

Mt. Shasta City Council Regular Planning Commission Meeting Agenda

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.”

Page	Item	STANDING AGENDA ITEMS
	1.	Call to Order and Flag Salute
	2.	Roll call
Page 3	3.	Approval of Minutes: Planning Commission General Meeting Minutes for July 19, 2016
	4.	Special Presentations A. Alternative Energy in Mt. Shasta
	5.	Public Comment: Welcome to our Planning Commission meeting. The Commission invites the public to address the Commission on issues not listed on the agenda and that are within the Commission’s subject matter jurisdiction. Those wishing to address the Commission are asked to sign-in and indicate their topic of interest. The public has a right to address the Commission on any subject within the Commission’s jurisdiction; however, the Commission may limit public comment on matters that are outside of its jurisdiction. The Planning Commission may regulate the total amount of time on particular issues and for speakers (typically 3 minutes). The Commission may place additional time limits on comments, to ensure members of the public have opportunity to speak and the Commission is able to complete its work. A group may be asked to choose a spokesperson to address the Commission on a subject matter, or the Commission may limit the number of persons addressing the Commission whenever a group of persons wishes to address the Commission on the same subject matter. Speakers are asked to provide their name and address for the public record. We greatly appreciate your active participation.
	6.	Consent Agenda Consent Agenda items are matters requiring a Planning Commission review but which, following an initial evaluation by staff, have been found to be consistent with existing City regulations and the City General Plan and are, therefore, recommended for “routine” approval. If it is determined by the Commission that a Consent Agenda item requires further discussion and review, it will be removed to the regular agenda for consideration. The remaining items will be handled as a group by a single action of the Commission.

Page 6	<p>7. Amendment of Municipal Code Chapter 18.96 “Medical Marijuana Dispensaries” <u>Background:</u> In anticipation of changes in California state regulations concerning marijuana dispensaries it is recommended to amend the current marijuana ordinance to manage changes without burdening businesses. <u>Commission Action:</u> Recommend amendments to Chapter 18.96 of the Mt. Shasta Municipal to the City Council</p>
	<p>8. Open Discussion: Alternative Energy Options for Mt. Shasta <u>Background:</u> The State of California allows for private home and business owners the opportunity to invest in alternative energy. The City of Mt. Shasta does not actively encourage private or public investment into alternative energy systems and options. Based on information in the special presentation, the City of Mt. Shasta could <u>Commission Action:</u> Recommend direction to City Staff to encourage more alternative energy</p>
	<p>9. Commission and Staff Comments A. Update on Noise Element Work Program</p>
	<p>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 c. Smoking Limitations – 11/22/2016 d. Sign Ordinance – 11/22/2016 e. Lighting Ordinance – 12/20/2016 f. Broadband Plan – 12/20/2016</p>
	<p>11. 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.</p> <p>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 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.</p>

Any writings or documents provided to a majority of the Planning Commission after distribution of the meeting Agenda Packet regarding any open session item on this agenda will be made available for public inspection during normal business hours within the binder entitled “Agenda Packet for Front Counter” located at City Hall at the desk on the right-hand side inside the front door. **Projects heard at this Planning Commission meeting may be subject to appeal. Please contact the Planning Department for information. Appeals must be submitted to the City Clerk’s office together with the appeal fee. If you challenge the environmental review of the project proposal in court, you may be limited to raising only those issues raised at the public hearing or in written correspondence delivered to the Planning Department on, or prior to, closing of the public comment period.**

Mt. Shasta City Council Regular Planning Commission Meeting **DRAFT Minutes**

Mt. Shasta Community Center, 629 Alder Street
 Tuesday, 19 July, 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: Commissioners Acord, Clure, Pardee, Beck, Wagner, and Chair Higuera
 Commissioners Excused: Commissioner Findling

3. Approval of Minutes: June 21, 2016 Planning Commission General Meeting Minutes
Moved to Approve – 1st - Commissioner Wagner, **2nd** - Commissioner Clure
AYE: Commissioners Acord, Clure, Beck, Wagner, and Chair Higuera
NO:
ABSTAIN: Commissioner Pardee
EXCUSED: Commissioner Findling

4. Special Presentation:

A. General Plan: Noise Element Work Program
 City Staff: Presentation on California Office of Planning and Research recommend amendment work plan.
 Commissioner Pardee: Supports exploring proactive goals of supporting comfortable noise activities
 Chair Higuera: Discussion on land use issues could lead to noise that some may find favorable and others non-favorable.
 Commissioner Wagner: Discussion on specifics of noise study and measurements. Supports special event focus of study
 Commissioner Acord: Discussion on specifics of noise study and measurements.
 Commissioner Clure: Support for special event focus and discussion on goals oriented to supporting special event regulations
 Commissioner Beck: Discussion on keeping the “Quiet Town” character with special events.

B. Marijuana Dispensaries & Cultivation
 City Staff: Presentation of current trends in planning for marijuana dispensaries and cultivation.
 Chair Higuera: Discussion on moratorium and process for Home Occupation Permits
 Commissioner Beck: Discussion on alternatives for programs, policies, and ordinances

5. Public Comment: N/A

6. Consent Agenda: N/A

7. Action Item: Approval of General Plan Noise Element Work Program

City Staff: Presentation of staff report related to Noise Work Program

Gina Munday – Railroad noise and does not have an issue with noise in the city. The horn is an issue with night time noise. Avoid big city issues like noise

Lana Smith – Feels there needs to be an ordinance related to noise. Does not feel guests and tourists want to be disturbed. Feels that some land use types like Commercial may be able to make too much noise.

Chair Higuera: Recommend noise study

Commissioner Acord: Updating the Noise Element is advantageous with the possibility for an ordinance in the future

Commissioner Pardee: Discussion on goals

Goals:

- Determine appropriate levels for land use types
- Determine appropriate levels of noise of venues that are frequently used for special events
- Determine levels of noise for temporary events
- Determine appropriate grandfathering and transitions of current uses

Approval of goals 1st – Commissioner Pardee, 2nd – Commissioner Beck

AYE: Commissioners Acord, Clure, Beck, Wagner, and Chair Higuera

NO:

EXCUSED: Commissioner Findling

8. Action item: Approve Recommendation of Amendments to Chapter 18.96 Medical Marijuana Dispensaries

Commissioner Wagner: Discussion on location and ordinance language

Commissioner Acord & Pardee: Discussion on security plan, Alcohol Beverage Control regulations of alcohol, and pricing for permits

Chair Higuera: Discussion on age of workers and dispensary clients

Gina Munday: Would like to table the matter to after the November vote. The current zoning is very restrictive as to where the business can locate. Deliveries are not allowed and that can be difficult for some of the patients. Children with recommendations should be allowed.

Elizabeth Tabor: Concerns about state laws changing and should wait on passing an ordinance. MMRSA designed for medical Prop 64 is for recreational. Comingling medical and recreational could pose tax issues for dispensaries. Draft a recreational dispensaries ordinance instead of including the two types. The two different types of marijuana should stay separate.

Chair moved to recess at 7:45pm. Meeting resumed at 7:52pm

Planning Commission: Discussion on requiring the security plan in the application, would like to have separate ordinances, table the discussion until we have a map with where everything. Schools, parks, and

child facilities, and daycares. 1000 and 500 foot maps

Continuation to the next meeting, 16 August 2016.

9. Action Item: Approve Recommendation of Moratorium Concerning Marijuana Cultivation and Related Industry

City Staff: Discussion of staff report on suspending development related to cultivation and product manufacturing until more research can be done.

Lana Smith – Concerned about the water usage of water and the ability for people to come into the community and price up the land. Feels the city does not have enough enforcement.

Commissioner Pardee – Discussion on if we can cultivate in current zoning or land type.

