



**SHASTA LAKE PLANNING COMMISSION  
SPECIAL MEETING**

**March 30, 2017  
6:00 P.M.**

**Shasta Lake City Council Chambers  
4488 Red Bluff Street ■ Shasta Lake, CA 96019**

**COMMISSIONERS**

- Cherrel Kirkland, Chair
- Gracious Palmer, Vice Chair
- Darlene Brown
- Tony Cota (appointed by City Council appt. 3/21/17)
- Kerry Jarvis
- Heather Pearson
- Darrel Walter

**AGENDA**

**1.0 CALL TO ORDER**

- 1.1 Statement for the record of Planning Commissioners Present
- 1.2 Pledge of Allegiance

**2.0 APPROVAL OF MINUTES/ MEETING STATUS**

- 2.1 Approval of Minutes for the March 16, 2017 Special Planning Commission Meeting

**3.0 REPORTS**

- 3.1 Planning Commissioner's Comments / Correspondence

**4.0 PUBLIC COMMENT PERIOD**

Members of the public wishing to address the Commission on matters which are not listed on the Agenda may do so under the "Public Comment Period." If your comments concern an item on the regular agenda, please address the Commission when that item is open for public comment. Comments should be limited to matters within the jurisdiction of the City. The Commission cannot take action on or discuss any matter not on the agenda other than to refer the matter to staff for follow-up if necessary.

Persons wishing to address the Commission are encouraged to complete a Speaker Request form, but the form is not required in order to speak. Forms are available at the back of the Council Chambers. Each speaker is allocated 3 minutes to speak. Speakers may not cede their time to others. If you have documents to present to the Commission, please provide a minimum of nine copies.

**5.0 UNFINISHED BUSINESS**

**NONE**

## **6.0 PUBLIC HEARINGS**

### **6.1 Z-17-01: Proposed Amendments to Shasta Lake Municipal Code Title 17 (Zoning)**

Review of an Ordinance of the City of Shasta Lake amending City's Municipal Code to regulate the establishment, cultivation, dispensary operation, distribution, manufacturing, sale, and testing of commercial cannabis as land uses.

This Amendment is to the Zoning Ordinance only and identifies where such land uses are allowed and not allowed as well as areas where a Conditional Use Permit is required. Other amendments relative to cannabis operations will be made separately by the City Council to other portions of the Municipal Code regulating licensing and financial requirements for these uses.

## **7.0 NEW BUSINESS**

**NONE**

## **8.0 ADJOURNMENT**



## PLANNING COMMISSION MEETINGS

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2. Persons wishing to address the Commission are encouraged to complete a Speaker Request form, but the form is not required in order to speak. Forms are available at the back of the Council Chambers. Each speaker is allocated 3 minutes to speak. Speakers may not cede their time to others. If you have documents to present to the Commission, please provide a minimum of nine copies.
3. Documents associated with the agenda are on file and available for public review. Direct inquiries to: City of Shasta Lake Planning Division, 1650 Stanton Drive, Shasta Lake, CA 96019; **530.275.7460**. The agenda packet is also posted on the City's website: [www.cityofshastalake.org](http://www.cityofshastalake.org)
4. Commission actions on tentative maps, use permits, and variances are final unless appealed to the City Council. Appeals are subject to fees and filing deadlines. Forms and instructions for filing appeals are available from the Planning Division at the address above.
5. The Commission's action on General Plan Amendments and Zoning applications that are recommended for approval are automatically scheduled for a public hearing by the City Council. If the Commission denies the application, the application is not scheduled for City Council hearing unless an interested party files a written request for such consideration. Fees and filing information are available from the Planning Division.
6. Pursuant to Government Code §65009 (b)(2), a legal challenge in court to a land use action taken by the City may be limited to only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.



## SHASTA LAKE PLANNING COMMISSION MINUTES

**March 16, 2017**

### 1.0 CALL TO ORDER

- 1.1 **Chair Kirkland** stated for the record that Planning Commissioners Gracious Palmer, Heather Pearson, Kerry Jarvis and Darlene Brown were present. Darrel Walter and Cheri Harrison were absent.
- 1.2 **Commissioner Jarvis** led the Pledge of Allegiance

### 2.0 APPROVAL OF MINUTES/ MEETING STATUS

- 2.1 **A motion was made / seconded (Palmer / Jarvis) and passed** unanimously to approve the Minutes for the February 23, 2017 special meeting of the Shasta Lake Planning Commission.

