

ORDINANCE NO. 1540

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCATA AMENDING ZONING REGULATIONS
PERTAINING TO CITY-INITIATED LAND USE DEVELOPMENT PROJECTS AND THE
CANNABIS INNOVATION ZONE (:CIZ) COMBINING ZONE

The City Council of the City of Arcata does hereby ordain as follows:

Section 1. Text Amendment to Applicability of the Land Use Code. The Applicability of the Land Use Code of Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Section 9000, *Land Use Code*, Article 1, *Purpose and Applicability of the Land Use Code*, Section 9.10.040 *Applicability of the Land Use Code* are hereby amended by the revisions as shown in the following strike through and bold double underscore text (unchanged text within the Table is omitted and is shown by “* * *”):

9.10.040 Applicability of the Land Use Code

* * *

G. Federal, State, and Local agencies.

1. Development or new land uses proposed by federal, state, or local agencies (e.g., school districts) within the City shall comply with the requirements of this Land Use Code to the maximum extent allowed by applicable federal or state laws.
2. Federal agencies are not subject to the provisions and permit requirements of this Land Use Code, the City's Local Coastal Program, or the permit requirements of the Coastal Commission, but are subject to the consistency process provided by the federal Coastal Zone Management Act of 1972 (CZMA). Non-federal development on federal lands may be subject to both the CZMA consistency process and the requirements of this Land Use Code and the Coastal Commission.
3. Development or land uses proposed by the City shall comply with all General Plan policies and objectives and with the requirements of this Land Use Code except as set forth in this Section 9.10.040.G.3. City Development or land uses are exempt from the requirements of Chapter 9.72, Permit Approval or Disapproval, of this Land Use Code, with the exception of City Development or land uses undertaken pursuant to a Coastal Development Permit, the California Coastal Act, or the Local Coastal Program. Notwithstanding the above exemptions, City Development or land uses must comply with permit requirements in Section 9.72.040, Design Review.

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Section 2. Text Amendment to Combining Zone. The Combining Zone of Title IX, *Planning and Zoning*, Chapter 1, *Planning and Zoning Standards*, Section 9000, *Land Use Code*, Article 2, *Zoning Uses*, Section 9.28.130 *Cannabis Innovation Zone (:CIZ) Combining Zone* are hereby amended by the revisions as shown in the following strike through and bold double underscore text (unchanged text within the Table is omitted and is shown by “* * *”):

9.28.130 Cannabis Innovation Zone (:CIZ) Combining Zone

A. Purpose. The intent of the :CIZ combining zone is to establish an area where niche manufacturing businesses can safely produce cannabis products. Cannabis cultivation, processing, warehousing, research, and testing are allowed. New cannabis product development is strongly encouraged. The :CIZ combining zone was created to stimulate investment, new business creation, and to eliminate blight. The :CIZ combining zone establishes special standards to maintain compatibility with uses allowed in the primary zone.

B. Applicability. The :CIZ combining zone applies to commercial cannabis activities in Areas 1 and 2 as shown in Figure 2-25.

C. Permit Requirements. In addition to any planning permits required in Table 2-10 and any other Federal, State, or local approval, a City of Arcata commercial cannabis activity permit is required for Areas 1 and 2. All commercial cannabis activities in Area 2 require a use permit. The total number of active use permits in Area 2 is limited to 20 30.

D. Land Use and Development Standards. Proposed development and new land uses within the :CIZ combining zone shall comply with the requirements of the primary zoning district, and all other applicable provisions of this Land use Code, including accessory uses as authorized by Section 9.42.040. In addition, the following specific regulations apply within the :CIZ combining zone:

