

Mt. Shasta City Council Regular City Council Meeting Agenda

Mt. Shasta Community Center, 629 Alder Street
Monday, October 10, 2016; 5:30 p.m.

“Our mission is to maintain the character of our “small town” community while striking an appropriate balance between economic development and preservation of our quality of life. We help create a dynamic and vital City by providing quality, cost-effective municipal services and by forming partnerships with residents and organizations in the constant pursuit of excellence.”

Page	Item	STANDING AGENDA ITEMS
	1.	Call to Order and Flag Salute
	2.	Roll call
	3.	Special Presentations & Announcements: State Trends on Cannabis – Juliana Lucchesi, City Planner
	4.	<p>Public Comment: Welcome to our City Council meeting. The Council invites the public to address the Council on matters on the Consent Agenda and matters not listed on the agenda that are within the Council’s subject matter jurisdiction. If the Public wishes to comment on matters that are on the agenda, the Council will request comment when the matter is heard. The Council reserves the right to limit public comment on matters that are outside its subject matter jurisdiction.</p> <p>The City Council may regulate the total amount of time on particular issues and for speakers (typically 3 minutes). The Council may place additional time limits on comments, to ensure members of the public have an opportunity to speak and the Council is able to complete its business. A group may be asked to choose a spokesperson to address the Council on a subject matter, or the Council may limit the number of persons addressing the Council whenever a group of persons wishes to address the council on the same subject matter. Speakers may not cede their time to another.</p> <p>The Mayor manages the City Council meeting with a commitment to effective engagement while maintaining a positive, respectful decorum. The Mayor will typically start the Public Comment period sharing the following reminders relating decorum and Brown Act compliance efforts:</p> <ul style="list-style-type: none"> ✓ This is the time for the public to address the Council on matters on the Consent Agenda or matters NOT on the Council Agenda. This will be a comment period only. If the public wishes a response they may provide their contact information to the Deputy City Clerk. ✓ The Mayor will recognize each speaker in an orderly fashion. Most often, the Mayor will call the speakers whom have signed in first and shall then call for those who would like to address the Council but whom did not sign in by inviting them to come to the front of the room and wait to be recognized to speak. Once the speaker is recognized, the speaker will address the Council only and shall provide comment from the public microphone. Public Comment will typically not be taken from any person shouting from the audience. ✓ No heckling or shouting from the audience at a speaker shall be permitted. ✓ The City Council may ask “clarifying” questions only. Due to equity and Brown Act concerns, the Council will avoid engaging in dialogue or debate. ✓ If there is an item of great community significance/interest and is within the Council’s subject matter jurisdiction, the Council may request the item be agendized for further consideration at a subsequent Council meeting.

	5. Meeting Recess (As Necessary)
	6. Council and Staff Comments
	CITY COUNCIL BUSINESS
Page 5-16	<p>7. Consent Agenda - The City Manager recommends approval of the following Consent Agenda items. All Resolutions and Ordinances on this agenda, or added hereto, shall be introduced or adopted, as applicable, by title only, and the full reading thereof is hereby waived.</p> <ul style="list-style-type: none"> a. Approval of Minutes: September 29, 2016 Special City Council Meeting b. Acceptance of Brown Act Committee Minutes: Planning Commission August 2016 c. Approval of Disbursements: Accounts Payable 9/29/16 ; Total Gross Payroll and Taxes: For Period Ending 9/25/16. (Finance Director)
Page 17-39	<p>8. Public Hearing: Cannabis Dispensary Permit Denial Appeal</p> <p><u>Background:</u> The Applicants, Ali Taghaui and Jennifer Merritt, filed for the final available Medical Marijuana Dispensary permit at the proposed location of 320 N Mt. Shasta Blvd. The Administrative Review Committee denied the proposed location, which failed two of the three required findings.</p> <p><u>Report By:</u> Juliana Lucchesi, City Planner</p> <p><u>Recommended Council Action:</u> City Staff respectfully requests upholding the decision to deny the Medical Marijuana Dispensary Permit Application at 320 N Mt. Shasta Blvd.</p>
Page 40-57	<p>9. Public Hearing: First Reading of Ordinance Amending Mt. Shasta Municipal Code Section 18.96 allowing Medical Marijuana Dispensaries in the City Limits of Mt. Shasta</p> <p><u>Background:</u> The City of Mt. Shasta created a Medical Marijuana Dispensary Ordinance in 2005 to meet the demand for medical marijuana products under the Compassionate Care Act. Changes to state regulation of cannabis and City permitting processes have caused the Planning Department and Planning Commission to assess the ordinance for compliance and relevancy.</p> <p><u>Report By:</u> Juliana Lucchesi, City Planner</p> <p><u>Recommended Council Action:</u> Planning Commission and Planning Department respectfully request the City Council approved the 1st reading of the recommended amendments to Mt. Shasta Municipal Code Chapter 18.96.</p>

Page 58-67	<p>10. Public Hearing: For the Re-Zoning of 403 Orem Street, Mt. Shasta, CA 96067, APN 057-382-020</p> <p><u>Background:</u> The City of Mt. Shasta allows for individuals and organizations to rezone parcels throughout the city to meet the land owner’s needs and City initiatives. The rezoning application from R-1 to an R-1-U could allow for the creation of a future infill project.</p> <p><u>Report By:</u> Juliana Lucchesi, City Planner</p> <p><u>Recommended Council Action:</u> Planning Commission and Planning Department Staff respectfully request that the City Council approve the rezoning application for 403 Orem Street form an R-1 “Low Density Residential” to an R-1-U “Low Density Residential Urban”</p>
Page 68-72	<p>11. Community Building Use Agreement</p> <p><u>Background:</u> In July of this year the City of Mt. Shasta entered into negotiations with Siskiyou Lodge #297 regarding the cost, terms, and conditions of a use agreement between the two parties providing for the rental of the Community Building used for Council and Planning Commission Meetings.</p> <p><u>Report By:</u> Parish Cross, Chief of Police</p> <p><u>Recommended Council Action:</u> Staff recommends Council approve CCR-16-46 regarding Use Agreement between the City of Mt. Shasta and Masons Siskiyou Lodge #297 for the rental of the Community Center for Council Meetings.</p>
Page 73-74	<p>12. Temporary Adjustment to Authorized Positions at Police Department</p> <p><u>Background:</u> One of the officers of the police department has announced that he will be retiring in January of 2017. As a result of this announcement, the police department tested for new full-time officers during the past several weeks and have successfully chosen a replacement for the retiring officer.</p> <p><u>Report By:</u> Parish Cross, Chief of Police; Muriel Howarth-Terrell, Finance Director</p> <p><u>Recommended Council Action:</u> Staff is kindly requesting that Council approve the recommendation to temporarily adjust the authorized positions within the police department.</p>
CITY COUNCIL/STAFF REPORTING PERIOD	
	<p>13. Council Reports on Attendance at Appointed/Outside Meetings</p>
	<p>14. Future Agenda Items (Appearing on the agenda within 60-90 days):</p> <ul style="list-style-type: none"> a. Illegal Campfire Ordinance – 10/24/16 b. Landing Costs for Future Discussion with the County – 10/24/16 c. Review of CCO-98-05, Extraction and Exportation of Groundwater – 11/14/16 d. Presentation – Overview of the last four years – 11/14/16 e. Discussion Regarding Senate Bill 628 – 12/12/16 f. Possible Downtown Traffic Flow Changes/Request for Qualifications (RFQ) – TBD g. Orchard Property Annexation – TBD h. Smoking Limitations – TBD i. Purchase of Mini-Rescue and New Fire Chief’s Vehicle – TBD j. Crystal Geyser Industrial User Permit – TBD, Pending County CEQA
	<p>15. Closed Session: Pursuant to Government Code 54957.6 – Acting City Manager</p>

16. Adjourn

Availability of Public Records: All public records related to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at City Hall located at 305 North Mt. Shasta Blvd., Mt. Shasta, CA at the same time the public records are distributed or made available to the members of the legislative body. Agenda related writings or documents provided to a majority of the legislative body after distribution of the Agenda packet will be available for public review within a separate binder at City Hall at the same time as they are made available to the members of the legislative body.

The City of Mt. Shasta does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or provision of services. In compliance with the Americans with Disabilities Act, persons requiring accommodations for a disability at a public meeting should notify the City Clerk or Deputy City Clerk at least 48 hours prior to the meeting at (530) 926-7510 in order to allow the City sufficient time to make reasonable arrangements to accommodate participation in this meeting.

Mt. Shasta City Council Special City Council Meeting DRAFT Minutes

Mt. Shasta Community Center, 629 Alder Street
Thursday, September 29, 2016; 5:30 p.m.

“Our mission is to maintain the character of our “small town” community while striking an appropriate balance between economic development and preservation of our quality of life. We help create a dynamic and vital City by providing quality, cost-effective municipal services and by forming partnerships with residents and organizations in the constant pursuit of excellence.”

STANDING AGENDA ITEMS

1. Call to Order and Flag Salute: At the hour of 5:30 p.m. Mayor Jeffrey Collings called the meeting to order and led the audience in the Pledge of Allegiance.

2. Roll Call: Council Members Present: Morter, Burns, Stearns, Mayor Collings
Council Members Absent: Harkness

3. Special Presentations & Announcements: None

4. Public Comment: None

5. Meeting Recess: None

6. Council and Staff Comments:

Kathy Morter, Councilmember – Comments regarding City Manager goals and objectives, meeting with staff and community.

Tim Stearns, Councilmember – Reminder about League of Local Agencies meeting.

Mike Burns Sr., Councilmember – Reviewed date of next Local Transportation Commission. Councilmember Stearns to attend.

CITY COUNCIL BUSINESS

7. Consent Agenda:

COUNCIL ACTION: Approved the following Consent Agenda items. All Resolutions and Ordinances on this agenda, or added hereto, shall be introduced or adopted, as applicable, by title only, and the full reading thereof is hereby waived.

- a. Approval of Minutes: September 12, 2016 Regular City Council Meeting
- b. Acceptance of Brown Act Committee Minutes: Beautification Committee August 10, 2016; Active Transportation Committee September 2, 2016; Downtown Enhancement Advisory Committee July 13, 2016.
- c. Approval of Disbursements: Accounts Payable, 9/12/2016 and 9/14/2016; Total Gross Payroll and Taxes: For Period Ending 9/11/2016. (Finance Director)
- d. Monthly Financial/Investment Report August 2016 (Finance Director)
- e. Rescinding Resolution No. CCR-16-05 and authorizing the City Manager as the Authorized Representative for State Water Resources Control Board planning grant applications, Resolution No. CCR-16-40 (Rod Bryan, Public Works Director)

- f. Adopt Resolution CCR-16-41 Authorizing the City Manager to Sign and File a Financial Assistance Application for a Financing Agreement for the Planning and/or Design of Tank 1 and Roseburg Water System Improvement Project (Muriel Howarth-Terrell, Finance Director)
- g. Adopt Resolution CCR-16-42 Appointing Bruce Pope to the Position of City Manager and Approving Employment Agreement
- h. Approve the request to seek RFP's for new A/V and sound equipment
- i. Approve the transfer of \$75,000 from the General Fund into the Equipment Replacement Fund, Resolution CCR-16-45

MOTION TO APPROVE: Councilmember Stearns

SECOND: Councilmember Burns

AYES: Councilmembers Morter, Burns, Stearns, Mayor Collings

NOES: None

ABSENT: Councilmember Harkness

ABSTAIN: None

8. Council Approval of Resolution authorizing PACE to begin work on Clean Water State Revolving Fund Planning Grant activities

Rod Bryan, Public Works Director – Review of the item.

Clarifying questions from Council.

COUNCIL ACTION: Approve Resolution CCR-16-44

MOTION TO APPROVE: Councilmember Morter

SECOND: Councilmember Stearns

AYES: Councilmembers Morter, Burns, Stearns, Mayor Collings

NOES: None

ABSENT: Councilmember Harkness

ABSTAIN: None

9. Approve Art Agreement for Parker Plaza

Juliana Lucchesi, City Planner – Review of item.

COUNCIL ACTION: Approve Resolution CCR-16-43

MOTION TO APPROVE: Councilmember Morter

SECOND: Councilmember Burns

AYES: Councilmembers Morter, Burns, Stearns, Mayor Collings

NOES: None

ABSENT: Councilmember Harkness

ABSTAIN: None

10. State Trends on Cannabis

Tim Stearns, Councilmember – Requested tabling the item to a later date. Council agreed.

COUNCIL ACTION: Table the item to October 10 or later.

CITY COUNCIL/STAFF REPORTING PERIOD

<p>11. Council Reports on Attendance at Appointed/Outside Meetings: <u>Tim Stearns, Councilmember</u> – Review of manufacturing business careers pathway presentation. Downtown Enhancement Advisory Committee meeting review.</p>
<p>12. Future Agenda Items (Appearing on the agenda within 60-90 days): <u>COUNCIL ACTION:</u> Reviewed Items a through l.</p> <ul style="list-style-type: none">a. Cannabis Dispensary Ordinance – 10/10/16b. Community Building Use Agreement – 10/10/16c. Cannabis Dispensary Permit Denial Appeal, Public Hearing – 10/10/16d. Illegal Campfire Ordinance – 10/24/16e. Possible Downtown Traffic Flow Changes/Request for Qualifications (RFQ) – 10/24/16f. Landing Costs for Future Discussion with the County – 10/24/16g. Review of CCO-98-05, Extraction and Exportation of Groundwater – 11/14/16h. Discussion Regarding Senate Bill 628 – 12/12/16i. Orchard Property Annexation – TBDj. Smoking Limitations – TBDk. Purchase of Mini-Rescue and New Chief’s Vehicle – TBDl. Crystal Geyser Industrial User Permit – TBD, Pending County CEQA
<p>13. Adjourn: There being no further business, the meeting was adjourned at 6:05 p.m.</p>
<p>Respectfully Submitted by: Kathryn M. Wilson, Administrative Assistant/Deputy City Clerk</p>

Mt. Shasta City Council Regular Planning Commission Meeting Approved Minutes

Mt. Shasta Community Center, 629 Alder Street
Tuesday, August 16, 2016; 6:00 p.m.

“Our mission is to maintain the character of our “small town” community while striking an appropriate balance between economic development and preservation of our quality of life. We help create a dynamic and vital City by providing quality, cost-effective municipal services and by forming partnerships with residents and organizations in the constant pursuit of excellence.”

STANDING AGENDA ITEMS

- 1. Call to Order and Flag Salute:** At the hour of 6:00 p.m. Chair Higuera called the meeting to order and led the audience in the Pledge of Allegiance.
- 2. Roll Call:**
Commissioners Present: Commissioner Beck, Findling, Clure, Wagner, and Chair Higuera
Commissioners Excused: Commissioner Acord
Commissioners Absent: Commissioner Pardee
- 3. Approval of Minutes:** Tuesday, July 19, 2016 Planning Commission General Meeting Minutes
Moved to Approve – 1st Commissioner Wagner, 2nd – Commissioner Clure
AYE: Commissioners Beck, Clure, Wagner, and Chair Higuera
NO:
ABSTAIN: Commissioner Findling
- 4. Special Presentation:**
 - a. Alternative Energy in Mt. Shasta**
City Staff: Presentation on current alternative energy trends in the State of California and the current goals of the City of Mt. Shasta
- 5. Public Comment:**
Robert Kehr: Concern over the Animal Hospital fencing, dumpster orientation, and driveway conditions.
- 6. Consent Agenda:** N/A
- 7. Amendment of Municipal Code Chapter 18.96 “Medical Marijuana Dispensaries”**
City Staff: Presentation of amendments to the Chapter 18.96 and the staff recommendations in Planning Agenda Packet Tuesday, August 16, 2016
Commissioner Wagner: Discussion on buffer distances and business ability to apply for a dispensary permit
Commissioner Findling: Discussion on the meaning “Public facility” and amending wording to Public zoning
Commissioner Beck: Discussion on on-site cultivation in relation to the ability for dispensaries to do business. Also, discussion on removing the patient records requirement since the County does not offer a registration program.
City Staff: Discussion on City’s ability to enter dispensaries and audit financial records and sales
Commissioner Findling: Discussion on types of information that can be requested.
Commissioner Wagner: Discussion on ‘grandfathering’ process and existing permit locations.
Chair Higuera: Discussion on buffer distances favoring 250 foot buffer.
Commissioner Clure: Discussion on buffers at one uniform buffer.
Planning Commission: General consensus to create a buffer requirement of 250 buffer from all schools and parcels zoned “Public” under the City of Mt. Shasta Municipal Code.