### 3.0 REPORTS

- 3.1 Planning Commissioner's Comments / Correspondence  
NONE

#### 3.2 Development Services Director's Report

- 1) The Planning Commission stipend was approved by City Council at their last meeting and will be effective March 23, 2017.
- 2) There were two Planning Commissioners preferring not to receive the stipend.
- 3) Cheri Harrison has resigned from the Planning Commission. Tony Cota will be recommended to City Council for Planning Commissioner at the next Council meeting scheduled for March 21, 2017.
- 4) City Council did not approve and tabled the 2<sup>nd</sup> reading of NorCal Nectar's proposed zoning ordinance text amendment.
- 5) The plan for the new City Hall building remains as originally planned; as was forwarded to the Planning Commission January 19, 2017.
- 6) The City and SRTA are in contract with a consultant to get started on SRTA's On-Demand Sunday Transit and the City's Micro-Transit projects.
- 7) Mountain Properties could opt to implement their original 164-lot subdivision approval and Development Agreement of 2010. Currently, they have submitted a 44-lot proposal with septic systems.
- 8) A ten lot affordable housing subdivision is proposed on Black Canyon Road between Pensacola and Arrow Streets on a 2.2-acre property.
- 9) FEMA compliance audit approved by FEMA with one correction to our Municipal Code.

- 10) Dollar General submitted a preliminary proposal for a site on Shasta Dam Boulevard between Hardenbrook and Locust Avenues.
- 11) Disc golf course proposal to locate a course on the north side of SR 151, across from Bizz Johnson baseball fields.

#### **4.0 PUBLIC COMMENT PERIOD**

**NO PUBLIC COMMENT**

#### **5.0 UNFINISHED BUSINESS**

**NONE**

#### **6.0 PUBLIC HEARINGS**

**NONE**

#### **7.0 NEW BUSINESS**

##### **7.1 Code Enforcement Presentation by Building Official and Administrative Assistant**

**Building Official Steve Ayers** gave a Power Point presentation on the operations of code enforcement in the City of Shasta Lake which is incorporated by reference herein. Enforcement in the City is by complaint. He reviewed the various requirements to pursue compliance but noted that voluntary compliance is the goal of the department. He noted the need for repeated interaction both with the complaining party or the person(s) involved in the enforcement issue.

Among the issues presented and discussed were:

- Fire and flood damaged property
- Working without building permits
- Living in recreational vehicles not located in mobile home parks
- Trash and debris in exterior yards
- Attractive nuisances – unsecured appliances in yards
- Offensive odors
- Hoarding
- Pest infestation
- Zoning violations – including marijuana grows
- Transient occupation of unoccupied or abandoned residential or commercial property
- Abandoned vehicles – junk yards
- Living in a dwelling without required utilities
- Storm water run off
- Grading violations
- Too many yard/garage sales, improper placement of signage
- Street vendors
- Early contractor work start up times
- Dangerous or dead trees
- Code compliance inspections

- Failing and dangerous fences
- Substandard rental Units

**Commissioner Palmer** commented the City needs a full time Code Enforcement Officer in addition to the Building Official's position. Steve wears too many hats.

**Mr. Ayers** stated the Administrative Citation process will be a great help in obtaining compliance and in recovering some of the costs associated with code enforcement. The officer would start with a courtesy notice and continue through citations and possibly an Abatement Hearing.

**Director Farhad Mortazavi** informed the Commissioners the Administrative Citation process would be proposed to City Council first and the Camping Ordinance would follow.

**Commissioner Brown** asked if there was a budget for a Code Enforcement Officer. **Mr. Mortazavi** gave some particulars regarding funding for the position.

**Commissioner Palmer** thanked Mr. Mortazavi, Mr. Ayers, Ms. Israel, and Mrs. Castello for their work. She again stated it is critical that the City has a full time Code Enforcement Officer.

**Chair Kirkland** agreed with Commissioner Palmer; the City needs a full time Code Enforcement Officer. The marijuana tax should be enough to pay for that position. She also complimented Steve Ayers on his work, his ability to execute multiple jobs and his presentation to the Commission.

**Commissioner Palmer** asked what the Planning Commission could do to assist Mr. Ayers. **Mr. Mortazavi** replied the Commissioners could pass on to staff what they observe in the City.

**Chair Kirkland** inquired how many (code enforcement) cases were open and active. Mr. Ayers stated it would be difficult to determine because staff has not had sufficient time or personnel to close out cases which have been resolved.