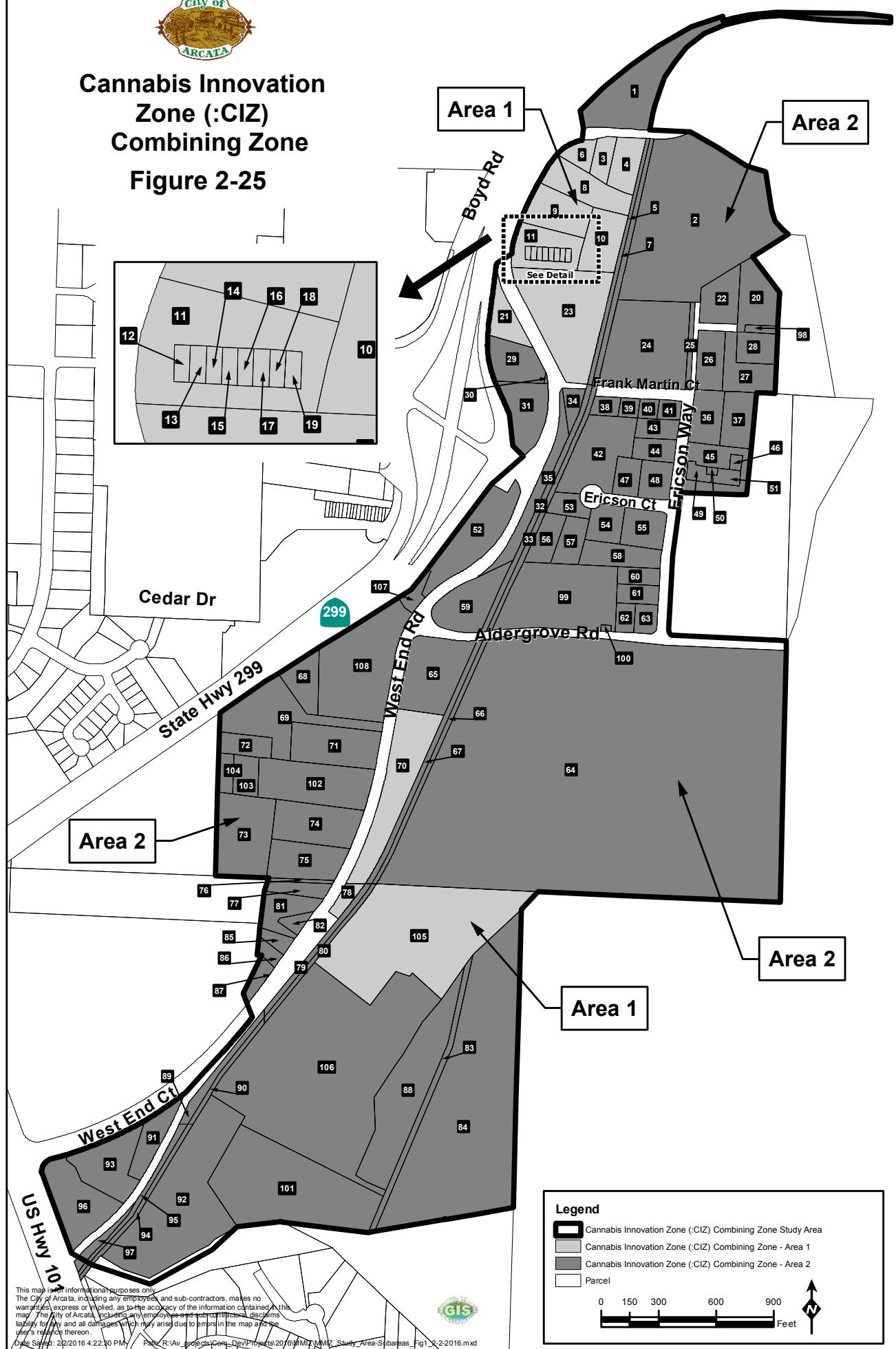
1. Cannabis cultivation is an allowable use pursuant to permit requirements indicated by Figure 2-25 and Table 2-10. For the purposes of this Section, the term "cultivation" includes all growing processes from seed to cutting. Cultivation does not include the area where drying or storing of harvested plant or plant material, or nursery activities associated with producing clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis occurs. Standards specific to parcels that have cannabis cultivation are as follows:
 - a. Cultivation area shall be limited to no more than 25 percent of the total building floor area per parcel.
 - b. Cultivation area shall be no more than 4,000 square feet per lease area or business.
 - c. Limitations on cultivation area in subsections (D)(1)(a) and (b) of this Section may be exceeded through the issuance of a use permit.
 - d. Each parcel shall have at least one independently accessible, occupancy ready, commercial or industrial space designed and designated for allowable uses in the primary zone or :CIZ combining zone that is 600 square feet or greater in size, and is not used for cannabis cultivation. This space must be provided prior to receiving a certificate of occupancy for cultivation on parcel.
2. The minimum lot area on Assessor's Parcel Numbers 507-081-043, 507-121-013, and 507-081-050 shall be reduced to 10,000 square feet.

[Figure 2-25 Next Page]



