

omission.

25.260.420 Effect on other ordinances.

The provisions of this Article shall control for regulation of Commercial Cannabis Businesses as defined herein if other provisions of the Code conflict.

SECTION 3. EFFECT ON OTHER LAWS.

Nothing in this Ordinance shall be construed to allow persons to engage in conduct that violates State Law, endangers others, or causes a public nuisance.

SECTION 4. ENVIRONMENTAL DETERMINATION AND FINDINGS.

The City and the People of Red Bluff, on the basis of the whole of the record and exercising independent judgement, finds that these Regulations meet the requirements for CEQA Guidelines Section 15183 as a project consistent with a community plan.

The City and the People of Red Bluff, on the basis of the whole of the record and exercising independent judgement, finds that these Regulations meet the requirements of CEQA Guidelines Section 15308, as actions taken as authorized by local ordinance to assure protection of the environment, provided that Permit Applicants shall act in compliance with all applicable environmental laws to maintain their Licenses, including CEQA, the Endangered Species Act and the Clean Water Act, and that no additional environmental review or documentation is necessary. Any Cannabis related projects within the city may utilize already existing and planned procedures to ensure compliance.

The City and the People of Red Bluff further determine that the proposed code amendment is consistent with the General Plan's policy framework. Therefore, the Commercial Cannabis Ordinance is consistent with Section 15183 and 15308 of the CEQA Guidelines and no additional environmental review is required.

SECTION 5. SEVERABILITY.

If any section, subsection, line, sentence, clause, phrase, or word of this Ordinance is for any reason held to be invalid or unconstitutional, either facially or as applied, by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The People of the City of Red Bluff hereby declare that they would have passed this Ordinance, and each and every individual section, subsection, line, sentence, clause, phrase, or word without regard to any such decision.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall be effective immediately following the adoption date. The City shall comply fully with this article without delay of any kind for any reason.

**IMPARTIAL ANALYSIS BY CITY ATTORNEY
MEASURE E**

In February 2022, the City Council of the City of Red Bluff adopted Ordinance 1063 which authorized Commercial Cannabis dispensaries, manufacturing, cultivation, delivery, and microbusinesses within the City of Red Bluff.

Measure E seeks voter approval to repeal and replace Ordinance 1063 with an ordinance that would amend the Zoning Chapter of the Red Bluff Municipal Code to permit and regulate commercial and personal marijuana or cannabis activities. Measure E would not invalidate the cannabis storefront permits or development agreements currently in place pursuant to Ordinance 1063, however the permit renewal process would be modified and there is no guarantee that the current permit holders meet Measure E standards for re-permitting.

Measure E would allow the following state commercial cannabis license types to operate in the City: storefront retail, retail delivery (non-storefront), microbusiness, manufacturing (including volatile), distribution, testing, cannabis events, and indoor cultivation. It would also permit cannabis consumption lounges if permitted by state law.

Measure E allows 1 storefront retail business, delivery retailer or consumption lounge for every 5,000 people in the City.

Measure E establishes a "first come, first served" process for selecting applicants to obtain a retail or consumption lounge cannabis permit. The City must select applicants based on a ranking system of "social equity" factors which prioritize applicants living in or within 10 miles of Red Bluff for the last two years.

Cannabis businesses must be at least 500 feet from schools, day care facilities, and youth centers when established. Retailers may operate in the central, historic, and general commercial zoning districts, and industrial districts. Other commercial cannabis businesses are allowed in certain commercial or industrial zones, though cannabis event organizers may be located in any district when operating as a home occupation.

Measure E creates a permit procedure that gives the City Planning Director authority to approve applications. There is no requirement for Planning Commission approval. The initiative requires permittees to maintain odor control systems but does not require security systems. It provides the City cannot be liable for its permitting decision, but it also prevents the City from requesting applicants indemnify the City for claims others may bring due to the applicant's conduct.

Measure E allows personal cannabis cultivation inside a dwelling or accessory building that complies with state and local building codes. However, it does not create a mechanism for inspections to ensure compliance with such codes. Although outdoor personal cultivation is prohibited, the City Council may allow it.

Measure E allows up to 6 plants to be grown indoors per property unless cultivation is for medical use. It then allows up to 12 indoor plants per qualified patient or primary caregiver.

The City estimates that the Measure E will result in approximately \$400,000.00 in lost revenue annually due to the lack of Public Benefit Fee provisions in the initiative.

Measure E can be approved by the voters by a majority vote of the ballots cast on the measure.

Measure E was placed on the ballot via a Proponent Driven Ballot Initiative.

/s/ Sophia R. Meyer, City Attorney

The above statement is an impartial analysis of Measure E. If you desire a copy of the measure, please call the City Clerk's Office (530) 527-2605 x 3057 and a copy will be mailed at no cost to you.