**Commissioner Palmer** asked for an update on the Sioux property owned by former Planning Commissioner Duryee. **Senior Planner Debbie Israel** reported on the condition of the property and stated the cleanup has not been completed to the satisfaction of neither the County Environmental Health Department nor the City of Shasta Lake. No Parcel Map has been submitted for a final review.

**Commissioner Pearson** remarked on the need to raise public awareness of Code Enforcement issues. She asked if there were ride along opportunities for the general public. **Mr. Ayers** was not certain he could offer that and again it is a question of time and available personnel.

**Commissioner Palmer** suggested that all of the Commissioners should take advantage of the opportunity for a ride along with the Building Official.

**Commissioner Jarvis** thanked Mr. Ayers for his presentation.

**Commissioner Palmer** thanked Ms. Israel and Mrs. Castello for including Rosenberg's Rules of Order in the Commissioners' binders. She read there that a motion is needed to adjourn a meeting.

**Ms. Israel** pointed out Shasta Lake Municipal Code requires the use of Robert's Rules of Order and that is something we will address later this year. Staff will bring this back for the change to Rosenberg's rather than Robert's.

## **8.0 ADJOURNMENT**

**A motion to adjourn was made / seconded (Palmer / Pearson) and passed** unanimously at 7:52 P.M.

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**Farhad Mortazavi, APA**  
Development Services Director  
and Planning Commission Secretary

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**DATE**



## **CITY OF SHASTA LAKE**

### **PLANNING COMMISSION MEETING STAFF REPORT**

March 30, 2017

Staff: Farhad Mortazavi, Development Services  
Director

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<b>Project:</b>	Proposed Amendments to Shasta Lake Municipal Code Title 17 (Zoning) Amendments address commercial cannabis land-uses within the City zoning districts.
<b>File:</b>	Z -17-01
<b>Location:</b>	See Attached Map
<b>Applicant:</b>	City of Shasta Lake
<b>Significant/ Applicable Legal/ Authority:</b>	State Planning and Zoning Act (Government Code) California Environmental Quality Act (Public Resources Code)
<b>Environmental Determination:</b>	General Exemption from CEQA

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### **Background**

With the passage of the Medical Cannabis Regulatory Safety Act (MCRSA) legislation early in 2015, and the affirmative vote for the Adult Use of Marijuana Act (AUMA) on November 8, 2016, the City will be now be involved in local regulation and licensing for the activities referenced in the acts. Some cannabis regulations are currently in place for collectives/cooperatives and for personal cultivation.

To assist with complying with the passage of the new laws and regulations, the City retained SCI Consulting Group on December 20, 2016 to help in the development of a final comprehensive regulatory ordinance(s), cannabis tax measure (ballot initiative), and development of regulatory fees for cannabis monitoring and compliance.

Development Services staff has created the commercial cannabis land-use table to assist future related proposals. A copy of the table is in Attachment A, the proposed ordinance, to be reviewed and approved by the Planning Commission for recommendation to the City Council for final approval.

## **Proposal**

The proposal is to regulate the cultivation, distribution, dispensary/collective, manufacturing, nursery, testing, and transport of commercial cannabis in order to ensure the health, safety, and welfare of the residents of the City of Shasta Lake.

The Table defines where those uses may occur as either permitted uses or allowed with a conditional use permit.

It is common practice that land use designations within a Zoning district meet several tests:

1. That the land use is similar to and will not impact other uses already allowed within a zoning district; and
2. That if the proposed land use may impact land uses already permitted within the zoning district that there is consideration of the use as a conditionally permitted use ( CUP)

Zoning districts are constructed as a hierarchy both between zones and within a zoning district. So for example, industrial zoning districts contain heavier uses and uses that may have impacts not tolerated by any uses except those that are similar. The table follows that construction.

For all zoning districts not listed in the table in the ordinance, the proposed uses are not allowed.

## **Other issues**

### **Consistency findings/evidence**

#### 1. State Planning and Zoning Act

California's Government Code addresses the process for amendment to local zoning ordinances. The City's Municipal Code follows closely the requirements outlined in the Government Code for example review and recommendation by the Planning Commission, after conducting a Public Hearing, the proposal is to be forwarded to the City Council for their review and action. The City Council has two readings with a public hearing as part of the First Reading.

