

RESOLUTION NO. 10315

A RESOLUTION OF THE CITY COUNCIL THE CITY OF INDIO, CALIFORNIA ESTABLISHING AND ADOPTING A FEE SCHEDULE FOR THE ADMINISTRATION OF THE CITY OF INDIO CANNABIS STOREFRONT RETAIL BUSINESS PERMIT PROGRAM AND DETERMINING THAT THE ADOPTION OF THE FEE SCHEDULE IS EXEMPT FROM REVIEW UNDER CEQA PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3)

WHEREAS, on June 27, 2017, the Medical and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) was signed into law, which provides a comprehensive regulatory framework for licensing, control, and taxation of medical and adult-use cannabis-related businesses in California; and

WHEREAS, on December 6, 2017, the City Council adopted Ordinance No. 1726 establishing Sections 159.565 through 159.568 of the Indio Municipal Code prohibiting commercial cannabis activity in the City; and

WHEREAS, on May 18, 2022, the City Council adopted Ordinance No. 1779 amending Chapter 159 (zoning regulations) of the Indio Municipal Code to allow Cannabis Storefront Retailer and Cannabis Non-Storefront Retailer Businesses in commercial land use districts except for the neighborhood commercial zone, mixed use land use districts and on properties regulated by a specific plan or project master plan that permit commercial land uses excluding any properties designated as neighborhood commercial; amending the subchapter entitled Cannabis Activity (159.565 et. seq.); and making a determination that the ordinance was exempt from review under CEQA pursuant to CEQA guidelines section 15061(b)(3); and

WHEREAS, on May 18, 2022, the City Council adopted Ordinance No. 1780 adding a new Chapter 123 entitled cannabis business activities to Title XI, Business Regulations, of the Indio Municipal Code to regulate commercial cannabis uses in the city; and

WHEREAS, pursuant to the provisions of the California Constitution and the laws of the State of California, the City of Indio is authorized to adopt and implement rates, fees, and charges for municipal services; provided, however, that such rates, fees, and/or charges do not exceed the estimated reasonable cost of providing such services; and

WHEREAS, the City Council of the City of Indio has heretofore established various schedules of rates, fees, and charges for services provided by the City; and

WHEREAS, California Government Code Section 66016 requires notice to be given and data made available at specified times prior to the adoption of increases in existing rates, fees, and charges, or the adoption of new rates, fees, and charges for use permits and building inspections sometime hereinafter at a public meeting of the City Council; and

WHEREAS, California Government Code Section 66018 requires notice to be published in accordance with California Government Code Section 6062a and data made available concerning rates, fees, and charges prior to conducting a public hearing with respect to the adoption of increases in rates, fees, and charges, or the adoption of new rates, fees, and charges for which no other procedure is provided by law; and

WHEREAS, on August 3, 2022, the City of Indio published a public hearing notice in the Desert Sun, a newspaper of record with respect to the adoption of new cannabis related rates, fees and charges; and,

WHEREAS, pursuant to California Government Code Section 66016, the City Council has held at least one public hearing on August 17, 2022 and received oral and written presentations there at with respect to the rates, fees and charges described herein prior to the adoption of this Resolution; and

WHEREAS, pursuant to California Government Code Section 66018, the City Council has conducted and concluded a duly noticed public hearing on August 17, 2022 with respect to the rates, fees, and charges prior to the adoption of this Resolution; and

WHEREAS, City staff supported by a qualified consultant have analyzed the cost of providing permitting and other services related to the administration of the City's Cannabis Storefront Retail Business Permit Program; and

WHEREAS, the City Council desires to establish fees associated with the review of applications for all cannabis businesses authorized by the City of Indio as set forth herein; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, the City Council has determined that the fee schedule for the administration of the City's Cannabis Business Permit Program is reasonable in that the fees seek to recover the costs incurred by the City related to the permitting and other services for the administration of this Program.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INDIO, CALIFORNIA, HEREBY RESOLVES, FINDS AND DETERMINES AS FOLLOWS:

Section 1. The City Council hereby specifically finds that all of the facts set forth in the recitals of this Resolution are true and correct and are incorporated herein.

Section 2. The City Council hereby finds and determines that based upon the data, information, analysis, oral and written documentation presented to the City Council concerning the rates, fees, and charges described hereto do not exceed the established reasonable cost of providing the service for which the rates, fees, or charges are levied.

Section 3. The rates, fees, and charges set forth below, are hereby adopted and approved as the rates, fees, and charges for the services identified for each such rate, fee, and/or charge inclusive of the City's 3.64 percent technology fee:

Fee Description	Fee Amount
Annual Regulatory Fee for Cannabis Retail Storefront Business Permit Recipients	\$23,082.70
Application Fee for Cannabis Retail Storefront Retail Businesses	\$10,856.00
Appeal Fee	\$3,632.58
Application Renewal Fee	\$260.40
Background Investigation (Owner/Manager)	\$310.92
Background Investigation Renewal (Owner/Manager)	\$103.64


Section 4. The City Council finds that the adoption of fees for the administration of the City of Indio Cannabis Business Permit Program is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines. The City Council previously adopted Ordinance No. 1779 governing the locations of storefront cannabis retail, non-storefront cannabis retail and cannabis delivery. The City Council also approved Ordinance No. 1780 that regulates the operation of storefront cannabis retail, non-storefront cannabis retail and cannabis delivery in the City. The adoption of the aforementioned fees will allow the City to recover reasonable and appropriate fees based on fee studies for the permitting and administration of the Cannabis Business Permit Program. Therefore, the adoption of said fees is covered by the common sense exemption in that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Accordingly, the City Council finds the adoption of said fees exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Section 5. This Resolution shall take effect upon its adoption.

Section 6. The City Clerk shall certify to the passage, approval, and adoption of this Resolution.

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PASSED, APPROVED AND ADOPTED this 17th day of August, 2022.



WAYMOND FERMON
MAYOR

ATTEST:



CYNTHIA HERNANDEZ, CMC
CITY CLERK

CERTIFICATION

I, Sabdi Sanchez, City Clerk Administrator of the City of Indio, California, hereby certify that **Resolution No. 10315** was duly and regularly adopted at a meeting of the City Council held on the 17th day of August 2022 by the following vote, to wit:

Ayes: Holmes, Miller, Ramos Amith, Mayor Pro Tem Ortiz and Mayor Fermon

Noes: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Indio, California, this 17th day of August 2022.



SABDI SANCHEZ, CMC
City Clerk Administrator
City of Indio