Public Hearing:

Gina Munday: In favor for 500 foot buffer, but agrees that a buffer too large would not be good for business locations. Supports opening up more parcels for dispensary locations.

Action Taken: Consensus approval the first reading of the amendments to ordinance 18.96

8. Open Discussion: Alternative Energy Options for Mt. Shasta

City Staff: Discussion of Alternative Energy options

Commissioner Wagner: Discussion of current city and state incentives to finance alternative energy

Commissioner Findling: Discussion on how energy and affordable housing intersect. The City should be a source of promoting the energy initiatives.

Chair Higuera: Discussion on recycling program under the Energy section of the General Plan.

Action Taken: Recommend in the short-term to support marketing current programs, and in the long-term create an Energy Element for The City of Mt. Shasta General Plan.

AYE: Commissioner Clure, Commissioner Findling, Commissioner Wagner, and Chair Higuera

NO

ABSENT: Commissioner Acord and Commissioner Beck

City Staff will update on Recycling Programs at next meeting.

9. Commission and Staff Comments:

City Staff: Update on Noise Element Work Program

Commissioner Wagner: Discussion on trash in the creek near Rite Aid

Commissioner Findling: Discussion on Used Car Sales

10. Future Agenda Items – Future items are topics brought to the Planning Commission

from a public petition, city staff, Planning Commission member(s), and City Council for review and action. All dates refer to first introductions to the Planning Commission and can be altered due to time and priority level.

a. Rezoning Application – 9/20/2016

b. ~~Noise Ordinance – 10/18/2016~~ Continue at a later date after Noise Element Update

c. Smoking Limitations – ~~11/22/2016~~ 10/18/2016

d. Sign Ordinance – ~~11/22/2016~~ 10/18/2016

e. Lighting Ordinance – 12/20/2016

f. Broadband Plan – 12/20/2016

11. Adjourn: There being no further business, the meeting was adjourned at 7:18 p.m.

Respectfully Submitted by: Juliana Lucchesi, City Planner

City Council Agenda Item # 7c
Staff Report

Meeting Date: October 10, 2016
To: Mayor and City Council
From: Muriel Howarth Terrell, Finance Director
Subject: Approval of Warrants and Payroll

	Regular
x	Consent
	Closed
	Presentation

Recommendation:

Staff requests the Mayor and City Council Approve warrants paid including payroll benefits and withholding, and payroll distribution, in the amount of \$485,313.98.

Background & Summary:

Approval of Check Numbers 38701-38750	\$ 418,988.36
Total Payroll Distribution	\$ 48,191.26
Total Payroll Taxes	<u>\$ 18,134.36</u>
	\$ 341,176.77

Financial Impact:

Expenditures are consistent with the Budget that the City Council has adopted.

Compliance with 2014-17 City Council Strategic Plan:

The City Council’s leadership efforts to ensure adherence to the best possible financial practices and overall transparency falls under Strategic Focus IV – Grow Mt. Shasta Pride and Quality and the Municipal Responsibilities of Progressive Leadership and Financial Health and Economic Opportunity.

Attachments:

- 1.) Check Registers – 9/29/16
- 2.) ACH Payroll Distribution – 9/29/16
- 3.) EFTPS Reports – 10/4/16

Check Register Report

Date: 09/29/2016

Time: 12:04 pm

Page: 1

City of Mt. Shasta

BANK: TRI COUNTIES BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
TRI COUNTIES BANK Checks							
38701	09/29/2016	Printed		10140	AIELLO, GOODRICH & TEUSCHER	Audit services thru 08/01/16	3,800.00
38702	09/29/2016	Printed		10227	ALPINE ORIGINALS	Refund business license	116.66
38703	09/29/2016	Printed		10306	AMERICAN TRAFFIC SOLUTIONS	Refund duplicate citation pmt	20.00
38704	09/29/2016	Printed		10369	ARCSINE ENGINEERING	Aug 16 WWTP SCADA work	143.00
38705	09/29/2016	Printed		11140	BASIC LABORATORY INC.	Water lab services	993.40
38706	09/29/2016	Printed		11252	BLUE STAR GAS	Propane - Fire	86.14
38707	09/29/2016	Printed		11340	BROOKS COMPLETE AUTO REPAIR	New tires - PD #5	634.14
38708	09/29/2016	Printed		12115	CABITTOS SMALL ENGINE REPAIR	Chainsaw parts	77.37
38709	09/29/2016	Printed		12681	COMMUNITY STAFFING SOLUTIONS	Reimb credit card charges	123.01
38710	09/29/2016	Printed		12880	D-BEST JANITORIAL	Aug 16 cleaning services	550.00
38711	09/29/2016	Printed		14140	DON ERICKSON SHELL JOBBER	Heating fuel - City Hall	167.35
38712	09/29/2016	Printed		13232	CRAIG DOUGLAS	Security deposit - H Allen	2,000.00
38713	09/29/2016	Printed		16040	GENERAL PRODUCE	Fresh Produce Program	142.25
38714	09/29/2016	Printed		80060	DONALD J. GRAY	2016-17 PW clothing allowance	250.00
38715	09/29/2016	Printed		16180	GREAT NORTHERN CORPORATION	Aug 16 SD 13-CDBG-8934	2,388.09
38716	09/29/2016	Printed		16184	JENNIFER GREENE	Fresh Produce Program	382.50
38717	09/29/2016	Printed		28280	HUE & CRY SECURITY SYSTEMS INC	10/1/16-12/31/16 Library alarm	95.64
38718	09/29/2016	Printed		17155	HUNTER ORCHARDS	Fresh Produce Program	223.75
38719	09/29/2016	Printed		18063	INTERSTATE BATTERY	Batteries - PW #5	256.34
38720	09/29/2016	Printed		22140	KENNY, SNOWDEN & NORINE	Aug 16 MS vs Quail Hill Estate	8,958.98
38721	09/29/2016	Printed		22004	MARBLE MOUNTAIN FARM	Fresh Produce Program	202.50
38722	09/29/2016	Printed		22071	MENDES SUPPLY COMPANY	Library janitorial supplies	122.29
38723	09/29/2016	Printed		22371	MUSTARD PRESS INC	#10 envelopes with indicia	257.25
38724	09/29/2016	Printed		23052	NORTHLAND CABLE TELEVISION INC	Oct 16 CH PD internet	247.57
38725	09/29/2016	Printed		24003	KATE OBRIEN	Fresh Produce Program	276.50
38726	09/29/2016	Printed		25020	PACE CIVIL, INC.	Aug 16 Guardrail Project	52,398.56
38727	09/29/2016	Printed		25080	PACIFIC POWER & LIGHT	Aug 16 electric service	11,427.31
38728	09/29/2016	Printed		25120	PERSONNEL PREFERENCE INC	Credit Rpt/Live Scan-J Hembree	127.00
38729	09/29/2016	Printed		27023	RAMSHAW'S TOWING INC	Tow - PD #11	60.00
38730	09/29/2016	Printed		27040	RAY-MAC MECHANICAL INC	Metal fab - street lights	123.15
38731	09/29/2016	Printed		27057	REDDING FASTENERS INC	Rain gear - D Torres/C Hanson	475.18
38732	09/29/2016	Printed		27129	JUDITH RICE	Refund utility deposit	106.60
38733	09/29/2016	Printed		27107	RON'S FURNITURE & APPLIANCE	Refrigerator - PW	250.00
38734	09/29/2016	Printed		28380	SISKIYOU COUNTY PUBLIC HEALTH	2nd Hep Twin Rx shot-D Torres	82.00
38735	09/29/2016	Printed		28475	SISKIYOU FIRE EQUIPMENT	New fire extinguisher - PD	48.49
38736	09/29/2016	Printed		11380	SJ DENHAM-MT. SHASTA	Part MSFPD #4601	26.03
38737	09/29/2016	Printed		28595	JOHN SMITH SANITATION INC	Sep 16 dumpster rental	45.00
38738	09/29/2016	Printed		28680	SPORTSMEN'S DEN INC	Fire decal	19.40
38739	09/29/2016	Printed		28999	TASER TRAINING ACADEMY	Nov 16 training - C Stock	225.00
38740	09/29/2016	Printed		29140	TIMBERWORKS	Big Lakes Payment 4	299,378.61
38741	09/29/2016	Printed		31048	DAVID VOGT	Refund utility credit balance	23.95
Total Checks: 41						Checks Total (excluding void checks):	387,331.01
Total Payments: 41						Bank Total (excluding void checks):	387,331.01
Total Payments: 41						Grand Total (excluding void checks):	387,331.01

Check Register Report

Date: 09/29/2016

Time: 12:10 pm

Page: 1

City of Mt. Shasta

BANK: TRI COUNTIES BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
TRI COUNTIES BANK Checks							
38742	09/29/2016	Printed		12185	CALIFORNIA P.E.R.S.	09/29/16 Rate Plan 925	3,235.41
38743	09/29/2016	Printed		12185	CALIFORNIA P.E.R.S.	09/29/16 Rate Plan 926	958.68
38744	09/29/2016	Printed		12185	CALIFORNIA P.E.R.S.	09/29/16 Rate Plan 927	3,691.07
38745	09/29/2016	Printed		12185	CALIFORNIA P.E.R.S.	09/29/16 Rate Plan 27429	1,916.50
38746	09/29/2016	Printed		12185	CALIFORNIA P.E.R.S.	09/29/16 Rate Plan 25861	1,366.84
38747	09/29/2016	Printed		12185	CALIFORNIA P.E.R.S.	09/29/16 Rate Plan 25862	423.79
38748	09/29/2016	Printed		12640	COLONIAL LIFE & ACCIDENT INSUR	Oct 16 Life/Accident Insurance	546.60
38749	09/29/2016	Printed		13071	DELTA HEALTH SYSTEMS	Oct 16 Health Insurance	19,445.00
38750	09/29/2016	Printed		60250	JOE RESTINE	Reimb-hotel for bckgrd invest	73.45
				Total Checks: 9	Checks Total (excluding void checks):		31,657.34
				Total Payments: 9	Bank Total (excluding void checks):		31,657.34
				Total Payments: 9	Grand Total (excluding void checks):		31,657.34



Approval History

Select the appropriate criteria for the approvals you want to see and click Submit. When approvals display, click a batch ID for more detail.

Type:	Originator:	Approver:
All	All	All
From Initiated Date:	To Initiated Date:	<input type="button" value="Submit"/>
9/23/2016	9/28/2016	

Type	ID	Name	Initiated Date	Effective Date	Approval Expiration Date	Approval Action Date	Originator	Approver	Transfer From	Transfer To	Action	Amount
ACH PPD Credits (PPD, PPD+)	<u>166867</u>		9/28/2016	9/29/2016	9/28/2016	9/28/2016	Polk, Jodi	Howarth Terrell, Muriel	City of Mt Shasta		Approved	\$48,191.26

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FEDERAL PAYROLL TAX PAYMENT (EFTPS-941)

PAYROLL PERIOD ENDING: 09/25/16
 PAYROLL DATE: 09/29/16

ACCOUNT NAME:	ACCT.#	AMOUNT
SOCIAL SECURITY	11-000-2110	\$8,213.80
MEDICARE	11-000-2110	\$1,921.00
FED. WITHHOLDING	11-000-2120	\$5,941.71
TOTAL DEPOSIT:		\$16,076.51

EFTPS CONFIRMATION NO: 52666923

EFTPS BANK DEBIT DATE: 10/4/2016

APPROVED:

STATE PAYROLL TAX PAYMENT (EDD)

PAYROLL PERIOD ENDING: 09/25/16
 PAYROLL DATE: 09/29/16

ACCOUNT NAME:	ACCT.#	AMOUNT
STATE WITHHOLDING	11-000-2130	\$1,454.18
STATE DISABILITY INS	11-000-2140	\$393.21
TOTAL DEPOSIT:		\$1,847.39

EDD CONFIRMATION # (STATE): 384363

EDD CONFIRMATION # (SDI): 384371

EDD BANK DEBIT DATE: 10/4/2016

APPROVED:

STATE DISBURSEMENT UNIT - CHILD SUPPORT

PAYROLL PERIOD ENDING: 09/25/16
 PAYROLL DATE: 09/29/16

PARTICIPANT NUMBER	CASE NUMBER	AMOUNT
930000056061	0930073919-01	\$210.46

TOTAL DEPOSIT: \$210.46

SDU CONFIRMATION # : 7FOY09C6657

SDU BANK DEBIT DATE: 10/3/2016

APPROVED:

Planning Department Staff Report

October 10, 2016

Project Number: 2016.29
Project Title: Medical Dispensary Permit Application
Applicant: Ali Taghau and Jennifer Merritt
Type of Project: Dispensary Permit
Prepared by: Juliana Lucchesi, City Planner

The City Staff of the City of Mt. Shasta recommend upholding the decision to deny the Medical Marijuana Dispensary Permit Application for the location of 320 N Mt. Shasta Blvd.

Background:

The City of Mt. Shasta Municipal Code (MSMC) Chapter 18.96 “Medical Marijuana Dispensary” outlines the City’s process and findings regarding the allocation and regulation of dispensaries (Attachment 1). The ordinance was created in response to the changes in California medical marijuana legislation. The ordinance allows for three dispensary permits that can be attained through an application and administrative review process.

The permit application requires that all Applicants submit materials related to the proposed location, security plans, and Applicant background. Proposed locations are confined to C-1 “Downtown Commercial” and C-2 “General Commercial zone between Hinckley Avenue and Mountain View Drive. In addition to the zoning requirements, no dispensary location may be within 1000 feet of the following educational facilities:

- Mt. Shasta Elementary School
- Sisson Middle School
- Mt. Shasta High School
- Jefferson High School

Once an Applicant can prove that the proposed location meets the above criteria, they must post a “conspicuously” post notices on the location at least four weeks prior to the Administrative Review Committee receiving the application. The notice must indicate that the Applicant is filing for a Medical Marijuana permit and that copies of the application is available for review at City Hall (MSMC 18.96.050).

The Administrative Review Committee is a three member committee of City Staff. The City Planner, Policy Chief, and City Manager review the applications for the following findings:

- (A) The medical marijuana dispensary, as proposed and at the location specified in the application, will not create an adverse impact on surrounding uses; and
- (B) The medical marijuana dispensary, as proposed and at the location specified in the application, will be compatible with adjacent uses; and
- (C) The medical marijuana dispensary, as proposed and at the location specified in the application, will not result in the aggravation of crime problems in the area, nor will it make law enforcement unduly difficult. (MSMC 18.96.060)

The permit is granted if the application meets all three findings. A decision is mailed to the Applicant. Appeals can be made to the City Council if the Applicant or other party wishes to dispute the decision.

Project Application:

The project Applicants have applied for the final available permit to conduct business at 320 N Mt. Shasta Boulevard. The Applicant will provide medical cannabis and related products (Attachment 2). The building contains ample office, bathroom, and storage space. The application indicate no major changes will occur to the physical space; other than security installation.

The proposed location met the initial requires of C-1 zoning and not within 1000 feet of the indicated schools (Attachment 3). The proposed location abuts a jewelry store and restaurant space. The property owner of the proposed location endorsed the application.