Cannabis Innovation Zone (:CIZ) Combining Zone

Figure 2-25



Map#	ASSESSOR'S PARCEL NUMBER	Area
3	507-430-017	Area 1
4	507-430-016	Area 1
6	507-430-021	Area 1
8	507-430-020	Area 1
9	507-430-003	Area 1
10	507-430-002	Area 1
11	507-430-011	Area 1
12	507-430-012	Area 1
13	507-430-011	Area 1
14	507-430-010	Area 1
15	507-430-009	Area 1
16	507-430-008	Area 1
17	507-430-007	Area 1
18	507-430-006	Area 1
19	507-430-005	Area 1
21	507-251-017	Area 1
23	507-251-020	Area 1
70	507-121-013	Area 1
78	507-081-043	Area 1
105	507-081-050	Area 1
1	507-382-001	Area 2
2	507-251-021	Area 2
5	507-251-008	Area 2
7	507-251-009	Area 2
20	507-251-042	Area 2
22	507-251-026	Area 2
24	507-251-024	Area 2
25	507-251-025	Area 2
26	507-251-039	Area 2
27	507-251-040	Area 2
28	507-251-041	Area 2
29	507-251-004	Area 2
30	507-251-011	Area 2
31	507-461-001	Area 2
32	507-461-005	Area 2
33	507-461-006	Area 2
34	507-461-003	Area 2
35	N/A	Area 2
36	507-461-016	Area 2
37	507-461-017	Area 2
38	507-461-030	Area 2
39	507-461-040	Area 2
40	507-461-049	Area 2
41	507-461-050	Area 2
42	507-461-038	Area 2
43	507-461-048	Area 2
44	507-461-047	Area 2
45	507-461-053	Area 2
46	507-461-025	Area 2
47	507-461-062	Area 2
48	507-461-061	Area 2
49	507-461-063	Area 2
50	507-461-013	Area 2
51	507-461-026	Area 2
52	507-461-042	Area 2
53	507-461-063	Area 2
54	507-461-070	Area 2
55	507-461-067	Area 2
56	507-461-064	Area 2
57	507-461-065	Area 2
58	507-461-072	Area 2
59	507-461-004	Area 2
60	507-461-057	Area 2
61	507-461-058	Area 2
62	507-461-059	Area 2
63	507-461-060	Area 2
64	507-121-036	Area 2
65	507-121-014	Area 2
66	507-121-005	Area 2
67	507-121-041	Area 2
68	507-121-044	Area 2
69	507-121-043	Area 2
71	507-121-025	Area 2
72	507-121-045	Area 2
73	507-121-032	Area 2
74	507-121-011	Area 2
75	507-121-033	Area 2
76	507-121-034	Area 2
77	507-081-001	Area 2
79	507-081-024	Area 2
80	507-081-013	Area 2
81	507-081-039	Area 2
82	507-081-018	Area 2
83	507-081-017	Area 2
84	507-081-038	Area 2
85	507-081-040	Area 2
86	507-081-041	Area 2
87	507-081-042	Area 2
88	507-081-038	Area 2
89	507-081-010	Area 2
90	507-081-012	Area 2
91	507-081-026	Area 2
92	507-081-051	Area 2
93	507-081-035	Area 2
94	507-081-011	Area 2
95	507-081-009	Area 2
96	507-081-036	Area 2
97	507-071-010	Area 2
98	507-081-043	Area 2
99	507-461-073	Area 2
100	507-461-074	Area 2
101	507-081-047	Area 2
102	507-121-047	Area 2
103	507-121-048	Area 2
104	507-121-049	Area 2
106	507-081-048	Area 2
107	507-461-075	Area 2
108	507-121-051	Area 2

Section 3. Findings. Based upon the whole record, information received in public hearings and the Arcata Planning Commission recommendation PC-20-03, dated December 8, 2020, the following findings are hereby adopted:

1. The Land Use Code text amendments to section 9.10.040 assist the City with effective implementation of the adopted General Plan policies and the development standards of the Land Use Code.
2. City of Arcata initiated land use development projects further the community's interests in improving the public safety and livability, environmental leadership, sustainable development, quality public service, improving the local economy, fiscal responsibility, and support the community creativity and cultural life.
3. The proposed Land Use Code Cannabis Innovation Zone Combining Zone text amendments are local regulatory standards for commercial cannabis activities consistent with Senate Bill 94, also known as the Medicinal and Adult-Use Cannabis Regulation and Safety Act, as amended, and the implementing State regulations.
4. The proposed Land Use Code text amendments are consistent with all other provisions of the General Plan and other provisions of the Land Use Code and would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
5. The affected industrial sites within Area Two of the Cannabis Innovation Zone are physically suitable for the proposed or anticipated uses and/or development.
6. The proposed amendments are exempt from environmental review according to California Code of Regulations §15061(b)(3) as there is no possibility the activity will have a significant effect on the environment based on the following: 1) the City adopted a Mitigated Negative Declaration when the Zone was established; 2) Use Permits are subject to CEQA - each proposed project will undergo individual CEQA review to determine if the projects proposed under these regulations have impacts that were not anticipated in the adoption of the zoning districts; and 3) the amendments are minor text amendments clarifying previous determinations cannabis cultivation areas do not include cannabis plant nurseries; 4) capital improvement projects and other project funding decisions made by the City Council are subject to environmental review; and 5) City initiated projects require compliance with City General Plan policies and Land Use Code development standards.

Section 4. Severability. If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 5. Limitation of Actions. Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 6. Effective Date. This ordinance shall become effective 30 days after adoption.

DATED: January 20, 2021

ATTEST:

/s/ Bridget Dory
City Clerk, City of Arcata

APPROVED:

/s/ Sofia Pereira
Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 1540, passed and adopted at a regular meeting of the City Council of the City of Arcata, County of Humboldt, State of California, on the 20th day of January, 2021, by the following vote:

AYES: **PEREIRA, WATSON, ATKINS-SALAZAR, GOLDSTEIN, SCHAEFER**

NOES: **NONE**

ABSENT: **NONE**

ABSTENTIONS: **NONE**

/s/ Bridget Dory
City Clerk, City of Arcata