

**REGULAR MEETING
DUNSMUIR PLANNING COMMISSION
November 14, 2018
REGULAR SESSION:
Beginning at 6:30 pm
COUNCIL CHAMBERS - 5902 DUNSMUIR AVE**

As a courtesy, please turn off cell phones and electronic devices while the meeting is in session. Thank you.

- 1. CALL TO ORDER**
- 2. FLAG SALUTE**
- 3. ROLL CALL**
- 4. APPROVAL OF AGENDA**
- 5. APPROVAL OF MINUTES**

A. October 10, 2018 Regular Meeting

6. ANNOUNCEMENTS AND PUBLIC COMMENT

Make your announcements or comments from the podium.

The Planning Commission Chairperson will recognize you and ask for your name and address so that City staff can follow up on any issues requiring City action.

This time is set aside for citizens to address the Planning Commission on matters **not** included on the Regular Agenda. If your comments concern an item noted on the Regular Agenda, please address the Planning Commission when that item is open for public comment. **Each speaker is allocated three (3) minutes to speak. Speakers may not cede their time.** Comments should be limited to matters within the jurisdiction of the City. Speaker forms are available from the City Clerk, 5915 Dunsmuir Ave, Dunsmuir, on the City's website, or on the podium. The Planning Commission can only take action on matters that are on the Agenda, but may place matters brought to their attention at this meeting on a future Agenda for consideration. If you have documents to present to members of the Planning Commission, please provide a minimum of nine (9) copies

7. PUBLIC HEARING -

PUBLIC Hearing Protocol:

- a. Chairperson will describe the purpose of the Public Hearing**
- b. City Staff will provide the Staff Report**
- c. City Staff will respond to questions by the Planning Commission**
- d. Chairperson will open the Public Hearing**
- e. Citizens wanting to comment will come to the podium, provide the City Clerk with their name and address**

A. Draft Zoning Ordinance Amendment for Commercial Cannabis. This draft ordinance is

proposed to amend the zoning ordinance, Title 17 of the Dunsmuir Municipal Code, adding Chapter 17.10, including a table of cannabis land uses and how they are permitted or not permitted within each zoning district within the city. An Initial Study and Proposed Negative Declaration accompany the project and are to be reviewed and acted on prior to action on the ordinance. The meeting date of November 14, 2018 is the first day of a 30-day public comment period for the environmental review.

8. **OLD BUSINESS - None**

9. **NEW BUSINESS - None**

10. **ANNOUNCEMENTS AND REPORTS FROM COMMISSION AND STAFF**

11. **ADJOURNMENT:**

Copies of this agenda were posted at City Hall, the Dunsmuir Park and Recreation District Office and at the Post Office on or before 6:30 PM Saturday, November 10, 2018.

The City of Dunsmuir does not discriminate on the basis of race, color, national origin, religion, age, gender, sexual orientation, disability or any other legally protected classes in employment or provision of services. Persons who need accommodations for a disability at a public meeting may call City Hall at (530) 235-4822 for assistance. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to accommodate participation in the meeting.

CERTIFICATION

This is the official Dunsmuir Planning Commission Agenda created and posted in accordance with the Dunsmuir City Protocols.



Deputy City Clerk

11-7-2018
Date

DUNSMUIR PLANNING COMMISSION

MINUTES

October 10, 2018

REGULAR SESSION:

1. CALL TO ORDER

Meeting was called to order by Chairperson Conway at 6:30 pm.

2. FLAG SALUTE

3. SWEARING IN OF NEW COMMISSIONER

Carol Skalko was sworn into office by Deputy City Clerk Iskra

4. ROLL CALL

Planning Commissioners present: Kay, Harley, Rees, Martin, Skalko, Conway

Planning Commissioners absent: Powers

City Staff present: Planner Dinges, Deputy City Clerk Iskra

5. APPROVAL OF AGENDA

Motion by Harley to approve the October 10, 2018 agenda, seconded by Kay.

Voice Vote: AYES: Kay, Harley, Skalko, Martin, Rees, Conway

NOES: None

ABSENT: Powers

ABSTAIN: None

6-0-1-0

6. APPROVAL OF MINUTES

Motion by Harley to approve the minutes of August 8, 2018 by Harley, seconded by

Craig. Voice Vote: AYES: Kay, Harley, Rees, Skalko, Martin, Conway

NOES: None

ABSENT: Powers

ABSTAIN: None

6-0-1-0

7. ANNOUNCEMENTS AND PUBLIC COMMENT

Laurie Barnes-Harley said congratulations on getting the agenda online but it showed up as the Cannabis agenda

John Cripe, owner of the House of Glass property, stated he had covered the pool side windows with plywood. He said he is working with the Planner to subdivide the property and is questioning her responses. He wanted to talk to the Commissioners but Planner Dinges stated the Commissioners do not have an application to review at this time.

8. PUBLIC HEARING - None

9. OLD BUSINESS

A. Appointment of a Planning Commissioner to the empty seat on the Beautification Committee.

Chair Conway discussed the responsibilities of serving on the Beautification Committee.

Motion by Harley to appoint Craig Kay to serve on the Beautification Committee as the Planning Commissioner representative, seconded by Rees.

Voice Vote: AYES: Kay, Harley, Skalko, Martin, Rees, Conway
 NOES: None
 ABSENT: Powers
 ABSTAIN: None 6-0-1-0

10. NEW BUSINESS

A. Review and approval of revised colors for the Mossbrae Hotel.

Planner Dinges stated the colors of the Mossbrae Hotel do not match the approved colors.

The new colors need to be approved or disapproved by Commissioners.

Public Comment: Laurie Barnes-Harley said she thinks it is a wonderful job.

Commissioner Comment:

Motion by Craig to approve the current colors, seconded by Martin. Voice vote:

AYES: Kay, Skalko, Martin, Rees, Conway
NOES: Harley
ABSENT: Powers
ABSTAIN: None 5-1-1-0

11. ANNOUNCEMENTS AND REPORTS FROM COMMISSION AND STAFF

A. Staff: Dinges reported she has received a sign application for the Mossbrae Hotel and it will go to the HDMC representatives for approval.

B. Commissioners: Rees suggested we create some exterior signs to place around town letting visitors know what the siren patterns mean. Harley stated that Gold Beach has signs for the tsunami warnings.

12. ADJOURNMENT:

Meeting adjourned at 7:05 pm.

Chair Conway

ATTEST:

Deputy City Clerk

City of Dunsmuir Planning Commission Staff Report

By Arlene Dinges, Planning Consultant

Date of Hearing	November 14, 2018
Project Location	Entire area within City of Dunsmuir
Project Description	Revision of Municipal code to add Title 17, Chapter 10 Commercial Cannabis Uses
Purpose of Review	To establish land use provisions and regulations for commercial cannabis businesses

Background: Medicinal Marijuana has been legal in the City of Dunsmuir per Chapter 17.32 of the Dunsmuir Municipal Code. Other commercial aspects of the Cannabis industry that were previously illegal in the State of California are now legal, and are regulated by the State, and may also be regulated by local jurisdictions if proper ordinances are in place. On December 7, 2017 the City of Dunsmuir adopted Ordinance 558 amending Section 5.05 of the Municipal Code, allowing commercial cannabis in the city under certain conditions (See Attachment B). The proposed new ordinance being reviewed for the first time tonight is more specific about which license types and cannabis uses should be allowed in which zones. If this new ordinance is adopted, Chapter 17.32 of the Dunsmuir Municipal Code for medicinal marijuana should be repealed and Ordinance 558 should be amended to avoid duplication and inconsistencies.

To prepare this draft ordinance, the City Council appointed a cannabis Task Force, which held workshops and met several times to consider various aspects of the commercial cannabis industry. The proposed state law legalizing commercial adult use cannabis has undergone some changes during the timeline involved and has now been merged to some degree with medicinal cannabis regulations. The proposed ordinance being reviewed tonight was based on information available from the State of California, and information offered by members of the task force and members of the public. The Task Force has come to a consensus regarding compatibility of various cannabis uses with various zoning districts. The draft ordinance has been prepared by the City Attorney subsequent to the concluding meetings of the Task Force. (Attachment A)

The Commission is required to hold a public hearing and then to recommend action on this draft to the City Council. In doing so, it is also to

consider environmental aspects of the project before its decision on the ordinance itself. The Public comment period on the environmental analysis Initial Study and proposed Negative Declaration is open until December 15, 2018, so no action can be taken tonight, only public comment and discussion among the commissioners. After the public comment period is closed, the environmental review can be acted on and the draft can then be accepted as is, rejected in total, or revised to reflect the Commission's recommendation.