Move to approve the recommendation for a temporary moratorium, 1st – Commissioner Acord, 2nd – Commissioner Pardee

AYE: Commissioners Acord, Clure, Beck, Wagner, and Chair Higuera

NO:

EXCUSED: Commissioner Findling

10. Commission and Staff Comments:

City Planner: The Conditional Use Permit that was presented at the previous meeting has since been discontinued by the Applicant. The Applicant did not wish to continue with the application. Additional, discussion on property on Old Mccloud Rd and the long term rentals

Commissioner Pardee: Discussion on Alma Street repair

Commissioner Wagner: Discussion on creek near Rite Aid and the need to clean-up trash

11. 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. Solar and Alternative Energy Options – 8/16/2016
- b. Noise Ordinance – 9/20/2016
- c. Smoking Limitations – 10/18/2016
- d. Sign Ordinance – 10/18/2016
- e. Orchard Property Annexation & Development Plan – 10/18/2016
- f. Lighting Ordinance – 11/22/2016
- g. Wayfinding Program – 12/20/2016
- h. Broadband Plan – 12/20/2016

12. Adjourn: There being no further business, the meeting was adjourned at 8:25 p.m.

Respectfully Submitted by: Juliana Lucchesi, City Planner

Planning Department Staff Report

August 16, 2016

Project Number: 2016.07
Project Title: Cannabis Dispensary Ordinance Amendments
Applicant: City of Mt. Shasta
Type of Project: Ordinance Amendment
Prepared by: Juliana Lucchesi, City Planner

Background:

The City of Mt. Shasta currently employs a single ordinance (18.96) to regulate medical marijuana dispensaries. The ordinance is concerned with meeting the needs of those who are protected by California Proposition 215. As the regulatory environment centered on marijuana changes, the ordinance could quickly become inefficient and ineffective.

The original Medical Marijuana Dispensary ordinance (Chapter 18.96 Medical Marijuana Dispensaries) was created to regulate marijuana businesses that were created in response to resident needs under California Proposition 215. Since the creation, business expansion and relocation has caused the Planning Department to adopt practices not found in the current ordinance. 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 original 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.

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 (Attachments 3, 4, & 5).

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. The state of California and the current City of Mt. Shasta suggests 1000 feet from schools. Maps have been created with the current allowable locations and various buffer distances to illustrate possible distances from minor sensitive land uses (Attachments 3, 4, & 5).

Economic & Fiscal Impact:

The changes to the cannabis dispensary ordinance could result in more opportunity for cannabis dispensaries. The state of California proposition 64 is on the ballot for November 2016, which could legalize the selling of recreational cannabis. The current dispensary ordinance is specific to medical cannabis only. By amending the ordinance to cover general cannabis and cannabis products, this would allow dispensaries to offer a wider range of products to a larger consumer market if state regulations change. The ordinance states that all California regulations must be met by dispensaries to operate within the city, which would permit new cannabis regulations to take effect in the City of Mt. Shasta without additional planning efforts on the city's part.

Amendments to the cannabis dispensary ordinance do not currently include changes in the fees associated with the permitting process. The current dispensary permit price is a one-time fee of \$400.00. That 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. The City may recommend to implement annual fees or taxes on cannabis products and dispensaries to account for possible increases in traffic to the city related to the business and additional enforcement. Annual fees are typical of other small city dispensary ordinances (Attachment 6).

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. The CEQA exemption status of this project is "Ministerial" under Section 21080(b)(1) due to the administrative nature of the permitting process and the changes to the ordinance.

Staff Recommendations:

In the previous General Planning Commission meeting (19 July 2016), the commission wished to have two separate dispensary ordinances for recreational and medical cannabis. Based on consultation with the City Attorney and the Planning Department, it

is recommended to keep one ordinance and leave the language to general cannabis dispensaries. The creation of two separate ordinances could lead to more dispensaries being allowed within the city limits. The other argument from City Staff against two separate ordinances is that the language would be almost identical as far as allowable locations, permitting process, and terms of operating the dispensary.

Maps have been prepared and attached to this agreement illustrating sensitive areas where minors could be present and the allowable locations for dispensaries. The City Staff recommends a 500 foot buffer to allow for protection the protection of areas that would most likely have persons under 18 years of age present while allowing dispensaries a number of possible locations (Attachment 4)

City Staff recommends to remove language in conditions of operation (18.96.070) pertaining to the requirement of dispensaries keeping medical patient records on-site. If the City moves to a general cannabis dispensary ordinance and a dispensary chooses to not service medical patient, they would not be able to comply with this point.

Finally, a request to change all language in the ordinance using the word “marijuana” to “cannabis” was made. The language has been change and does not influence the ordinance itself.

City Staff also recommends the approval of the Notice of Exemption pertaining to the California Environmental Quality Act (CEQA) process (Attachment 8).

In summary, City Staff recommends the following amendments to the Medical Marijuana Ordinance:

- Remove language related to medical cannabis to allow for one general cannabis dispensary ordinance
- Amend the locational buffers to 500 feet from all schools, government property, and daycares
- Remove the requirement of dispensaries keeping medical patient records on-site
- Change all language from marijuana to cannabis

City Staff also recommends the approval of the Notice of Exemption pertaining to the California Environmental Quality Act (CEQA) process.

Attachments:

- 1. Chapter 18.96 Medical Marijuana Dispensaries (Unaltered)**
- 2. Tracked Changes Chapter 18.96 Cannabis Dispensaries**
- 3. Draft Chapter 18.96 Cannabis Dispensaries**
- 4. Cannabis Location Map 250ft Buffer**
- 5. Cannabis Location Map 500ft Buffer**
- 6. Cannabis Location Map 1000ft Buffer**
- 7. City of Ashland Permitting Process for Medical Marijuana Dispensaries**
- 8. City of Shasta Lake Medical Marijuana Collective Ordinance**
- 9. Notice of Exemption**

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.

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Chapter 18.96

~~MEDICAL MARIJUANA~~CANNABIS 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~~Cannabis dispensary administrative permit process.
- 18.96.060 Findings for issuance of a ~~medical marijuana~~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 ~~medical marijuana~~Cannabis dispensaries within City limits, to restrict the location of ~~medical marijuana~~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) ~~Medical Marijuana~~Cannabis Dispensary. A “~~medical marijuana~~cannabis dispensary” is a facility where recreational or medical marijuana~~cannabis is~~can be made available ~~for medical purposes in accordance with Cal. Health and Safety Code § 11362.5 et seq. (Compassionate Use Act).~~

~~(B)(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~~Planning Director, Police Chief, and City Manager. (Ord. CCO1004, 2010)

18.96.030 Location.

(A) ~~Medical m~~Medical Marijuana 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 ~~medical marijuana~~cannabis dispensary shall be located within 1,000 feet of ~~Mt. Shasta Elementary School, Sission Middle School, Mt. Shasta High School, or Jefferson High School.~~any school, daycare, public facility, or park

(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.

~~No more than three medical marijuana dispensaries shall be permitted to operate within the City of Mt. Shasta at any one time. 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 Medical m ~~Medical m~~Medical Marijuana Cannabis dispensary administrative permit process.

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

(B) The applicant for a ~~medical marijuana~~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 Director~~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 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 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 medical-marijuana-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 Director~~ Planning Department 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~~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 Director~~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 ~~medical-marijuana~~cannabis dispensary permit.