Administrative Committee Discussion:

The Administrative Review Committee met September 8, 2016 to review the dispensary permit application. It was determined that the proposed location met the initial criteria of commercial zoning and outside of the 1000 foot buffer from the indicated schools. Upon further review of the required findings, the committee determined that finding “A” and “B” could not be made in favor of the Applicant based on the information presented.

The committee felt the first finding could not be made due to the current polarization of opinions on cannabis usage. Although cannabis has become more common for healthcare purposes, attitudes about cannabis usage are still polarized. The committee felt the introduction of a medical marijuana dispensary in the historic, downtown area would deter residents and visitors opposed to cannabis. The City has received a petition from downtown business owners in the past echoing the anti-cannabis sentiment (Attachment 4).

The Applicant did not place signs according to 18.96.050 (10) four weeks prior to the Administrative Committee's deliberation. The committee felt if the sign had been posted there could have been more public input related to the proposed location; either in favor or against the application. Due to the absence of other public input, the petition was used as the primary source of public attitudes toward cannabis in the downtown area.

The committee felt the second finding, finding “B”, could not be made because of the existing purpose of the downtown area. The purpose of the downtown area is for resident and visitor recreation. The committee felt a dispensary did not fit the retail and food services aspect of the downtown area. Both existing dispensaries are located further down the boulevard surrounded by similar healthcare, office, and professional services.

The singular finding that the committee could make was that the proposed location would not increase criminal activity or create a difficult enforcement environment for police. The committee determined, based on current dispensary activity, that the inclusion of a medical marijuana dispensary at the proposed location would not create more crime. The City has not received any complaints related to illegal activity at either existing dispensary.

Environmental Review:

The Medical Marijuana Dispensary Permit is not considered a “project” under the California Environmental Quality Act (CEQA). No further action is required.

Staff Recommendations:

The City Staff recommend upholding the decision to deny the Medical Marijuana Dispensary Permit Application for the location of 320 N Mt. Shasta Blvd.

Attachments:

- 1. Mt. Shasta Municipal Code Chapter 18.96 Medical Marijuana Dispensaries**
- 2. 2016.29 Application Material**
- 3. 2016.29 Dispensary Location Map**
- 4. Business Petition**

Chapter 18.96 MEDICAL MARIJUANA DISPENSARIES

Sections:

- [18.96.010](#) Purpose.
- [18.96.020](#) Definitions.
- [18.96.030](#) Location.
- [18.96.040](#) Number of dispensaries.
- [18.96.050](#) Medical marijuana dispensary administrative permit process.
- [18.96.060](#) Findings for issuance of a medical marijuana dispensary permit.
- [18.96.070](#) Conditions of operation.
- [18.96.080](#) Fees.
- [18.96.090](#) Violations.
- [18.96.100](#) Suspension and revocation – Appeal.
- [18.96.110](#) Existing dispensaries.
- [18.96.120](#) Severability.

18.96.010 Purpose.

The purpose of this chapter is to protect the public safety, health and welfare of the residents of Mt. Shasta by regulating the operation of medical marijuana dispensaries within City limits, to restrict the location of medical marijuana dispensaries to specific portions of commercial zones (C-1 and C-2), and to require dispensary operators to obtain an administrative permit prior to commencing operation. (Ord. CCO-10-04, 2010)

18.96.020 Definitions.

(A) Medical Marijuana Dispensary. A “medical marijuana dispensary” is a facility where marijuana is made available for medical purposes in accordance with Cal. Health and Safety Code § [11362.5](#) et seq. (Compassionate Use Act).

(B) Administrative Review Committee. The “Administrative Review Committee” is the committee that reviews dispensary permit applications submitted under this chapter, and consists of the Planning Director, Police Chief, and City Manager. (Ord. CCO-10-04, 2010)

18.96.030 Location.

(A) Medical marijuana dispensaries shall be permitted only in those portions of the C-1 and C-2 district located between Mountain View Drive and Hinckley Avenue.

(B) No medical marijuana dispensary shall be located within 1,000 feet of Mt. Shasta Elementary School, Sission Middle School, Mt. Shasta High School, or Jefferson High School.

(1) Distance shall be measured from the property line of the parcel containing the dispensary to the property line of the school, using the most direct vehicle or pedestrian route, whichever is shorter. (Ord. CCO-10-04, 2010)

18.96.040 Number of dispensaries.

No more than three medical marijuana dispensaries shall be permitted to operate within the City of Mt. Shasta at any one time. (Ord. CCO-10-04, 2010)

18.96.050 Medical marijuana dispensary administrative permit process.

(A) Prior to initiating operations, any person or entity wishing to operate a medical marijuana dispensary shall apply for and receive from the Planning Department a medical marijuana dispensary permit.

(B) The applicant for a medical marijuana dispensary permit shall submit to the Planning Department a permit application containing the information specified in subsection (C) of this section. Upon receipt of the application, the Planning Director shall review the application for completeness.

Applications that are deemed incomplete by the Planning Department shall be returned to the applicant within 15 days of receipt.

(C) An applicant for a dispensary permit shall provide the following information:

- (1) The full name, current residence address, and phone number of the applicant;
- (2) The address to which notice of action on the application is to be mailed;
- (3) Written proof that the applicant is over 18 years of age;
- (4) A map or diagram, to scale, demonstrating that the location is not within 1,000 feet of the named locations in MSMC [18.96.030](#);
- (5) Authorization for the City, its agents and employees to seek verification of the information contained within the application;
- (6) A statement in writing by the applicant that he or she certifies under penalty of perjury that all the information within the application is true, and that the applicant has read the California Attorney General's Guidelines and will comply with those guidelines;
- (7) Any information or evidence substantiating the required findings of fact for approval of the administrative permit;
- (8) Criminal Background. A background investigation verifying whether the person or persons having the management or supervision of the applicant's business has been convicted of a crime(s), the nature of such offense(s), and the sentence(s) received therefor;
- (9) Security Plans. A dispensary shall submit a plan demonstrating adequate security on the premises, as approved by the Chief of Police and reviewed by the Administrative Review Committee, including lighting and alarms, to ensure the safety of persons and to protect the premises from theft. Security plans submitted must include plans for a professionally monitored robbery and burglary alarm system and a plan for adequate maintenance of the installed system so as to ensure it is maintained and in working condition;
- (10) Each applicant shall conspicuously post notice or notices on the premises stating that there has been an application for a medical marijuana dispensary submitted to the City of Mt. Shasta at that particular site for at least four weeks prior to the Administrative Review Committee receiving the application, and that application files are available for review at City of Mt. Shasta, 305 North Mt. Shasta Boulevard, Mt. Shasta, California.

(D) Once an application is deemed complete, the Planning Director shall distribute the application materials to the Administrative Review Committee for review and decision. The Administrative Review Committee shall have 30 days to approve or deny the permit application. Application determinations shall be based on the findings of fact required by this chapter. Dispensary operators must also comply with the additional conditions of operations that are required by this chapter and will be contained in the permit.

(E) Once the Administrative Review Committee has made its decision on the application, the Planning Director shall mail a written notice of decision to the applicant by certified U.S. mail, postage prepaid, return receipt requested. An applicant aggrieved by the Administrative Review Committee's decision may appeal the decision to the City Council by filing a written notice with the City Clerk within 10 business days of receipt of the Planning Director's notice of decision. If an appeal is not taken within that time period, the decision shall be final.

(F) If a request for an appeal to the City Council is received within the applicable time period, the appeal shall be scheduled by the City Clerk for a public hearing within 45 days of receipt of the request. Public notice of the hearing shall be given pursuant to Cal. Gov't Code § [65091](#). (Ord. CCO-10-04, 2010)

18.96.060 Findings for issuance of a medical marijuana dispensary permit.

A permit to operate a medical marijuana dispensary shall be granted only if the Administrative Review Committee makes all the following findings of fact:

(A) The medical marijuana dispensary, as proposed and at the location specified in the application, will not create an adverse impact on surrounding uses; and

(B) The medical marijuana dispensary, as proposed and at the location specified in the application, will be compatible with adjacent uses; and

(C) The medical marijuana dispensary, as proposed and at the location specified in the application, will not result in the aggravation of crime problems in the area, nor will it make law enforcement unduly difficult. (Ord. CCO-10-04, 2010)

18.96.070 Conditions of operation.

A medical marijuana dispensary, once permitted by the City, shall meet the following conditions for the duration of its operation:

(A) The use shall be conducted in strict compliance with the provisions of the Compassionate Use Act (Cal. Health and Safety Code § [11362.5](#) et seq.).

(B) Consumption of any medical marijuana or medical marijuana product (including smoking) or ingestion is prohibited in, on, or adjacent to the permitted premises.

(C) All employees of the dispensary must be 18 years of age or older.

(D) No persons under the age of 18 shall be permitted in the dispensary at any time. The building entrance shall be clearly and legibly posted with a notice indicating that persons under the age of 18 are precluded from entering the premises.

(E) On-site cultivation of mature medical marijuana is not permitted at any dispensary location, with the exception of small immature cuttings, starts, or clones.

(F) No retail sales of any products other than medical marijuana or medical marijuana related products are permitted at the dispensary.

(G) The property owner and/or operator shall be required to report any illegal activity occurring on the site, or associated with the dispensary, to the Mt. Shasta Police Department.

(H) Sale of food products containing medical marijuana is prohibited unless the dispensary is in compliance with applicable Siskiyou County health regulations.

(I) The medical marijuana dispensary shall be open for business only between the hours of 9:00 a.m. and 8:00 p.m. Sunday through Saturday.

(J) All medical marijuana transactions shall occur at the dispensary, and medical marijuana products shall be dispensed directly to the patient or designated caregiver. No owner, operator, employee, or volunteer may provide any product to any patient or designated caregiver at any location other than inside the dispensary building. No delivery services shall be permitted within the City limits.

(K) The permittee shall assume all legal responsibility and liability associated with the operation of the dispensary.

(L) A representative of the City has the right to enter the premises to audit the medical marijuana dispensary financial records, after notice to the owner or operator of not less than five business days. Financial records include, but are not limited to, income statements and balance sheets. Other information to be provided on request may include but not be limited to total pounds grown, total pounds purchased (identification card number or membership number as defined below), total pounds sold, and existing inventory.

(M) Patient Records. A dispensary shall maintain records of all patients and primary caregivers using only the identification card number issued by the County, or its agent, pursuant to Cal. Health and Safety Code § [11362.71](#) et seq., as a protection of the confidentiality of the cardholders. All patient and doctor confidentiality shall be upheld and preserved.

(N) All signage shall be in accordance with the City of Mt. Shasta sign ordinance.

(O) A dispensary shall maintain a general City of Mt. Shasta business license as a prerequisite to obtaining a permit pursuant to the terms hereof.

(P) Each dispensary shall display a sign at its entrance, in a legible and visible manner, conveying the following information:

- (1) Days and hours of operation.
- (2) Emergency contact information.
- (3) Notice that persons under the age of 18 are not allowed in the dispensary.
- (4) Notice that all illegal activity shall be reported to law enforcement authorities.

(Q) Each dispensary shall post on site a notice that smoking or other methods of consumption of medical marijuana is prohibited in, on, or in the vicinity of the dispensary.

(R) Each medical marijuana dispensary shall display at all times during business hours the permit issued pursuant to the provisions of this chapter in a conspicuous place so that it may be readily seen by all persons entering the business. (Ord. CCO-10-04, 2010)

18.96.080 Fees.

The City Council may, by resolution, impose such reasonable fees on both the application for, and the issuance of, a permit to operate a medical marijuana dispensary. The amount of the fee shall be commensurate with the City's cost to administer and implement the provisions of this chapter. (Ord. CCO-10-04, 2010)

18.96.090 Violations.

Violations of the terms and conditions of the dispensary permit, of this code, or of applicable local and State laws and regulations shall be grounds for suspension or revocation of the permit by the City Manager, and subject to the appeal rights set forth in MSMC [18.96.100](#). (Ord. CCO-10-04, 2010)

18.96.100 Suspension and revocation – Appeal.

Any permittee aggrieved by the decision of the City Manager to suspend or revoke a permit may, within 10 calendar days of the issuance of the decision, appeal to the City Council by filing a written notice with the City Clerk. During the pendency of the appeal to the Council, the permit shall remain in effect. If an appeal is not filed within the 10-day period, the decision of the City shall be final. If an appeal is filed in a timely manner, the Council shall, within 45 days of the filing of the appeal, hold an appeal hearing. The Council may uphold the suspension or revocation of the permit if it finds that the permittee is in violation of the terms and conditions of the permit or other applicable law or regulation. The Council's decision shall be final. (Ord. CCO-10-04, 2010)

18.96.110 Existing dispensaries.

Dispensaries licensed to do business in the City of Mt. Shasta prior to the enactment of the ordinance codified in this chapter shall have 180 days from its final adoption to apply for and receive a medical marijuana dispensary permit pursuant to this chapter in order to remain in operation. (Ord. CCO-10-04, 2010)

18.96.120 Severability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter; and the City Council of the City of Mt. Shasta hereby declares that it would have passed this chapter and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that

any one or more of the sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. Provided further, that if any provision of this chapter or its application to any person or circumstance is held invalid, said chapter or the application of said provisions to other persons or circumstances shall not be affected thereby. (Ord. CCO-10-04, 2010)

**The Mt. Shasta Municipal Code is current through Ordinance
CCO-16-01, passed February 22, 2016.**

Disclaimer: The City Clerk's Office has the official version of the Mt. Shasta Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: www.mtshastaca.gov
(<http://www.mtshastaca.gov/>)
City Telephone: (530) 926-7510
Code Publishing Company
(<http://www.codepublishing.com/>)

**CITY OF MT. SHASTA
 PLANNING DEPARTMENT
 305 N. MT. SHASTA BOULEVARD
 MT. SHASTA, CALIFORNIA 96067
 (530) 926-7510**

APN _____

PROJECT NO. _____

**GENERAL APPLICATION
 (Print or Type in Black Ink Only)**

- Conditional Use Permit - \$480
- Variance - \$580
- Subdivision (4 or Less) - \$650 + Time/Materials
- Subdivision (5 or More) - \$300 + \$150 per parcel
- Pre-zoning / Rezoning - \$425
- General Plan Amendment - \$580
- Home Occupation – Administrative - \$80
- Home Occupation - \$345
- Other _____ \$100 + Time/Materials

- Annexation - \$750 (5 Acres or Less)
- Annexation - \$1,200 (More than 5 Acres)
- Lot Line Adjustment - \$150
- Optional Design - \$180
- Architectural / Design - \$325
- Sign – Administrative - \$55
- Sign - \$245
- _____ (If not listed, check with
 Planning Department for current description and fee.)

PAID
 AUG 26 2016
 38934
 CITY OF MT. SHASTA

In addition to the above fees, applicants shall be required to reimburse the City of Mt. Shasta for any additional costs of issuing permit, including but not limited to, extraordinary fees for legal counsel and/or consultant costs.

PLANNING DEPARTMENT

CASHIER

 _____ Application Received
 _____ Accepted as Complete
 _____ Received By

 _____ Application Fee
 _____ Receipt Number
 _____ Received By

APPLICANT:

NAME: Ali Taghavi and Jennifer Merritt
 ADDRESS: 101 Savage Creek Rd
 CITY, STATE, ZIP: Grants Pass OR 97537
 TELEPHONE / FAX #: 949 212 0055

OWNER:

NAME: _____
 ADDRESS: _____
 CITY, STATE, ZIP: _____
 TELEPHONE / FAX #: _____

REPRESENTATIVE:

NAME: _____
 ADDRESS: _____
 CITY, STATE, ZIP: _____
 TELEPHONE / FAX #: _____

CITY OF MT. SHASTA
PLANNING DEPARTMENT
305 N. MT. SHASTA BOULEVARD
MT. SHASTA, CALIFORNIA 96067
(530) 926-7510

PROJECT DESCRIPTION

PROJECT NAME:

Elevate mt Shasta

SITE ADDRESS:

320 N. mt shasta Blvd, 96067

ASSESSOR'S PARCEL #:

057 - 212 - 180

Describe in detail your proposed project, including all proposed uses, special materials, special fixtures or appliances, and any grading and/or construction that must be completed to establish your project. Refer to project guideline for specific submittal requirements. (Attach additional sheets, if necessary.)

we will be providing medical Cannabis and related products. Our business will only require cosmetic changes. We will maintain an attractive, clean and safe storefront. We will need no special building permits.