It is important to note that, although California now allows for both medical and adult (nonmedical) use of cannabis, cannabis remains classified as a Schedule 1 controlled substance under the federal Controlled Substances Act of 1970. Individuals engaging in cannabis cultivation and other cannabis-related activities risk prosecution under federal law.

Summary of proposed ordinance

The proposed ordinance breaks the cannabis uses into fourteen (14) types per the State of California and shows in a table whether they are permitted "P", not permitted "NP" or permitted with an approved conditional use permit "CUP". See Attachment A for specifics. Also attached for your reference are the zoning map (Attachment C) and the General Plan Land Use Map (Attachment D).

Permitting process:

The permitting process is controlled via Ordinance 558. Anyone wanting to have a commercial cannabis business in the City of Dunsmuir would apply to the State of California as well as the City of Dunsmuir. As part of the licensing process the State will require confirmation from the City that the proposed location is within a zone that allows the proposed use. If a use is allowed only with a conditional use permit, the application would be presented to the Planning Commission at a public hearing, and would be subject to additional environmental review for the specific site circumstances.

Environmental Assessment

The proposed action is a "project" according to the California Environmental Quality Act (CEQA), and as such must be reviewed to determine if there are environmental impacts associated with the project.

The State of California prepared a Program Environmental Impact Report (PEIR) for the state law, which means local jurisdictions can use that document as a basis for environmental review, needing only to prepare further review on issues not discussed adequately due to situations unique

to the City of Dunsmuir. The State PEIR evaluated the environmental aspects of their proposed laws. On the strength of the way the regulations are devised, they concluded there are no environmental impacts that must be mitigated.

Ordinance, #558 was exempted from CEQA. However, an Initial Study has been prepared for this project as it relates specifically to Dunsmuir. (Attachment E). After analysis, it concludes that there are no issues that trigger further study, and a Negative Declaration is recommended.

If, after public comment and further analysis, there are impacts for Dunsmuir which are considered significant, then mitigation measures unique should be devised, if feasible. Staff has performed an Initial Study per CEQA regulations, (attached) and recommends a negative declaration be approved. To reach this conclusion, staff has relied upon the fact that in places where environmental issues might rest on specific site locations that are sensitive in some way, a conditional use permit will be required, which will trigger further environmental review prior to approval of the individual permit.

Recommendation:

The Planning Commission should hold a public hearing, on the project and its environmental impacts, consider all comments. At the close of the public comment period, the commission should deliberate on the environmental review and the project, make a recommendation on the CEQA determination, and then make a recommendation on the draft ordinance. The recommendation will be forwarded to the City Council for further action and at least 2 readings prior to adoption.

For more information about the PEIR, see Attachment F

Attachments:

- A. Draft Ordinance
- B. Ordinance 558, adopted December 7, 2017
- C. Zoning Map of the City of Dunsmuir
- D. General Plan Land Use Map of the City of Dunsmuir
- E. Initial Study for Dunsmuir's ordinance (Appendix G of the CEQA Guidelines)
- F. Summary of State PEIR prepared by CDFA

Other Resources:

https://www.cdfa.ca.gov/calcannabis/documents/CDFA_CalCannabis_DEIR_Vol1.pdf

Attachment A - Draft Ordinance

17.10.010 — Land use table

The land use table shall be used to determine whether a commercial cannabis business is permitted (P), not permitted (NP), or permitted with a conditional use permit (CUP). If a zoning district in title 17 is not listed in the land use table, the use is not permitted

USE TYPE ¹	LAND USE CLASS	R-1	R-2	R-3	R-4	C-1	C-2	C-2-H	CM	LM	M
Cultivator (AO)	1 - 25 Plants	NP	NP	NP	CUP	CUP	CUP	NP	CUP	CUP	CUP
Cultivator (BO)	5,001 -10,000 sq. ft. (PCA)	NP	NP	NP	NP	CUP	CUP	NP	CUP	CUP	CUP
Cultivator (CO)	10,001 sq. ft. and larger (PCA)	NP	NP	NP	NP	CUP	CUP	NP	CIP	CUP	CUP
Cultivator (AI)	0- 5,000 sq. ft. (PCA)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Cultivator (BI)	5, 001 – 10,000 sq. ft. (PCA)	NP	NP	NP	NP	CUP	CUP	CUP	CUP	CUP	CUP
Cultivator (CI)	10,001 -22,000 sq. ft. (PCA)	NP	NP	NP	NP	CUP	CUP	CUP	CUP	CUP	CUP
Retail Cannabis Business ²	Type 9 – Non-Storefront Type 10 - Storefront	NP	NP	NP	NP	CUP	CUP	CUP	CUP	CUP	CUP
Distribution	Type 11 State license	NP	NP	NP	CUP	P	P	P	P	P	P
Manufacturing ³	Type 6 State license	NP	NP	NP	NP	P	P	CUP	P	P	P
Manufacturing ³	Type 7 State license	NP	NP	NP	NP	NP	NP	NP	NP	NP	CUP
Manufacturing (N) ³	Type N State license	NP	NP	NP	NP	P	P	CUP	P	P	P
Manufacturing (P) ³	Type P State license	NP	NP	NP	NP	P	P	CUP	P	P	P
Testing	Type 8 State License	NP	NP	NP	CUP	P	P	P	P	P	P
Nursery	Type 4 State License	NP	NP	NP	CUP	CUP	CUP	CUP	CUP	CUP	CUP

¹ .Outdoor grows require a CUP in the Historic District, but are not allowed in the Buffer Zone.

² Any dispensary operating lawfully on May 7, 2017, is permitted where it was then located, but must comply with all other regulations and permit requirements.

17.10.020 - Definitions

For the purpose of this chapter the definitions found in chapter 5.05 shall apply. The definitions listed here are applicable throughout this code where cannabis is referenced. All definitions are intended to comply with those in this code, state regulations, Business and Professions Code, and in the California Health and Safety Code, and as they may be amended.

17.10.030 — Development standards

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

17.10.040 - Permits

All commercial cannabis businesses allowed as shown in section 17.10.10 are required to obtain a business license as required by title 5 — business license and a regulatory license as required by chapter 8.06 — commercial cannabis licenses and standards.

ORDINANCE CC-558

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUNSMUIR
AMENDING TITLE 5 OF THE DUNSMUIR MUNICIPAL CODE BY ADDING
CHAPTER 5.05 TO REGULATE THE ESTABLISHMENT, OPERATION,
CULTIVATION, MANUFACTURING, SALE, TESTING AND DISTRIBUTION OF
COMMERCIAL CANNABIS**

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

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

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

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

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

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

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

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

WHEREAS, after studying various alternatives for the regulation of cannabis retailers, considering input from stakeholders and a public hearing, and reviewing the legal status of cannabis under applicable law, the City Council finds that the regulation of cannabis retailers, cultivation facilities is necessary to

protect the public health, safety, and welfare by mitigating the adverse secondary effects from the operations of these uses; and

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

WHEREAS, the adoption of an ordinance, rule, or regulation by the City Council that requires discretionary review and approval of permits, licenses, or other authorization to engage in commercial cannabis activity is exempt from Division 13 of the Public Resources Code pursuant to the provisions of Business and Profession Code 26055(h) and requires no further environmental review.

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

SECTION 1 - The City of Dunsmuir Municipal Code shall be amended to add chapter 5.05 to read as follows.

Chapter 5.05 - REGULATION OF COMMERCIAL CANNABIS ACTIVITIES

5.05.010 — Purpose and Intent

It is the purpose and intent of this section to regulate the cultivation, and sale of cannabis in order to ensure the health, safety and welfare of the residents of the City of Dunsmuir. The regulations in this article, in compliance with the Compassionate Use Act, the Medical Marijuana Program Act, the Medical Cannabis Regulations and Safety Act, Proposition 64, and the California Health and Safety Code (collectively referred to as "State Law") do not interfere with the right to use cannabis or medical cannabis as authorized under State Law, nor do they criminalize the possession or cultivation of cannabis or medical cannabis as authorized under State Law. All commercial cannabis business shall at all times be in compliance with current State Law at a minimum.