A permit to operate a ~~medical-marijuana~~cannabis dispensary shall be granted only if the Administrative

Review Committee makes all the following findings of fact:

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

(C) The ~~medical-marijuana~~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 ~~medical-marijuana~~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 ~~Compassionate Use Act (Cal. Health and Safety Code § 11362.5 et seq.)~~.
- (B) Consumption of any medical marijuana ~~cannabis~~ or medical marijuana ~~cannabis~~ product (including smoking) or ingestion is prohibited within and in, on, or adjacent to the ~~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 medical marijuana ~~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 medical marijuana ~~cannabis~~ or medical marijuana ~~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 medical marijuana ~~cannabis~~ is prohibited unless the dispensary is in compliance with applicable Siskiyou County health regulations.
- (I) The medical marijuana ~~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 medical marijuana ~~Cannabis~~ 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 ~~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 (identification card number or membership number as defined below), total pounds sold, and existing inventory.

~~(M) Patient Records. A medical marijuana 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 without appropriate medical documentation and legal guardian.

(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~~cannabis~~ is prohibited ~~in, on, or~~within or in the vicinity of the dispensary.

(R) Each medical marijuana~~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 medical marijuana~~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 ~~180-365~~ days from its final adoption to ~~apply~~ ~~update~~ and receive a ~~medical marijuana~~ 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.

18.96.1~~42~~0 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.

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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 recreational or medical 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 1,000 feet of any school, daycare, public facility, or park

(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 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 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 (identification card number or membership number as defined below), 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.

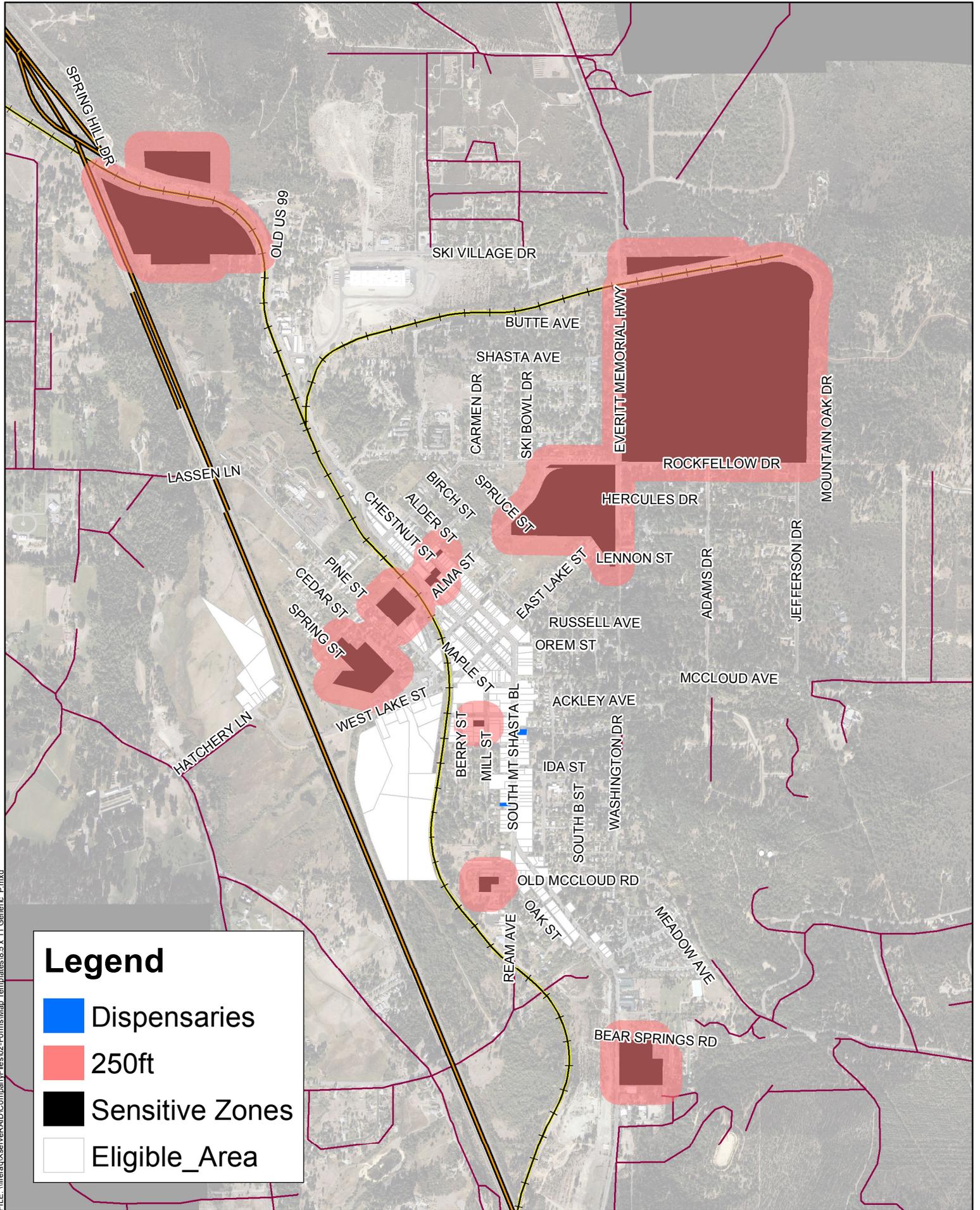
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City Telephone: (530) 9267510

