject to all provisions of this chapter.

…

C. Conditional Uses. The following uses may be permitted in the RE zone, subject to obtaining a conditional use permit as specified in Section 17.74.010.

1. Clubs and lodges, private, nonprofit when site fronting on an arterial street;

2. Public and private golf courses; ~~and~~

3. School, private, nonprofit~~.~~; and,

4. Interim outdoor commercial cannabis cultivation, pursuant to Chapter 17.85."

SECTION 8. Amendment to the Coachella Municipal Code. Section 17.85.030 *Commercial cannabis activity permitted* of Chapter 17.85 *Commercial Cannabis Activity* is hereby amended to include the underlined text and delete the stricken text as follows:

"**17.85.030 - Commercial cannabis activity permitted.**

Commercial cannabis activity permitted under this chapter includes indoor cultivation, interim outdoor cultivation, manufacture (including shared-use facilities), distribution, ~~and~~ testing, and non-retail microbusinesses (including possession, processing, storing, and labeling incidental to such activity). Prior to engaging in any such commercial cannabis activity in the city, one must obtain either a development agreement or conditional use permit (CUP), and a regulatory permit as required by this code, subject to the provisions of the CUA, MMP, MAUCRSA, and any other state laws pertaining to cannabis."

SECTION 9. Amendment to the Coachella Municipal Code. Section 17.85.040 *Conditional use permit or development agreement required* of Chapter 17.85 *Commercial Cannabis Activity* is hereby amended to include the underlined text as follows:

"**17.85.040 - Conditional use permit or development agreement required.**

Prior to initiating operations and as a continuing requisite to operating a commercial cannabis activity, the applicant shall obtain a validly issued CUP as provided in Chapter 17.74 entitled "Conditional Uses" of this municipal code or enter into a fully executed development agreement agreed to by the city council. If any provision of this chapter conflicts with any provision of Chapter 17.74 of this code, the provision in this chapter shall control. An applicant must obtain a separate CUP for each commercial cannabis activity the applicant wishes to operate. Separate CUPs may be issued for indoor cannabis cultivation versus interim outdoor cannabis cultivation. Each CUP will include a condition of approval requiring that the permittee also obtain and maintain an indoor cultivation, interim outdoor cultivation, manufacture, distribution, non-retail microbusiness, or testing laboratory regulatory permit required by this code. Each CUP for interim outdoor cultivation may include a condition of approval that limits outdoor cultivation activities to a specified duration not to exceed the sooner of forty eight (48) months, or the first phase of construction establishing a new residential or commercial use. If the condition is accepted by the applicant, the City may thereafter record a covenant memorializing this restriction against the property, which shall include a reference to the approved CUP."

SECTION 10. Amendment to the Coachella Municipal Code. Section 17.85.050 *Commercial cannabis activity—Permitted locations and standards* of Chapter 17.85 *Commercial Cannabis Activity* is hereby deleted in its entirety and amended to include the underlined text as follows:

17.85.050 - Commercial cannabis activity—Permitted locations and standards.

A. Indoor commercial cultivation, manufacturing, testing laboratory, and distribution activities.

1. Location. Permitted uses be located in any wrecking yard zone (M-W) or manufacturing service - industrial park overlay zone (IP) in the city, upon issuance of a CUP and a regulatory permit.

2. Property development standards.

(a) In M-W zone – Permitted uses should be restricted to a site having a minimum of five (5) acres in size, with a minimum paved street frontage of two hundred fifty (250) feet. Permitted uses may not be established in the M-W zone on a multi-tenant industrial park or business park site existing on the effective date of this ordinance. A CUP to develop a new stand-alone commercial cannabis activity facility or a multi-tenant facility within a minimum site area of five acres may be pursued.

(b) In MS-IP Overlay zone – Permitted uses should be restricted to sites having a minimum project area of ten (10) acres and a minimum lot size or grouping of lots of at least five (5) acres.