5.05.020 - scope of Article

The operating standards established in this article apply to any site, facility, location, use, or business currently operating in the City of Dunsmuir, or which commences operations after the effective date of this Section, that cultivates, dispenses, stores, sells, cannabis for medical or recreational purposes. Any Retailer or cultivation facility, shall operate in conformance with the operating standards set forth in this Section of the Municipal Code to assure that the operations of the Retailer or cultivation facility, are in compliance with California law and to mitigate the adverse secondary effects from its operations.

Persons who cultivate cannabis for their sole personal use at their residences (up to six plants per residence) may do so without submitting any application or permit. It is hereby declared to be unlawful and a public nuisance may also be deemed to exist if such activity is determined to be related to the cultivation of cannabis 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 or other code 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. Any other impact which adversely impacts the health, safety or general welfare of people on adjacent or nearby property or areas open to the public.

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 cannabis plants or any part thereof from any location.

5. 05.030 - 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. Applicant shall mean a person who is required to file an application for a permit or license under this chapter.
- C. Cannabis "Cannabis" means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. For purposes of this Section the terms Cannabis and Marijuana shall have the same meaning.
- D. Cannabis Retailer — means a premise where cannabis, cannabis products, or devices for the use of non-medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including, an establishment that delivers, pursuant to Section 19340 of the Health and Safety Code, cannabis and cannabis products as part of a retail sale.
- E. Cannabis Manufacturing Site — means the premises that produces, prepares, propagates, or compounds manufactured cannabis or cannabis products, directly or indirectly, by neayolatile any extraction methods; and is owned and operated by a licensee for these activities.
- F. Cannabis Testing Facility means a public or private laboratory licensed and certified, or approved by the Bureau of Cannabis Regulation or any other regulatory body controlling testing facilities, to conduct research and analyze cannabis, cannabis products, and cannabis concentrate for contaminants and potency.
- G. Canopy means the total combined canopy area for all locations on a property where cannabis is being cultivated, including indoor areas, outdoor areas, or a combination of both, as measured by the horizontal extent of the plant or combination of plants at the widest point and measured in a straight line.
- H. Commercial Cannabis Business includes cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, delivery, or sale of cannabis, medical cannabis or a cannabis or medical cannabis product, except as related Business and Professions Code Section 19319, and as it may be amended or Health and Safety Code Sections 11362.1 through 11362.45 and as they may be amended.

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

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

5.05.040 — Separation Requirements

- a. No cannabis Retailer, cultivation facility, manufacturing facility, testing facility or any other commercial cannabis business facility may be located within a 600-foot linear footage (from property line to property line) from a school, day care home, recreational center, youth center, or public park as required by Section 11362.768 of the Health and Safety Code.
- b. With the exception of retail facilities operating at the time of the enactment of this ordinance, no cannabis retailer, cultivation facility, manufacturing facility, or testing facility or any other cannabis business facility may be located within a 100 feet linear footage (from property line to property line) from the Library, Children's Park, Football Field, Community Building or Parks And Recreation area (pool) as permitted by section 11362.768 of the health and Safety Code.

5.05.050 — Maximum Number of Retailers Permitted Citywide

- a. The City of Dunsmuir may permit up to three (3) retailers to operate within City limits, regardless of the location's compliance with any other Section specified in this Title.
- b. The total number of retailers in operation shall be determined based on the number of locations which have been issued a Cannabis Retailer Permit by the City or are eligible to submit for a Cannabis Retailer Permit.
- c. If the number of applications exceeds the number of permits allowed, a lottery system will be used. City staff will create a lottery process in the event as required
- d. Retailers already operating with the City's permission in the City of Dunsmuir are deemed permitted to dispense cannabis and cannabis products provided they pay all regulatory fees and taxes and all other requirements and standards of the City of Dunsmuir's regulatory ordinance, zoning ordinance and tax ordinance and as they may be amended.

5.05.060 — Commercial Cannabis Cultivation.

- a. Outdoor Commercial cannabis cultivation shall not be allowed in the Dunsmuir Historic District and buffer zone.
- b. Outdoor commercial cultivation of cannabis outside of the historic district and buffer zone with a conditional use permit issued by the planning commission shall be allowed.
- c. Cannabis shall not be grown in a residence by anyone other than the resident.
- d. Cannabis cultivation shall not contain an exhibition or product sales area or allow for retail distribution of products at that location.
- e. Cannabis cultivation, and retail facilities shall be required to provide an air treatment system that ensures off-site odors shall not result from its operations. This requirement at a minimum means that the facility shall be designed to provide sufficient odor absorbing ventilation and exhaust systems so that any odor generated inside the location is not detected outside the building, on adjacent properties or public rights-

of-way, or within any other unit located within the same building as the facility, if the use occupies only a portion of a building.

f. Indoor commercial cannabis cultivation is allowed in all districts with a conditional use permit issued by the planning commission.

5.05.070 — Commercial Cannabis Business Permit Required

- a. It shall be unlawful for any person, association, partnership or corporation to engage in, conduct or carry on, in or upon any premises within the City cannabis business without a Commercial Cannabis Business Permit. A cannabis business shall register and obtain a Commercial Cannabis Business Permit from the City of Dunsmuir prior to operation. The Applicant shall pay a non-refundable fee in an amount established by the City Council.
- b. A copy of the Commercial Cannabis Business Permit shall be displayed at all times in a place visible to the public.
- c. A Commercial Cannabis Business Permit shall be valid for one (1) year, unless sooner revoked. No permit granted herein shall confer any vested right to any person or business for more than the above-referenced period.
- d. All owners shall comply with California residency requirements as defined in Business and Professions code 26054.1 (a)(b).

5.05.080 — Commercial Cannabis Business Permit

- a. A Commercial Cannabis Business Permit shall not be issued to an individual or a business entity associated with an individual, who has violated California Health & Safety Code Section 1 1590 and its provisions.
- b. The Commercial Cannabis Business Permit shall be issued to the specific person or persons listed on the Cannabis Permit Application.
- c. A Commercial Cannabis Business Permit does not transfer with the land and does not transfer with the transfer of the property.

5.05.090 — Commercial Cannabis Business Permit Application Submission Process

- a. The City Manager or his/her designee will prepare cannabis application forms and a related administrative policy. Each Applicant interested in operating pursuant to this Section may submit an application together with a non-refundable processing fee in an amount established by the City Council.
- b. The initial application period shall be 30 calendar days from the date the applications are released. Should the thirtieth day fall on a day when City Hall is closed, the application period shall be extended to the next open day at 4:00 p.m. Following the application period, the City Manager or his/her designee shall stop accepting applications and review all applications received.
- c. The City Manager or his/her designee shall determine whether each application received demonstrates compliance with the minimum requirements to be eligible to be entered into the selection process. These requirements include:

1. Application was submitted during the application period
2. Application is filled out completely.
3. Application fee is paid
4. The location indicated on the application meets the zoning criteria.
5. The location indicated on the application meets the separation criteria established in 05.040.
6. A planning and/or building permit with a receipt proving payment for processing from the City of Dunsmuir Planning Department for the property location the commercial cannabis business will occupy.
7. A notarized signature from the property owner authorizing the location to be used for commercial cannabis business activity.
8. Authorization from the Management Association / CC&R's that a cannabis business use is allowed on that parcel (if applicable)
9. Business Owner(s) / Applicant(s) referenced on the application completes Live Scan background check.
10. There may be no change in applicant/business owner from the one(s) listed on the Commercial Cannabis Business Permit Application. The application must identify individual owner(s) as defined in the MCRSA 19320(b)(1. et. seq.) as may be amended.
11. All other application documents required in the City's application package instructions, the MCRSA, Proposition 64 and any other applicable regulations as they may be amended.
12. Photographs of the exterior of the building including the entrance(s), exit(s), street frontage(s) and parking area;
13. If the property is being rented, leased or purchased under contract, the lease agreement term, name of lessor or equivalent, shall be provided by a notarized signed affidavit of the property owner.
14. The name and address of the applicant's current Agent for Service of Process;
15. A copy of the applicant's Board of Equalization Seller's Permit;
16. A copy of the commercial cannabis business Operating Standards, listed in Section 5.05.130 and Section 05.05.140 if applicable containing a statement dated and signed by the Business Owner stating that under penalty of perjury that they read, understand and shall ensure compliance with the aforementioned operating standards.
17. Provide a statement, signed by the applicant under penalty of perjury, that the information provided is complete, true, and accurate.
18. Release of the City of Dunsmuir from all liability associated with the commercial cannabis business. Such a release includes indemnifying the City of Dunsmuir for claims, damages and injuries that may arise as a result of the commercial cannabis business.