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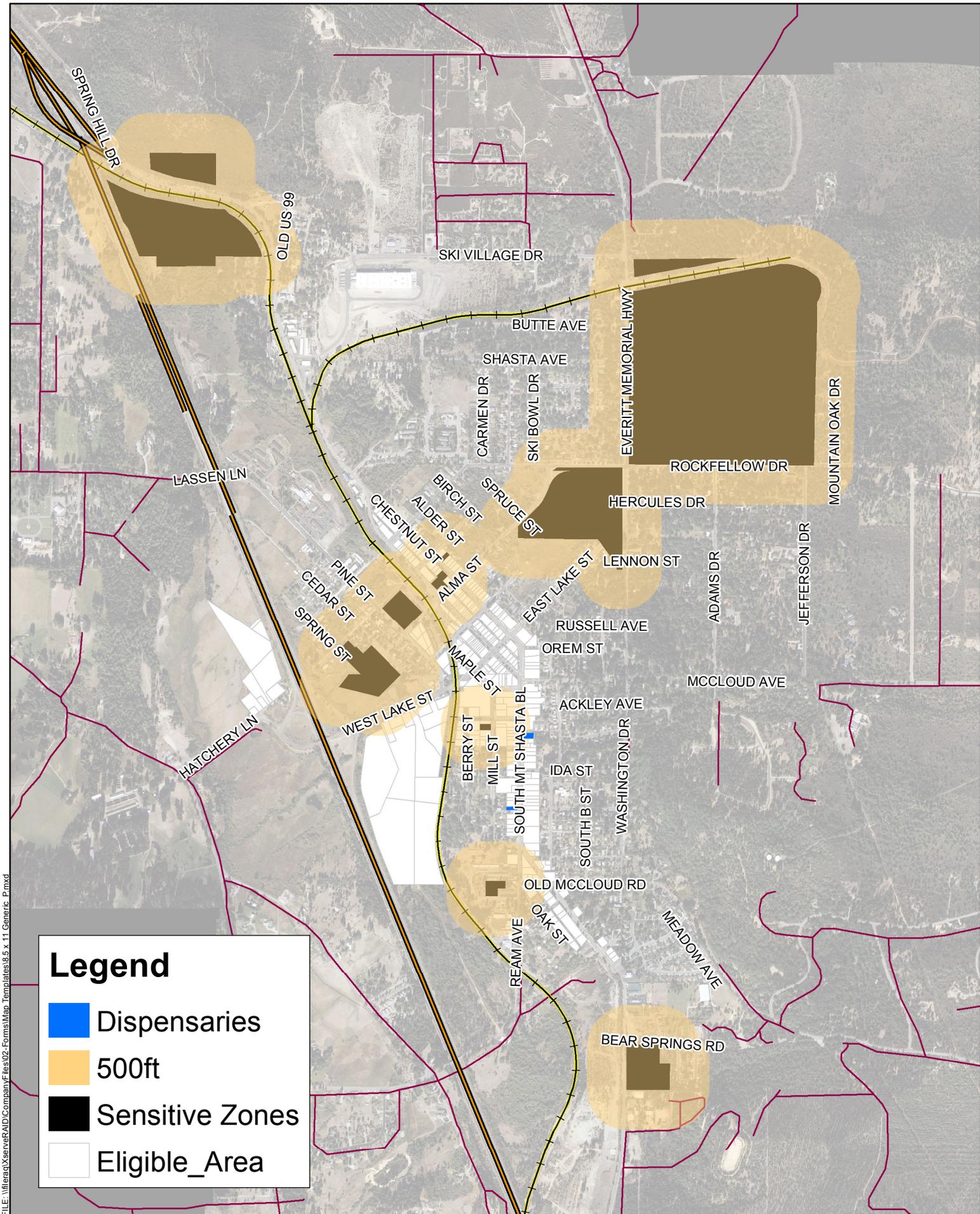
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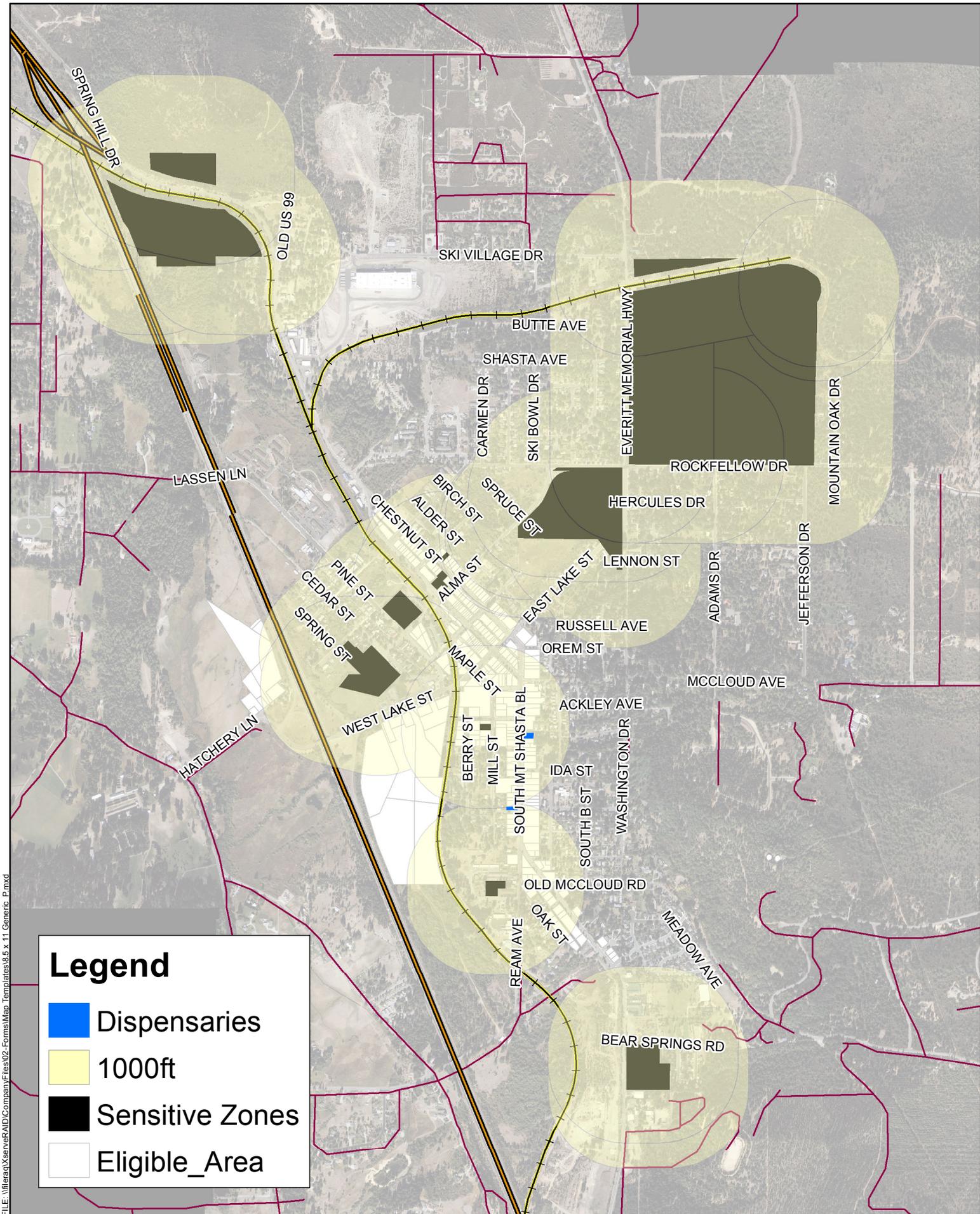
Legend

- Dispensaries
- 500ft
- Sensitive Zones
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Feature and boundary locations depicted are approximate only.

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Legend

- Dispensaries
- 1000ft
- Sensitive Zones
- Eligible_Area

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Feature and boundary locations depicted are approximate only.



ORDINANCE NO. 3099

AN ORDINANCE AMENDING THE ASHLAND MUNICIPAL CODE TITLE 6 BUSINESS LICENSES AND REGULATIONS TO ADD CHAPTER 6.50 ESTABLISHING TIME, PLACE AND MANNER REGULATIONS AND A PERMITTING PROCESS FOR MEDICAL MARIJUANA DISPENSARIES

WHEREAS, Article 2. Section 1 of the Ashland City Charter provides:

Powers of the City The City shall have all powers which the constitutions, statutes, and common law of the United States and of this State expressly or impliedly grant or allow municipalities, as fully as though this Charter specifically enumerated each of those powers, as well as all powers not inconsistent with the foregoing; and, in addition thereto, shall possess all powers hereinafter specifically granted. All the authority thereof shall have perpetual succession.

WHEREAS, the above referenced grant of power has been interpreted as affording all legislative powers home rule constitutional provisions reserved to Oregon Cities. City of Beaverton v. International Ass'n of Firefighters, Local 1660, Beaverton Shop, 20 Or.App. 293; 531 P 2d 730, 734 (1975).

WHEREAS, the Oregon Legislature enacted House Bill 3460 in 2013 (ORS 475.314) which requires the Oregon Health Authority to develop and implement a process to register medical marijuana facilities.

WHEREAS, under Oregon law, local governments may regulate the operation and location of certain types of businesses within their jurisdiction limits except when such action has been specifically preempted by state statute.

WHEREAS, the City Council of the City of Ashland desires to allow operation of medical marijuana dispensaries in the City in ways that protect and benefit the public health, safety and welfare of existing and future residents of the City.

WHEREAS, the Council has determined the unique characteristics of medical marijuana dispensary operations and their potential impacts make it necessary to establish particular time, place, and manner requirements for such operations and a separate permitting process for medical marijuana dispensaries, in addition to establishing such facilities as a new regulated land use within the City.

WHEREAS, the Council conducted a duly advertised public hearing on the above-referenced amendment on June 17, 2014 and, following the close of the public hearing and record, deliberated and conducted first and second readings approving adoption of the ordinance in accordance with Article 10 of the Ashland City Charter;

THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:

SECTION 1. Title 6 Business Licenses and Regulations of the Ashland Municipal Code is hereby amended to add as a new Chapter 6.50 with the following provisions concerning medical marijuana dispensaries:

SECTION 6.50.010 Purpose.

The purpose of this chapter is to minimize any adverse public safety and public health impacts that may result from allowing medical marijuana dispensaries in the City by adopting particular time, place and manner requirements and a separate permitting process for such dispensaries.

SECTION 6.50.020 Definitions.