We will have internet accessible camera system with backup stored offsite. We will follow all city, county and state regulations regarding providing a secure store and environment for both customers and the township of mt shasta. Greater detail can and will be provided as approved.

**CITY OF MT. SHASTA
 PLANNING DEPARTMENT
 305 N. MT. SHASTA BOULEVARD
 MT. SHASTA, CALIFORNIA 96067
 (530) 926-7510**

PROPERTY OWNER SIGNATURE REQUIREMENT

I hereby certify that the facts, statements, and information presented within this application are true and correct to the best of my knowledge and belief. I hereby understand and certify that any misrepresentation or omissions of any information required in this application form may result in my application being delayed or not approved by the City of Mt. Shasta. I hereby certify that I have read and fully understand all the information required in this application form.

By signing this application, I (we) hereby authorize city, county, state and federal agencies, requested to review this application, to enter my property for the purpose of reviewing and commenting on this application. The authorization is valid from the date of filing this application until the city formally acts to approve or deny this project.

 Signature *J Thomas*

 Printed Name *Jon Thomas*

 Address *320 + 322 N Mt Shasta Blvd*

 City/State/Zip *Mt Shasta CA 96067*

 Date *8-26-2016*

 Signature

 Printed Name

 Address

 City/State/Zip

 Date

 Signature

 Printed Name

 Address

 City/State/Zip

 Date

 Signature

 Printed Name

 Address

 City/State/Zip

 Date

INDEMNITY AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, 20____, between the City of Mt. Shasta, a municipal corporation existing under the Constitution of the State of California (“City”), and _____, [description of applicant, individual, or as organized, e.g., partnership, corporation, etc.] (“Applicant”).

WHEREAS, Applicant has applied to the City for _____ [zoning change, General Plan amendment, use permit], as further described: _____ hereinafter known as the “Project” and more fully described as: _____;

WHEREAS, Applicant has requested City to accept the application for the Project and to review, consider and approve the Project and to conduct environmental review and to make findings as required by the California Environmental Quality Act (CEQA); and

WHEREAS, the parties agree that it is in the best interest of Applicant and City to indemnify and hold harmless City from any and all damage, liability or loss, or claim of damage, liability or loss, connected with or arising out of the approval of the Project or any action taken or decision made by City approving the Project, supplementing the Project, placing conditions on the Project and any decision, determination or finding made concerning CEQA;

NOW, THEREFORE, in consideration of the recitals set forth above and the terms and conditions discussed below, the parties mutually agree as follows:

1. Applicant, and each of them, shall defend, indemnify and hold harmless City and its officers, agents and employees from any claim, action or proceeding hereinafter collectively known as “Action” against City, its officers, agents and employees to attack, set aside, void, annul, modify, or in any way challenge any decisions, findings, determinations, or approval made by City relating to the Project, or to impose personal liability against any agents, officers or employees of City resulting from their involvement in the Project, including any claim for private Attorney General fees claimed by or awarded to any party from the City as a result of any challenge to the Project or any action or challenge resulting from use, operation or maintenance of the Project.
2. Applicant shall reimburse City for any costs, including but not limited to attorney’s fees, consultants costs and litigation expenses incurred by City in defense of any action.
3. Applicant shall indemnify and hold harmless City from any award against the City for attorney’s fees, costs or damages arising out of or related to the City’s approval of the Project or Applicant’s operation or maintenance of the Project.

INDEMNITY AGREEMENT (Continued)

4. City shall promptly notify Applicant of any action and shall provide reasonable cooperation with Applicant in fulfillment of Applicant's obligations and responsibilities set forth herein.

5. City, at its sole discretion, may elect to participate independently in the defense of any such action and Applicant will continue to be responsible to reimburse City's expenses. In that case, City shall make independent decisions concerning a defense of its actions and shall make good faith efforts of keeping expenses and costs associated with the defense reasonable. City will, nevertheless, cooperate with Applicant and Applicant shall cooperate with City.

6. If the City enters into a settlement agreement, Applicant shall not be required to pay or perform any settlement unless the settlement is approved by Applicant, which approval shall not be unreasonably withheld.

7. Applicant shall, before hiring counsel to defend any action, consult with City concerning the qualifications and experience of any counsel to be retained. The City will have the right to approve the attorney hired. The approval shall not be unreasonably withheld.

8. All notices under this Agreement shall be sent by certified or registered mail addressed as follows:

To Applicant:

To City:

9. This Agreement represents a full and complete understanding between the parties regarding the matters discussed herein.

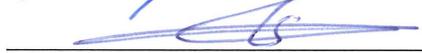
IN WITNESS WHEREOF the parties hereto caused this Agreement to be executed on the date set forth below.

Dated: 8/26/16



CITY OF MT. SHASTA

Dated: 8-26-16



APPLICANT

Site Plan 320 N. Mt Shasta BLV



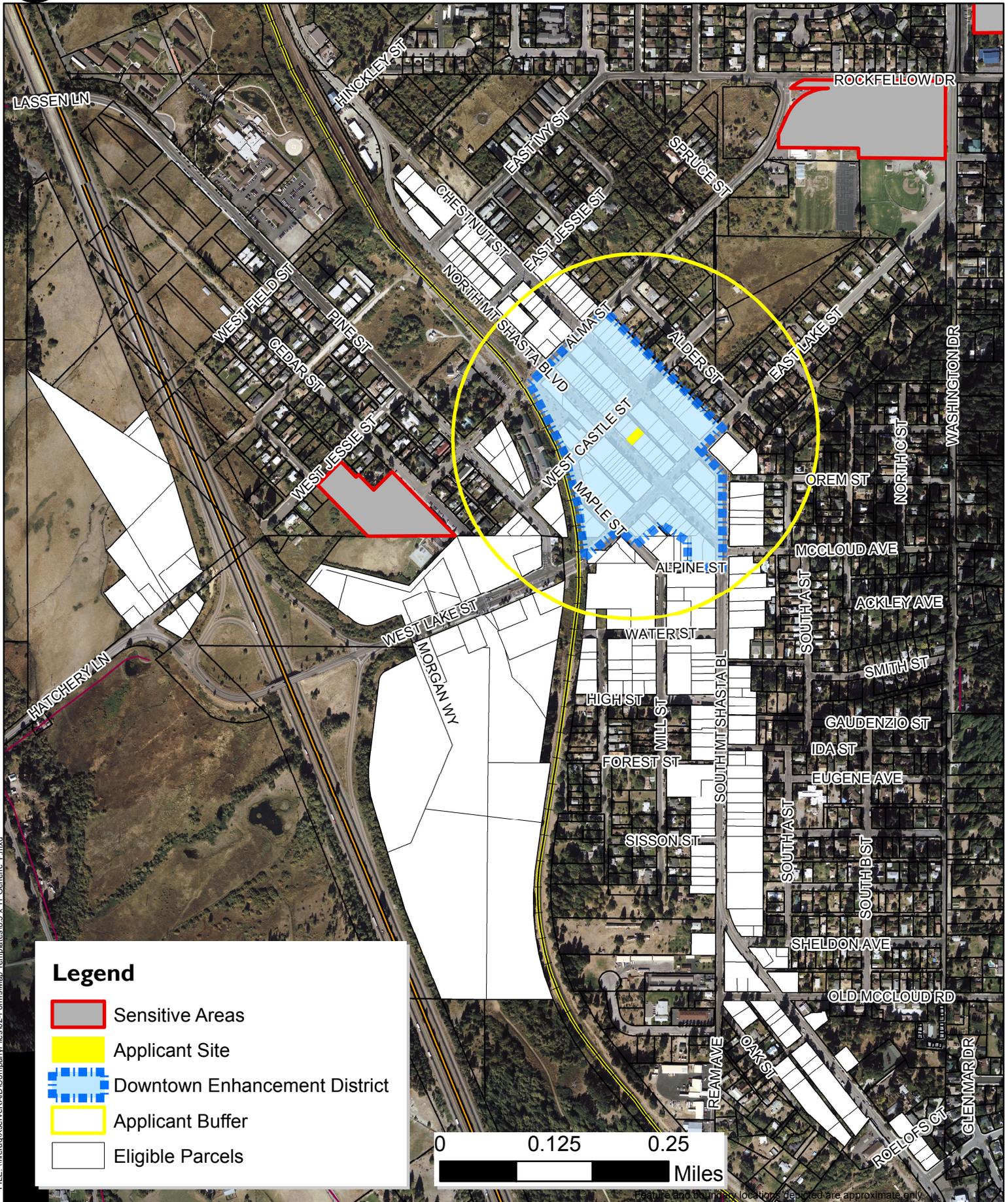
Juliana Lucchesi

From: Ali Taghavi <aztecfarming@gmail.com>
Sent: Friday, September 02, 2016 11:15 AM
To: Juliana Lucchesi
Subject: Security System

Hi this is Ali Taghavi, Wanted to give you more information about our Security.
We will be working with HUE & CRY Security System CO.
We will be using HIKvision Model DS-2cD4132FWD-IZ .
It's a 2.8 to 12mm with 2048/1536 image resolution and Triple streaming capabilities plus night vision. This system is used in banks and Police departments. Please let me know if you would like more information, Thanks again for your time.
Ali Taghavi
949 212 0055



Medical Marijuana Dispensary Applicant (2016.29)



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Feature and boundary locations depicted are approximate only.

March 28 Eckert

We the local Business owners in Mt. Shasta request that a city ordinance be established that would prohibit Marijuana stores and the selling of related products from opening on the down town main street of Mt. Shasta (from Alma St. to Alpine St.) If allowed, we feel the marijuana industry will have a negative impact on our city by an increase of the crime rate, loitering, panhandling, odor, and an overall bad image affecting our tourist base.

1. Bruce Catlin SOUL CONNECTIONS OWNER
2. ~~Bob~~ ~~ACE HARDWARE~~
3. ~~Andrew~~ Andrew Bettinger (owner)
4. Richard Penn Suzies Owner
5. Don Volf Halfords
6. Steve Pignoni
7. Don Pignoni
8. Dorcas Aalto A.G.T.
9. Bryan Lead Exquisite Jewelry
10. Callie Pearson The Shirt Gallery
11. Pam Cabitto Studio B
12. JAMES HAULICE LANGUAGE QUEST
13. Brenda Floyd - Studio B
14. Melissa Harris - Cloud City Vape Co.
15. J-M BURGER EXPRESS

Elevate
Alternative Wellness
Cannabis permit application

Dear City Council and Planning Department,

Thank you for giving us the opportunity to share our vision for the proposed cannabis permit.

More and more studies are showing cannabis as a safe alternative to many prescription drugs. This alternative medicine is used by members of society from all social and economic backgrounds. We would like to create safe access to a safe plant based medicine for all medical card holders and for all over 21 as the law allows. We understand the aesthetic and safety concerns of the city and we would address these concerns with a discreet storefront with a high end art gallery style waiting area visible from the windows. No cannabis or related products or branding (outside the minimum necessary to convey the business name and type) will be visible to the public. The word marijuana and cannabis leaves will not be used. We would upgrade the building with new flooring and paint as well as divide the space into rooms with doors accessed with ID. A separate room in the rear of the store would house the cannabis and a limited supply of related products. Our products would be organic and geared toward a health conscious consumer that is looking for a safe comfortable space to shop and pick up high quality, licensed and certified medicine. We feel it is a benefit to be near the police station as it creates an open atmosphere that provides safety for all. As recreational laws pass this will bring additional tourists and tax dollars to the area and also further destigmatize this widely consumed product. This service would not compete with other existing stores on the street such as cafés, crystal shops or gift retail such as jewelry or clothing stores. An empty storefront is negative for downtown image. 4 stores are closing in close proximity of each other on the same side of this street. Empty buildings suggest economic downturn to visitors and negatively impact all businesses. Our landlord would also be our neighbor and is positive about having this type of permitted business next to his high end jewelry store. It is our understanding that the neighbor on the opposite side will be having a full service cafe serving beer and wine. We are a good candidate for this permit because we have knowledge of the current and upcoming laws and regulations and respect for the permitting system. We have been active in the food processing and farming industries in California the past 4 years and successfully held permits with the state and county health departments, county agriculture department and city zoning and licensing departments for food growing, processing and selling. We also have a strong understanding of display and sales and gallery management so we have the background to create a space that fits and uplifts the downtown. We have been studying all the laws related to cannabis in California. In addition we have been educating ourselves on the recreational process as it unfolds in Oregon and other states and have attended all the classes including the tracking software classes. We intend to follow the recreational tracking requirements from the beginning and track seed to sale. We have extensive knowledge of cannabis strains and extracts so we are able to ensure quality and purchase only from licensed growers and processors. We will be installing top of the line Hue and Cry Security System with the latest technology available.

We feel this location is positive for many reasons including:

- It is inside the current zoning for this type of business and meets the required setbacks
- Wheelchair accessible
- Provides safe access and environment for both public and employees
- Access to natural pain management
- Additional tax revenue for the city of Mt Shasta
- Healthier than alcohol and tobacco which are both available in this downtown area
- Attracts tourism
- Geared towards an older patient looking for safe access and quality
- Provides an additional choice for patients
- Does not compete with existing businesses and services in the immediate area
- Used for serious medical conditions like epilepsy, inflammation, cancer, depression and PTSD
- We will be bringing investment capital to Mt Shasta and also providing quality jobs with living wage pay for local citizens

We are asking for a one year conditional use permit to ensure that we will create a positive impact on the downtown and the Mt. Shasta community. We have relocated to Mt Shasta permanently and we are looking forward to making a positive contribution. We appreciate your time and consideration.