5.05.100 — Commercial Cannabis Business Permit Application Selection Process

- a. The City Manager or his/her designee will evaluate the applications received and make a determination on the eligibility of each application. The City Manager shall confer with law enforcement on the background checks of the listed managers, employees and volunteers. Each application that is complete and in compliance with chapter shall be placed on the "Qualified Commercial Cannabis Business Application List" and shall be notified in writing that they are a "Qualified Commercial Cannabis Business Applicant".
- b. Qualified Applicants will appear on the "Qualified Applicant List" in the order that they are selected during the independent selection process. The City Manager shall maintain the "Qualified Application List".

- c. A Qualified Commercial Cannabis Business applicant must submit a written request each year to maintain its status on the "Qualified Application List".
- d. All Cannabis applications received after the initial application period will be reviewed for completeness and compliance with this Chapter. If the application qualifies, it will be placed on a "Waitlist" in the order it is received. Applicants placed on the "Waitlist" shall be notified in writing of their "Waitlist" status.
- e. Cannabis applications placed on the "Waitlist" will be moved to the "Qualified Applicant List" when the number of applicants on the "Qualified Applicant List" falls below 20 (twenty) and will be notified of the change in writing.
- f. The City Manager or his/her designee, after receiving the application and aforementioned information, will grant the permit if they find:
 - 1. The required fee has been paid.
 - 2. The application conforms in all respects to the provisions of this Chapter.
 - 3. The applicant has not knowingly made a material misrepresentation in the application.
 - 4. The applicant has fully cooperated in the investigation and background checks required by this Section.
 - 5. The applicant has not had a commercial cannabis business license or other similar license or permit denied or revoked for cause by this City or any other city in the state within the last five (5) years prior to the date of the application.
 - 6. The commercial cannabis business, as proposed by the applicant would comply with all applicable laws including, but not limited to, health, zoning, fire and safety requirements.
 - 7. The applicant has demonstrated compliance with all aspects of the Medical Marijuana Regulation and Safety Act (MCRSA) and any other applicable requirements contained in the California Health and Safety Code.
- g. After all tenant improvements have been finalized by the commercial cannabis business owner, the City Manager or his/her designee shall perform an inspection of the cannabis business location to confirm compliance with this Section and issue a report to the City Manager to ensure compliance with the submitted application.
- h. If any of the items listed in the application process are not met, the City Manager shall notify the applicant of the deficiency within 10 days, after which the applicant will have 10 days from receipt of notice to correct the deficiency. If the deficiency is not corrected within 10 days, the City Manager may deny the permit and notify the applicant of this determination in writing within 10 calendar days following the City Manager's decision after which the applicant can appeal the decision in accordance with 5.05.120 (Appeal of Denial of Permit Reference).

5.05.110 — Cannabis Permit Annual Renewal

- a. Applications for the renewal of a permit shall be filed with the City Manager at least sixty (60) calendar days before the expiration of the current permit. Any permittee allowing their permit to lapse or which permit expired during a suspension shall be required to submit a new application, pay the corresponding original application fees and be subject to all aspects of the selection process.
- b. Any person desiring to obtain a renewal of their respective permit shall file a written application under penalty of perjury on the required form with the City Manager who will conduct a review. The application shall be accompanied by a nonrefundable filing fee established by the City Council to defray the cost of

the review required by this Section. An applicant shall be required to update the information contained in their original permit application and provide any new and/or additional information as may be reasonably required by the City Manager in order to determine whether said permit should be renewed.

5.05.120 — Appeal of Denial of Permit

- a. The City Manager, in consultation with law enforcement, Building Official and Dunsmuir Fire Protection District, will review all Commercial Cannabis Business applications, and all other relevant information, and determine if a permit should be granted. If the City Manager 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 the 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 City Manager will approve or deny the permit by providing written notice to the applicant.
- b. An applicant who disagrees with the City Manager's decision may appeal such decision to the Dunsmuir Planning Commission by submitting a written appeal within five (5) calendar days from receipt of the written denial. 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.

5.05.130 — Operational Standards for All Commercial Cannabis Business Activities

- a. Interior and exterior locations of the business property shall be monitored at all times by closed circuit cameras for security purposes. The cameras and recording system shall be of adequate quality, color rendition and resolution to allow the sufficient identification of any individual committing a crime on location premises. All controlled access areas, security rooms and all points of ingress/egress to limited access areas and all point of sale (POS) areas must have fixed camera coverage capable of identifying activity occurring within a minimum of twenty (20) feet. Camera video recordings shall be maintained unaltered in a secure onsite location for a period of not less than fourteen (14) days, and be available for inspection at any time.
- b. Recordings shall be maintained, unaltered, for a period of not less than fourteen (14) days and shall be stored digitally. The City of Dunsmuir or law enforcement may request the recordings in connection with an investigation. If the recordings are not voluntarily provided, the City or law enforcement may seek a warrant or court order for the recordings.
- c. A commercial cannabis business entity that remains inoperative for more than ninety (90) days shall be deemed "abandoned" and the permit shall be forfeited. A business may temporarily suspend operations for a period of time as may be reasonably required to affect upgrades, modifications, repairs, or other property issue mitigations as approved by the City Manager or his or her designee.
- d. Establish and participate in a track and trace system for reporting the movement of commercial cannabis throughout the distribution chain.
- e. Register with the Department of Pesticide Regulation if using any pesticides.
- f. Comply with all State regulations regarding testing; labeling and storage of all cannabis products.
- g. Meet all State and local regulations for the disposal of all cannabis materials and materials used in conjunction with processing, distributing and cultivating of cannabis.

- h. Conform to all State regulations requiring the use of appropriate weighing devices.
- i. Conform to all State and local regulations regarding water usage.
- j. All electrical and plumbing must comply with State and local regulations.
- k. Comply with all State insurance and security bond regulations.
- l. I. The commercial cannabis business shall have a centrally-monitored fire and burglar alarm system which shall include all perimeter entry points and perimeter windows.
- m. Meet all State deadlines for applying for a State license and receive a State license within six (6) months after the date the State begins issuing licenses. This may be waived if the State has longer delays in issuing licenses of the type the commercial cannabis business seeks.

5.05.140 — Additional Operational Standards for Retailers

- a. If required by the State, at all times the cannabis retailer is open, the retailer shall provide at least one security guard who is licensed, possesses a valid Department of Consumer Affairs "security guard card", and has a valid City of Dunsmuir Business License.
- b. The security guard and cannabis retail personnel shall monitor the site and the immediate vicinity of the site to assure that patrons immediately leave the site and do not consume cannabis in the vicinity of the Retailer or on the property or in the parking lot.
- c. Signage
 - 1. All exterior signage shall conform with existing zoning requirements. The existing retailer signage is 'grandfathered' in as of April 1, 2017. Any additional signage modifications shall comply with existing zoning.
 - 2. The following information shall be provided on a sign posted in a conspicuous location inside the cannabis retailer:
 - a. Smoking, ingesting or consuming cannabis on this property or within 100 feet of the business is prohibited.
 - b. No one under the age of 21 shall be allowed to enter this facility unless they are a qualified patient or a primary caregiver and they are in the presence of their parent or legal guardian.
 - c. The City of Dunsmuir has not tested or inspected any cannabis product for pesticides, or other regulated contaminants, distributed at this location.
- d. No recommendations from a doctor for medical cannabis shall be issued on-site.
- e. Each Retailer owner shall establish minimum training standards for all employees.
- f. There shall be no on-site sales of alcohol or tobacco products, and no on-site consumption of food, alcohol, tobacco or cannabis by patrons without prior written approval from the City.
- g. Drive through sales must be approved in writing by the City prior to implementing.