- A. "Administrator" means the City Administrator of the City of Ashland or his/her designee.
- B. "CFR Schedule I or Schedule II" means the controlled substances designated in the Code of Federal Regulations Title 21, Chapter II, Part 1308.
- C. "Company Principal" means a person who is an officer or director of a legal entity or has a controlling interest in the entity, through ownership or control of 10% or more of the stock in the entity or 10% or more of the total membership interest in the entity or 10% or more of the total investment interest in the entity.
- D. "Convicted" means found guilty by verdict or finding entered in a criminal proceeding in a court of competent jurisdiction.
- E. "Dispensary" means a medical marijuana dispensary.
- F. "Financial Interest" exists when a person, the person's immediate family, or a legal entity of which the person is a company principal (1) receives or is entitled to receive directly or indirectly any of the benefits of the dispensary; (2) rents or leases real property to the operator for use by the business; (3) rents or leases personal property to the operator for a commercially unreasonable rate; (4) ~~lends~~ ^{lends} or gives money, real property or personal property to the operator for use in the business. For purposes of this section, monies owed to suppliers and contractors for the reasonable cost of goods and services received do not constitute a financial interest in a dispensary.
- G. "Marijuana" means all parts of the plant of the Cannabis Moraceae, whether growing or not, the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin, as may be defined by Oregon Revised Statutes or as they currently exist or may from time to time be amended. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or predation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
- H. "Medical Marijuana" means all parts of marijuana plants that may be used to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.
- I. "Medical Marijuana Dispensary" means a medical marijuana facility that is registered by the Oregon Health Authority under ORS 475.300-475.346 and that sells, distributes, transmits, gives, dispenses or otherwise provides medical marijuana to medical marijuana qualifying patients.

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- J. "Medical Marijuana Qualifying Patient" means a registry identification cardholder (person who has been diagnosed by a physician as having a debilitating medical condition) as further defined by ORS 475.302(3) or the designated primary caregiver of the cardholder is defined by ORS 475.302(5).
- K. "Minor" means any person under 18 years of age.
- L. "Operator" means the person who is the proprietor of a dispensary, whether in the capacity of owner, lessee, sub-lessee, mortgagee in possession, licensee or any other capacity. If the operator is a corporation, the term operator also includes each and every member of the corporation's Board of Directors whose directorship occurs in a period during which the dispensary is in operation. If the operator is a partnership or limited liability company, the term operator also includes each and every member thereof whose membership occurs in a period during which the dispensary is in operation.
- M. "Person" means natural person, joint-venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or any group or combination acting as a unit, including the United States of America, the State of Oregon and any political subdivision thereof, or the manager, lessee, agent, servant, officer or employee of any of them.
- N. "Premises" means a location registered by the State of Oregon as a medical marijuana dispensary and includes all areas at the location that are used in the business operated at the location, including offices, kitchens, restrooms, storerooms, and including all public and private areas where individuals are permitted to be present.

SECTION 6.50.030 Annual Permit Required

The operator of any medical marijuana dispensary in the City must possess a valid annual medical marijuana dispensary permit issued under this chapter and must comply with the requirements of any other state or local law or regulation. The permit terms shall be for a fiscal year, beginning July 1 and ending June 30 of the next year.

SECTION 6.50.040 Initial Permit Application and Fee

- A. Application forms for medical marijuana dispensary permits will be available at City offices. Applications for initial and renewal medical marijuana dispensary permits must be submitted to the City and must be signed under penalty of perjury. The application documents must include at least the following:
 - 1) The location of the proposed facility.
 - 2) The true names and addresses and any aliases of the persons that have, or have had within the preceding year, a financial interest in the dispensary
 - 3) A detailed description of the type, nature and extent of the enterprise to be conducted at the proposed facility.
 - 4) A detailed description of the proposed accounting and inventory systems for the dispensary.
 - 5) Certification that the proposed dispensary is registered as an Oregon medical marijuana facility pursuant to ORS 475.300-475.346 and is licensed to conduct business in compliance with Chapter 6.04 of the Ashland Municipal Code.
 - 6) Certification that the proposed dispensary has met all applicable requirements in Title 18 Land Use of the Ashland Municipal Code.
 - 7) Certification that all current fees and taxes owed have been paid.

- B. At the time of submission of an initial dispensary permit application, the applicant must pay a dispensary permit application and investigation fee. The fee amount shall be set by Council resolution. No portion of the dispensary permit fee is refundable in the event operation of the dispensary is discontinued for any reason.
- C. A separate permit application must be submitted for each proposed dispensary location.

SECTION 6.50.050 Permit Termination – Renewal - Fee

- A. A dispensary permit terminates automatically on June 30 of each year, unless a permit renewal application is approved.
- B. A dispensary permit terminates automatically if federal or state statutes, regulations or guidelines are modified, changed, or interpreted in such a way by state or federal law enforcement officials as to prohibit operation of the dispensary under this ordinance.
- C. A permit renewal application shall include information similar in nature to that provided on the permittee’s initial permit application and must be submitted to the City prior to expiration of the permit.
- D. At the time of submission of a dispensary permit renewal application, the permittee must pay a dispensary permit renewal application and investigation fee. The fee amount shall be set by Council resolution.

SECTION 6.50.060 Permit Conditions

Any medical marijuana dispensary must comply with the following requirements, in addition to any other state or local requirements:

- A. The dispensary must have a current City business license.
- B. The dispensary must meet applicable land-use, building and fire codes.
- C. The dispensary must not manufacture or produce any extracts, oils, resins or similar derivatives of marijuana on-site and must not use open flames in the preparation of any products.
- D. Marijuana and tobacco products must not be smoked, ingested or otherwise consumed on the premises of the dispensary.
- E. Operating hours for retail sales to Medical Marijuana Qualifying Patients must be no earlier than 9:00 a.m. or later than 7:00 p.m. on the same day.
- F. The dispensary must utilize an air filtration and ventilation system which, to the greatest extent feasible, confines all objectionable odors associated with the dispensary to the premises. For the purposes of this provision, the standard for judging “objectionable odors” shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected.
- G. The dispensary must not be co-located on the same property or within the same building with any marijuana social club or smoking club.
- H. No minor is allowed on the premises unless the minor is a cardholder and is accompanied by a parent or guardian whose purpose is to procure the minor’s medicine. No minor is allowed to enter the area of the facility where medical marijuana is present.
- I. A person who has been convicted in any state for the manufacture or delivery of a controlled substance listed in CFR Schedule I or Schedule II once or more in the previous five years or twice or more in the person’s lifetime may not be an operator or employee

- of a dispensary proposed or operating in the City or have a financial interest in a dispensary in the City.
- J. ~~The Administrator may conduct a criminal records check under ORS 181.534 on each operator of any dispensary proposed or operating in the City and on each person or entity providing equity or debt financing for any such dispensary.~~
 - K. The Dispensary must have an accounting system specifically designed for enterprises reliant on transactions conducted primarily in cash and sufficient to maintain detailed, auditable financial records. If the Administrator finds the books and records of the operator are deficient in any way or if the operator's accounting system is not auditable, the operator must modify the dispensary's accounting system to meet the requirements of the Administrator.
 - L. Every dispensary must keep and preserve, in an accounting format established by the Administrator, records of all sales made by the dispensary and such other books or accounts as may be required by the Administrator. Each dispensary operator must keep and preserve for a period of at least three (3) years records containing at least the following information:
 - 1) True names and any aliases of any operator of the dispensary, as that term is defined in Section 2 6.50.020N of this chapter;
 - 2) True names and addresses and any aliases of persons that have, or have had within the preceding year, a financial interest in the dispensary; and
 - 3) The Administrator may require additional information as he or she deems necessary.
 - M. Each dispensary must display its current permit inside the dispensary in a prominent place easily visible to persons conducting business in the dispensary.
 - N. Sales or any other transfers of marijuana products on the dispensary premises must occur inside the dispensary building and must be conducted only between the dispensary and Medical Marijuana Qualifying Patients.