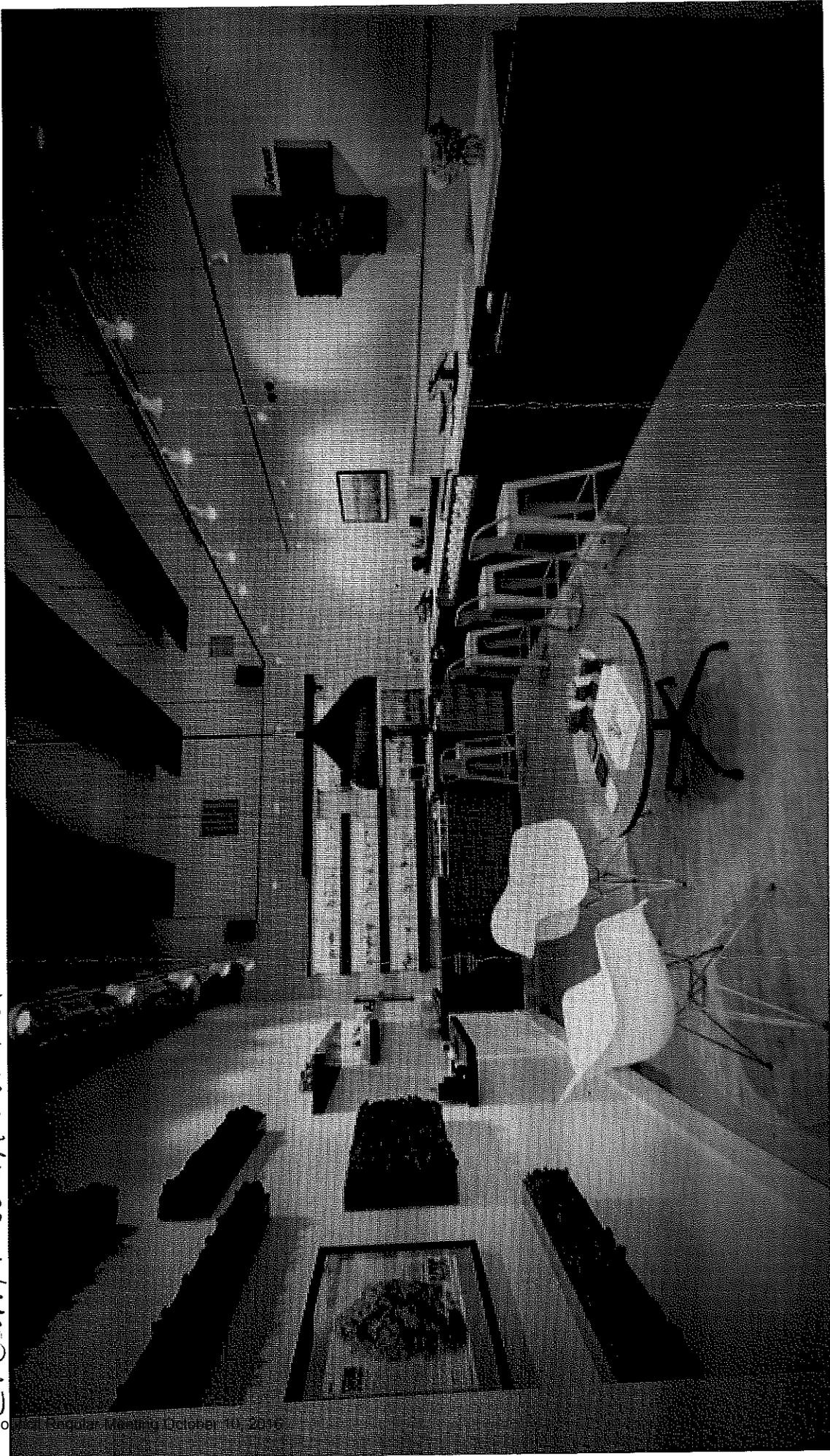
Sincerely,

Ali Taghavi

Jennifer Merritt

City Council Regular Meeting October 10, 2016

proposal for
20 N. Mt. Shasta Blvd.
Clean, Modern Interior



[Print](#)[Close](#)

Mt Shasta

From: **Jon Thomas** (jonthomasfinejewelry@msn.com)

Sent: Wed 9/14/16 8:52 PM

To: Taghavi Ali (vitalsalts@gmail.com); Jon Thomas (jonthomasfinejewelry@msn.com);
lesleecannerose@gmail.com (lesleecannerose@gmail.com)

To whom it may Concern,

The intent of this letter is to recommend a change in the opinions of the city(manager?)to allow the Cannabis Dispensary at the address: 320 N. Mt. Shasta Blvd.

I want to note that in the past I did sign a petition to prohibit a dispensary in the downtown district, however I have changed my perspective after giving more thought to what is happening, meeting Ali and his wife, taking a second look at what is happening to our Down Town area, as well as learning more about what a dispensary could look and be like.

I look at the downtown area and see so many shops closed or closing and I realize how the face of retail is changing and how what used to be is no longer the norm. Suzie's Clothing store has left only to be replaced by the 9th crystal shop. Another crystal shop is moving there store into a smaller space, leading me to suspect there are some more on the verge of closing.

The Alpine Originals has closed - a great artist's outlet. This was the type of store I personally wanted for our town and is the reason I signed the original petition to stop dispensaries. Unfortunately, it appears that our town is unable to support such small retail businesses. In these last short 8 years we have lost too many fine shops i.e. Suzie's, My Favorite Things, The Hallmark Store, The Village Book Store, The used Book Store, Pomodoro's, a great shoe store, two wonderful toy stores - the list goes on and on.

Sadly, since these shops have closed, there has not been enough diverse and successful businesses to replace them. I believe that the times are changing and the majority of locals go out of town to shop, shop on line or both.

How many more rental spaces are going to be left vacant not providing any tax relief to the city due to discrimination against legal businesses which can provide employment and tax income to our city?
What does renting our stores on the main street to wholesale businesses do to our retail environment? Why are these allowed?

The fact that so many stores are now empty and there are more closing would financially impact me even if I didn't own one of the empty locations myself. But having a willing renter told he must rent somewhere else is a financial impact that I cannot easily bear. How long is my store going to be empty? Who will pay my bills if you arbitrarily say I can't rent to this business?

I realize the younger new generation is now moving up and things which are quite normal to them can be uncomfortable to others and can create fear due to preconceived beliefs and the unknown. Ali has demonstrated to me that he and his wife Jennifer would be an asset to the community and their success as well as mine here depends on the city allowing their business to locate within the downtown district.

I feel ashamed that I was only thinking of what I want when I signed the petition to not allow such a business in the downtown area, I realize I was selfish only thinking of myself, that there is changing opinions and a new and younger generation with ideas that are different that what was the norm in the past.

I hope that you can give this matter a second look, get a better idea from Ali of the vision that he has for his business model, and choose to allow him an opportunity to add to our town.

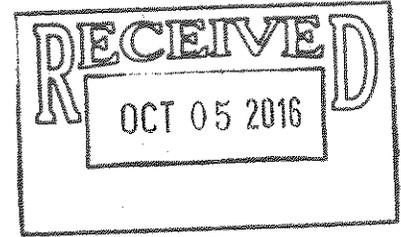
Thank you, Jon and Leslee Thomas

October 5, 2016

Mt.Shasta City Council

305 N Mt.Shasta Blvd.

Mt.Shasta, CA 96067



City Council Members,

I will not be able to attend your meeting of October 10, 2016. I am writing you to express my concerns about Item # 8 on your agenda (Medical Marijuana Dispensary Permit Appeal).

I am the property owner at 308 N Mt.Shasta Blvd. and would like you to know that I support the decision by the Administrative Review Committee to deny the permit. Municipal Code of the City allows for three Medical Marijuana permits within the city limits. I believe the downtown area of the city should not have any Marijuana dispensaries. The downtown area attracts tourists that walk on foot. I believe the sale of marijuana would discourage some of this tourist walking traffic which would in turn hurt our local merchants in that area. There is no need for another Marijuana dispensary in the city; if someone needs medical marijuana they can purchase it at one of the existing locations.

I urge you to uphold the Administrative Review Committee decision and deny this appeal.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "John Santi". The signature is stylized and cursive.

John Santi

308 N Mt.Shasta Blvd.

Planning Department Staff Report

October 10, 2016

Project Number: 2016.07

Project Title: Cannabis Dispensary Ordinance Amendments

Type of Project: Ordinance Amendment

Prepared by: Juliana Lucchesi, City Planner

Planning Commission and Planning Department Staff respectfully request the City Council approve the recommendations in Attachment 1 to amend Chapter 18.96 of the Mt. Shasta Municipal Code.

Planning Department also respectfully submits additional amendments to Chapter 18.96 requiring the submission of a permit renewal fee and amending buffer length to 600 feet as per California requirements.

Background:

The City of Mt. Shasta in 2005 created Chapter 18.96 to introduce and regulate medical marijuana dispensaries (Attachment 3). The ordinance was created in response to California Proposition 215 Compassionate Care Act to meet the needs of local patients that are prescribed cannabis. The Medical Marijuana Dispensary ordinance was created to issue permits, regulate cannabis dispensaries, and limit the location and number of available permits. Additionally, there is minimal language in the ordinance that regulates cultivation and food production.

Since the creation, the City Staff have had to create and adapt practices to accommodate situations which were not accounted for. The practices used have been prescribed to maintain the businesses without adding undue economic hardship. The practices consist of a re-submission of a building plan, security plan, and security review by the Mt. Shasta Police Department for changes in the physical footprint of the dispensary.

Another development that has occurred since the original draft of the ordinance is a petition submitted to the City of Mt. Shasta by downtown business owners. The petition

requests that marijuana dispensaries are prohibited in the downtown area. The downtown area defined for this discussion is commercial zoning (C-1 and C-2) between Hinckley Street and McCloud Avenue. The major concern of the businesses is the odor and image of the downtown area (Attachment 2).

The possible changes at the state level and the previously discussed changes in city policies and attitudes has created the need to review the current ordinance and recommend amendments to deal with future change.

General Plan Connection:

The Cannabis Dispensary ordinance changes do not result in any changes to current land use practices and zoning designations. Cannabis dispensaries will continue to be allowed in Downtown Commercial (C-1) and General Commercial (C-2) zoned parcels between Mountain View Drive and Hinckley Avenue (Attachment 2).

The General Plan defines the purpose of Commercial Center zoning as "... for development with businesses that generally require customer traffic in order for the business to be successful." (City of Mt. Shasta General Plan, pg. 3-7). Based on this definition, the current zoning for cannabis dispensaries is appropriate.

Social Impacts:

Cannabis and cannabis products provide benefits and concerns in terms of public health. Cannabis for medical purposes has become more widely used to assist patients with pain management, appetite, and other medical issues. Recreational cannabis, although not legal in the state of California at this time, has become a public health concern in terms of cannabis consumption by persons under 18 years of age. Best practices in cannabis regulation recommend prohibiting cannabis dispensaries and related businesses within a certain distance of areas where minors would be present. Maps have been created with the current allowable locations and various buffer distances to illustrate possible distances from minor sensitive land uses (Attachments 2).

Environmental Review:

The amendments to Chapter 18.96 are considered exempt from the California Environmental Quality Act (CEQA) process. The amendments do not change the current land use categories or alter their definitions and allowable uses. Dispensaries are considered similar uses to pharmacies, clinical space, and retail. Major changes to the ordinance are concerned with administrative process which has no direct or indirect impact on the environment.

Projects are defined as an activity which may cause wither a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. It is determined that the amendments recommended do not result in a direct impact on the environment or increase indirect impacts. The amendments are not considered a project under the CEQA process; therefore, does not need to be assessed.

Planning Commission at the September 20, 2016 regular meeting approved staff recommendation that the amendments to Chapter 18.96 do not meet the CEQA definition of a "project".

Staff Recommendations:

Planning Commission and Planning Department Staff respectfully request the City Council approve the recommendations in Attachment 1 to amend Chapter 18.96 of the Mt. Shasta Municipal Code.

Planning Department also respectfully submits additional amendments to Chapter 18.96 requiring the submission of a permit renewal fee and amending buffer length to 600 feet as per California requirements.

The Planning Commission and Planning Department recommends that the City Council approve the recommendation of amending Chapter 18.96 of the Mount Shasta Municipal Code as per Attachment 1. The changes to Chapter 18.96 have been made over the past three months and included to public hearings. The changes allow for Cannabis Dispensaries the ability to continue dispensing medical cannabis and cannabis products while facilitating changes to state cannabis legislation. The changes do not result in more

available permits, additional growing or product types, or the smoking of cannabis products onsite.

The specific changes to the ordinance center on allowable locations, requirements of dispensaries, and shift in ordinance language and terms. The previous ordinance named specific schools that dispensaries could not be within 1000 feet of, which was change to the general term “school” to provide equal protection to schools that were not listed; charter schools, private schools, etc. The buffer was initially decreased and still listed at 250 feet to allow more eligible parcels in the City Limits. The Planning Department in consultation with the City Attorney recommended the City Council amend the buffers to 600 feet to meet the state requirements. The buffer requirements have changed since the introduction of the Medical Cannabis Regulation and Safety Act from a suggested 1000 feet to a required 600 feet from schools (Attachment 2).

The requirements for dispensaries to maintain were reduced due to the lack of County programming and to address issues that arose with the permitting process. A major change to the requirements is that youth under the age of 18 years old will be allowed to fill a medical cannabis prescription with a legal guardian present. Previously, any youth under the age of 18 years old was not allowed inside the dispensary, which made it difficult for patients to received proper care. It was found that the patient should be present inside the dispensary to receive any prescription instructions with the legal guardian to ensure proper dosage and use.

The second change in requirements is the removal of onsite patient records and identification cards. Siskiyou County at the beginning of the medical cannabis trend was going to offer an identification card registration program. The program would allow dispensaries to keep identification records onsite for patients to ensure that the patient is the one receiving the prescription. The County was unable to create a program; therefore, the requirement is not attainable.

The third change to dispensary requirements and permitting is an annual security check. Best practices in other jurisdictions rely on annual security checks to ensure dispensary compliance with security requirements. The dispensaries are required to submit security plans when applying for the permit to dispense cannabis, but there is no follow-up once

the permit is granted. The security checks would be administered by the Mt. Shasta Police Department.

The final change to the dispensary ordinance permitting process is the addition of a building plan resubmission if the dispensary alters their space. The existing dispensaries have expanded their floor area to address changes in business. The addition of a building plan resubmission process allows the City to stay up-to-date on the security and dispensary floor plan.

In addition to the above Planning commission approved amendments, the Planning Department staff requests that 18.96.080 "Fees" be amended to include an annual permit renewal fee. Amendments to the cannabis dispensary ordinance do not include changes in the fees associated with the permitting process. The current dispensary permit price is a one-time fee of \$400.00. The price is determined by the number of staff hours spent on reviewing the permit application process; this does not include annual security check hours spent. Annual fees are typical of other city dispensary ordinances.

Attachments:

- 1. Planning Commission Recommended Amendments for Chapter 18.96**
- 2. Eligible Cannabis Dispensary Sites**
- 3. Current Chapter 18.96 "Medical Marijuana Dispensaries"**

Chapter 18.96 CANNABIS DISPENSARIES

Sections:

- 18.96.010 Purpose.
- 18.96.020 Definitions.
- 18.96.030 Location.
- 18.96.040 Number of dispensaries.
- 18.96.050 Cannabis dispensary administrative permit process.
- 18.96.060 Findings for issuance of a Cannabis dispensary permit.
- 18.96.070 Conditions of operation.
- 18.96.080 Fees.
- 18.96.090 Violations.
- 18.96.100 Suspension and revocation – Appeal.
- 18.96.110 Existing dispensaries.
- 18.96.120 Annual Security Check
- 18.96.130 Expansion of Dispensary Space
- 18.96.140 Severability.

18.96.010 Purpose.

The purpose of this chapter is to protect the public safety, health, and welfare of the residents of Mt. Shasta by regulating the operation of Cannabis dispensaries within City limits, to restrict the location of Cannabis dispensaries to specific portions of commercial zones (C1 and C2), and to require dispensary operators to obtain an administrative permit prior to commencing operation. (Ord. CCO1004, 2010)

18.96.020 Definitions.

(A) Cannabis. The plant, or parts of plants, derived from the Cannabis family *Cannabaceae*. Can be referred to as Marijuana, Marijuana related product, Cannabis, or Cannabis related product. Does not include Hemp.

(B) Cannabis Dispensary. A “cannabis dispensary” is a facility where cannabis can be made available.

(C) Administrative Review Committee. The “Administrative Review Committee” is the committee that reviews dispensary permit applications submitted under this chapter, and consists of the Planning Department, Police Chief, and City Manager. (Ord. CCO1004,2010)

18.96.030 Location.

(A) Cannabis dispensaries shall be permitted only in those portions of the C1 and C2 district located between Mountain View Drive and Hinckley Avenue.

(B) No cannabis dispensary shall be located within 250 feet of any school or parcels zoned “Public (P)” as defined in MSMC 18.16.020.

(1) Distance shall be measured from the property line of the parcel containing the dispensary to the property line of the school, using the most direct vehicle or pedestrian route, whichever is shorter. (Ord. CCO1004, 2010)

18.96.040 Number of dispensaries.

The number of cannabis dispensaries shall be limited to one (1) dispensary per 1,000 residents within the city limits, as listed by the most recent United States Census Count. If the population within City limits falls below the per capita threshold then the number of dispensaries will be held at the last noted number. If at that time a dispensary has their license revoked or discontinued, no new licenses shall be granted. (Ord. CCO1004, 2010)

18.96.050 Cannabis dispensary administrative permit process.

(A) Prior to initiating operations, any person or entity wishing to operate a cannabis dispensary shall apply for and receive from the Planning Department a cannabis dispensary permit.