- h. The Retailer shall comply with State Department of Health requirements pertaining to use of commercial kitchen facilities for the cannabis operations.
- i. Hours of operation shall be limited to: Monday Sunday 8 a.m. — 10 p.m.
- j. No one under 18 years of age shall be permitted to enter a retailer unless such person is a qualified patient and is accompanied by his or her Primary Caregiver, licensed Attending Physician, parent(s) or documented legal guardian.
- k. Any commercial cannabis retailer already in compliance and permitted by the City of Dunsmuir will be considered selected and continue to operate under the regulations of this ordinance, provided however, that in order to continue operating such commercial cannabis business must apply for a Commercial Cannabis Business Permit pursuant to this Chapter and otherwise meet all other conditions and requirements of this Chapter imposed on newly established commercial cannabis businesses.

5.05.150 - Deliveries

- a. Deliveries may be made from a licensed retailer or retail outlet.
- b. All employees who deliver cannabis must have a valid identification card at all times while the delivery is being made.
- c. Deliveries may only take place during normal business hours of the retailer or retail outlet.
- d. A customer requesting delivery shall maintain a physical or electronic copy of the delivery request and shall make it available upon request by the licensing authority and law enforcement officers.
- e. A Retailer or retail outlet shall maintain a list of all deliveries, including the address delivered to, the amount and type of product delivered and any other information required by the State.
- f. A cannabis business shall only maintain and deliver cannabis in aggregate amounts tied to its client's order. A cannabis business shall ensure compliance with State law limits as they regard cannabis and cannabis products.
- g. A manifest with all information required in this section must accompany any delivery person or delivery method at all times during the delivery process and delivery hours.

5.05.160 — Maintenance of Records

- a. A Cannabis Retailer shall maintain records at the location accurately and truthfully documenting:
 - 1. The full name, address, and telephone number(s) of the owner, landlord, and/or lease of the location;
 - 2. The full name, address, and telephone number(s) of all members who are engaged in the management of the retailer.
 - 3. Medical Cannabis Retailers shall maintain the full name, address and telephone number(s) of all patient members to whom the business provides medical cannabis and a copy of a physician-issued recommendation card for all patient members.
 - 4. All receipts of the retailer, including but not limited to: all contributions, reimbursements, and reasonable compensation, whether in cash or in kind, and all expenditures incurred by the retailer.

- b. These records shall be maintained for a period of seven (7) years and shall be made available by the retailer to the law enforcement and/or Code Enforcement Officials upon request.

5.05.170 — Inspection and Enforcement Responsibilities

City Code Enforcement Officials may enter and inspect the location of any commercial cannabis business between the normal business hours to ensure compliance with this Section. In addition, law enforcement may enter and inspect the location of any cannabis business and the recordings and records maintained as required by this Section, except that the inspection and copying of private medical records shall be made available to law enforcement only pursuant to a properly executed search warrant, subpoena, or court order. A person engaging in commercial cannabis business without a permit and associated unique identifiers required by this chapter shall be subject to civil penalties of up to twice the amount of the permit fee for each violation, and the department, state or local authority, or court may order the destruction of cannabis associated with that violation. A violator shall be responsible for the cost of the destruction of cannabis associated with his or her violation, in addition to any amount covered by a bond required as a condition of licensure. Each day of operation shall constitute a separate violation of this section.

5.05.180 - Fees.

All Cannabis Operations shall pay applicable fees and taxes, which may include one or more of the following.

- a. **Application Fee.** The Business Applicant shall submit a non-refundable fee to cover the cost of processing an application for the commercial cannabis business.
- b. **Business License Fee.** The Business Owner shall at all times maintain a current and valid business certificate and pay all business taxes required by the Dunsmuir Municipal Code.
- c. **Regulatory License Fee.** The Business Owner shall pay an annual regulatory license fee ("Regulatory Fee") to cover the costs of anticipated enforcement relating to the Cannabis Operation. The amount of the fee shall be set by Resolution of the City Council and be supported by the estimated additional costs of enforcement and monitoring associated with the Cannabis Operation. The Regulatory Fee shall be due and payable prior to opening for business and thereafter on or before the anniversary date. The Regulatory Fee may be amended from time to time based upon actual costs.

5.05.190 — Violation and Enforcement

Each and every violation of this Section shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Municipal Code. Additionally, as a nuisance per se, any violation of this article shall be subject to injunctive relief, revocation of the business's Commercial Cannabis Business Permit, disgorgement and payment to the City of any and all monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or equity. The City may also pursue any and all remedies and actions available and applicable under local and state laws for any violations committed by the cannabis business and persons related or associated with the cannabis business.

5.05.200 — Variances

Where practical difficulties, unnecessary hardships and effects inconsistent with the general purpose of this title may result from the strict application of certain provisions thereof, variances may be granted in the manner specified in Municipal Code Chapter 17.20.

SECTION 2 - SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 3 - PROHIBITION

Cannabis Activities Prohibited:

Unless expressly permitted by the City Municipal Code or the California Health and Safety Code section 11362.1 (a), all cultivation, manufacture, distribution, possession, storing, laboratory testing, labeling, transportation, distribution, delivery or sale of cannabis or cannabis products is prohibited within the City of Dunsmuir.

SECTION 4 - EFFECTIVE DATE

After its adoption, this ordinance shall be in full force and effect as provided by law.

I HEREBY CERTIFY that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Dunsmuir held on the 16th day of November, 2017 and was passed upon second reading at a regular meeting of the City Council held on the 7th day of December, 2017.

PASSED, APPROVED, AND ADOPTED THIS 7th day of December, 2017 by the following vote:

AYES: Keisler, Shanta, Craig, Deutsch

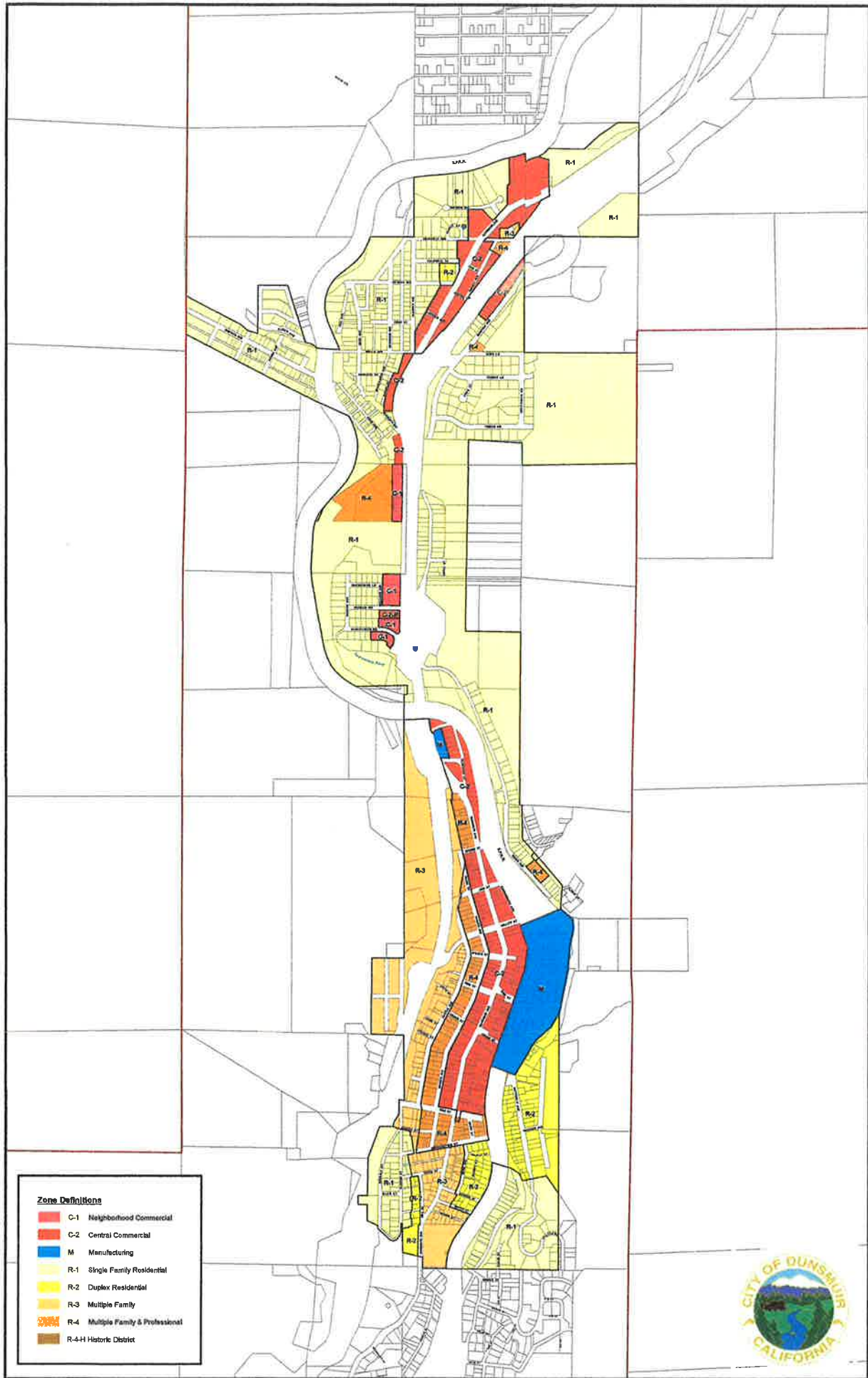
NAYS: None

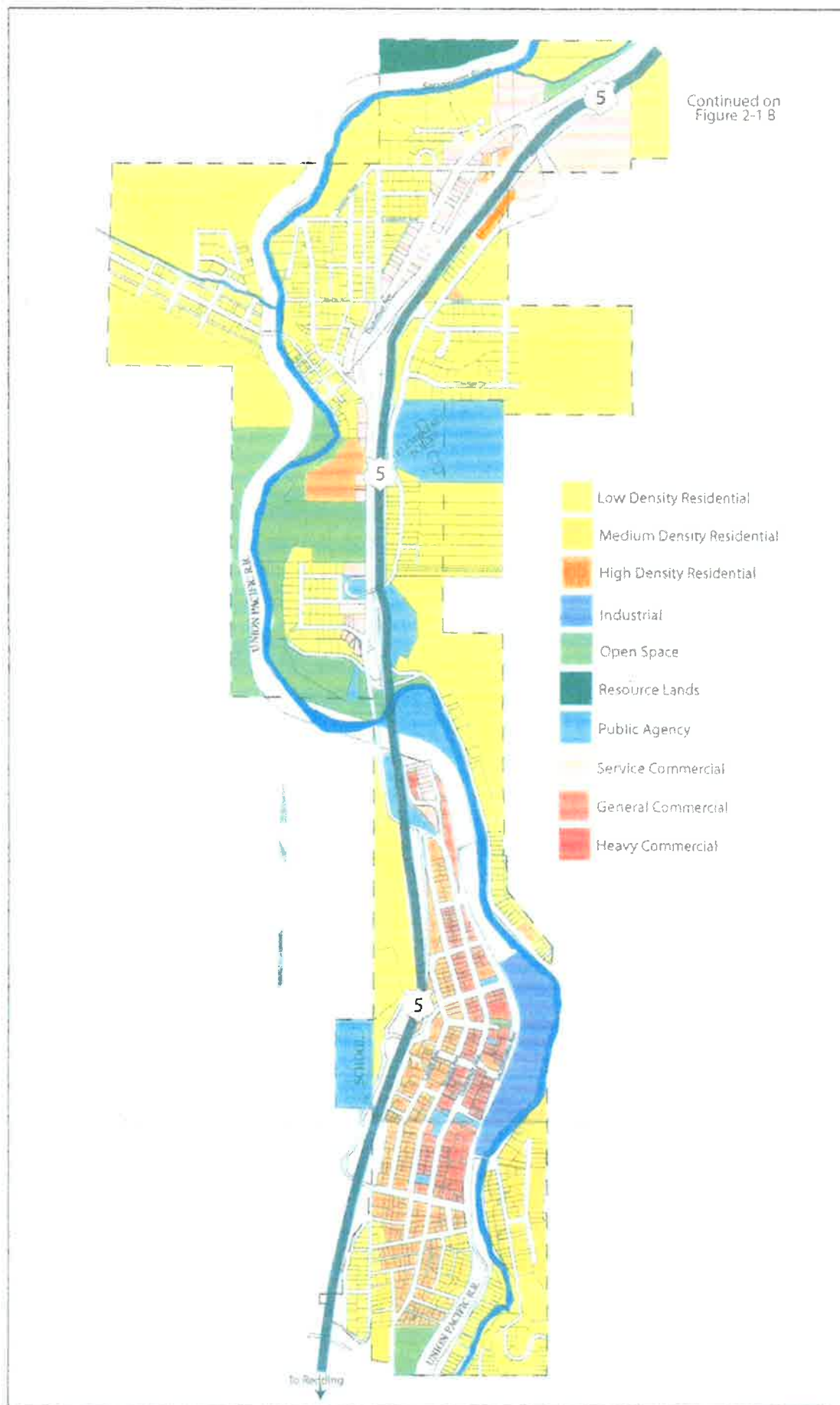
ABSENT: Spurlock

Bruce Deutsch, Mayor

Attest:

Julie Iskra, Deputy City Clerk





Appendix G - Environmental Checklist Form

1. Project title: Cannabis Zoning - 17.10 Date of Preparation: 11/7/2018
2. Lead agency name and address:
City of Dunsmuir
5915 Dunsmuir Ave
Dunsmuir, CA 96025
3. Contact person and phone number:
Julie Iskra
530-235-4822
4. Project location:
City Wide
5. Project sponsor's name and address:
City of Dunsmuir
5915 Dunsmuir Ave
Dunsmuir, CA 96025
6. General plan designation: Various
7. Zoning: Various
8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)
The project entails the adoption of Section 17.10 into the Dunsmuir Municipal Code. Said code will include a table that displays which cannabis license types will be allowed in which zoning districts.
9. Surrounding land uses and setting: Briefly describe the project's surroundings
The project is within the entire city of Dunsmuir, which sits south of Mount Shasta between the Klamath and Cascade ranges, along the Upper Sacramento River.
10. Other public agencies whose approval is required (e.g., permits, financing approval or participation agreement.)

No other agencies are necessary to adopt this ordinance.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

Attachment E - Initial Study (Appendix G of the CEQA Guidelines)

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS – Would the project:				
a) Have a substantial adverse effect on a scenic vista?				
<p>Per CDFS PEIR, Cities and counties often have established general plan elements that provide land use compatibility guidelines and locally acceptable standards to reduce conflicts between land use and planning intended for a given area. In addition, some cities and counties have adopted ordinances regulating cannabis cultivation, in some cases limiting operations by size and/or to specific land use designations and zoning areas. These types of regulations and compatibility requirements may have relevance to, or influence the potential for, aesthetic effects of cannabis cultivation operations. For more information regarding local land use and planning regulations and compatibility requirements, plans, and policies, refer to Section 4.9, Land Use and Planning.</p> <p>Dunsmuir is one of the cities that has a General Plan that insures land uses are compatible, aesthetically and in other aspects.</p> <p>Dunsmuir is not located along a designated scenic highway nor does it contain a designated scenic vista area. (Source: State Scenic Highways and Vistas prepared by the California Dept. Of Transportation). Nevertheless, it is generally regarded as a scenic town with scenic surroundings. Aesthetic reactions to changes in the environment due to cannabis grows or retail facilities will vary widely among residents, employees and visitors. Generally speaking, since indoor installations will occupy already existing buildings change in aesthetic qualities will not be significant. Installations on vacant property will result in a physical and aesthetic change. The development of properties for cannabis will be guided by the same parameters that any new construction must follow. New construction or exterior modifications to buildings within the Historic District will have an additional overlay of review through the Planning Commission per Section 17.28 of the Dunsmuir Municipal Code. Such discretionary actions can trigger CEQA compliance for another layer of environmental review.</p>				
b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of light or glare which would substantially adversely affect day or nighttime views in the area?				X
<p>The Proposed Program regulations, would include implementation of environmental protection measures (Sections 8313 and 8314; proposed regulations are provided in Appendix A of the PEIR) requiring that all outdoor lighting be downward facing and shielded to minimize the visual effects of</p>				

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>the presence of lighting, and that lighting for mixed-light operations is shielded between sunset and sunrise to minimize nighttime glare. With these measures in place, visual impacts from the Proposed Program would be less than significant.</p> <p>Therefore, visual impacts from the Proposed Program would be less than significant.</p>				
<p>II. AGRICULTURAL RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Depart. Of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:</p>				
<p>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agriculture use?</p>				X
<p>Since there are no lands zoned for agriculture within the City of Dunsmuir, there is no impact</p>				
<p>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>				X
<p>c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?</p>				X
<p>III. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</p>				
<p>The proposed activity will not generate particulates in excess of what any business could generate in</p>				