SECTION 6.50.065 Background Checks

~~The Community Development Department will send to the Ashland Police Department the information provided on each initial or renewal dispensary permit application pursuant to Section 6.50.040A(2). The Police Department will conduct background checks to determine whether any person named therein has been convicted in any state for the manufacture or delivery of a controlled substance listed in CFR Schedule I or Schedule II once or more in the previous five years or twice or more in the person's lifetime and inform the Community Development Department whether or not all the persons named in the permit application passed the required background checks. Subject to Section 6.50.090, the Police Department will retain in its confidential files a record of the results of the background checks.~~

SECTION 6.50.070 Examination of Books, Records and Premises

- A. To determine compliance with the requirements of this chapter; Title 18 Land Use of the Ashland Municipal Code; and any local tax measures, the Administrator may examine or cause to be examined by an agent or representative designated by the Administrator, at any reasonable time, the premises of the dispensary, including wastewater from the dispensary, and any and all dispensary financial, operational and facility information, including books, papers, payroll reports and state and federal income tax returns. Every

permittee is directed and required to furnish to the Administrator the means, facilities and opportunity for making such examinations and investigations.

- B. As part of investigation of a crime which law enforcement officials reasonably suspect has taken place on the premises, Ashland Police shall be allowed to view surveillance videotapes at any reasonable time.

SECTION 6.50.080 Administrative and Other Remedies for Noncompliance, Administrative Appeals, and Penalties

- A. The Administrator may deny, suspend, or revoke a dispensary permit for failure to comply with this chapter or rules adopted under this chapter, for submitting falsified information to the City for the Oregon Health Authority, or for noncompliance with any other City ordinances.
 - 1) Any suspension or revocation pursuant to this section shall be in writing, setting forth the reasons therefor, and giving the permittee written notice by first-class United States Mail at least five days prior to effective date of the revocation or suspension.
 - 2) A decision to deny, suspend, or revoke a dispensary permit may be appealed as provided in AMC 2.30. The findings of the hearings officer shall be final and conclusive, and shall be served upon the appellant in the manner prescribed for service of notice of hearing.
- B. In addition to the remedies of suspension and revocation, failure to comply with the requirements of this chapter may be prosecuted as a Class I violation, punishable as provided in AMC 1.08.020 - 1.08.030.
- C. In addition to the remedies of suspension and revocation, submitting false or fraudulent information to the City may be prosecuted as a Class C misdemeanor, subject to AMC 1.08.
- D. The remedies provided in this section are not exclusive and shall not prevent the City from exercising any other remedy available under the law, nor shall the provisions of this chapter prohibit or restrict the City or other appropriate prosecutor from pursuing criminal charges under state law or City ordinance.

SECTION 6.50.090 Confidentiality

Except as otherwise required by law, it shall be unlawful for the City, any officer, employee or agent to divulge, release or make known in any manner any financial or employee information submitted or disclosed to the City under the terms of this chapter. Nothing in this section shall prohibit:

- A. The disclosure of the names and addresses of any operator or provider of equity or debt financing for a dispensary; or
- B. The disclosure of general statistics in a form which would prevent identification of financial information regarding a dispensary operator; or
- C. The presentation of evidence to a court, or other tribunal having jurisdiction in the prosecution of any criminal or civil claim by the City under this chapter; or
- D. The disclosure of information when such disclosure of conditionally exempt information is ordered under public records law procedures.

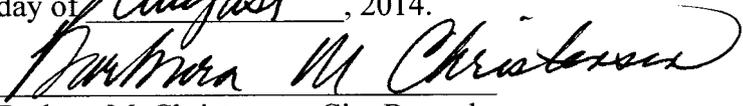
SECTION 2. Severability.

If any section, subsection, paragraph, sentence or word in this ordinance is deemed to be invalid or beyond the authority of the City, either on its face or is applied, the invalidity of such provision shall not affect the other sections, subsections, paragraphs, sentences, or words of this ordinance, and the application thereof; and to that end sections, subsections, paragraphs, sentences and words of this chapter shall be deemed severable.

SECTION 3. Codification.

Provisions of this ordinance shall be incorporated in the City Code and the word “ordinance” may be changed to “code”, “article”, “section”, or another word, and the sections of this ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions, and text descriptions of amendments (i.e. Sections 1-3) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

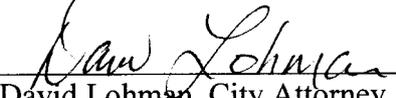
The foregoing ordinance was first read by title only in accordance with Article X, Section 2(C) of the City Charter on the 1st day of July, 2014, and duly PASSED and ADOPTED this 5 day of August, 2014.


Barbara M. Christensen, City Recorder

SIGNED and APPROVED this 7 day of August, 2014.


John Stromberg, Mayor

Reviewed as to form:


David Lohman, City Attorney

ORDINANCE CC 10-

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHASTA LAKE APPROVING
ZONE CHANGE NUMBER Z 10-01 AMENDING MUNICIPAL CODE TITLE 17 (ZONING)
BY ADDING CHAPTER 17.83, MEDICAL MARIJUANA CULTIVATION**

WHEREAS, in 1996 the voters of the State of California approved Proposition 215 which was codified as Health and Safety Code Section 11362.5, *et seq.* and entitled “The Compassionate Use Act of 1996” (“the Act”); and

WHEREAS, the intent of the Act was to enable persons who are in need of marijuana for medical purposes to obtain, cultivate and use it under limited, specific circumstances; and

WHEREAS, on January 1, 2004, Senate Bill 420 became effective to clarify the scope of the Act and to allow cities and counties to adopt and enforce rules and regulations consistent with SB 420 and the Act; and

WHEREAS, California Health and Safety Code Section 11362.83 expressly allows Cities and Counties to adopt and enforce ordinances that are consistent with Senate Bill 420.

WHEREAS, the Shasta Lake Sheriff’s Station, City residents and other public entities have reported adverse impacts from the cultivation of medical marijuana within the City, including offensive odors, increased risk of trespassing and burglary, and acts of violence in connection with the commission of such crimes or the occupants’ attempts to prevent such crimes; and

WHEREAS, the strong odor of marijuana plants, which increases as the plants mature, is offensive to many individuals and creates an attractive nuisance, alerting people to the location of valuable marijuana plants and creating an increased risk of crime; and

WHEREAS, indoor cultivation of medical marijuana often requires excessive use of electricity, creating the potential for risk of fire; and

WHEREAS, to protect the public health, safety, and welfare, it is the desire of the City to modify the Shasta Lake Municipal Code by adding regulations pertaining to the cultivation of medical marijuana within the City; and

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

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

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

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

1. The proposed amendments are consistent with the objectives, policies, general land uses and programs of the City of Shasta Lake General Plan and Zoning Code. The Ordinance identifies specific zoning districts in which the cultivation of medical marijuana can occur and includes development standards designed to protect the public health, safety and general welfare.
2. The proposed amendments are covered under the general rule exemption pursuant to the California Code of Regulations, Title 14, Chapter 3, Section 15061(b)(3) (CEQA Guidelines) because it can be seen with certainty that there is no possibility that adoption of the proposed Ordinance may have a significant effect on the environment. The amendment establishes standards and limitations for the cultivation of medical marijuana and would not intensify any existing use.