(B) The applicant for a cannabis dispensary permit shall submit to the Planning Department a permit application containing the information specified in subsection (C) of this section. Upon receipt of the application, the Planning Department shall review the application for completeness. Applications that are deemed incomplete by the Planning Department shall be returned to the applicant within 15 days of receipt.

(C) An applicant for a dispensary permit shall provide the following information:

- (1) The full name, current residence address, address of proposed cannabis dispensary, and phone number of the applicant;
- (2) The address to which notice of action on the application is to be mailed;
- (3) Written proof that the applicant is over 18 years of age;
- (4) A map or diagram, to scale, demonstrating that the location is not within 250 feet of the named locations in MSMC 18.96.030;
- (5) Authorization for the City, its agents and employees to seek verification of the information contained within the application;

(6) A statement in writing by the applicant that he or she certifies under penalty of perjury that all the information within the application is true, and that the applicant has read the California Attorney General's Guidelines and all California state regulations pertaining to cannabis dispensaries and will comply with those guidelines and regulations;

(7) Any information or evidence substantiating the required findings of fact for approval of the administrative permit;

(8) Criminal Background. A background investigation verifying whether the person or persons having the management or supervision of the applicant's business has been convicted of a crime(s), the nature of such offense(s), and the sentence(s) received therefor;

(9) Security Plans. A dispensary shall submit a plan demonstrating adequate security on the premises, as approved by the Chief of Police and reviewed by the Administrative Review Committee, including lighting and alarms, to ensure the safety of persons and to protect the premises from theft. Security plans submitted must include plans for a professionally monitored robbery and burglary alarm system and a plan for adequate maintenance of the installed system so as to ensure it is maintained and in working condition;

(10) Each applicant shall conspicuously post notice or notices on the premises stating that there has been an application for a cannabis dispensary submitted to the City of Mt. Shasta at that particular site for at least four weeks prior to the Administrative Review Committee receiving the application, and that application files are available for review at City of Mt. Shasta, 305 North Mt. Shasta Boulevard, Mt. Shasta, California.

(D) Once an application is deemed complete, the Planning Department shall distribute the application materials to the Administrative Review Committee for review and decision. Administrative Review Committee shall have 30 days to approve or deny the permit application. Application determinations shall be based on the findings of fact required by this chapter. Dispensary operators must also comply with the additional conditions of operations that are required by this chapter and will be contained in the permit.

(E) Once the Administrative Review Committee has made its decision on the application, the Planning Department shall mail a written notice of decision to the applicant by certified U.S. mail, postage prepaid, return receipt requested. An applicant aggrieved by the Administrative Review Committee's decision may appeal the decision to the City Council by filing a written notice with the City Clerk within 10 business days of receipt of the Planning Department's notice of decision. If an appeal is not taken within that time period, the decision shall be final.

(F) If a request for an appeal to the City Council is received within the applicable time period, the appeal shall be scheduled by the City Clerk for a public hearing within 45 days of receipt of the request. Public notice of the hearing shall be given pursuant to Cal. Gov't Code § 65091. (Ord. CCO1004, 2010)

18.96.060 Findings for issuance of a cannabis dispensary permit.

A permit to operate a cannabis dispensary shall be granted only if the Administrative Review Committee makes all the following findings of fact:

- (A) The cannabis dispensary, as proposed and at the location specified in the application, will not create an adverse impact on surrounding uses; and
- (B) The cannabis dispensary, as proposed and at the location specified in the application, will be compatible with adjacent uses; and
- (C) The cannabis dispensary, as proposed and at the location specified in the application, will not result in the aggravation of crime problems in the area, nor will it make law enforcement unduly difficult. (Ord. CCO1004,2010)

18.96.070 Conditions of operation.

A Cannabis dispensary, once permitted by the City, shall meet the following conditions for the duration of its operation:

- (A) The use shall be conducted in strict compliance with the provisions of this ordinance and pertinent California state regulations related to cannabis
- (B) Consumption of any cannabis or cannabis product (including smoking) or ingestion is prohibited within and on the permitted premises.
- (C) All employees of the dispensary must be 18 years of age or older.
- (D) No persons under the age of 18 shall be permitted in the dispensary at any time, unless accompanied by a legal guardian and the persons under 18 hold a valid script under California medical cannabis regulations. The building entrance shall be clearly and legibly posted with a notice indicating that persons under the age of 18 are precluded from entering the premises.
- (E) Onsite cultivation of mature cannabis is not permitted at any dispensary location, with the exception of small immature cuttings, starts, or clones.
- (F) No retail sales of any products other than cannabis or cannabis related products are permitted at the dispensary.
- (G) The property owner and/or operator shall be required to report any illegal activity occurring on the site, or associated with the dispensary, to the Mt. Shasta Police Department.

(H) Sale of food products containing cannabis is prohibited unless the dispensary is in compliance with applicable Siskiyou County health regulations.

(I) The cannabis dispensary shall be open for business only between the hours of 9:00 a.m. and 8:00 p.m. Sunday through Saturday.

(J) All Cannabis transactions shall occur at the dispensary. No delivery services shall be permitted within the City limits.

(K) The permittee shall assume all legal responsibility and liability associated with the operation of the dispensary.

(L) A representative of the City has the right to enter the premises to audit the cannabis dispensary financial records, after notice to the owner or operator of not less than five business days. Financial records include, but are not limited to, income statements and balance sheets. Other information to be provided on request may include but not be limited to total pounds grown, total pounds purchased, total pounds sold, and existing inventory.

(M) All signage shall be in accordance with the City of Mt. Shasta sign ordinance.

(N) A dispensary shall maintain a general City of Mt. Shasta business license as a prerequisite to obtaining a permit pursuant to the terms hereof.

(O) Each dispensary shall display a sign at its entrance, in a legible and visible manner, conveying the following information:

- 1) Days and hours of operation.
- 2) Emergency contact information.
- 3) Notice that persons under the age of 18 are not allowed in the dispensary without appropriate medical documentation and legal guardian.
- 4) Notice that all illegal activity shall be reported to law enforcement authorities.

(P) Each dispensary shall post on site a notice that smoking or other methods of consumption of cannabis is prohibited within or in the vicinity of the dispensary.

(Q) Each cannabis dispensary shall display at all times during business hours the permit issued pursuant to the provisions of this chapter in a conspicuous place so that it may be readily seen by all persons entering the business. (Ord. CCO1004, 2010)

18.96.080 Fees.

The City Council may, by resolution, impose such reasonable fees on both the application for, and the issuance of, a permit to operate a cannabis dispensary. The amount of the fee shall be

commensurate with the City's cost to administer and implement the provisions of this chapter. (Ord. CCO1004, 2010)

18.96.090 Violations.

Violations of the terms and conditions of the dispensary permit, of this code, or of applicable local and State laws and regulations shall be grounds for suspension or revocation of the permit by the City Manager, and subject to the appeal rights set forth in MSMC 18.96.100.

(Ord. CCO1004, 2010)

18.96.100 Suspension and revocation – Appeal.

Any permittee aggrieved by the decision of the City Manager to suspend or revoke a permit may, within 10 calendar days of the issuance of the decision, appeal to the City Council by filing a written notice with the City Clerk. During the pendency of the appeal to the Council, the permit shall remain in effect. If an appeal is not filed within the 10 day period, the decision of the City shall be final. If an appeal is filed in a timely manner, the Council shall, within 45 days of the filing of the appeal, hold an appeal hearing. The Council may uphold the suspension or revocation of the permit if it finds that the permittee is in violation of the terms and conditions of the permit or other applicable law or regulation. The Council's decision shall be final. (Ord.CCO1004, 2010)

18.96.110 Existing dispensaries.

Dispensaries licensed to do business in the City of Mt. Shasta prior to the enactment of the ordinance codified in this chapter shall have 365 days from its final adoption to update and receive a Cannabis dispensary permit pursuant to this chapter in order to remain in operation. Any location in violation of the locational restrictions listed in MSMC 18.96.030 shall be allowed to continue business at that location until the associated permit is revoked or discontinued. (Ord. CCO1004, 2010)

18.96.120 Annual Security Check

Dispensaries licensed by the City of Mt. Shasta shall be subject to an annual security plan check by the Police Department. A record of the annual security check shall be filed with the Planning department to ensure security compliance.

18.96.130 Expansion of Dispensary Space

The City of Mt. Shasta understands that businesses may require additional space to meet the needs of their customers. If a dispensary were to expand space, the dispensary must submit an updated building layout plan, security plan, and schedule a security review with the City of Mt. Shasta Police Department. The dispensary must update their permit within thirty (30) days of the expansion of the dispensary space.

18.96.140 Severability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter; and the City Council of the City of Mt. Shasta hereby declares that it would have passed this chapter and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. Provided further, that if any provision of this chapter or its application to any person or circumstance is held invalid, said chapter or the application of said provisions to other persons or circumstances shall not be affected thereby. (Ord. CCO1004, 2010)

The Mt. Shasta Municipal Code is current through Ordinance CCO1601, passed February 22, 2016.

Disclaimer: The City Clerk's Office has the official version of the Mt. Shasta Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: www.mtshastaca.gov

(<http://www.mtshastaca.gov/>)

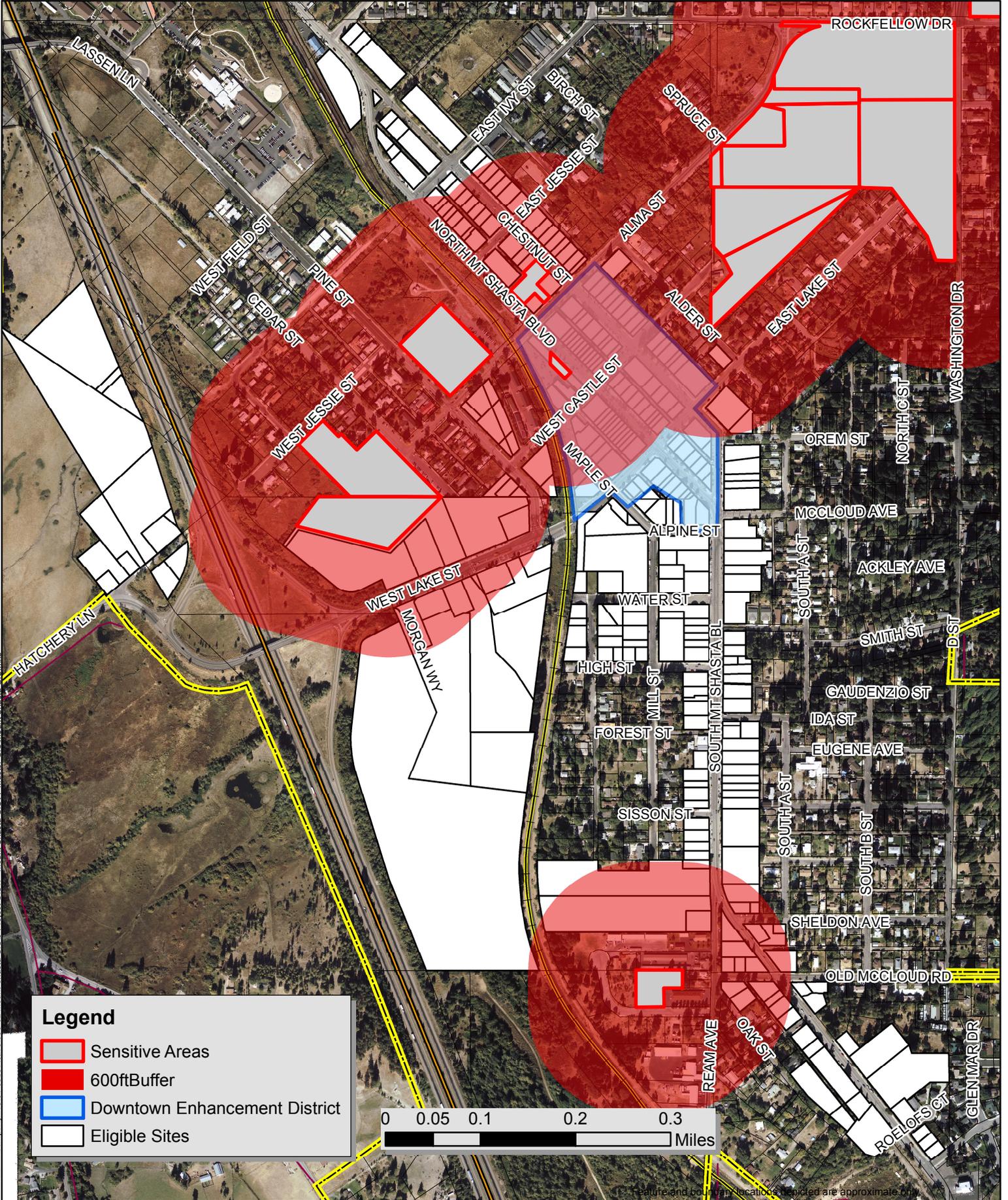
City Telephone: (530) 9267510

Code Publishing Company

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Eligible Cannabis Permit Sites



Chapter 18.96 MEDICAL MARIJUANA DISPENSARIES

Sections:

- [18.96.010](#) Purpose.
- [18.96.020](#) Definitions.
- [18.96.030](#) Location.
- [18.96.040](#) Number of dispensaries.
- [18.96.050](#) Medical marijuana dispensary administrative permit process.
- [18.96.060](#) Findings for issuance of a medical marijuana dispensary permit.
- [18.96.070](#) Conditions of operation.
- [18.96.080](#) Fees.
- [18.96.090](#) Violations.
- [18.96.100](#) Suspension and revocation – Appeal.
- [18.96.110](#) Existing dispensaries.
- [18.96.120](#) Severability.

18.96.010 Purpose.

The purpose of this chapter is to protect the public safety, health and welfare of the residents of Mt. Shasta by regulating the operation of medical marijuana dispensaries within City limits, to restrict the location of medical marijuana dispensaries to specific portions of commercial zones (C-1 and C-2), and to require dispensary operators to obtain an administrative permit prior to commencing operation. (Ord. CCO-10-04, 2010)

18.96.020 Definitions.

(A) Medical Marijuana Dispensary. A “medical marijuana dispensary” is a facility where marijuana is made available for medical purposes in accordance with Cal. Health and Safety Code § [11362.5](#) et seq. (Compassionate Use Act).

(B) Administrative Review Committee. The “Administrative Review Committee” is the committee that reviews dispensary permit applications submitted under this chapter, and consists of the Planning Director, Police Chief, and City Manager. (Ord. CCO-10-04, 2010)

18.96.030 Location.

(A) Medical marijuana dispensaries shall be permitted only in those portions of the C-1 and C-2 district located between Mountain View Drive and Hinckley Avenue.

(B) No medical marijuana dispensary shall be located within 1,000 feet of Mt. Shasta Elementary School, Sission Middle School, Mt. Shasta High School, or Jefferson High School.

(1) Distance shall be measured from the property line of the parcel containing the dispensary to the property line of the school, using the most direct vehicle or pedestrian route, whichever is shorter. (Ord. CCO-10-04, 2010)

18.96.040 Number of dispensaries.

No more than three medical marijuana dispensaries shall be permitted to operate within the City of Mt. Shasta at any one time. (Ord. CCO-10-04, 2010)

18.96.050 Medical marijuana dispensary administrative permit process.

(A) Prior to initiating operations, any person or entity wishing to operate a medical marijuana dispensary shall apply for and receive from the Planning Department a medical marijuana dispensary permit.

(B) The applicant for a medical marijuana dispensary permit shall submit to the Planning Department a permit application containing the information specified in subsection (C) of this section. Upon receipt of the application, the Planning Director shall review the application for completeness.