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>the same location. Delivery trucks and customer traffic will be similar to that of regular retail establishments. For any outside cultivator that is allowed in the City, a conditional use permit would be required, and would be able to review dust on a site specific level.</p> <p>X</p>				
a) Conflict with or obstruct implementation of the applicable air quality plan?				X
The County of Siskiyou will regulate and enforce air quality s for any business.				X
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				X
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				X
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
<p>This would be reviewed on a site specific level through a conditional use permit application and mitigated accordingly.</p>				
e) Create objectionable odors affecting a substantial number of people?			X	
<p>Cannabis cultivation and production may generate odors at time, and they may affect different people in varying degrees. Outdoor grows in Dunsmuir are proposed to be limited to commercial and manufacturing zones, and not without a conditional use permit. They are excluded from the Historic District and buffer zone. Further, Ordinance 558 limits the number of retail facilities in the city to three.</p> <p>Ordinance 558 already regulates odors, such that facilities are required to provide an air treatment system (5.05.060(e) that ensures odors shall not extend beyond the property line.</p> <p>The City of Dunsmuir has a nuisance ordinance which would regulate odors and other nuisances generated by cannabis operations, just as it would other uses.</p> <p>X</p>				
IV. BIOLOGICAL RESOURCES – Would the project:				
a) Have a substantial adverse effect, either directly or through habitat				X

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
modifications, on any species identified as a candidate, sensitive, or special status species in the local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?				
Any outdoor cultivation will trigger additional environmental review via a conditional use permit application and can be mitigated. The State already regulates use of pesticides, and water and stream permits that will ensure runoff does not impact the riparian areas or the Sacramento River and its tributaries. X				
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?				X
If any use is proposed on vacant property, additional environmental review can be required prior to approval in order to mitigate impacts.				
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, et.) through direct removal, filling, hydrological interruption, or other means?				X
If any use is proposed on vacant property, additional environmental review can be required prior to approval in order to mitigate impacts.				
d) Interfere substantially with the movement of any native resident or migratory fish or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
If any use is proposed on vacant property, additional environmental review can be required prior to approval in order to mitigate impacts.				
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
If any use is proposed on vacant property, additional environmental review can be required prior to approval in order to mitigate impacts.				
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X
If any use is proposed on vacant property, additional environmental review can be required prior to approval in order to mitigate impacts.				
V. CULTURAL RESOURCES – Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 [of CEQA]?				X
The only cannabis uses proposed for the historic district are indoor operations and/or require a conditional use permit				
b) Cause a substantial adverse change in the significance of an archeological resource as defined in Section 15064.5 [of CEQA]?				
If any use is proposed on vacant property, additional environmental review can be required prior to approval in order to mitigate impacts. X				
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
If any use is proposed on vacant property, additional environmental review can be required prior to approval in order to mitigate impacts.				
d) Disturb any human remains, including those interred outside of formal cemeteries?			X	
If any use is proposed on vacant property, additional environmental review can be required prior to approval in order to mitigate impacts.				
VI. GEOLOGY AND SOILS – Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
If any use is proposed on vacant property, additional environmental review can be required prior to				

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
approval in order to mitigate impacts. X				
i.) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X
If any use is proposed on vacant property, additional environmental review can be required prior to approval in order to mitigate impacts.				
ii.) Strong seismic ground shaking?				X
iii.) Seismic-related ground failure including liquefaction?				X
iv.) Landslides?				X
b) Result in substantial erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or-off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste				X

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
water?				
VII. HAZARDS AND HAZARDOUS MATERIALS – Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
The State regulates the disposal of cannabis green waste and its extracts.				
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
Any manufacturing activity will be located in manufacturing zones				
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				
There are no manufacturing zones within ¼ mile of an existing or proposed school				
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				
<p>There are no sites located in Dunsmuir per the Cortese list, visited 11/7/18 at https://www.envirostor.dtsc.ca.gov/public/search.asp?PAGE=3&CMD=search&ocieerp=&business_name=&main_street_number=&main_street_name=&city=&zip=&county=&branch=&status=ACT%2CBKLG%2CCOM%2CCOLUR&site_type=CSITES%2COPEN%2CFUDS%2CCLOSE&cleanup_type=&npl=&funding=&reporttype=CORTESE&reporttitle=HAZARDOUS+WASTE+AND+SUBSTANCES+SITE+LIST+%28CORTESE%29&federal_superfund=&state_response=&voluntary_cleanup=&school_cleanup=&operating=&post_closure=&non_operating=&corrective_action=&tiered_permit=&evaluation=&spec_prog=&national_priority_list=&senate=&congress=&assembly=&critical_pol=&business_type=&case_type=&display_results=&school_district=&pub=&hwmp=False&permitted=&pc_permitted=&inspections=&complaints=&censustra</p>				

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
ct=&cesdecile=&ORDERBY=upper%28business name%29&next=Next+50				
e) For a project within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X
Outdoor cultivation uses natural light, and does not have structures that are tall enough to pose a threat to air traffic. Indoor cultivation uses intense light, but it is shielded within a building.				
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
There is no private air strip in Dunsmuir or its vicinity.				
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X
Dunsmuir is in an area that is at risk for wildfires, but the proposed uses would not increase that risk, and would not place large numbers of people at risk.				
VIII. HYDROLOGY AND WATER QUALITY – Would the project:				
a) Violate any water quality standards or waste discharge requirements?			X	
All indoor operations are anticipated to be connected to city water and sewer. Outdoor cultivation will be regulated by the State with regard to water discharge.				
b) Lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a			X	

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
level which would not support existing land uses or planned uses for which permits have been granted?				
The City of Dunsmuir has ample water supply available, and can monitor impacts via the water and wastewater systems. Any cultivation requires a conditional use permit which will be re-evaluated annually per state requirements.				
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or-off-site?			X	
Any cultivation requires a conditional use permit which will be re-evaluated annually per state requirements.				
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or-off-site?			X	
Any cultivation requires a conditional use permit which will be re-evaluated annually per state requirements.				
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?				X
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or				X

Issues:		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
other flood hazard delineation map?					
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?					X
i) Expose people or structures to a significant risk of loss, injury or death involving flood, including flooding as a result of the failure of a levee or dam?				X	
The City of Dunsmuir has areas that are within 100 year flood plains, and within floodways or potential dam inundation areas, however, the proposed uses would not significantly increase the risks or expose large numbers of people to this risk. For new development and for outdoor cultivation, additional environmental review would be required which could evaluate potential for impacts in more detail. Only 2 additional retail facilities would be allowed within the city, and would most likely occur within existing buildings.					
j) Inundation by seiche, tsunami, or mudflow?					X
IX. LAND USE AND PLANNING – Would the project:					
a) Physically divide an established community?					X
Not Applicable					
b) Conflict with any applicable land use plan, policy. Or regulation on an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?					X
No such conflicts exist					
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?					X

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
X. MINERAL RESOURCES – Would the project::				
j) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
There are no mineral production sites or zones within the City of Dunsmuir.				
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				
XI. NOISE – Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
Cultivation uses, where allowed, would require a conditional use permit that would trigger environmental review and allow mitigation requirements that can be reviewed annually per state permitting requirements. Manufacturing uses would be allowed in zones that include noise emission standards that would have to be complied with.				
b) Exposure of persons to or generation of excessive groundbourne vibration or groundbourne noise levels?				X
O equipment is used that would generate excessive vibration				
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
See response to a) above				
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
See response to a) above				
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two			X	

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				
See response to a) above				
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				
XII. POPULATION AND HOUSING – Would the project				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
The number and size of use permitted with adoption of the ordinance are not considered growth inducing in that they are not anticipated to draw numbers of employees that would not already be in this area.				
b) Displace substantial numbers of existing housing necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
XIII. PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance				X

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
objectives for any of the public services:				
i. Police protection?			X	
As regulated by the State of California, owners and workers in this industry will be well documented. Disturbances outside the proposed uses will be policed in the same way they occasionally need to be policed at the cocktail lounges in town.				
ii. Schools?				X
See response to XII a) above				
iii. Parks?				X
See response to XII a) above				
iv. Other public facilities?				X
See response to XII a) above				
XIV. RECREATION				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
Per the CDFA PEIR Under the Proposed Program, cultivation would not be allowed on public lands that may be used for recreation. Although some licensed cultivation sites may be located near recreational areas, the Proposed Program would not include any actions (or cause population growth) that would affect the availability or use of recreation sites. As such, it would not have any potential to cause or accelerate physical deterioration of recreational facilities, or include or require construction or expansion of such facilities. No impact would occur on recreation, either at a program level or cumulatively				
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				
XV. TRANSPORTATION/TRAFFIC – Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ration on roads, or				X

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
congestion at intersections)?				
Traffic and transportation are not anticipated to generate additional trips beyond any other retail use that could occupy the site.				
b) Exceed, wether individually or cumulatively a level of service standard established by the county congestion management agency for designated roads or highways?				X
c) Result in a change in air traffic patterns, including wither an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?				X
No new roads are necessary in order to implement the proposed ordinance				
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
Any new use will be required to comply with the Dunsmuir Municipal Code in regard to parking				
g) Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X
Not applicable				
XVI. UTILITIES AND SERVICE SYSTEMS – Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
The City of Dunsmuir has ample adequate capacity at the wastewater treatment facility, and can monitor impacts via the water and wastewater systems. Any cultivation requires a conditional use permit which will be re-evaluated annually per state requirements.				