3. Indoor only. All uses shall be conducted only in the interior of enclosed structures, facilities, and buildings. All indoor cultivation operations, including all cannabis plants, at any stage of growth, shall not be visible from the exterior of any structure, facility or building containing cultivation. All indoor cultivation, manufacturing, testing and processing must take place indoors, within a permanent structure that is enclosed on all sides. Outdoor manufacturing, testing, and processing are prohibited. Portable greenhouses and/or non-permanent enclosures shall not be used for cultivation unless they are placed inside of a permanent structure that is enclosed on all sides.

4. Odor control. Uses shall not result in the creation of any odors detectable from anywhere off the property boundaries. The use of carbon filtration systems and other mitigation measures shall be used on all commercial cannabis activities that cause such odors.

B. Interim outdoor commercial cannabis cultivation.

1. Location. Interim outdoor commercial cannabis cultivation be located in any agricultural reserve (A-R) zone, agricultural transition (A-T) zone, residential single-family (R-S) zone, multiple-family residential (R-M) zone, and general commercial (C-G) zone that is located within the geographic area bounded by Avenue 48 on the north, the All-American Canal on the east, Avenue 52 on the south, and the 86 Expressway on the west, upon issuance of a CUP and a regulatory permit.

2. Property development standards. All interim outdoor commercial cannabis cultivation sites:

(a) shall be located on a site having a minimum of one (1) acre in size.

b) shall have a maximum canopy size equal to the lesser of two (2) acres or the maximum size authorized by the State license for that business.

(c) shall provide a minimum twenty-foot (20 ft.) setback on all sides with an opaque fencing material, subject to review and approval by the Planning Director, to screen the outdoor grow areas from view to public streets.

3. Distance Restrictions. No interim outdoor commercial cannabis cultivation shall be located within:

(a) five hundred (500) feet of another interim outdoor commercial cannabis cultivation use.

(b) one thousand (1,000) feet of any public or private school (K-12), day care center or youth center. The distance shall be measured from the nearest point between the property line containing the interim outdoor commercial cannabis cultivation use to any lot line of the other use. “Day care center” means any child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities and school age child care centers. “Youth center” means any public or private facility that is primarily used to house recreational or social activities for minors, including, but not limited to,

private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

C. Indoor commercial cannabis activity must be served by municipal water and sewer services. Interim outdoor cannabis cultivation uses need only be served by a private water well or municipal water.

D. Commercial cannabis activity shall be located a minimum distance of six hundred (600) feet away from any residentially-zoned lot. The distance shall be measured at the nearest point between property lines containing the commercial cannabis use and any lot line of the residential use.

E. Testing laboratories may be located in the general commercial (C-G) zone in addition to the M-W zone and IP overlay zone with a CUP, but are not required to meet the two hundred fifty-foot paved street frontage requirement in subsections (A)(2)(a) and (A)(2)(b) of this section."

SECTION 11. Amendment to the Coachella Municipal Code. Section 17.85.090 *Commercial cannabis cultivation, manufacturing, testing, processing—Interior only* of Chapter 17.85 *Commercial Cannabis Activity* is hereby removed and reserved. The text from this Section has been added to Section 17.85.050. The Municipal Code text shall read as follows:

"**17.85.090 – [RESERVED]** ~~Commercial cannabis cultivation, manufacturing, testing, processing—Interior only.~~"

SECTION 12. 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 reasonable 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 13. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption.

SECTION 14. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

SECTION 15. Certification. The City Clerk shall certify the passage of this Ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof,

cause the same to be published as required by law, in a local newspaper of general circulation and which is hereby designated for that purpose.

ORDINANCE PASSED AND APPROVED at a regular meeting of the City Council of the City of Coachella this _____th day of _____, 2021.

_____
Steven Hernandez, Mayor

ATTEST:

_____
Angela M. Zepeda, City Clerk

APPROVED AS TO FORM:

_____
Carlos Campos, City Attorney

I, Angela M. Zepeda, City Clerk, City of Coachella, California, certify that the foregoing Ordinance was adopted by the City Council at a regular meeting of the City Council held on the _____ day of _____ 2021 and was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Angela M. Zepeda, City Clerk