Applications that are deemed incomplete by the Planning Department shall be returned to the applicant within 15 days of receipt.

(C) An applicant for a dispensary permit shall provide the following information:

- (1) The full name, current residence address, and phone number of the applicant;
- (2) The address to which notice of action on the application is to be mailed;
- (3) Written proof that the applicant is over 18 years of age;
- (4) A map or diagram, to scale, demonstrating that the location is not within 1,000 feet of the named locations in MSMC [18.96.030](#);
- (5) Authorization for the City, its agents and employees to seek verification of the information contained within the application;
- (6) A statement in writing by the applicant that he or she certifies under penalty of perjury that all the information within the application is true, and that the applicant has read the California Attorney General's Guidelines and will comply with those guidelines;
- (7) Any information or evidence substantiating the required findings of fact for approval of the administrative permit;
- (8) Criminal Background. A background investigation verifying whether the person or persons having the management or supervision of the applicant's business has been convicted of a crime(s), the nature of such offense(s), and the sentence(s) received therefor;
- (9) Security Plans. A dispensary shall submit a plan demonstrating adequate security on the premises, as approved by the Chief of Police and reviewed by the Administrative Review Committee, including lighting and alarms, to ensure the safety of persons and to protect the premises from theft. Security plans submitted must include plans for a professionally monitored robbery and burglary alarm system and a plan for adequate maintenance of the installed system so as to ensure it is maintained and in working condition;
- (10) Each applicant shall conspicuously post notice or notices on the premises stating that there has been an application for a medical marijuana dispensary submitted to the City of Mt. Shasta at that particular site for at least four weeks prior to the Administrative Review Committee receiving the application, and that application files are available for review at City of Mt. Shasta, 305 North Mt. Shasta Boulevard, Mt. Shasta, California.

(D) Once an application is deemed complete, the Planning Director shall distribute the application materials to the Administrative Review Committee for review and decision. The Administrative Review Committee shall have 30 days to approve or deny the permit application. Application determinations shall be based on the findings of fact required by this chapter. Dispensary operators must also comply with the additional conditions of operations that are required by this chapter and will be contained in the permit.

(E) Once the Administrative Review Committee has made its decision on the application, the Planning Director shall mail a written notice of decision to the applicant by certified U.S. mail, postage prepaid, return receipt requested. An applicant aggrieved by the Administrative Review Committee's decision may appeal the decision to the City Council by filing a written notice with the City Clerk within 10 business days of receipt of the Planning Director's notice of decision. If an appeal is not taken within that time period, the decision shall be final.

(F) If a request for an appeal to the City Council is received within the applicable time period, the appeal shall be scheduled by the City Clerk for a public hearing within 45 days of receipt of the request. Public notice of the hearing shall be given pursuant to Cal. Gov't Code § [65091](#). (Ord. CCO-10-04, 2010)

18.96.060 Findings for issuance of a medical marijuana dispensary permit.

A permit to operate a medical marijuana dispensary shall be granted only if the Administrative Review Committee makes all the following findings of fact:

(A) The medical marijuana dispensary, as proposed and at the location specified in the application, will not create an adverse impact on surrounding uses; and

(B) The medical marijuana dispensary, as proposed and at the location specified in the application, will be compatible with adjacent uses; and

(C) The medical marijuana dispensary, as proposed and at the location specified in the application, will not result in the aggravation of crime problems in the area, nor will it make law enforcement unduly difficult. (Ord. CCO-10-04, 2010)

18.96.070 Conditions of operation.

A medical marijuana dispensary, once permitted by the City, shall meet the following conditions for the duration of its operation:

(A) The use shall be conducted in strict compliance with the provisions of the Compassionate Use Act (Cal. Health and Safety Code § [11362.5](#) et seq.).

(B) Consumption of any medical marijuana or medical marijuana product (including smoking) or ingestion is prohibited in, on, or adjacent to the permitted premises.

(C) All employees of the dispensary must be 18 years of age or older.

(D) No persons under the age of 18 shall be permitted in the dispensary at any time. The building entrance shall be clearly and legibly posted with a notice indicating that persons under the age of 18 are precluded from entering the premises.

(E) On-site cultivation of mature medical marijuana is not permitted at any dispensary location, with the exception of small immature cuttings, starts, or clones.

(F) No retail sales of any products other than medical marijuana or medical marijuana related products are permitted at the dispensary.

(G) The property owner and/or operator shall be required to report any illegal activity occurring on the site, or associated with the dispensary, to the Mt. Shasta Police Department.

(H) Sale of food products containing medical marijuana is prohibited unless the dispensary is in compliance with applicable Siskiyou County health regulations.

(I) The medical marijuana dispensary shall be open for business only between the hours of 9:00 a.m. and 8:00 p.m. Sunday through Saturday.

(J) All medical marijuana transactions shall occur at the dispensary, and medical marijuana products shall be dispensed directly to the patient or designated caregiver. No owner, operator, employee, or volunteer may provide any product to any patient or designated caregiver at any location other than inside the dispensary building. No delivery services shall be permitted within the City limits.

(K) The permittee shall assume all legal responsibility and liability associated with the operation of the dispensary.

(L) A representative of the City has the right to enter the premises to audit the medical marijuana dispensary financial records, after notice to the owner or operator of not less than five business days. Financial records include, but are not limited to, income statements and balance sheets. Other information to be provided on request may include but not be limited to total pounds grown, total pounds purchased (identification card number or membership number as defined below), total pounds sold, and existing inventory.

(M) Patient Records. A dispensary shall maintain records of all patients and primary caregivers using only the identification card number issued by the County, or its agent, pursuant to Cal. Health and Safety Code § [11362.71](#) et seq., as a protection of the confidentiality of the cardholders. All patient and doctor confidentiality shall be upheld and preserved.

(N) All signage shall be in accordance with the City of Mt. Shasta sign ordinance.

(O) A dispensary shall maintain a general City of Mt. Shasta business license as a prerequisite to obtaining a permit pursuant to the terms hereof.

(P) Each dispensary shall display a sign at its entrance, in a legible and visible manner, conveying the following information:

- (1) Days and hours of operation.
- (2) Emergency contact information.
- (3) Notice that persons under the age of 18 are not allowed in the dispensary.
- (4) Notice that all illegal activity shall be reported to law enforcement authorities.

(Q) Each dispensary shall post on site a notice that smoking or other methods of consumption of medical marijuana is prohibited in, on, or in the vicinity of the dispensary.

(R) Each medical marijuana dispensary shall display at all times during business hours the permit issued pursuant to the provisions of this chapter in a conspicuous place so that it may be readily seen by all persons entering the business. (Ord. CCO-10-04, 2010)

18.96.080 Fees.

The City Council may, by resolution, impose such reasonable fees on both the application for, and the issuance of, a permit to operate a medical marijuana dispensary. The amount of the fee shall be commensurate with the City's cost to administer and implement the provisions of this chapter. (Ord. CCO-10-04, 2010)

18.96.090 Violations.

Violations of the terms and conditions of the dispensary permit, of this code, or of applicable local and State laws and regulations shall be grounds for suspension or revocation of the permit by the City Manager, and subject to the appeal rights set forth in MSMC [18.96.100](#). (Ord. CCO-10-04, 2010)

18.96.100 Suspension and revocation – Appeal.

Any permittee aggrieved by the decision of the City Manager to suspend or revoke a permit may, within 10 calendar days of the issuance of the decision, appeal to the City Council by filing a written notice with the City Clerk. During the pendency of the appeal to the Council, the permit shall remain in effect. If an appeal is not filed within the 10-day period, the decision of the City shall be final. If an appeal is filed in a timely manner, the Council shall, within 45 days of the filing of the appeal, hold an appeal hearing. The Council may uphold the suspension or revocation of the permit if it finds that the permittee is in violation of the terms and conditions of the permit or other applicable law or regulation. The Council's decision shall be final. (Ord. CCO-10-04, 2010)

18.96.110 Existing dispensaries.

Dispensaries licensed to do business in the City of Mt. Shasta prior to the enactment of the ordinance codified in this chapter shall have 180 days from its final adoption to apply for and receive a medical marijuana dispensary permit pursuant to this chapter in order to remain in operation. (Ord. CCO-10-04, 2010)

18.96.120 Severability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter; and the City Council of the City of Mt. Shasta hereby declares that it would have passed this chapter and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that

any one or more of the sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. Provided further, that if any provision of this chapter or its application to any person or circumstance is held invalid, said chapter or the application of said provisions to other persons or circumstances shall not be affected thereby. (Ord. CCO-10-04, 2010)

The Mt. Shasta Municipal Code is current through Ordinance CCO-16-01, passed February 22, 2016.

Disclaimer: The City Clerk's Office has the official version of the Mt. Shasta Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: www.mtshastaca.gov
(<http://www.mtshastaca.gov/>)
City Telephone: (530) 926-7510
Code Publishing Company
(<http://www.codepublishing.com/>)

Planning Department Staff Report

Monday, October 10, 2016

Project Number: 2016.02
Project Title: Coho Property R-I-U Rezoning Application
Applicant: Carol Coho
403 Orem Street
APN#: 057-382-020
Type of Project: Property Rezoning
Prepared by: Juliana Lucchesi, City Planner

City Council Recommended Action

The Planning Commission and the Planning Department recommend the City Council grant the rezoning of 403 Orem Street from an R-I “Low Density Residential” to an R-I-U “Low Density Residential Urban”. The Planning Commission of the City of Mt. Shasta held one public hearing concerning the rezoning application. One resident submitted a written letter against the rezoning of the property. No public input was given during the public hearing hosted during the Planning Commission meeting on September 20, 2016.

Project Description:

The Applicant has contacted the Planning Department to file for a rezoning from their original zoning designation of R-I “Low Density Residential” to R-I-U “Low Density Residential Urban”. The R-I-U is similar to the R-I designation with the exception of lot widths. The R-I-U offers the property owner the ability to have a smaller lot than traditional R-I lots.

The Applicant lot is located along the corner of Orem Street and North C Street. The lot, shown in Attachment I, is currently one lot with two existing structures. A single family home and a garage are on the east side of the property. The single family structure is located on the east property line adjacent to the alleyway. The alleyway is still in use by the City of Mt. Shasta.

General Plan Connection:

Land Use Element

The Land Use Element of the General Plan states that the property exists in Low Density Residential area. The Low Density Designation indicates that the density of these neighborhoods should be no more than 8 units per acre or 24 persons per area. The change in zoning designation would be within the preferred low density residential parameters.

Environmental Review:

The rezoning of the parcel from R-I to R-I-U is considered exempt from the California Environmental Quality Act (CEQA) process. The change in zoning designation is considered a Class 32: Infill Development exemption under section 15332 (Attachment 5). The proposed change in zoning could allow for the creation of one additional lot on the corner of Orem and North B Street. The addition of one low density residential urban lot would not result in a change in traffic, noise, air quality, or water quality.

Staff Recommendations:

The rezoning process for the R-I-U designation contains the following criteria with staff comments:

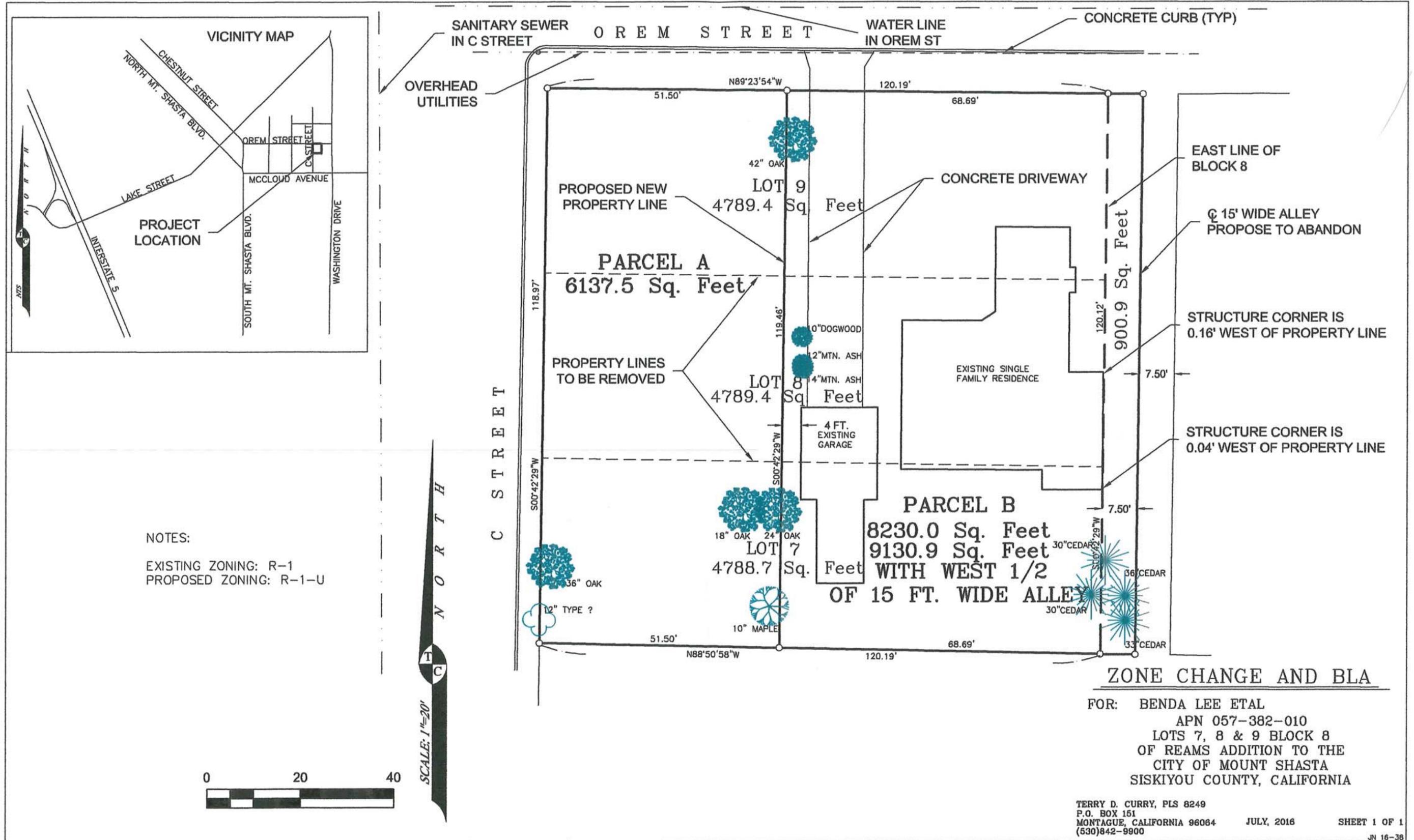
1. The site is designated for low density residential and zoned R-I.
 - *The Applicant property is currently zoned R-I*
2. The proposed lot is surrounded by lots of similar size or smaller or set in a residential street or block with similar sized or smaller lots.
 - *Attachment 2 indicates the neighborhood parcel sizes. The Applicant's property is indicated in white and red. The surrounding parcels are a mixture of smaller and similar sized parcels.*
3. The project must gain access from a public street, alley, or approved private roadway. If there is access to a developed alley, use of the alley for access is encouraged to achieve compatibility.
 - *The parcel is a corner lot. If the Applicant were to separate the parcel into two, both parcels would have city street access or alleyway access.*

4. Public services such as water, wastewater, and drainage facilities are available.
 - *City utilities are available in both North C Street and Orem Street.*
5. The site to be rezoned R-I-U will be developed in a manner which provides for compatible development in terms of building orientations, and street designs, in relation to the existing neighborhood.
 - *The change to R-I-U would allow the Applicant to create a new parcel. The existing and new parcel would be oriented similarly to the surrounding uses.*