#### 2. California Environmental Quality Act (CEQA)

The proposed Ordinance has been reviewed by City staff in accordance with the Environmental Checklist Form to determine if there would be any possibility that the proposed ordinance would create any significant environmental impacts, and staff has determined that the establishment of regulations for indoor cannabis cultivation, dispensary/collective distribution manufacturing, testing, , and transportation commercial cannabis businesses does not meet any of the thresholds contained in the Checklist that would trigger a significant environmental impact, and thus according to the "general rule exemption" (Section 15061(b)(3) of the CEQA Guidelines - projects which have no potential

for causing a significant effect on the environment are not subject to CEQA. Thus, no further environmental analysis is required.

### 3. General Plan

The proposal is consistent with the City of Shasta Lake General Plan as the proposed ordinance will not require any amendment to and has no impact on the General Plan.

### 4. Municipal Code

The proposed text amendment follows the Municipal Code requirements for text amendments to the Zoning portion of the Code. The Planning Commission will consider the proposed amendments and then determine whether they want to recommend approval of the text amendments to the City Council. There is not anything in the Municipal Code generally that would preclude the proposed uses with regulation.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission review the attached Resolution and Attachment A with the Ordinance language proposed for City Council approval. The Commission should hear any comments during the Public Hearing and the Public Hearing closed before taking action on the proposed recommendation to the City Council.

The proposed text amendment as described in the attached Resolution and Ordinance (Attachment A) has been developed by City staff to closely meet the City's needs.

## **ATTACHMENTS**

Planning Commission Resolution  
Attachment A – Proposed Ordinance with Text Amendments  
Map of affected zones

# ATTACHMENT A

## ORDINANCE NO. 17 –

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHASTA LAKE AMENDING THE CITY OF SHASTA LAKE MUNICIPAL CODE TO ADD CHAPTER 17.10 TO REGULATE THE CULTIVATION, DISTRIBUTION ,DISPENSARY/COLLECTIVE, MANUFACTURING, NURSERY, TESTING AND TRANSPORT OF COMMERCIAL CANNABIS WITHIN THE CITY OF SHASTA LAKE'S ZONING DISTRICTS AND ESTABLISHING STANDARDS FOR THEIR USE**

**WHEREAS**, in 1996, the California electorate approved Proposition 215, the Compassionate Use Act of 1996, which allows a patient, with a doctor's recommendation, to use cannabis for medical purposes without the fear of prosecution or arrest; and

**WHEREAS**, in 2003, the California legislature passed Senate Bill 420 (Medical Marijuana Program Act) which amended the Health and Safety Code to permit the establishment of medical cannabis dispensaries for the distribution of cannabis for medical purposes; and

**WHEREAS**, in 2005 the California Board of Equalization began issuing seller's permits for sales consisting only of medical cannabis; and

**WHEREAS**, in 2008 the California Attorney General issued guidelines for the security and non-diversion of cannabis grown for medical use; and

**WHEREAS**, on October 11, 2015, the Governor signed into law Senate Bill 643, Assembly Bill 266, and Assembly Bill 243, collectively referred to as the Medical Marijuana Regulation and Safety Act ("MMRSA") further amended on June 27, 2016 as the Medical Cannabis Regulation and Safety Act ("MCRSA"), which established regulations and a state licensing system for medical cannabis cultivation, manufacturing, delivery, and dispensing; and

**WHEREAS**, the voters of the State of California approved and passed Proposition 64 also known as the Adult Use of Marijuana Act ("AUMA"); and

**WHEREAS**, Health & Safety Code Section 11362.83 provides that cities are free to adopt and enforce local ordinances that regulate the location, operation, or establishment of medical cannabis dispensaries and cultivation; and

**WHEREAS**, the City Council of the City of Shasta Lake intends that nothing in this Ordinance shall be deemed to conflict with federal law as contained in the Controlled Substances Act, nor to otherwise permit any activity that is prohibited under that Act or other applicable law; and

**WHEREAS**, after holding a public hearing, and reviewing the legal status of cannabis under applicable law, the City Council finds that the regulation of cannabis with respect to commercial, medical and recreational uses in dispensaries, distribution, indoor cultivation and nursery facilities, manufacturing facilities, testing facilities, and transportation facilities is necessary to protect the public

health, safety, and welfare by mitigating the adverse secondary effects from the operations of these uses on other land uses within the City; and

