

ORDINANCE NO. CC-19-XX

AN ORDINANCE OF THE CITY COUNCIL OF CITY OF SHASTA LAKE APPROVING THE REVISION TO MUNICIPAL CODE TITLE 5 – BUSINESS LICENSES AND REGULATIONS, CHAPTER 5.05, RELATING TO COMMERCIAL CANNABIS IN THE CITY OF SHASTA LAKE

WHEREAS, the voters of California passed Proposition 64 entitled The Control, Regulate and Tax Adult Use of Marijuana Act (commonly known as Adult Use of Marijuana Act or AUMA) in November 2016; and

WHEREAS, AUMA legalized recreational marijuana use and personal cultivation; and

WHEREAS, the City adopted its commercial cannabis regulations in May 2017; and

WHEREAS, since the formal adopted of the City's ordinance, the State of California adopted their final regulations for cannabis businesses. These new regulations immediately took effect in January 2019, meaning the previous emergency regulations are no longer in effect;

WHEREAS, the City of Shasta Lake proposes to amend Municipal Code §5.05 to regulate commercial cannabis activities;

WHEREAS, the City Council conducted a first reading public hearing on September 3, 2019 and considered public testimony provided regarding the proposed amendments; and

WHEREAS, the City Council conducted a second reading on September 17, 2019 regarding the proposed amendments; and

WHEREAS, the revision of these regulations is consistent with the General Exception called out in §15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SHASTA LAKE DOES ORDAIN AS FOLLOWS:

SECTION 1: The City Council of the City of Shasta Lake makes the following findings:

- 1. Finds and determines the above recitals are true and correct and have served as the basis, in part, for the actions set forth herein.**
- 2. California Environmental Quality Act (CEQA)**

Finding: The proposed amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to the California Code of Regulations, Title 14, Chapter 3 (State CEQA Guidelines).

Evidence: The approval of these amendments does not approve any development project. Section 15061 (b)(3) Title 14 of the California Code of Regulations (the CEQA Guidelines) describes the General Rule that CEQA only applies to projects which "have the potential for causing a significant effect on the environment; where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

The approval of these amendments does not approve any specific development project. Rather, they clarify the requirements for new projects consistent with the direction of the General Plan. Each of these ordinance changes, individually and cumulatively, will not in and of themselves result in the possibility of creating significant or cumulative effects on the environment. Future development proposals which are affected by the proposed changes would be subject to CEQA where applicable, as those actions would be classified as “projects” under CEQA. Therefore, these changes are not subject to CEQA under the General Rule and no further environmental review is necessary.

3. General Plan Consistency – Municipal Code Amendments

Finding: The proposed amendments to Titles 5 of the Municipal Code are consistent with the General Plan goals, policies, and implementation programs.

Evidence: The proposed text amendments to Titles 5 of the Municipal Code are consistent with the General Plan as they do not alter the allowed intensity or density of development beyond that contemplated in the General Plan. The changes clarify the permit requirements, allowed use regulations, and development standards for various uses and activities.

SECTION 3: City Council hereby approves the following amendment to Shasta Lake MUNICIPAL CODE TITLE 5 CHAPTER 5.05 “REGULATION OF COMMERCIAL CANNABIS ACTIVITIES”

Recommends approval of the revisions as outlined in **Attachment A** as prepared for the project that will implement an Ordinance Amendment.

SECTION 4: 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 5: 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 September 3, 2019, and furthermore held the second reading on September 17, 2019.

PASSED, APPROVED, AND ADOPTED this 17th day of September, 2019 by the following vote:

AYES:

NOES:

ABSENT:

GREG WATKINS, Mayor

ATTEST:

TONI M. COATES, CMC, City Clerk

Exhibit A**PROPOSED AMENDMENTS**

Note to Reader: Proposed changes are in ~~strikeout~~/underline with proposed deletions shown in ~~strikeout~~ and additions shown in an underline.