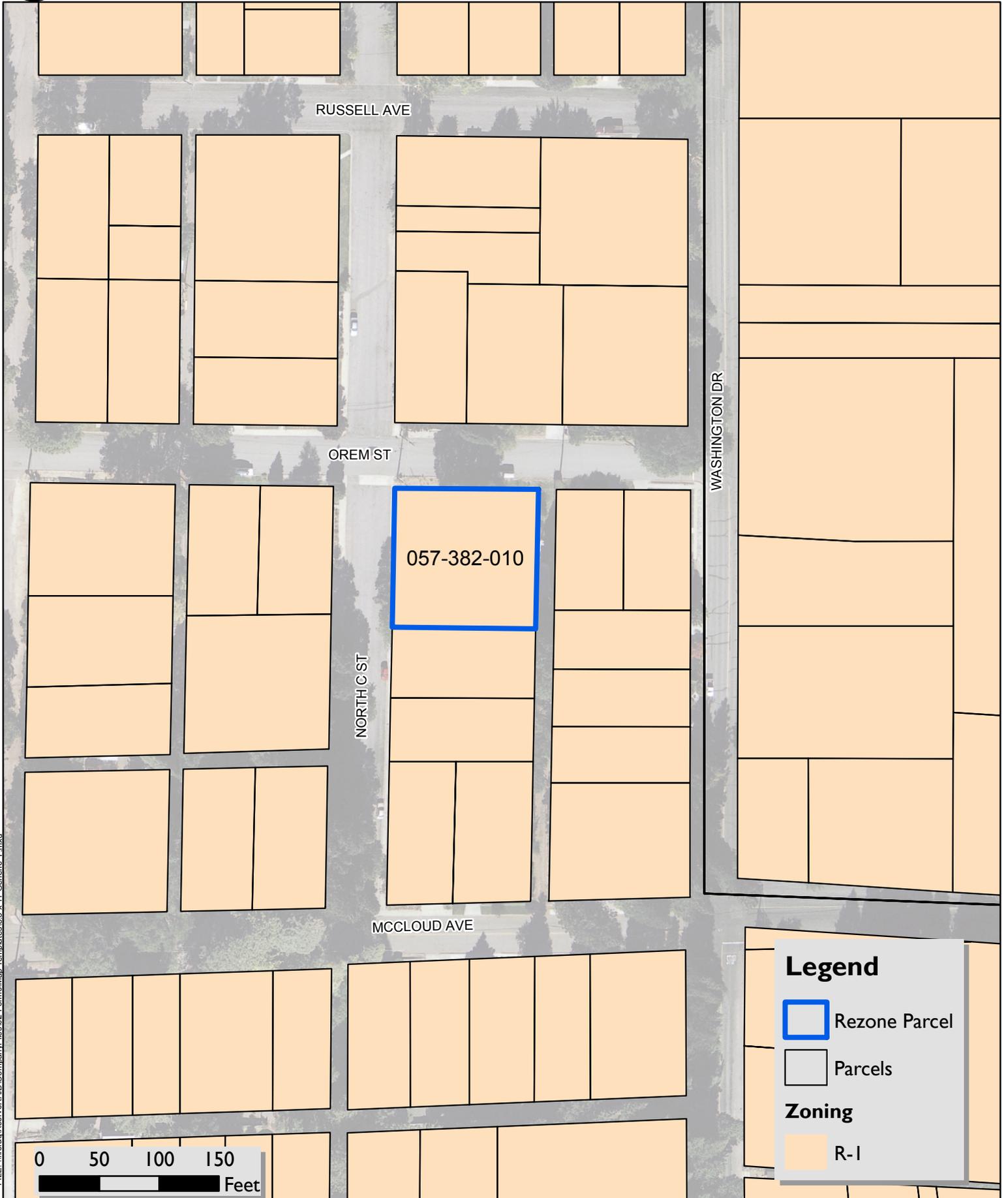
Based on responses to the above findings, Planning Commission and City Planner recommend the City Council of the City of Mt. Shasta approve the attached resolution granting a rezoning amendment. The Planning Commission of the City of Mt. Shasta held one public hearing concerning the rezoning application. One resident submitted a written letter against the rezoning of the property. The project Applicant No public input was given during the public hearing hosted during the Planning Commission meeting on September 20, 2016.

Attachments:

- 1. Site Plan for 057-382-010**
- 2. Project Area and Adjacent Zoning**
- 3. Parcel Photographs**
- 4. Notice of Exemption**



Project Area with Adjacent Zoning



FILE: \\lfract\XserveRAID\CompanyFiles\02-Forms\Map_Templates\8.5 x 11_Generics_E.mxd

Attachment 3
ZONE CHANGE & BLA PHOTOS



View South from Orem St. towards house.



View South from Orem St. across West portion of property.



View NW across vacant portion of property toward Orem & C



View South along West side of alley.



View West along Orem St.



View SW from Orem St. toward house & garage,

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044
County Clerk
County of: Siskiyou
806 South Main St.
Yreka, CA 96067

From: (Public Agency): City of Mt. Shasta
305 N. Mt. Shasta Blvd
Mt. Shasta, CA 96067
(Address)

Project Title: Coho Property R-1-U Rezoning

Project Applicant: Carol Coho

Project Location - Specific:
403 Orem Street, Mt. Shasta, CA 96067 (APN 057-382-020)

Project Location - City: Mt. Shasta Project Location - County: Siskiyou County

Description of Nature, Purpose and Beneficiaries of Project:
The Applicant has filed a complete application to change the zoning designation for her residential property at 403 Orem Street from R-1 "Low Density Residential" to R-1-U "Low Density Residential Urban". The R-1-U designation allows for single-family dwellings on smaller lots to encourage infill within the city limits.

Name of Public Agency Approving Project: City of Mt. Shasta

Name of Person or Agency Carrying Out Project: City of Mt. Shasta

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
Declared Emergency (Sec. 21080(b)(3); 15269(a));
Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
[X] Categorical Exemption. State type and section number: Class 32: Infill Development (Sect. 15332)
Statutory Exemptions. State code number:

Reasons why project is exempt:

The R-1-U zoning designation was specifically created with the thought of urban infill in mind. The change in zoning designation would allow for the property owner to create an additional residential lot in the future. The possibility of a new parcel would not result in increased traffic, noise, air quality, and water quality.

Lead Agency
Contact Person: Juliana Lucchesi Area Code/Telephone/Extension: 530/926-7510

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: Date: Title: City Planner

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code. Date Received for filing at OPR:
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Juliana Lucchesi
Mt. Shasta Planning Commission

Ms Lucchesi - or to whom it may concern :

I am Gary Baisden. I live at 402 Orem St. my wife and I have lived here in Mt. Shasta since 1991 in this house. In 1999 we started buying it. Having both grown up in Los Angeles, we love living here in our small town, where it is generally peaceful and uncramped.

I am concerned about what changing the zoning of 403 Orem St., which is directly across the street from us, from R-1 to R-2-U, will do to our neighborhood, and consequently to our community. I am assuming that changing out zoning to R-1-U, low density residential urban, will result in the vacant lot on the corner of Orem & C St. being split into two smaller lots which will each be available for sale and each having a home built on it.

Environmentally, that means two families instead of one, adding to the sewage waste. That would bring two families worth of cars or trucks adding exhaust into our neighborhood. Also twice the motor, exhaust, horn, etc. to the noise pollution. Smaller lots mean more vehicles having to park on the street. I have noticed that the average home in the community has two vehicles per home. That would mean four vehicles, rather than two taking up parking space. As it stands at the present time, the larger lots allow enough room for a garage with a driveway, enough room to park at least two of the vehicles off the street. So you have environmental concerns, sewage

and exhaust, noise pollution, four vehicles, engine and horn, and door slamming, plus the everyday noise that people make just being awake.

Two smaller lots = twice the buildings, cramped together with little or no yards around them. Visually it destroys the look of an uncramped neighborhood.

I have spoken to a real estate person concerning this sought after zoning change and was told that the value of my home will drop with the insertion of small lot / cramped homes zoning.

From my point of view, the present owner of the lot will gain by having two parcels to sell instead of one. Every other home owner in the neighborhood will lose.

I can see that speculators who don't live in this part of Mt. Shasta might like the zoning change - to be able to buy a lot, split it in half and have two to re-sell.

At present, at least in the older parts of our city's residential areas, homes are built with enough space between them to allow for privacy, while still being neighborly. What this zoning change would do is slowly destroy that feeling, while also adding negatively to the environment of the neighborhood and the city.

I'm curious about how much it cost the present owners of 403 Orem St to request a zoning change.

I am trying to understand how many people this applied for zoning change will gain as

opposed to The number of folks that will lose from it. my wife and I will lose some of the peacefulness we get from living here, as well as some of the monetary value of our place if we ever decide to sell it

Gary Barden

City Council Agenda Item # 11
Staff Report

Meeting Date: October 10, 2016

To: Mayor and City Council

From: Parish D. Cross

Subject: Approval of Resolution Regarding Use Agreement Between City of Mt. Shasta and Mason's Siskiyou Lodge #297 for Rental of Community Building for Council and Planning Commission Meetings.

X	Regular
	Consent
	Closed
	Presentation

Recommendation:

Staff recommends Council approve resolution regarding Use Agreement between the City of Mt. Shasta and Masons Siskiyou Lodge #297 for the rental of the Community Center for Council Meetings.

Background & Summary:

In July of this year the City of Mt. Shasta entered into negotiations with Siskiyou Lodge #297 regarding the cost, terms, and conditions of a use agreement between the two parties providing for the rental of the Community Building used for Council and Planning Commission Meetings.

At this time staff is recommending that Council approve the attached resolution and agreement with Siskiyou Lodge #297. The agreement is for one year in length and cost per use has increased from \$225 to \$300. The agreement also stipulates that the City will receive three uses during the year at no charge. Currently, the City pays \$7200 per year for the use of the Community Building. The new recommended agreement would raise this cost to \$9600, an increase of \$2400 per year.

It should be noted that staff continues to research alternate locations for future Council meetings. The approval of this proposed resolution allows for some time to locate and secure an alternate location if appropriate to the City.

Financial Impact:

The City would see an increase of \$2400 for the use of the Community Building for Council Meeting.

Attachments:

Agreement

Resolution

RESOLUTION NO. CCR-16-46

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MT. SHASTA
APPROVING AN AGREEMENT BETWEEN
THE CITY OF MT. SHASTA AND THE MASON'S SISKIYOU LODGE
#297 TEMPLE ASSOCIATION FOR THE PURPOSE OF CONDUCTING
CITY COUNCIL AND PLANNING COMMISSION MEETINGS**

WHEREAS, the City is currently utilizing the Mason's Siskiyou Lodge #297 located at 629 Alder Street; and

WHEREAS, the Lodge provides ample space to hold public meetings and the City is able to broadcast said meetings from the current location; and

WHEREAS, the City has been renting the Mt. Shasta Community Center for several years without an approved agreement; and

WHEREAS, the City Council wants to continue with this arrangement through an agreement with Siskiyou Lodge #29 Temple Association for the term of one year;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Mt. Shasta that the attached agreement between the City of Mt. Shasta and the Siskiyou Lodge #297 Temple Association is hereby approved, and the City Manager is authorized to execute the Agreement on behalf of the City.

The foregoing resolution was passed and adopted this 10th day of October, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED: October 10, 2016

CITY OF MT. SHASTA

Jeffrey Collings, Mayor

ATTEST:

Kathryn M. Wilson, Deputy City Clerk

RENTAL AGREEMENT

This Rental Agreement is made at Mt. Shasta, California, on the date last written below and between the CITY OF MT. SHASTA, a municipal corporation (“City”), and SISKIYOU LODGE #297 TEMPLE ASSOCIATION for the purposes of conducting Council Meeting, Planning Commission Meeting and Special Meetings, dated October 10, 2016

1. Premises: The Siskiyou Lodge #297 Temple Association hereby rents 629 Alder St., known as the Mt. Shasta Community Building. (“Premises”).

2. Term: Option to Extend: Cancellation). The term of this rental agreement shall be for one (1) year commencing _____. The rental agreement may be extended under the same terms for an additional one year period by consent of the parties.

3. Compensation: City agrees to pay Siskiyou Lodge #297 Temple Association \$300 per use. The City will use the Community Building 35 times throughout the calendar year. These uses include Council Meetings and Planning Commission Meetings. Furthermore, Siskiyou Lodge #297 agrees to not charge for three uses, reducing the total of uses to 32 times throughout the calendar year.

4. Cancellation: Either party shall have the right of cancellation, upon written notice to the other party, given at least 30-days prior to the effective date of cancellation.

5. Indemnification: Renter agrees during the term of this Rental, and any extensions hereof, to protect, defend, indemnify and save the City harmless from any and all liability whatsoever for mechanic’s liens, and for damages to persons or property, including death, resulting from this Rental Agreement or use of the Premises, or any activity or operation conducted thereon by Renter, its agents or employees.

6. Attorney’s Fees: The prevailing party in any subsequent legal action or proceeding arising out of this agreement will be awarded reasonable attorney fees and costs incurred in that action or proceeding.

7. Notices: Notices required by this Agreement shall be sent as follows:

To the City:

City Manager
City of Mt. Shasta
305 North Mt. Shasta Boulevard
Mt. Shasta, CA 96067

To Renter: Siskiyou Lodge #297 Temple Association
629 Alder St.
Mt. Shasta, Ca. 96067

8. Complete Agreement: This agreement constitutes the entire understanding between the parties and supersedes all other previous understandings, written or oral.

9. California Law: This rental shall be construed and interpreted in accordance with California law which is in existence at the commencement of the rental and during any extensions of the rental.

10. Provisions Are Covenants and Conditions: All provisions, whether covenants or conditions, on the part of Lessee shall be deemed to be both covenants and conditions.

11. Captions: The captions of this rental shall have no effect on its interpretation.

12. Severability: The unenforceability, invalidity, or illegality of any provision herein shall not render the other provisions unenforceable, invalid, or illegal.

In consideration of the foregoing the parties acknowledge agreement to the terms and conditions set forth herein:

SISKIYOU LODGE #297
TEMPLE ASSOCIATION:

By:

Dated: _____

Principal

CITY OF MT. SHASTA

By:

Dated: _____

Mayor

ATTEST:

John Kennedy Sr., City Clerk

APPROVED:

John S. Kenny, City Attorney

City Council Agenda Item # 12
Staff Report

Meeting Date: October 10, 2016

To: Mayor and City Council

From: Parish D. Cross

Subject: Temporary Adjustment to Authorized Positions at Police Department

X	Regular
	Consent
	Closed
	Presentation

Recommendation:

Staff is kindly requesting that Council approve the recommendation to temporarily adjust the authorized positions within the police department.

Background & Summary:

One of the officers of the police department has announced that he will be retiring in January of 2017. As a result of this announcement, the Police Department tested for new full-time officers during the past several weeks and have successfully chosen a replacement for the retiring officer.

Currently, the police department is authorized to maintain eight full-time positions on the patrol side of the department. Staff is seeking permission to adjust the mentioned position authorization to nine for a couple of primary reasons. The first reason is with training issues. With a temporary adjustment to the authorized positions, the department will be able to train the new hire through the Field Training Program (FTO) prior to the departure of the retiring officer in January. This allows for a transition that will NOT impact the schedule of the police department and will afford officers enhanced safety and the continued ability to take time off and receive training. Without the temporary adjustment to the authorized positions, the police department will be put in a situation that will cause the schedule to be down one officer due to the new hire working towards completion of the Field Training Program required by POST (Police Officer Standards and Training), which is 10 weeks in duration. The FTO Program description is simply that the new hire has to work with another full-time officer for the entire 10 weeks and cannot work independently until that time, hence the scheduling difficulties and safety issues that are created.

Furthermore, the police department is expecting two officers to have medical procedures done in the next several weeks, once again straining the schedule. The approval of the temporary adjustment will help in covering for these absences and will also maintain officer safety during shifts.

Financial Impact:

The police department expects to see an estimated \$6450 additional expenditure in salaries.

Attachments:

None