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
The Black Butte transfer facility has adequate capacity				
g) Comply with federal, state and local statutes and regulations related to solid waste?				X
The State regulates this portion of the industry				
XVII. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife				X

Issues:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminated a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				
b) Does the project have impacts that are individually limited but cumulatively considerable? (Cumulatively considerable means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X

Note: Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21080©, 21080.1, 21080.3, 21082.1, 21083, 21083.3, 21093, 20194, 21151, Public Resources Code; Sundstrom v. County of Mendocino, 202 Cal.App 3d 296 (1988); Leonoff v. Monterey Board of Supervisors, 222 Cal App. 3d 1337 (1990)

Notice of Intent to Adopt a Negative Declaration

Project Description: Zoning Text Amendment to add Chapter 17.10 regarding zoning of Cannabis land uses to the City of Dunsmuir Municipal Code.

The revisions include changes that further define which cannabis uses are allowed within which zoning district throughout the City of Dunsmuir.

Project Applicant: City of Dunsmuir, CA

Lead Agency: City of Dunsmuir, CA

Review Period: November 14, 2018 to December 14, 2018

Scheduled Public Meeting: November 14, 2018, 6:30 pm.

5902 Dunsmuir Avenue, Dunsmuir, CA

Copies of the Negative Declaration, Initial Study and proposed Title 17 Code Amendment can be reviewed at the following locations:

City Office: 5915 Dunsmuir Avenue, Dunsmuir, CA 96025

Dunsmuir Library: 5714 Dunsmuir Avenue, Dunsmuir, CA 96025

On line at www.ci.dunsmuir.ca.us

Subject: Notice of Intent to Adopt an Initial Study and Proposed Negative Declaration Regarding the Proposed Zoning Regulations for the City of Dunsmuir's Commercial Cannabis Program

To Interested Parties:

NOTICE IS HEREBY GIVEN that the City of Dunsmuir, as lead agency under the California Environmental Quality Act (CEQA), has prepared an Initial Study and is planning to adopt a proposed negative declaration for its commercial cannabis business licensing program (Proposed Program). The Bureau is making the Initial Study/Proposed Negative Declaration (IS/ND) available for public review.

PROGRAM LOCATION: The Proposed Program would occur citywide, in various locations within the city of Dunsmuir at licensed commercial cannabis distributors, retailers, testing laboratories, and microbusinesses.

PROJECT BACKGROUND: The overall purpose of the project is to establish which cannabis license types are allowed in which zoning districts throughout the City for commercial cannabis activities.

The release of the IS/ND starts a 30-day public review and comment period to allow agencies and interested parties the opportunity to provide input on the environmental analyses associated with cannabis zoning.

As the lead agency, the City has prepared the IS/ND in accordance with CEQA. Based on the findings of the draft IS/ND, the City has determined that the Proposed Zoning Text Amendment (The Project) would not have any significant effects on the environment.

DOCUMENT AVAILABILITY: The IS/ND and supporting documents are available for download from the City's website: www.ci.dunsmuir.ca.us. Hard copies of the document can be reviewed at the City's office in Dunsmuir (address shown above) or the Dunsmuir City Library (address shown above). To arrange to view documents at the City's office during business hours, call (530) 235-4822.

PUBLIC REVIEW PERIOD: The IS/ND is available for a 30-day public review and comment period, which begins on November 14, 2018, and ends at 5 p.m. on December 14, 2018. **Please send comments on the IS/ND at the earliest possible date, but postmarked no later than 5 p.m. on October 14, 2018, in order for your comments to be considered.**

Comments may be mailed to the following address:

City of Dunsmuir Attention : Julie ISkra, Administrative Assistant to the City Manager
5915 Dunsmuir Avenue,
Dunsmuir CA 96025

Written comments may also be submitted by email to jiskra@ci.dunsmuir.ca.us. Emailed comments are preferred, and should include your name, address, and daytime telephone number so a representative of the City can contact you if clarifications regarding your comments are required.

All comments received, including names and addresses, will become part of the official public record.

PUBLIC MEETINGS: All interested persons are encouraged to attend the public meetings to present written and/or verbal comments on the IS/ND. First of the public meetings is the Planning Commission meeting of November 15, 2018 at 6:30 pm. The meeting will be held in the City of Dunsmuir Council Chambers at 5902 Dunsmuir Avenue, Dunsmuir, CA 96025:

- Additional public meetings will be scheduled at a later date at the planning commission level or city council level.

Attachment F - Summary of State PEIR prepared by CDFA

According to information in the California Department of Food and Agriculture Draft EIR Environmental Study ES-3 June 2017 CalCannabis Cultivation Licensing Project No. 16.015, the State PEIR is intended to provide the public, responsible agencies, and trustee agencies with 2 information about the potential environmental effects of implementation of the Proposed 3 Program. Their Draft PEIR was prepared in compliance with the California 4 Environmental Quality Act (CEQA) of 1970 (as amended) and the State CEQA Guidelines 5 (Title 14, California Code of Regulations Section 15000 et seq.)

Prior Environmental Review

The city of Dunsmuir has relied upon the Program EIR developed by the State of California for issues that pertain to both state and local oversight. The California Department of Food and Agriculture (CDFA) states the following:

[It] has prepared this Draft Program Environmental Impact Report (PEIR) to provide an up-to-date, transparent, and comprehensive evaluation of the proposed regulations and the activities that would occur in compliance with the regulations. The PEIR will serve as an overarching California Environmental Quality Act (CEQA) framework for efficient and proactive implementation of the CalCannabis program. This PEIR is intended to provide CEQA compliance for the adoption of regulations to implement the Proposed Program. To achieve this, it considers future Proposed Program activities as described in Chapter 2, Proposed Program Description, and Chapter 3, Proposed Program Activities. CDFA will use the PEIR in deciding whether to approve, approve with modifications, or deny the Proposed Program. The regulations that CDFA is considering adopting, as they are described in this PEIR, are referred to as the "Proposed Program."

In meeting these goals, the CDFA Program included the following objectives:

- Establish minimum requirements for indoor, outdoor, and mixed light commercial cannabis cultivation operations that must be achieved by cultivators in order to obtain a cultivation license from CDFA;
- Establish a license limit for the medium size cultivation categories;
- Require that individual and cumulative effects of water diversion and discharge

associated with cultivation do not affect the instream flows needed for fish spawning, migration, and rearing, and the flows needed to maintain natural flow variability;

- Require that cultivation will not negatively impact springs, riparian wetlands, and aquatic habitats;
- Require that cannabis cultivation by licensees is conducted in accordance with applicable federal, state, and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, species protection, agricultural discharges, and similar matters;
- Establish procedures for the issuance and revocation of unique identifiers for activities associated with a cannabis cultivation license;
- Prescribe standards for the reporting of information as necessary related to unique identifiers;
- Establish a scale of application, licensing, and renewal fees, based upon the cost of administering and enforcing the Proposed Program; and
- Develop a cultivation checklist tool that can be used by CDFA, other agencies, and local governments to evaluate environmental impacts of cannabis cultivation license programs.

This PEIR is intended to meet CEQA requirements for CDFA's CalCannabis Cultivation Licensing program, and consider reasonably foreseeable cannabis cultivation activities associated with the Proposed Program.