**WHEREAS**, the City of Shasta Lake has a compelling interest in ensuring that cannabis is not distributed in an illicit manner, in protecting the public health, safety and welfare of its residents and businesses, in preserving the peace and quiet of the neighborhoods in which these uses may operate, and in providing access to cannabis to residents; and

**WHEREAS**, the proposed Ordinance has been reviewed by City staff in accordance with the Environmental Checklist Form (Appendix G of the CEQA Guidelines) to determine if there would be any possibility that the proposed ordinance would create any significant environmental impacts, and City staff has determined that the establishment of regulations for indoor cannabis cultivation, dispensing, distribution, manufacturing, testing, and transportation and businesses does not meet any of the thresholds contained in the Checklist that would trigger a significant environmental impact, and thus according to the "general rule exemption" (Section 15061(b)(3) of the CEQA Guidelines, projects which have no potential for causing a significant effect on the environment are not subject to CEQA, no further environmental analysis is required for this ordinance; and

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

**SECTION 1:** Adopts Text Amendment Z-17-01 amending Title 17 of the Shasta Lake Municipal Code by adding Chapter 17.10 entitled "Cannabis Business Land Use Regulation" to read as follows:

#### **CHAPTER 17.10 CANNABIS BUSINESS LAND USE REGULATIONS**

Sections

##### **17.10.010 - Purpose.**

The purpose of this Chapter is to define where cannabis business as a land use can be located within the identified zoning districts as called out in the Land Use Table in Section 17.10.20. For zoning districts not called out in the table it shall be presumed that the business is expressly not permitted or allowed within that zoning district.

##### **17.10.15 - Intent**

The intent of this section shall be to insure that cannabis businesses are operated in such a manner as to insure the public health and safety of the residents and businesses of the City of Shasta Lake.

**17.10.020 – Land Use Table**

The Land Use Table shall be used to determine whether a cannabis business is permitted (P), not permitted (NP), or permitted with a Conditional Use Permit (CUP). If a Zoning District in Title 17 is not listed in the Land Use Table in this section then the use is

City of Shasta Lake Municipal Code – Zoning Chapter 17.10.20							
Use Type	Land Use Class.	Permit Required					
		R	VC /C-2	CM	ML	M	SGIP-PD/DR
Cultivator	Greenhouse, commercial - A	NP	NP	CUP	P	P	P
Cultivator	Greenhouse, commercial - B	NP	NP	CUP	P	P	P
Cultivator	Greenhouse, commercial - C	NP	NP	CUP	P	P	P
Dispensary/Collective	Retail/pharmaceutical	NP	P <sup>1</sup>	NP	NP	NP	NP
Distributor	Warehouse/distributor	NP	P <sup>2</sup>	CUP	P	P	P
Manufacturer	Manufacturing/processing (volatile)	NP	NP	NP	NP	NP	NP
Manufacturer	Manufacturing/processing (non-volatile)	NP	NP	CUP	CUP	P	P
Nursery	In Building (Retail)	NP	NP	P/CUP <sup>3</sup>	CUP	NP	NP
Testing	Laboratory (No Retail)	NP	CUP	CUP	P	P	P
Transporter	Freight / transport	NP	NP	CUP <sup>4</sup>	P	P	P

expressly not permitted.

**Footnotes**

- 1 – Three total collectives. Location determined by ordinance.
- 2 - Permitted use for distribution only. Must be less than 2000 sqft. and have no warehouse.
- 3 - Permitted use for buildings under 2,000 sqft. subject to CUP for buildings over 2000 sqft.
- 4 - CUP/for use on parcels no less than 2 acres

ZONING DISTRICTS	
R	Residential Zoning Districts
VC	Village Commercial
C-2	Community Commercial
CM	Commercial – Light Industrial
DR	Design Review
ML	Light Industrial
M	Industrial
SGIP-PD	Shasta Gateway Industrial Park – Planned Development

**17.10.030 - Definitions.**

The definitions listed here are applicable throughout the Municipal Code where cannabis is referenced. All definitions are intended to comply with those in the Shasta Lake Municipal Code, State regulations, Business and Professions Code, and in the California Health and Safety Code, and as they may be amended.

- A. **Accessory Building** means a detached building subordinate to and located on the same parcel as a residence, the use of which is incidental to that of the residence. Accessory building does not include any tent, trailer, recreational vehicle, or other vehicle, or any building designed or used for human habitation.
- B. **Applicant** shall mean a person who is required to file an application for a permit or license under this chapter.
- C. **Cannabis** "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin and as defined in Business and Professions code 19300.5(f). For purposes of this Section the terms Cannabis and Marijuana shall have the same meaning.
- D. **Cannabis Dispensary** – means a premise where cannabis, cannabis products, or devices for the use of non-medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers, pursuant to Section 19340, cannabis and cannabis products as part of a retail sale.
- E. **Cannabis Manufacturing Site** – means the premises that produces, prepares, propagates, or compounds manufactured cannabis or cannabis products, directly or indirectly, by non-volatile extraction methods, and is owned and operated by a licensee for these activities.
- F. **Cannabis Testing Facility** means a public or private laboratory licensed and certified, or approved by the Bureau of Cannabis Regulation or any other regulatory body controlling testing facilities, to conduct research and analyze cannabis, cannabis products, and cannabis concentrate for contaminants and potency.
- G. **Canopy** means the total combined canopy area for all locations on a property where medical marijuana is being cultivated, including indoor areas, outdoor areas, or a combination of both, as measured by the horizontal extent of the plant or combination of plants at the widest point and measured in a straight line.
- H. **Commercial Cannabis Business** includes cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, delivery, or sale of cannabis, medical cannabis or a cannabis or medical cannabis product, except as related Business and Professions Code Section 19319, and as it may be amended or Health and Safety Code Sections 11362.1 through 11362.45 and as they may be amended.

Ordinance No.17-

- I. **Cultivation and/or Cultivate** shall mean the planting, growing, harvesting, drying, processing, or storage of one or more cannabis plants or any part thereof and as defined in the MCRSA 19300.5(k) and or a cannabis nursery as defined in MCRSA 19300.5(ag).
- J. **Delivery** means the commercial transfer of cannabis or cannabis products to a customer. "Delivery" also includes the use by a retailer of any technology platform owned and controlled by the retailer, or independently licensed, that enables customers to arrange for or facilitate the commercial transfer by a licensed retailer of cannabis or cannabis products.
- K. **Distribution** means the procurement, sale, and transport of cannabis and cannabis products between licensed entities and as defined in the MCRSA 19300.5(p).
- L. **Distributor** means a person licensed to engage in the business of purchasing cannabis from a licensed cultivator, or cannabis products from a licensed manufacturer, for sale to a licensed dispensary and as defined in the MCRSA 19300.5(q).
- M. **Employee** shall mean any person (whether paid or unpaid) who provides regular labor or regular services for a cannabis business, including but not limited to the location of a cannabis dispensary business.
- N. **Indoor Cultivation Facility** shall mean a facility which is licensed by the City of Shasta Lake and the State of California for the growing of cannabis within an enclosed building for the purposes of wholesale of cannabis to cannabis manufacturing facilities or cannabis dispensaries and shall have the same meaning as defined in the MCRSA 19300.5(k).
- O. **Manager** shall mean an employee responsible for management and/or supervision of a cannabis dispensary business.
- P. **Mixed Light Cultivation Facility** cultivation using a combination of natural and supplemental artificial lighting at a maximum threshold in a permanent facility in compliance with the State Building Code as determined by the State licensing authority.
- Q. **Non-climbable Fence** means a fence with a smooth exterior surface that is not equipped with steps or other provisions for climbing.
- R. **Nursery** "Nursery" means a commercial cannabis licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the planting, propagation, and cultivation of cannabis.
- S. **Primary Caregiver** shall have the same meaning as set forth in Health and Safety Code section 11362.7(f).
- T. **Qualified Patient** shall have the same meaning as set forth in the Health and Safety Code section 11362.7(f).
- U. **School** means any public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.

V. **Transporter** means a person who holds a license by the Bureau of Cannabis Regulation to transport medical cannabis or medical cannabis products in an amount above a threshold determined by the bureau between licensees that have been issued a license pursuant to this chapter.

**17.10.040 – Development Standards**

Commercial cannabis businesses shall meet all of the standards for the Zoning District in which they are allowed and located. They shall meet the other development requirements as referenced in that zoning district and found elsewhere in the Municipal Code

**17.10.050 - Permits**

All commercial cannabis business allowed as shown in Section 17.10.20 are required to obtain a Business License as required by Title 5 - Business License and a Regulatory License as required by Chapter 8.06 - Commercial Cannabis Licenses and Standards.

**SECTION 3: Severability:** If any provision of this ordinance or the applications thereof to any person or circumstances is held invalid, the remainder of the ordinance and the applications of such provision will remain in effect to the extent permitted by law.

**SECTION 3: Effective Date:** This ordinance shall be effective thirty (30) days following its second reading and posting as provided for by City Code.

**I HEREBY CERTIFY** that the foregoing Ordinance was introduced and read at a regular meeting of the City Council of the City of Shasta Lake held on the 18<sup>th</sup> day of April 18, 2017 and was passed upon second reading at a regular meeting of the City Council of the City of Shasta Lake held on the \_\_\_\_ day of May, 2017.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_\_ day of May, 2017 by the following vote:

**AYES:**  
**NOES:**  
**ABSENT:**

\_\_\_\_\_  
**RICHARD KERN, Mayor**

**ATTEST:**

\_\_\_\_\_  
**TONI M. COATES, City Clerk**

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## RESOLUTION PC 17-01

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### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SHASTA LAKE RECOMMENDING TO THE CITY COUNCIL APPROVAL OF APPLICATION Z 17-01 AMENDING MUNICIPAL CODE TITLE 17 (ZONING), TO ADD CHAPTER 17.10 TO REGULATE THE CULTIVATION, DISTRIBUTION ,DISPENSARY/COLLECTIVE, MANUFACTURING, NURSERY, TESTING AND TRANSPORT OF COMMERCIAL CANNABIS WITHIN THE CITY OF SHASTA LAKE'S ZONING DISTRICTS AND ESTABLISHING STANDARDS FOR THEIR USE**

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**WHEREAS**, on October 11, 2015, the Governor signed into law Senate Bill 643, Assembly Bill 266, and Assembly Bill 243, collectively referred to as the Medical Marijuana Regulation and Safety Act ("MMRSA") further amended on June 27, 2016 as the Medical Cannabis Regulation and Safety Act ("MCRSA"), which established regulations and a state licensing system for medical cannabis cultivation, manufacturing, delivery, and dispensing; and

**WHEREAS**, the voters of the State of California approved and passed Proposition 64 also known as the Adult Use of Marijuana Act ("AUMA"); and

**WHEREAS**, Health & Safety Code Section 11362.83 provides that cities are free to adopt and enforce local ordinances that regulate the location, operation, or establishment of medical cannabis dispensaries and cultivation; and

**WHEREAS**, although the Appellate Court determined the issuance of permits was preempted by federal law, the Court did not conclude whether the sections of the ordinance establishing limitations and prohibiting certain conduct were preempted by federal law (e.g., limiting hours of operation, prohibiting a person under the age of 18 from being on the premises unless that person is a qualified patient accompanied by his/her physician, parent or guardian; prohibiting the use from permitting the consumption of alcohol on the property or in its parking area, etc.); and

**WHEREAS**, the City would retain the authority to determine the existence of a public nuisance for any issues that may arise with a cannabis business facility and could take action pursuant to Chapter 8.16 (Abatement of Dangerous Buildings, Substandard Buildings and Public Nuisances); and

**WHEREAS**, it is the City's intention that nothing in this Chapter shall be deemed to conflict with federal law as contained in the Controlled Substances Act, 21 U.S.C. Section 841, to otherwise allow any activity that is lawfully and constitutionally prohibited under that Act; and

**WHEREAS**, it is the City's intention that nothing in this Chapter shall be construed to (1) allow persons to engage in conduct that endangers others or causes a public nuisance; (2) allow the use of marijuana for nonmedical purposes; or (3) allow any activity relating to the manufacture or processing of marijuana that is otherwise illegal.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission of the City of Shasta Lake:

**SECTION 1: Makes the following findings:**

1. The proposed Text Amendment is consistent with the objectives, policies, general land uses, and programs of the City of Shasta Lake General Plan and Zoning section of the City of Shasta Lake Municipal Code.
2. Regulations and guidelines pertaining to commercial cannabis are needed to protect the public health, safety, and welfare of residents and business owners in the City of Shasta Lake. The establishment of commercial cannabis facilities without appropriate rules and regulations could result in the creation of negative secondary effects.
3. The proposed ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15070 (Title 14, of the California Code of Regulations) because it does not have the potential for resulting in physical change to the environment, directly or indirectly. Individual facilities which are required to have a Conditional Use Permit will have additional environmental review for the specific facility proposed.

**SECTION 2:** Recommends to City Council adoption of Z-17-01 amending Title 17 of the Shasta Lake Municipal Code as follows:

1. Addition of Chapter 17.10 entitled “Cannabis Business Land Use Regulation” as outlined in Attachment “A” to this Resolution.