SECTION II: The City Council approves an amendment to Shasta Lake Municipal Code Title 17 (Zoning), by adding Chapter 17.83 (Medical Marijuana Cultivation) to read as follows:

**Chapter 17.83
MEDICAL MARIJUANA CULTIVATION**

17.83.010	Purpose and Intent
17.83.020	Definitions
17.83.030	Application Requirements
17.83.040	Regulation of Location
17.83.050	Operational Standards
17.83.060	Cultivation Standards
17.83.070	Public Nuisance / Enforcement
17.83.080	Appeal of Denial of Permit
17.83.090	Release of the City of Shasta Lake from liability
17.83.100	City of Shasta Lake Indemnification.
17.83.110	Liability

17.83.010 Purpose and Intent.

It is the purpose and intent of this Chapter to regulate the cultivation of medical marijuana, including the location of the cultivation, size of the area used for cultivation, and the use of fencing or other screening and security structures, to accommodate the needs of qualified patients and their caregivers. Nothing in this Chapter shall be construed to authorize any use, possession, cultivation, or distribution of marijuana except as allowed by California law.

17.83.020 Definitions.

- A. Accessory Building** means a detached building subordinate to and located on the same parcel as a residence, the use of which is incidental to that of the residence. Accessory building does not include any tent, trailer, recreational vehicle or other vehicle, or any building designed or used for human habitation.

- B. **Canopy** means the total combined canopy area for all locations on a property where medical marijuana is being cultivated, including indoor areas, outdoor areas, or a combination of both, as measured by the horizontal extent of the plant or combination of plants at the widest point and measured in a straight line.
- C. **Collective or Cooperative** shall be as defined by Shasta Lake Municipal Code Section 17.82.020.
- D. **Cultivation** means the planting, growing, harvesting, drying, or processing of marijuana plants or any part thereof.
- E. **Day Care Center** means any licensed child day care facility other than a small or large day care home, including infant centers and preschools.
- F. **Day Care Home** means a home, licensed by the state, that regularly provides nonmedical care, protection and supervision for 14 or fewer children in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home.
- G. **Law Enforcement Officer** means a member of the Shasta Lake Sheriff's Department.
- H. **Marijuana** shall have the same meaning as that set forth in California Health and Safety Code Section 11018.
- I. **Medical Marijuana** means medical marijuana that has been recommended by a licensed physician in strict accordance with California Health and Safety Code Sections 11362.5 through Section 11362.83, inclusive, commonly referred to as the Compassionate Use Act and the Medical Marijuana Program.
- J. **Non-Climbable Fence** means a fence with a smooth exterior surface that is not equipped with steps or other provisions for climbing.
- I. **Primary Caregiver.** As defined in California Health and Safety Code Section 11362.5 *et seq.*, and as may be amended from time to time.
- J. **Qualified Patient.** As defined in California Health and Safety Code Section 11362.5 *et seq.*, and as may be amended from time to time.
- K. **Residence** means a legal dwelling unit.
- L. **School** means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code. This definition includes an elementary school, middle or junior high school, senior high school, or any special institution of education for persons under the age of eighteen years, whether public or private.

17.83.030 Application Requirements.

- A. Persons who cultivate medical marijuana for their sole personal use, or qualified primary caregivers who cultivate medical marijuana on behalf of their qualified patient(s), may do so in quantities recommended by their physician and in accordance with the regulations of this Chapter without submitting a Medical Marijuana Cultivation Permit to the City.

- B. Persons cultivating medical marijuana for distribution to their collective or cooperative for the use of other members of said collective or cooperative shall do so in accordance with the requirements of this Chapter and shall obtain a one-time Medical Marijuana Cultivation Permit issued by the Development Services Director or his/her designee.
- C. The Permit shall include the name of the collective or cooperative for which the medical marijuana is being supplied and the quantity of medical marijuana agreed to be supplied on a calendar-year basis. Should either the collective or cooperative, or quantities to be provided change, a new Permit shall be signed and filed with the City. The Permit shall include the signature of the property owner if the property on which cultivation is to occur is not owned by the qualified patient or primary caregiver.
- D. A nonrefundable fee for processing the Permit may be established by resolution of the City Council.
- E. The applicant for the Permit shall be a verifiable qualified patient or primary caregiver.

17.83.040 Regulation of Location.

- A. The cultivation of medical marijuana shall be allowed only within the R-1, R-2, R-3, R-R, and I-R zone districts. Cultivation may be allowed in mixed-use zoning districts which include residential development as approved by the Development Services Director or his/her designee.

17.83.050 Operational Standards:

- A. Except as provided in Section 17.83.050(B), medical marijuana cultivation may be undertaken only by a qualified patient who must occupy the residence on the parcel proposed for cultivation as their primary residence.
- B. A qualified primary caregiver, as defined, may undertake cultivation of medical marijuana on behalf of his/her qualified patient(s), but only on a parcel containing the primary caregiver's or qualified patient's primary residence.
- C. Medical marijuana cultivation shall occur only as an accessory use to a legally established residence.
- D. Separation Distances: No outdoor cultivation shall be allowed on property located within 500 feet of a school, day care center, day care home, recreation center, youth center, library or a public park. *The distance shall be measured in a straight line from any parcel line of the real property on which outdoor cultivation occurs to the parcel line of the real property on which the facility, building, or structure, or portion of the building or structure, in which the above-listed use occurs or is located.*
- E. When required pursuant to this Chapter, a copy of a valid, City-issued Medical Marijuana Cultivation Permit must be kept available to immediately present to officers of the City and law enforcement officers upon request.

17.83.060 Cultivation Standards

A. Exceptions

1. Maximum Cultivation Area.

The Development Services Director or his/her designee may approve an increase in the maximum allowed cultivation area for a qualified patient or primary caregiver based on a written recommendation of a physician that the medical needs of a qualified patient require a greater quantity of medical marijuana than can be cultivated within the limitations established by this Section. In no case shall the approval increase the maximum permissible area of cultivation on an individual property by more than 20 percent.

2. Minimum Cultivation Area Setbacks

a. The Development Services Director or his/her designee may approve a decrease to the minimum required side yard and rear yard setbacks by no more than 20 percent upon determining the exception is necessary due to special circumstances or conditions pertaining to the property, including, but not limited to:

- i. The size, shape, topography or other unique characteristics of the lot.
- ii. Location of the residence relative to existing property lines.
- iii. The location of improvements on the property, such as accessory buildings, swimming pools, trees and similar features.

b. The Development Services Director or his/her designee may approve an exception to the front yard setback provided the property is one acre or larger and the special circumstances listed above pertain to the property. In no case shall the front yard cultivation area be located closer than 30 feet from the front property line.

B. Outdoor Cultivation Standards

1. The cultivation area shall not exceed the following limits:

Parcel Size	Maximum Canopy Area
Less than 1/2 acre	25 square feet
1/2 - 1 acre	60 square feet
Over 1 acre	240 square feet

2. Outdoor cultivation areas shall be contained within a non-climbable 6-foot high solid fence equipped with a locking gate.

C. Indoor Cultivation Standards

- 1. No cultivation shall be allowed within a residence.
- 2. The maximum canopy area for cultivation of medical marijuana inside a garage(s) or accessory building(s) shall not exceed a combined total of one hundred (100) square feet.

3. The use of a garage or detached accessory building for cultivation of medical marijuana shall not reduce parking required per Shasta Lake Municipal Code (SLMC) Chapter 17.86.
4. All buildings used for the cultivation of medical marijuana shall be provided with locking doors.
5. Gas products (CO₂, butane, etc.) for medical marijuana cultivation or processing are prohibited.
6. Medical marijuana cultivation lighting shall not exceed 1,200 watts unless a licensed electrical contractor certifies in a form acceptable to the Building Official that the additional lighting loads meet the requirements of the currently adopted California Electrical Code. Lighting shall conform to all applicable state and local codes.
7. Buildings utilized for cultivation shall comply with the California Building Code requirements pertaining to natural and mechanical ventilation or as otherwise determined by the Building Official or his/her designee. Cultivation shall not create an odor, humidity or mold problem on the subject property or adjacent properties.
8. Unless otherwise exempt from the requirements of the California Building Code, the building utilized for cultivation shall be legally constructed with a building permit. Illegally constructed buildings and those constructed prior to the requirement for building permits shall be brought into compliance with the most recently adopted California Building Code as inspected by the Building Official pursuant to an approved building permit. All electrical and plumbing improvements shall be installed pursuant to an approved building permit.

