



Legislation Details (With Text)

**File #:** ID17-1043    **Version:** 1    **Name:**

**Type:** Ordinance    **Status:** Continued in Council

**File created:** 7/20/2017    **In control:** City Council

**On agenda:** 8/3/2017    **Final action:**

**Title:** Action relating to marijuana cultivation within the City of Fresno  
 1. Adopt a finding of No Possibility pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines  
 2. \*\*\*BILL NO. B-35 - (Intro. 6/22/2017) (For adoption) - The adoption of an amendment to sections 12-2104 and 12-2105 of the Fresno Municipal Code relating to the cultivation of marijuana. (Subject to Mayor's veto)

**Sponsors:** Lee Brand, Garry Bredefeld

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance - Cultivation of Marijuana.pdf

Date	Ver.	Action By	Action	Result
8/3/2017	1	City Council		

**REPORT TO THE CITY COUNCIL**

**August 3, 2017**

**FROM:** Garry Bredefeld, Councilmember  
Council District 6

**SUBJECT**

Action relating to marijuana cultivation within the City of Fresno  
 1. Adopt a finding of No Possibility pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines  
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**RECOMMENDATION**

It is recommended that the Council approve the amendment to sections 12-2104 and 12-2105 of the Fresno Municipal Code relating to the cultivation of marijuana to come into compliance with state law.

**EXECUTIVE SUMMARY**

This amendment was introduced at Council on June 22, 2017.

## **BACKGROUND**

In 2016 the citizens of California approved "Proposition 64," the Control, Regulate, and Tax Adult Use of Marijuana Act (the Act) which would allow, under state law, the cultivation of marijuana at a private residence. Prop 64, however, also recognizes the authority of local jurisdictions to prohibit or regulate marijuana under local land use regulations. Prop 64 requires that local jurisdictions allow 6 plants per residence to be cultivated indoors with reasonable restrictions. This amendment would bring the Fresno Municipal Code into compliance with state law.

## **ENVIRONMENTAL FINDINGS**

This project is exempt from CEQA pursuant to CEQA Guidelines, section 15061(b)(3), because it can be said with certainty that there is no possibility that this project may have a significant effect on the environment.

## **LOCAL PREFERENCE**

N/A

## **FISCAL IMPACT**

N/A

Attachment: Ordinance