**DULY PASSED AND ADOPTED** this 30<sup>th</sup> day of March 2017 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

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**Cherrel Kirkland, Chair**  
Planning Commission, City of Shasta Lake  
State of California

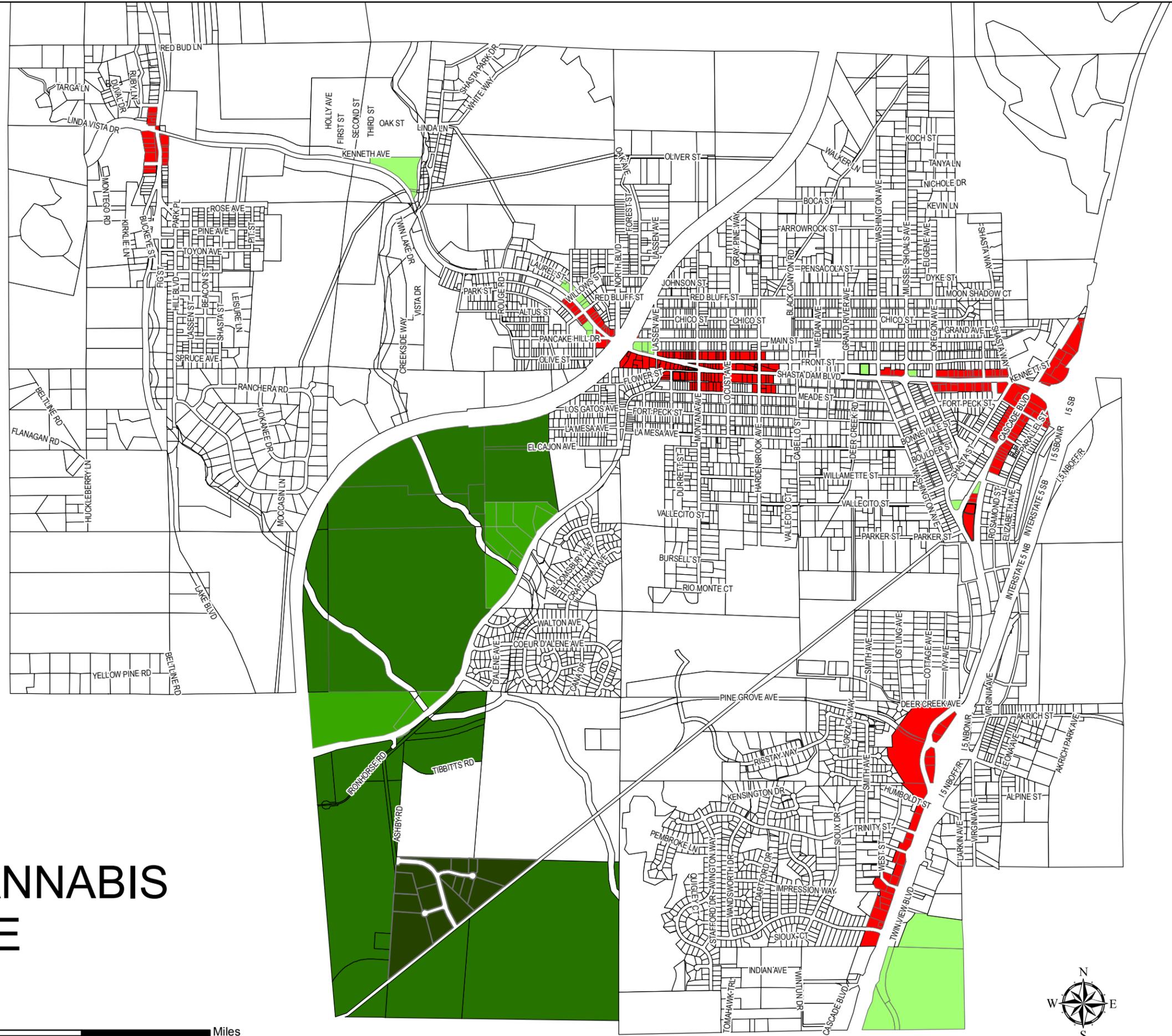
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**ATTEST:**

Farhad Mortazavi, APA  
Planning Commission Secretary

# Legend

-  VC / C-2
-  CM
-  ML
-  M
-  SGIP



# COMMERCIAL CANNABIS LAND-USE