D. General Cultivation Standards

1. The following minimum setbacks apply to outdoor cultivation areas and those located within enclosed accessory buildings.
 - a. Front yard. Cultivation areas shall not be located forward of the rear foundation of the main residence.
 - b. Side yards. 15 feet
 - c. Rear yards: 15 feet.
 - d. Minimum distance from the nearest residence which is not located on the same parcel: 30 feet.
2. There shall be no exterior evidence from a public right-of-way of medical marijuana cultivation operations, either indoor or outdoor.

17.83.070 Public Nuisance / Enforcement

- A. Medical marijuana cultivation shall not adversely affect the health or safety of nearby residents by creating dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or wastes.

- B. It is hereby declared to be unlawful for any person owning, leasing, occupying or having charge or possession of any property within the City to create a public nuisance in the course of cultivating medical marijuana in any location. A public nuisance may also be deemed to exist if such activity is determined to be related to the cultivation of marijuana and produces:
1. Odors which are disturbing to people residing or present on adjacent or nearby property or areas open to the public.
 2. Repeated responses to the property from law enforcement officers (more than three times in a one-year period);
 3. Repeated disruption to the free passage of persons or vehicles in the neighborhood (more than three times in a one-year period) as reported to law enforcement officers or the City Code Enforcement Officer;
 4. Excessive noise which is disturbing to people on adjacent or nearby property or areas open to the public; and
 5. Any other impacts which adversely affect the health, safety or general welfare of people on adjacent or nearby property or areas open to the public.
- C. The written affirmation by two persons, not related and having separate residences, stating that their peace and quiet is unreasonably disturbed as a direct result of cultivation activities shall be prima facie evidence of a violation of this Section.
- D. Nothing in this Chapter shall be construed as a limitation on the City's authority to abate any nuisance which may exist from the planting, growing, harvesting, drying, processing or storage of marijuana plants or any part thereof from any location, indoor or outdoor, including from within a fully enclosed and secure building.
- E. All medical marijuana cultivation shall be subject to SLMC Chapter 8.12 (Summary Abatement-Immediately Dangerous Buildings and Conditions), Chapter 8.16 (Abatement of Dangerous Buildings, Substandard Buildings and Public Nuisances) and the State Housing Code (California Health and Safety Code), and other applicable provisions of local and state law.

17.83.080 Appeal of Denial of Permit

- A. The Development Services Director, in consultation with the Sheriff's Department, Building Official and Shasta Lake Fire Protection District, shall review all Medical Marijuana Cultivation Permit applications, and all other relevant information, and determine if a permit should be granted. If the Development Services Director determines that the permit shall not be granted, the reasons for denial shall be provided in writing to the applicant. The applicant shall have fourteen (14) calendar days from the date of receipt of the written denial to correct the reasons for denial and request in writing reconsideration of permit issuance. Following review of the amended permit application, the Development Services Director shall approve or deny the permit by providing written notice to the applicant.
- B. An applicant who disagrees with the Development Services Director's decision may appeal such decision to the Shasta Lake Planning Commission by submitting a written appeal within five (5) calendar days from receipt of the written denial pursuant to the

requirements of Shasta Lake Municipal Code Section 17.92.050(G). A decision of the Planning Commission may be appealed to the City Council if the appeal is submitted in writing to the City Clerk within five (5) calendar days following the Planning Commission's action. The fee for filing an appeal shall be as established by resolution of the City Council.

17.83.090 Release of the City of Shasta Lake from Liability.

This section shall apply only to cultivation activities that require a Medical Marijuana Cultivation Permit. In a form satisfactory to the City Attorney, the property owner(s) of record for each legal parcel, permittees, participants in the cultivation of medical marijuana, and members of collectives and/or cooperatives associated with the cultivation of medical marijuana, shall release and hold harmless the City of Shasta Lake, and its agents, officers, elected officials, appointed officials, and employees from claims, injuries, damages, or liabilities of any kind that may result from the activities associated with the cultivation of medical marijuana including, but not limited to, any arrest or prosecution of owners, permittees, and/or the members of collectives and/or cooperatives associated with the cultivation of medical marijuana, for violation of state or federal laws.

17.83.100 City of Shasta Lake Indemnification.

This section shall apply only to cultivation activities that require a Medical Marijuana Cultivation Permit. In a form satisfactory to the City Attorney, the property owner(s) of record for each legal parcel, permittees, participants in the cultivation of medical marijuana, and collective/cooperative members associated with the cultivation of medical marijuana, shall release and hold harmless the City of Shasta Lake, its agents, officers, elected officials, appointed officials, and employees for any claim, damages, or injuries brought by adjacent or nearby property owners or other third parties due to the planting, growing, harvesting, drying, processing or storage of marijuana plants, and for any claims, damages, injuries, or liabilities of any kind that may arise out of the cultivation and/or on-site or off-site use of marijuana provided at the cultivation area.

17.84.110 Liability.

The provisions of this Chapter shall not be construed to protect the property owner(s) of record for each legal parcel associated with the cultivation of medical marijuana, permittees, participants in the cultivation of medical marijuana, and members of collectives and/or cooperatives associated with the cultivation of medical marijuana, from prosecution pursuant to any laws that may prohibit the cultivation, sale, and/or possession of controlled substances. Moreover, cultivation, sale, possession, distribution, and use of marijuana remain violations of federal law as of the date of adoption of the ordinance creating this Chapter and this Chapter is not intended to, and does not protect any of the above described persons from arrest or prosecution under those federal laws.

The property owner(s) of record for each legal parcel associated with the cultivation of medical marijuana, permittees, participants in the cultivation of medical marijuana, and members of collectives and/or cooperatives associated with the cultivation of medical marijuana, assume any and all risk and any and all liability that may arise or result under state and federal criminal laws from the cultivation of marijuana. Further, to the fullest extent permitted by law, any actions taken under the provisions of this Section by any public officer or employee of the City of Shasta

Lake or City of Shasta Lake itself, shall not become a personal liability of such person or the liability of the City of Shasta Lake.

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

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

I HEREBY CERTIFY that the foregoing Ordinance was introduced and read at a regular meeting of the City Council of the City of Shasta Lake held on the 7th day of December 2010 and was passed upon second reading at a regular meeting of the City Council of the City of Shasta Lake held on the 21st day of December 2010.

PASSED, APPROVED, AND ADOPTED this 21st day of December 2010 by the following vote:

AYES:

NOES:

ABSENT:

ROD LINDSAY, Mayor

ATTEST:

TONI M. COATES, CMC, City Clerk

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: Cannabis Dispensary Ordinance Amendments

Project Applicant: City of Mt. Shasta

Project Location - Specific:
City of Mt. Shasta city limits

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

Description of Nature, Purpose and Beneficiaries of Project:

The City of Mt. Shasta is currently revising the City ordinance related to cannabis dispensaries within the city limits. The amendments aim to address changes in administrative process, locations of dispensaries throughout the city, and clarifies the number of allowable dispensaries within the city limits.

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

Name of Person or Agency Carrying Out Project: Juliana Lucchesi, City Planner

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));
Categorical Exemption. State type and section number:
Statutory Exemptions. State code number:

Reasons why project is exempt:

The City of Mt. Shasta considers this project exempt from the CEQA process because the major changes to the ordinance are concerned with administrative process which has no direct or indirect impact on the environment. The permitting process is also strictly administrative in nature.

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.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: