

AMENDED
SAN JOAQUIN COUNTY PLANNING COMMISSION AGENDA

Public Health/Planning Auditorium
San Joaquin County Department of Public Health Services
1601 East Hazelton Avenue, Stockton, California

THURSDAY, NOVEMBER 1, 2018
6:30 P.M.

- **Flag Salute**
- **Roll Call**
- **Action on Requests for Continuances or Withdrawals (if needed)**
- **Explanation of Hearing Procedures**
- **The Public is welcome to address the Planning Commission on items of interest to the public that are NOT listed on the Agenda. Comments to the Commission are limited to a maximum of 5 minutes.**
- **Action Item:**
 - **Consent Agenda (Item No. 2):** Items calendared for consent will be approved in one motion without a public hearing unless a member of the Planning Commission or the audience requests that the item be removed from the consent calendar and heard separately.
- 1. **DEVELOPMENT TITLE TEXT AMENDMENT APPLICATION NO. PA-1800193 OF KANWAR S. KELLEY** to amend Table 9-405.2 Uses in Commercial Zones to permit Truck Sales and Services - Parking in the C-FS (Freeway Service Commercial) zone with an approved Use Permit application. **The project is applicable Countywide.**

Environmental Determination: An Initial Study has been prepared indicating the project will not have a significant impact on the environment, and a Negative Declaration has been prepared for the project.
- CONSENT 2. **REVISIONS OF APPROVED ACTIONS APPLICATION NO. PA-1300118 OF PHILLIPS FARMS LLC, (C/O MICHAEL HAKEEM)** for a previously approved Use Permit application to increase the number of attendees at marketing events for an existing large winery from 150 people to 300 people per marketing event. The previously approved Use Permit application was for a large winery with twenty-five (25) marketing events per year with outdoor amplified sound. The project site is located on the west side of Ray Road, 360 feet south of State Route 12 Highway, Lodi (Supervisory District: 4).

Environmental Determination: An Initial Study has been prepared indicating the project will not have a significant impact on the environment, and a Mitigated Negative Declaration has been prepared for the project.
- 3. **DEVELOPMENT TITLE TEXT AMENDMENT APPLICATION NO. PA-1800249 (TA) OF SAN JOAQUIN COUNTY** to add new definitions, use types and land use development regulations for Commercial Cannabis operations in San Joaquin County. The proposed Commercial Cannabis Chapter 9-1090 includes various types of Commercial Cannabis operations including Cultivation, Manufacturing, Distribution, Retail Sales and Laboratory Testing. (Supervisory District: ALL). **(This project was continued from the October 18,**

2018, Planning Commission meeting. Minor modifications have been made to the project since the October 18, 2018, meeting. See Addendum to Staff Report for Development Title Text Amendment PA-1800249 and amended Staff Report).

Environmental Determination: A Notice of Exemption is being proposed for adoption.

- **Other Business:**
 - **Planning Commissioner's Comments**
 - **Accept Comments on DSEIR Forward Landfill**
- **Director's Report (Scheduling of Future Meetings – as needed)**
- **Adjournment**

NOTE: If you need disability-related modification or accommodation in order to participate in this meeting, please contact the Clerk of the Planning Commission at (209) 468-2218 at least 48 hours prior to the start of the meeting (Government Code Section 54954.2[a]). Materials related to an item on this agenda submitted to the Planning Commission after distribution of the packet are available for public inspection at the Community Development Department at 1810 E. Hazelton Avenue during normal business hours.

KITTY WALKER, Chair

* * *

KERRY SULLIVAN, Secretary

The appeal period for this agenda expires on November 11, 2018, at 5:00 p.m., and the appeal fee is \$648.00.



**SAN JOAQUIN COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT**

1810 E. HAZELTON AVE., STOCKTON, CA 95205-6232
PHONE: 209/468-3121 FAX: 209/468-3163

October 24, 2018

TO: Interested Parties

FROM: The Community Development Department

RE: Addendum to Staff Report for Development Title Text Amendment
PA-1800249

The proposed ordinance amending Title 9 in the above referenced Staff Report includes two minor changes and associated grammatical changes for consistency from the version of the ordinance included in the Staff Report for the October 18, 2018, Planning Commission hearing. In addition, a letter received from the City of Escalon (received Wednesday, October 17, 2018) has also been included in the Amended Staff Report.

The minor changes are as follows:

In Section 1, Section 9-110.4, Chapter 9-110, Division 1, Title 9, the definition of Arterial Road was defined in the October 18, 2018 hearing Staff Report as follows:

Arterial Roads. "Arterial roads include major and minor arterials, are the principal network for through-traffic within a community and often between communities carrying 25,000 to 45,000 trips per day. Arterials provide access routes to shopping areas, places of employment, recreational areas, and other places of assembly. Minor arterials include two (2) to four (4) lanes and major arterials include four (4) to six (6) lanes.

The definition has been changed in the current ordinance to state:

Arterial Road. "Arterial road", for the purpose of Chapter 9-1090 Commercial Cannabis, means a road with a functional classification of 3 or higher.

In Sections 9-1090.3 through 9-1090.7 the proposed ordinance was silent on a requirement for fire service. A subsection has been added to Sections 9-1090.3 through 9-1090.7 as follows:

Fire Service. The premises must be located within a San Joaquin County Fire District.

****No other changes were made to the Development Title Text Amendment PA-1800249 Staff Report or ordinance.**

STAFF REPORT - Development Title Text Amendment (Amended)

Application Information

Applicant: **San Joaquin County**
File Number: **PA-1800249**
Location: **Applicable Countywide**

Supervisory District: **All**
CEQA Determination: **Notice of Exemption**
Staff: **Jennifer Jolley**

Project Description

This project is a Development Title Text Amendment application to add new definitions, use types and land use development regulations for Commercial Cannabis operations in San Joaquin County. The proposed Commercial Cannabis Chapter 9-1090 includes various types of Commercial Cannabis operations including Cultivation, Manufacturing, Distribution, Retail Sales and Laboratory Testing.

Recommendation

Approval.

Referrals and Replies

The application referrals were mailed on September 21, 2018, with responses due by October 5, 2018.

AGENCY	RESPONSE DATE
All Cities	
City of Lathrop	October 1, 2018
City of Lodi	September 26, 2018
City of Escalon	October 17, 2018
All School Districts	
Agricultural Commissioner	
All Airports	
All Fire Districts	
Tracy Fire District	October 4, 2018
Fire Prevention Bureau	
Assessor	
Building Department	
Sheriff	
Board of Supervisors	
Environmental Health Department	October 8, 2018
County Counsel	
Mosquito Abatement	
Department of Public Works	September 26, 2018
Air Pollution Control District	
San Joaquin Council of Governments	
PG&E	
Building Industry Association	
Farm Bureau	
Hayley Flying Services	
Kathy Perez	
Precissi Flying Services	
Kathy Perez	
Sierra Club	

A legal ad for the public hearing was published in the **Stockton Record** on October 8, 2018.

Five hundred and thirty-four public hearing notices were sent via email and postal mail on October 5, 2018.

Analysis

Background

On July 10, 2018, The Board of Supervisors held a public meeting to introduce and waive reading of a commercial cannabis business ordinance (Title 4, Division 10, Chapter 1 Commercial Cannabis Business). At that meeting, the Board directed staff to prepare a Development Title Text amendment to revise the San Joaquin County Code of Ordinance Title 9 Development Title consistent with the Title 4 Commercial Cannabis Business ordinance following its adoption. Also on July 10, 2018, San Joaquin County approved an amended special tax to be placed on the November 6, 2018, ballot to provide long term funding for early childhood education and other programs for children, and youth, such as childhood literacy, drug prevention, gang reduction, and after-school programs, as well as public health, public safety, and cannabis enforcement by taxing all commercial cannabis activity in the unincorporated County. The Title 4 ordinance will only become operative if the Commercial Cannabis Business Tax (Measure B) passes by a 2/3 majority on November 6, 2018.

On August 7, 2018, San Joaquin County adopted the Title 4, Division 10, Chapter 1 Commercial Cannabis Business ordinance allowing all types of medical and adult-use commercial cannabis businesses except outdoor cultivation and cannabis events in the unincorporated County with specific license, operating, and land use requirements. Under the adopted Title 4 Commercial Cannabis Business Ordinance, for a business to operate at a specific location in the unincorporated County it must obtain a California Annual State License and a County Cannabis License for its specific type of operation: Cultivator License, Distributor License, Manufacturer License, Retailer License, or Testing Laboratory License. To receive its County Cannabis License, the business must obtain the appropriate land use permit and complete all conditions of approval for that permit.

An approved Commercial Cannabis Business may be on its own approved parcel or be within a Cannabis Business Park. The Title 4 Commercial Cannabis Business Ordinance defines a "Cannabis Business Park" as a contiguous area with an approved Special Purpose Plan "that is specially designated, designed, and landscaped to safely allow and accommodate Commercial Cannabis Licensees in compliance with this Chapter and State law."

The proposed Development Title Text Amendment to add Title 9, Division 10, Chapter 9-1090 as directed by the Board of Supervisors will provide land use regulations for medical and adult-use commercial cannabis businesses consistent with the Title 4 ordinance. Chapter 9-1090 includes specific land use permit regulations which may include specific locational criteria and/or public service requirements, in addition to development requirements. Commercial cannabis businesses are not permitted in any residential zone.

This commercial cannabis ordinance (Title 9, Division 10, Chapter 9-1090) will only be adopted if the Commercial Cannabis Tax passes and is operative as long as Title 4 remains operative. Personal cannabis cultivation and use are regulated through Title 4, Division 10, Chapter 3 and is not subject to Chapter 9-1090.

Land Use Permits

All commercial cannabis related uses which include Cannabis Cultivation, Cannabis Distribution, Cannabis Manufacturing, Cannabis Retail Sales, but excluding Cannabis Laboratory Testing, may be conditionally

permitted with an approved Use Permit application where zoning permits. Cannabis Laboratory Testing may be conditionally permitted with an approved Site Approval application where zoning permits. Any commercial cannabis use that could potentially be permitted subject to an approved Use Permit or Site Approval could alternatively be permitted in a Cannabis Business Park. A Cannabis Business Park which may be conditionally approved with a Special Purpose Plan in any zone where the commercial cannabis related uses are permitted. When a Cannabis Business Park is approved on a parcel with a Special Purpose Plan, additional discretionary land use approval for businesses within the Cannabis Business Park are not required and may be permitted with a ministerial Improvement Plan application.

Commercial Cannabis Uses

The Commercial Cannabis use type includes any commercial cannabis activity for which a commercial cannabis license is required under the Title 4 Commercial Cannabis Business ordinance. The following are the subcategories of the Commercial Cannabis use type:

- **Cannabis Cultivation.** The Cannabis Cultivation use type refers to any activity allowed pursuant to a Cultivator License. Such activities may only be performed by a person with a valid Cultivator License issued by the County pursuant to Title 4, Division 10, Chapter 1. No outdoor cannabis cultivation shall be permitted.
 - *Cannabis cultivation may be conditionally permitted in the AG (General Agricultural) zone, subject to meeting specific locational criteria, and in the I-P (Industrial Park), I-L (Limited Industrial) and I-G (General Industrial) zones with an approved Use Permit. Alternatively, cannabis cultivation may be permitted in each of the aforementioned zones with an Improvement Plan in an approved Cannabis Business Park. A Cannabis Business Park may be conditionally permitted with an approved Special Purpose Plan.*
- **Cannabis Distribution.** The Cannabis Distribution use type refers to any activity allowed pursuant to a Distributor License. Such activities may only be performed by a person with a valid Distributor License issued by the County pursuant to Title 4, Division 10, Chapter 1.
 - *Cannabis distribution may be conditionally permitted in the AG (General Agricultural) zone, provided the parcel also has a Cultivator License, with an approved Use Permit. In addition, distribution may be conditionally permitted in the I-P (Industrial Park), I-L (Limited Industrial) and I-G (General Industrial) zones with an approved Use Permit. Alternatively, cannabis distribution may be permitted in each of the aforementioned zones with an Improvement Plan in an approved Cannabis Business Park. A Cannabis Business Park may be conditionally permitted with an approved Special Purpose Plan.*
- **Cannabis Manufacturing.** The Cannabis Manufacturing use type refers to any activity allowed pursuant to a Manufacturer License. Such activities may only be performed by a person with a valid Manufacturer License issued by the County pursuant to Title 4, Division 10, Chapter 1.
 - *Cannabis manufacturing may be conditionally permitted in the AG (General Agricultural) zone with an approved Use Permit provided an approved Cultivator License has also been obtained. Cannabis manufacturing may also be conditionally permitted in the I-W (Warehouse Industrial), I-P (Industrial Park), I-L (Limited Industrial) and I-G (General Industrial) with an approved Use Permit. Alternatively, cannabis manufacturing may also be permitted in each of the aforementioned zones with an Improvement Plan in an approved Cannabis Business Park. A Cannabis Business Park may be conditionally permitted with an approved Special Purpose Plan.*

- **Cannabis Retail Sales.** The Cannabis Retail Sales use type refers to any activity allowed pursuant to a Retailer License. Such activities may only be performed by a person with a valid Retailer License issued by the County pursuant to Title 4, Division 10, Chapter 1.
 - *Cannabis retail sales operating an Annual State License Type 9: Non-Storefront Retailer or Type 12: Microbusiness engaged in Non-Storefront retail may be conditionally permitted in the I-G (General Industrial), I-L (Limited Industrial), I-P (Industrial Park) and I-W (Warehouse Industrial) zones with an approved Use Permit. Alternatively, retail sales, as described above, may be permitted as stated above in each of the aforementioned zones with an Improvement Plan in an approved Cannabis Business Park. A Cannabis Business Park may be conditionally permitted with an approved Special Purpose Plan.*
 - *Cannabis retail sales may also be conditionally permitted in the C-C (Community Commercial) and C-G (General Commercial) zones with an approved Use Permit application. Alternatively, cannabis retail sales may be permitted in the aforementioned zones with an approved Improvement Plan in an approved Cannabis Business Park. A Cannabis Business Park may be conditionally permitted in an approved Special Purpose Plan.*
- **Cannabis Laboratory Testing.** The Cannabis Laboratory Testing use type refers to any activity allowed pursuant to a Testing Laboratory License. Such may only be performed by a person with a valid Testing Laboratory License issued by the County pursuant to Title 4, Division 10, Chapter 1.
 - *Cannabis laboratory testing may be conditionally permitted in the I-G (General Industrial), I-L (Limited Industrial), I-P (Industrial Park), I-W (Warehouse Industrial), and all commercial zones, excluding the C-FS [Commercial Freeway Services] and C-X [Commercial Crossroads] zones, with an approved Site Approval application. Alternatively, cannabis laboratory testing may be permitted in each of the aforementioned zones with an approved Improvement Plan in an approved Cannabis Business Park. A Cannabis Business Park may be conditionally permitted with an approved Special Purpose Plan.*

Public Services Requirement

Commercial cannabis cultivation and commercial cannabis manufacturing may be conditionally permitted in the I-G (General Industrial) zone, I-L (Limited Industrial), and I-P (Industrial Park) zone with a Use Permit application if the parcel is served by a public wastewater disposal system, a public water system, a public stormwater drainage system, and if sanitary disposal of process water is provided. If a parcel does not have access to these public services, commercial cannabis cultivation and commercial cannabis manufacturing may be permitted with private services in a Cannabis Business Park with an approved Special Purpose Plan.

Commercial cannabis laboratory testing may also be conditionally permitted in the I-G (General Industrial) zone, I-L (Limited Industrial), and I-P (Industrial Park), I-W (Warehouse Industrial), and all commercial zones (excluding the C-FS [Commercial Freeway Service] and C-X [Commercial Crossroads] zones) with a Site Approval application if the parcel is served by a public water system, a public stormwater drainage system, and if sanitary disposal of process water is provided. If a parcel does not have access to these public services, commercial cannabis laboratory testing may be permitted with private services in a Cannabis Business Park with an approved Special Purpose Plan.

Letters in Opposition

CDD has received two letters in opposition to the proposed Text Amendment. The first is a September 26, 2018, letter from the City of Lodi and the second is an October 1, 2018, letter from the City of Lathrop. Each letter states that they have taken actions not to allow commercial cannabis businesses or activity within their

City limits based on concerns about such activities. They are each concerned that cannabis businesses allowed under the County's Title 4 and, accordingly, the proposed Text Amendment to Title 9, could be in close proximity and in some cases immediately adjacent to City limits.

The City of Lodi requests that it be allowed to deny any application for a commercial cannabis business within 1 mile of City limits and have an opportunity to comment on any application for a commercial cannabis business within 3 miles of City limits. The City of Lathrop requests that the proposed Text Amendment be amended to ban all commercial cannabis businesses within "at least 1 mile" of cities that have banned commercial cannabis activities and to provide automatic notification to any city of an application for a commercial cannabis business within 3 miles of a city's boundaries.

The County cannot agree to the City of Lodi's request that they, or any city, have the power to deny an application for a commercial cannabis business within the unincorporated County. It would be improper and contrary to public policy for the County to allow a city to deny a project application in the County because it would amount to the County surrendering its power to approve under Title 9 and, therefore, Title 4, to that city.

In regards to the City of Lathrop's request that the proposed Text Amendment be revised to create a buffer around any city that has banned commercial cannabis activities there are two issues. First, that such a revision would make the proposed Text Amendment inconsistent with the Board of Supervisors' direction to revise Title 9 to be consistent with the Title 4 Commercial Cannabis Business Ordinance. The Title 4 ordinance does not include a buffer or limitation on businesses around incorporated cities, whether or not they ban commercial cannabis activities. Additionally, because any cities could change its ordinance at any time to allow or disallow some or all commercial cannabis activity consistent with State law, it would be difficult or impossible for Title 9 and CDD to track and to limit land use permits. Additionally, changes in city ordinances and, therefore, of County approval at different stages of processing, approving, and perfecting such permits would create unacceptable risks for both applicants and the County.

In regards to the Cities' requests for notification of any application for a commercial cannabis business under Chapter 9-1090 within 3 miles of its boundaries, that is a request that can be made to CDD by any city without an amendment to the proposed Text Amendment. CDD often complies with standing requests for notification of certain types of applications and could do so for commercial cannabis business applications under Chapter 9-1090.

Notice of Exemption

California Environmental Quality Act Section (CEQA) 15061(b)(3) states that a project is exempt from CEQA if the local agency determines that the activity has no 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 cause a significant effect on the environment, the activity is not subject to CEQA and, therefore, exempt from CEQA. CDD has determined that the proposed text amendment has no potential for causing a significant effect on the environment because it is strictly an amendment to the Development Title and, additionally, each activity regulated by the amended text will be subject to CEQA. Accordingly, a Notice of Exemption will be filed by CDD if the text amendment is approved.

Recommendations

Action

It is recommended that the Planning Commission:

1. **Forward Text Amendment No. PA-1800249 to the Board of Supervisors with a recommendation for approval based on the ability to make the required Basis for Development Title Text Amendment.**

Basis for Development Title Text Amendment

Prior to approving an application for a text amendment, the Planning Commission and the Board of Supervisors shall determine that the proposed Text Amendment is consistent with the General Plan and any applicable Master Plan.

- **This determination can be made because the proposed addition to the Development Title does not conflict with any of the goals, objectives, policies or implementation measures of the General Plan or any applicable Master Plan.**

THE COUNTY OF SAN JOAQUIN,
STATE OF CALIFORNIA

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE 9 OF THE ORDINANCE CODE OF THE COUNTY OF SAN JOAQUIN RELATIVE TO SECTIONS 9-110.4, 9-505.5 AND 9-605.6(u), CHAPTER 9-115, TABLES 9-305.2 RESIDENTIAL USES, 9-405.2 COMMERCIAL USES, 9-505.2 INDUSTRIAL USES, 9-605.2 AGRICULTURAL USES, 9-705.2 USES IN OTHER ZONES, TABLE 9-1015.3(b) PARKING, AND CHAPTER 9-1090 (COMMERCIAL CANNABIS) OF THE DEVELOPMENT TITLE.

The Board of Supervisors of the County of San Joaquin ordains as follows:

Section 1. Section 9-110.4, Chapter 9-110, Division 1, Title 9 of the San Joaquin County Ordinance Code is hereby amended by adding the definition of “Annual State License”, “Arterial Road”, “Cannabis Business Park”, “Commercial Cannabis Activity”, “Commercial Cannabis License”, “Commercial Cannabis Licensee”, “Cultivator License”, “Distributor License”, “Major Intersection”, “Manufacturing License”, “Micro-business”, “Owner”, “Premises”, “Retailer License”, “Sanitary Disposal of Process Water”, “Testing Laboratory License” to read as follows:

Annual State License. “Annual state license” means an annual commercial cannabis business license issued by the California Bureau of Cannabis Control, California Department Food and Agriculture, or California Department of Public Health.

Arterial Road. “Arterial road”, for the purpose of Chapter 9-1090 Commercial Cannabis, means a road with a functional classification of 3 or higher.

Cannabis Business Park. “Cannabis business park” means a contiguous area with an approved Special Purpose Plan pursuant to Title 9, Division 8, Chapter 9-815 of this Code that is specially designated, designed, and landscaped to safely allow and accommodate Commercial Cannabis Licensees in compliance with this Chapter and State law.

Commercial Cannabis Activity. “Commercial cannabis activity” means the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products or any other activity provided for in Medicinal and Adult Use Cannabis Safety and Regulation Act.

Commercial Cannabis License. “Commercial cannabis license” means a Cultivator License, Distributor License, Manufacturer License, Retailer License, or Testing Facility License issued by the County pursuant to Title 4, Division 10, Chapter 1. A Commercial Cannabis License may only be for a specific, fixed location which shall be considered the Premises.

Commercial Cannabis Licensee. “Commercial cannabis licensee” or “licensee” means any Person holding a valid Commercial Cannabis License issued pursuant to this Title 4, Division 10, Chapter 1.

Cultivator License. “Cultivator license” means a license issued by the County to plant, grow, harvest, dry, cure, grade, or trim cannabis and who holds an authorized Annual State License with an A-License or M-License designation.

Distributor License. “Distributor license” means a license issued by the County to procure, sell, and transport cannabis and cannabis products who holds an authorized Annual State License with an A-License or M-License designation.

Major Intersection. “Major intersection”, for the purpose of Chapter 9-1090 Commercial Cannabis, means an intersection where an arterial road intersects with either a minor arterial or arterial road.

Manufacturing License. “Manufacturing license” means a license to conduct the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container who holds an authorized Annual State License with an A-License or M-License designation.

Micro-business. “Micro-business” is a Type 12 Annual State License and shall have the same meaning as set forth in paragraph (3) of subdivision (a) of Section 26070 of the Business and Professions Code.

Owner. “Owner”, for the purpose of Chapter 9-1090 Cannabis Regulations, means any of the following:

- (a) A person with an aggregate ownership interest of twenty percent (20%) or more in the entity applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.
- (b) The chief executive officer of a nonprofit or other entity.
- (c) A member of the board of directors of a nonprofit.
- (d) An individual who will be participating in the direction, control, or management of the person applying for a license.

Premises. “Premises” for the purpose of Chapter 9-1090 means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the Applicant or Licensee where the Commercial Cannabis Activity will be or is conducted. The Premises shall be a contiguous area and shall only be occupied by one Licensee, except under an authorized shared use Annual State License. Multiple Premises and Commercial Cannabis Licenses may exist on one Lot.

Retailer License. “Retailer license” means a license issued to sell cannabis to qualified individuals that hold an authorized Annual State License with an A-License or M-License designation.

Sanitary Disposal of Process Water. “Sanitary disposal of process water” means an approved and permitted method of disposal for wastewater generated from onsite operations or processes.

Testing Laboratory License. “Testing laboratory license” means a license issued to a laboratory, facility, or entity in the state that offers or performs tests of cannabis or cannabis products that holds an authorized Annual State License.

Section 2. Chapter 9-115, Division 1, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

Commercial Cannabis. The Commercial Cannabis use type includes any commercial cannabis activity for which a commercial cannabis license is required. The following are the categories of the Commercial Cannabis use type:

- (a) **Cannabis Cultivation.** The Cannabis Cultivation use type refers to any activity allowed pursuant to a Cultivator License. Such activities may only be performed by a person with a valid Cultivator License issued by the County pursuant to Title 4, Division 10, Chapter 1. No outdoor cannabis cultivation shall be permitted.
- (b) **Cannabis Distribution.** The Cannabis Distribution use type refers to any activity allowed pursuant to a Distributor License. Such activities may only be performed by a person with a valid Distributor License issued by the County pursuant to Title 4, Division 10, Chapter 1.

- (c) **Cannabis Manufacturing.** The Cannabis Manufacturing use type refers to any activity allowed pursuant to a Manufacturer License. Such activities may only be performed by a person with a valid Manufacturer License issued by the County pursuant to Title 4, Division 10, Chapter 1.
- (d) **Cannabis Retail Sales.** The Cannabis Retail Sales use type refers to any activity allowed pursuant to a Retailer License. Such activities may only be performed by a person with a valid Retailer License issued by the County pursuant to Title 4, Division 10, Chapter 1.
- (e) **Cannabis Laboratory Testing.** The Cannabis Laboratory Testing use type refers to any activity allowed pursuant to a Testing Laboratory License. Such may only be performed by a person with a valid Testing Laboratory License issued by the County pursuant to Title 4, Division 10, Chapter 1.

Section 3. Tables 9-305.2, 9-405.2, 9-505.2, 9-605.2, 9-705.2 and Sections 9-505.5 and 9-605.6(u) of Divisions, 3, 4, 5, 6, & 7, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

TABLE 9-305.2 USES IN RESIDENTIAL ZONES						
Legend:						
P Permitted Use, Except as Specified by Note						
IP Permitted Use With Improvement Plan, Except as Specified by Note						
QX Use Permitted Subject to Quarry Excavation Permit						
S Use Permitted Subject to Site Approval						
SP Use Permitted Subject to Special Purpose Plan						
U Use Permitted Subject to Use Permit						
- Use Not Permitted						
*Special Use Regulations (See Section 9-305.6)						
Residential Zones						
	R-R	R-VL	R-L	R-M	R-MH	R-H
<u>Commercial Cannabis</u>						
<u>Cultivation</u>	-	-	-	-	-	-
<u>Distribution</u>	-	-	-	-	-	-
<u>Manufacturing</u>	-	-	-	-	-	-
<u>Retail Sales</u>	-	-	-	-	-	-
<u>Laboratory Testing</u>	-	-	-	-	-	-

TABLE 9-405.2 USES IN COMMERCIAL ZONES

Legend:
P Permitted Use, Except as Specified by Note
IP Permitted Use With Improvement Plan, Except as Specified by Note
S Use Permitted Subject to Site Approval
SP Use Permitted Subject to Special Purpose Plan
U Use Permitted Subject to Use Permit
QX Use Permitted Subject to Quarry Excavation Permit
- Use Not Permitted
*Special Use Regulations (See Sections 9-405.6 and/or 9-405.7)

Commercial Zones									
	C-L	C-N	C-C	C-O	C-G	C-FS	C-RS	C-X	C-R
<u>Commercial Cannabis</u>									
<u>Cultivation</u>	-	-	-	-	-	-	-	-	-
<u>Distribution</u>	-	-	-	-	-	-	-	-	-
<u>Manufacturing</u>		-	-	-	-	-	-	-	-
<u>Retail Sales</u>		-	<u>U/SP</u>	-	<u>U/SP</u>	-	-	-	-
<u>Laboratory Testing</u>	<u>S/SP</u>	<u>S/SP</u>	<u>S/SP</u>	<u>S/SP</u>	<u>S/SP</u>	-	<u>S/SP</u>	-	<u>S/SP</u>

TABLE 9-505.2 USES IN INDUSTRIAL ZONES

Legend:
P Permitted Use, Except as Specified by Note
IP Permitted Use With Improvement Plan, Except as Specified by Note
QX Use Permitted Subject to Quarry Excavation Permit
S Use Permitted Subject to Site Approval
SP Use Permitted Subject to Special Purpose Plan
U Use Permitted Subject to Use Permit
- Use Not Permitted
Note: See Section 9-505.5 for Special Use Regulations in an Industrial Zone.
*See Section 9-505.5(d) for special use regulations.
*Special Use Regulations (See Sections 9-505.6, 9-505.7, 9-505.8 & 9-505.9)

Use Types	Industrial Zones				
	I-W	I-P	I-L	I-G	I-T*
<u>Commercial Cannabis</u>					
<u>Cultivation</u>	-	<u>U/SP</u>	<u>U/SP</u>	<u>U/SP</u>	
<u>Distribution</u>	<u>U/SP</u>	<u>U/SP</u>	<u>U/SP</u>	<u>U/SP</u>	-
<u>Manufacturing</u>	-	<u>U/SP</u>	<u>U/SP</u>	<u>U/SP</u>	-
<u>Retail Sales*</u>	<u>U/SP</u>	<u>U/SP</u>	<u>U/SP</u>	<u>U/SP</u>	-
<u>Laboratory Testing</u>	<u>S/SP</u>	<u>S/SP</u>	<u>S/SP</u>	<u>S/SP</u>	-

9-505.5 SPECIAL USE REGULATIONS IN INDUSTRIAL ZONES.

In addition to the provisions of Section 9-505.2 through 9-505.5, the following regulations shall apply to industrial zones:

- (e) **Commercial Cannabis Retail Sales.** Cannabis retail sales operating an Annual State License Type 9: Non-Storefront Retailer or Type 12: Microbusiness engaged in Non-Storefront retail may be permitted in the I-G (General Industrial), I-L (Limited Industrial), I-P (Industrial Park) and I-W (Warehouse Industrial) zones with an approved Use Permit or with an approved Improvement Plan in an approved Cannabis Business Park. .

TABLE 9-605.2 - USES IN AGRICULTURAL ZONES				
Legend:				
P Permitted Use				
IP Permitted Use With Improvement Plan				
QX Use Permitted Subject to Quarry Excavation Permit				
S Use Permitted Subject to Site Approval				
SD Use Permitted Subject to Second Unit Dwelling Permit				
U Use Permitted Subject to Use Permit				
- Use Not Permitted				
Note: In areas designated as Open Space/Resource Conservation on the General Plan, all uses or use types shall require Site Approval, unless another discretionary approval is specified by this Title				
*Special Use Regulations (See Section 9-605.6)				
**Uses proposed in an area designated Open Space/Resource Conservation on the General Plan Map are subject to special use regulations (See Section 9-605.6(h))				
Use Types	Agricultural Zones			
	AG	AL	AU	ARM*
<u>Commercial Cannabis</u>				
<u>Cultivation*</u>	<u>U/SP</u>	-	-	-
<u>Distribution*</u>	<u>U/SP</u>	-	-	-
<u>Manufacturing*</u>	<u>U/SP</u>	-	-	-
<u>Retail Sales</u>	-	-	-	-
<u>Laboratory Testing</u>	-	-	-	-

9-605.6 SPECIAL USE REGULATIONS IN AGRICULTURAL ZONES.

In addition to the provisions of Sections 9-605.2 through 9-605.5, the following Special Use Regulations shall apply to the uses or use types specified below:

- (u) **Commercial Cannabis Uses.** The following special use regulations shall apply:
 - (1) **Cultivation-Locational Criteria.** Parcels located in the AG zone shall be located no more than two-thousand (2,000) feet from a major intersection or arterial road as measured from the closest edge of the parcel to the closest edge of the major intersection or arterial road. A parcel may be located more than two-thousand (2,000) feet from a major intersection or arterial road if all of the following are found to be true:
 - (A) There is sufficient ease of access from the proposed parcel to an arterial road;
 - (B) There is sufficient access for emergency vehicles; and

(C) The Cultivator License applicant demonstrates that the premises can be secured to the satisfaction of the County.

(2) **Distribution.** For any operation allowed pursuant to a Distributor License in the AG (General Agriculture) zone, a Distributor License and Cultivator License shall be required pursuant to Title 4 for the same lot.

(3) **Manufacturing.** For any operation allowed pursuant to a Manufacturer License in the AG (General Agriculture) zone, a Manufacturer License and Cultivator License shall be required pursuant to Title 4 for the same lot.

TABLE 9-705.2 - USES IN OTHER ZONES

Legend:

P Permitted Use

IP Permitted Use With Improvement Plan

S Use Permitted Subject to Site Approval

SP Use Permitted Subject to Special Purpose Plan

U Use Permitted Subject to Use Permit

- Use Not Permitted

(M) Permit Type for Mountain House Community

***See Special Use Regulations for the M-X zone (Section 9-705.6)**

****See Special Use Regulations for the P-F zone (Section 9-705.7)**

****See Special Use Regulations for the AP-X zone (Section 9-705.8)**

Use Types	Other Zones		
	P-F**	M-X*	AP-X***
<u>Commercial Cannabis</u>			
<u>Cultivation</u>	-	-	-
<u>Distribution</u>	-	-	-
<u>Manufacturing</u>	-	-	-
<u>Retail Sales</u>	-	-	-
<u>Laboratory Testing</u>	-	-	-

Section 4. Table 9-1015.3(b) of Division 10, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

TABLE 9-1015.3(b)

PARKING SPACES REQUIREMENTS, NONRESIDENTIAL

(See Section 9-1015.3 for explanation)

Nonresidential Use Types	Spaces Required Per 1000 Square Feet of Building	Spaces Required Per Employee	Spaces Required Other

<u>Commercial Cannabis</u>			
<u>Cultivation</u>	<u>.2</u>	<u>.67</u>	
<u>Distribution</u>	<u>.5</u>	<u>.5</u>	
<u>Manufacturing</u>	<u>2</u>	<u>.67</u>	
<u>Retail Sales</u>	<u>5</u>	<u>.67</u>	
<u>Laboratory Testing</u>	<u>1</u>	<u>.67</u>	

Section 5. Chapter 9-1090 (Commercial Cannabis) of Division 10, Title 9 of the San Joaquin County Ordinance Code is hereby amended to read as follows:

**CHAPTER 9-1090
COMMERCIAL CANNABIS**

9-1090.1 Intent.

The intent of this Chapter is to establish land use regulations that allow for commercial cannabis businesses licensed under the Medicinal and Adult-Use Cannabis Regulation and Safety Act and Title 4, Division 10, Chapter 1 Commercial Cannabis Business. This chapter ensures that the land use regulations are consistent with Title 4 licensing, monitoring, and enforcement regarding commercial cannabis businesses to protect and promote public health and safety of the population in San Joaquin County.

9-1090.2 Applicability

The provisions of this Chapter shall apply whenever:

- (1) A Use Permit is submitted for any form of Commercial Cannabis use; and/or;
- (2) A Special Purpose Plan is submitted for a Cannabis Business Park.

9-1090.3 Cannabis Cultivation

Commercial cannabis activity allowed pursuant to a Cultivator License shall be subject to the following development standards:

- (a) **License.** An approved annual County Commercial Cannabis Cultivator License and Business License shall be obtained from the County pursuant to Title 4 prior to beginning any commercial operation allowed pursuant to a Cultivator License. These licenses shall remain current in order to operate a Cannabis Cultivation operation.
- (b) **Permits.** Commercial cannabis activity allowed pursuant to a Cultivator License shall be subject to the following permitting requirements:
 - (1) May be permitted in the AG (General Agriculture), I-G (General Industrial), I-L (Limited Industrial) and I-P (Industrial Park) zones with an approved Use Permit application.
 - (2) May be permitted in the AG (General Agriculture), I-G (General Industrial), I-L (Limited Industrial) and I-P (Industrial Park) zones with an approved Improvement Plan application in an approved Cannabis Business Park.

- (3) Shall comply with all regulations administered by the Building Department, Public Works Department, Environmental Health Department, and the Fire Department, and State and Federal Regulations.
- (c) **Locational Criteria.** The following locational criteria shall apply to Commercial cannabis activity allowed pursuant to a Cultivator License:
- (1) Shall only be permitted within an enclosed structure.
 - (2) Parcels located in the AG zone shall be located a maximum of two-thousand (2,000) feet from a major intersection or arterial road. A parcel may be located more than two-thousand (2,000) feet from a major intersection or arterial road, measured from the ultimate right-of-way, if all of the following are found to be true:
 - (A) There is sufficient ease of access from the proposed parcel to an arterial road;
 - (B) There is sufficient access for emergency vehicles; and
 - (C) The Cultivator License holder demonstrates that the parcel may be secured to the satisfaction of the County.
- (d) **Public Services.** Parcels located in an I-G (General Industrial), I-L (Limited Industrial), or I-P (Industrial Park) zone shall be served by a public wastewater disposal system, public water system, public stormwater drainage system and provide sanitary disposal of process water.
- (1) Cannabis cultivation may be permitted with an approved Improvement Plan in an approved Cannabis Business Park. Parcels within a Cannabis Business Park may be permitted to use an on-site wastewater disposal system, on-site water system, and private stormwater drainage system and sanitary disposal of process water with an approved Special Purpose Plan, when shown to be protective of public health and safety and the environment.
- (e) **Parking.** The parking requirements shall be determined pursuant to Section 9-1015.3.
- (f) **Landscaping.** The landscaping requirements shall be determined by the zone in which the parcel is located pursuant to Sections 9-1020.1 through 9-1020.10.
- (g) **Fencing.** The fencing requirements shall be determined by the zone in which the parcel is located pursuant to Sections 9-1022.1 through 9-1022.3 and Section 9-1022.6.
- (h) **Screening.** The screening requirements shall be determined by the zone in which the parcel is located pursuant to Sections 9-1022.4 through 9-1022.6
- (i) **Signs.** All signage must comply with applicable provisions of Chapters 9-1700, Title 4, Division 10, Chapter 1 Section 4-10048, and Code of Regulations Title 16, Division 42, Bureau of Cannabis Control Article 4. include the following restrictions:
- (1) No product or signs inside the premises shall be viewable by the public from outside the premises.
 - (2) Off-premises signs shall be prohibited by licensee or third party.
- (j) **Events.** All events related to cannabis shall be prohibited.

(k) **Fire District.** The premises must be located within a San Joaquin County Fire District.

9-1090.4 Cannabis Distribution

Cannabis distribution shall be subject to the following development standards:

- (a) **License.** An approved Commercial Cannabis Distributor License shall be obtained from the County pursuant to Title 4 prior to beginning distribution. This license shall remain current in order to operate a Cannabis Distribution operation.
- (b) **Permits.** Cannabis distribution operations shall be subject to the following permitting requirements.
 - (1) Cannabis distribution may be permitted in the AG (General Agriculture), I-G (General Industrial), I-L (Limited Industrial), I-P (Industrial-Park) and I-W (Warehouse Industrial) zones with an approved Use Permit application.
 - (A) For any cannabis distribution operation on a parcel zoned AG (General Agriculture), a Distributor License and Cultivator License shall be required pursuant to Title 4 for the same lot.
 - (2) Cannabis distribution may be permitted in the AG (General Agriculture), I-G (General Industrial), I-L (Limited Industrial), I-P (Industrial-Park) and I-W (Warehouse Industrial) zones with an approved Improvement Plan in an approved Cannabis Business Park.
 - (3) Cannabis distribution shall also comply with all regulations administered by the Building Department, Public Works Department, Environmental Health Department, and the Fire Department, as well as State and Federal Regulations.
- (c) **Parking.** The parking requirements shall be determined pursuant to Section 9-1015.3.
- (d) **Landscaping.** The landscaping requirements shall be determined by the zone in which the cannabis distribution is located pursuant to Sections 9-1020.1 through 9-1020.10.
- (e) **Fencing.** The fencing requirements shall be determined by the zone in which the cannabis distribution is located pursuant to Sections 9-1022.1 through 9-1022.3 and Section 9-1022.6.
- (f) **Screening.** The screening requirements shall be determined by the zone in which the cannabis distribution is located pursuant to Sections 9-1022.4 through 9-1022.6
- (g) **Signs.** The sign requirements shall be determined by the zone in which the cannabis distribution is located pursuant to Chapters 9-1705 and 9-1710 and include the following restrictions:
 - (1) No product or signs inside the premises shall be viewable by the public from outside the premises.
 - (2) Off-premises signs shall be prohibited by licensee or third party.
- (h) **Events.** All events related to cannabis distribution, including but not limited to Outdoor Special Events and Indoor Special Events, shall be prohibited.
- (i) **Fire District.** The premises must be located within a San Joaquin County Fire District.

9-1090.5 Cannabis Manufacturing

Cannabis manufacturing shall be subject to the following development standards:

- (a) **License.** An approved Commercial Cannabis Manufacturer License shall be obtained from the County pursuant to Title 4 prior to beginning distribution. This license shall remain current in order to operate a Cannabis Manufacturing operation.
- (b) **Permits.** Cannabis manufacturing operations shall be subject to the following permitting requirements:
 - (1) Cannabis manufacturing may be permitted in the AG (General Agriculture), I-G (General Industrial), I-L (Limited Industrial) and I-P (Industrial-Park) zones with an approved Use Permit application.
 - (A) For any cannabis manufacturing operation on a parcel zoned AG (General Agriculture), a Manufacturer License and Cultivator License shall be required pursuant to Title 4 for the same lot.
 - (2) Cannabis manufacturing may be permitted in the AG (General Agriculture), I-G (General Industrial), I-L (Limited Industrial), I-P (Industrial-Park) zones with an approved Improvement Plan in an approved Cannabis Business Park.
 - (3) Cannabis manufacturing shall also comply with all regulations administered by the Building Department, Public Works Department, Environmental Health Department, and the Fire Department, as well as State and Federal Regulations.
- (c) **Public Services.** Parcels located in an I-G (General Industrial), I-L (Limited Industrial), or I-P (Industrial Park) zone shall be served by a public wastewater disposal system, public water system, public stormwater drainage system and provide sanitary disposal of process water.
 - (1) Cannabis manufacturing may be permitted with an Improvement Plan in an approved Cannabis Business Park. Parcels within a Cannabis Business Park may be permitted to use an on-site wastewater disposal system, on-site water system, and private stormwater drainage system and sanitary disposal of process water with an approved Special Purpose Plan, when shown to be protective of public health and safety and the environment.
- (d) **Parking.** The parking requirements shall be determined pursuant to Section 9-1015.3.
- (e) **Landscaping.** The landscaping requirements shall be determined by the zone in which the cannabis manufacturing is located pursuant to Sections 9-1020.1 through 9-1020.10.
- (f) **Fencing.** The fencing requirements shall be determined by the zone in which the cannabis manufacturing is located pursuant to Sections 9-1022.1 through 9-1022.3 and Section 9-1022.6.
- (g) **Screening.** The screening requirements shall be determined by the zone in which the cannabis manufacturing is located pursuant to Sections 9-1022.4 through 9-1022.6
- (h) **Signs.** The sign requirements shall be determined by the zone in which the cannabis manufacturing is located pursuant to Chapters 9-1705 and 9-1710 and include the following restrictions:

- (1) No product or signs inside the premises shall be viewable by the public from outside the premises.
- (2) Off-premises signs shall be prohibited by licensee or third party.
- (i) **Events.** All events related to cannabis manufacturing, including but not limited to Outdoor Special Events and Indoor Special Events, shall be prohibited.
- (j) **Fire District.** The premises must be located within a San Joaquin County Fire District.

9-1090.6 Cannabis Retail Sales

Cannabis retail sales shall be subject to the following development standards:

- (a) **License.** An approved Commercial Cannabis Retailer License shall be obtained from the County pursuant to Title 4 prior to beginning cannabis retail sales. This license shall remain current in order to operate a Cannabis Retail Sales operation.
- (b) **Permits.** Cannabis retail sales operations shall be subject to the following permitting requirements:
 - (1) Cannabis retail sales may be permitted in the C-C (Community Commercial) and C-G (General Commercial) zone with an approved Use Permit application.
 - (2) Cannabis retail sales may be permitted in C-C (Community Commercial), C-G (General Commercial), I-G (General Industrial), I-L (Limited Industrial), I-P (Industrial Park) and I-W (Warehouse Industrial) zones with an approved Improvement Plan in an approved Cannabis Business Park.
 - (3) Cannabis retail sales operating a Non-Storefront Delivery may be permitted in the I-G (General Industrial), I-L (Limited Industrial), I-P (Industrial Park) and I-W (Warehouse Industrial) zones with an approved Use Permit.
 - (4) Cannabis retail sales operating a Non-Storefront Delivery may be permitted in the I-G (General Industrial), I-L (Limited Industrial), I-P (Industrial-Park) and I-W (Warehouse Industrial) zones with an approved Improvement Plan in an approved Cannabis Business Park.
 - (5) Cannabis retail sales shall also comply with all regulations administered by the Building Department, Public Works Department, Environmental Health Department, and the Fire Department, as well as State and Federal Regulations.
- (c) **Parking.** The parking requirements shall be determined pursuant to Section 9-1015.3.
- (d) **Landscaping.** The landscaping requirements shall be determined by the zone in which the cannabis retail sales are located pursuant to Sections 9-1020.1 through 9-1020.10.
- (e) **Fencing.** The fencing requirements shall be determined by the zone in which the cannabis retail sales is located pursuant to Sections 9-1022.1 through 9-1022.3 and Section 9-1022.6.
- (f) **Screening.** The screening requirements shall be determined by the zone in which the cannabis retail sales is located pursuant to Sections 9-1022.4 through 9-1022.6

- (g) **Signs.** The sign requirements shall be determined by the zone in which the cannabis retail sales are located pursuant to Chapters 9-1705 and 9-1710 and include the following restrictions:
 - (1) No product or signs inside the premises shall be viewable by the public from outside the premises.
 - (2) Off-premises signs shall be prohibited by licensee or third party.
- (h) **Events.** All events related to cannabis retail sales, including but not limited to Outdoor Special Events and Indoor Special Events, shall be prohibited.
- (i) **Fire District.** The premises must be located within a San Joaquin County Fire District.

9-1090.7 Cannabis Laboratory Testing

Cannabis testing shall be subject to the following development standards:

- (a) **License.** An approved Commercial Cannabis Testing Laboratory License shall be obtained from the County pursuant to Title 4 prior to beginning cannabis laboratory testing operation. This license shall remain current in order to operate a Cannabis Laboratory Testing operation.
- (b) **Permits.** Cannabis laboratory testing shall be subject to the following permitting requirements:
 - (1) Cannabis laboratory testing may be permitted in the I-G (General Industrial), I-L (Limited Industrial), I-P (Industrial Park), I-W (Warehouse Industrial), and all commercial zones, excluding the C-FS (Commercial Freeway Services) and C-X (Commercial Crossroads) zones, with an approved Site Approval application.
 - (2) Cannabis laboratory testing may be permitted in the I-G (General Industrial), I-L (Limited Industrial), I-P (Industrial Park), I-W (Warehouse Industrial) and all commercial zones, excluding the C-FS (Commercial Freeway Services) and C-X (Commercial Crossroads) zones, within an approved Improvement Plan in an approved Cannabis Business Park.
 - (3) Cannabis laboratory testing shall also comply with all regulations administered by the Building Department, Public Works Department, Environmental Health Department, and the Fire Department, as well as State and Federal Regulations.
- (c) **Public Services.** Parcels located in an I-G (General Industrial), I-L (Limited Industrial), or I-P (Industrial Park), any all commercial zones, excluding the C-FS (Commercial Freeway Services) and C-X (Commercial Crossroads) zones, shall be served by a public wastewater disposal system, public water system, public stormwater drainage system and provide sanitary disposal of process water.
 - (1) Cannabis laboratory testing may be permitted with an Improvement Plan in an approved Cannabis Business Park. Parcels within a Cannabis Business Park may be permitted to use an on-site wastewater disposal system, on-site water system, and private stormwater drainage system and provide sanitary disposal of process water with an approved Special Purpose Plan, when shown to be protective of public health and safety and the environment.
- (d) **Parking.** The parking requirements shall be determined pursuant to Section 9-1015.3.

- (e) **Landscaping.** The landscaping requirements shall be determined by the zone in which the laboratory testing is located pursuant to Sections 9-1020.1 through 9-1020.10.
- (f) **Fencing.** The fencing requirements shall be determined by the zone in which the cannabis laboratory testing is located pursuant to Sections 9-1022.1 through 9-1022.3 and Section 9-1022.6.
- (g) **Screening.** The screening requirements shall be determined by the zone in which the cannabis laboratory testing is located pursuant to Sections 9-1022.4 through 9-1022.6
- (h) **Signs.** The sign requirements shall be determined by the zone in which the cannabis laboratory testing is located pursuant to Chapters 9-1705 and 9-1710 and include the following restrictions:
 - (1) No product or signs inside the premises shall be viewable by the public from outside the premises.
 - (2) Off-premises signs shall be prohibited by licensee or third party.
- (i) **Events.** All events related to cannabis laboratory testing, including but not limited to Outdoor Special Events and Indoor Special Events, shall be prohibited.
- (j) **Fire District.** The premises must be located within a San Joaquin County Fire District.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of San Joaquin, State of California, on this _____ of _____ to wit:

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

 ROBERT V. ELLIOTT, CHAIR
 Board of Supervisors
 County of San Joaquin
 State of California

ATTEST: MIMI DUZENSKI
 Clerk of the Board of Supervisors
 County of San Joaquin
 State of California

BY: _____



SAN JOAQUIN
— COUNTY —
Greatness grows here.

Environmental Health Department

Linda Turkatte, REHS, Director

Kasey Foley, REHS, Assistant Director

PROGRAM COORDINATORS

Robert McClellon, REHS
Jeff Carruesco, REHS, RDI
Willy Ng, REHS
Muniappa Naidu, REHS
Michael Kith, REHS

October 8, 2018

To: San Joaquin County Community Development Department
Attention: Jennifer Jolley

From: Steven Shih; (209) 468-9850
Lead Senior Registered Environmental Health Specialist

RE: **PA-1800249 (TA), SU0011941**
1810 E. Hazelton Ave., Stockton

The Environmental Health Department has no comments or recommendation for this application at this time.

Jen

CITY COUNCIL
ALAN NAKANISHI, Mayor
JOANNE MOUNCE,
Mayor Pro Tempore
MARK CHANDLER
BOB JOHNSON
DOUG KUEHNE

CITY OF LODI

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Community Development Department
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(209) 333-6711 – Planning & Neighborhood Services
(209) 333-6842 - Fax
www.lodi.gov

STEPHEN SCHWABAUER
City Manager
JENNIFER M. FERRAILOLO
City Clerk
JANICE D. MAGDICH
City Attorney

RECEIVED

UCI _ 5 2018

San Joaquin County
Community Development

September 26, 2018

Ms. Kerry Sullivan
Community Development Director
Community Development Department
1810 East Hazelton Ave.
Stockton, CA 95205

RE: PA-1800249 (TA) – Development Text Amendment to new Chapter 9-1090 (Commercial Cannabis)

Ms. Sullivan:

The City of Lodi has had an opportunity to review the development text amendment to Chapter 9-1090.

The City of Lodi does not currently allow for the commercial cultivation, distribution, manufacturing, retail sales or laboratory testing of cannabis. This is a decision that the City Council has made and reinforced during numerous public hearings.

The City of Lodi would ask that cities within San Joaquin County have the opportunity to deny any applications for commercial cannabis within a mile of the City Limits border and have an opportunity to comment on all applications with 3 miles of the City Limits border.

The City has concerns about commercial cannabis and taken a conservative position as this activity takes place in the State of California.

Thank you for considering our concerns.

If you have any questions, please do not hesitate to contact this office at 209-333-6700

Thank you.

Stephen Schwabauer
City Manager



Jan

**Community Development Department
Planning Division**

390 Towne Centre Drive– Lathrop, CA 95330
Phone (209) 941-7260 – Fax (209) 941-7268
www.ci.lathrop.ca.us

RECEIVED

October 1, 2018

OCT - 5 2018

Ms. Kerry Sullivan
Community Development Director
Community Development Department
1810 East Hazelton Ave.
Stockton, CA 95205

San Joaquin County
Community Development

SUBJECT: PA-1800249 (TA) - Development Text Amendment to new Chapter 9-1090
(Commercial Cannabis)

Ms. Sullivan:

The City of Lathrop has reviewed the subject development text amendment to Chapter 9-1090, and provides the following information and recommended language that we find supports the Lathrop City Council's approach to Commercial Cannabis activity.

The City of Lathrop does not allow for any commercial cannabis activity including cultivation, distribution, manufacturing, retail sales or laboratory testing. This decision of the Lathrop City Council was made and reinforced during numerous public hearings resulting in the adoption of Ordinance Number, 18-387 on February 12, 2018.

It is important to note that there are several County parcels that are immediately adjacent to the City of Lathrop, that based on the proposed ordinance would be allowed the full range of commercial cannabis activities. In order to maintain the City of Lathrop's position on such cannabis activities, we find that the subject ordinance should be revised to include a buffer of at least 1-mile between cities that have banned commercial cannabis activities, and to provide for automatic referral of any applications for commercial cannabis that are within 3-miles of a city's boundary. We understand the City of Lodi has provided a similar recommendation.

If you have any questions, please do not hesitate to contact this office at (209) 941-7260.

Thank you for considering our concerns,

Mark Meissner
Community Development Director

Cc: City Manager
City Attorney.

Zimbra**jjolley@sjgov.org**

PA-1800249

From : Amy Ray <amy.ray@cityoftracy.org>

Thu, Oct 04, 2018 06:20 PM

Subject : PA-1800249 1 attachment**To :** jjolley@sjgov.org

Hi Jennifer,

I am not sure where this provision might go, however I have questions regarding the designation of cannabis businesses, specifically in areas designated as AG. We tend to see that the agricultural designation and the U occupancy classification do not allow for much regulation for fire or building codes. I can see the developers/owners wanting to use the U occupancy classification on AG parcels, especially if it is a cultivation facility. These facilities are not just “green houses” or agricultural occupancies. They are sophisticated operations with lots of equipment and sometimes hazardous processes and hazardous materials, even as cultivation. I am not sure where the requirement or regulation would be located, but I would like to see that no cannabis facility be allowed to be designated as a U or agricultural occupancy per the building and fire codes. They would most likely be an F occupancy, except for a retail facility and possibly a lab.

Please let me know if I can provide additional information. I am not sure if I am being too confusing.

Thanks,

Amy Ray Fire Marshal
South San Joaquin County Fire Authority
835 Central Avenue Tracy, CA 95376
Office: 209-831-6707
Fax: 209-831-6703
amy.ray@cityoftracy.org

Zimbra

jjolley@sjgov.org

Application PA- 1800249 (TA) - Commercial Cannabis - City of Escalon

From : Dominique Romo <dromo@cityofescalon.org>

Wed, Oct 17, 2018 08:45 AM

Subject : Application PA- 1800249 (TA) - Commercial Cannabis -
City of Escalon**To :** ksullivan@sjgov.org, jjolley@sjgov.org

Dear Ms. Sullivan and Ms. Jolley,

The City of Escalon and the Escalon City Council do not allow commercial cannabis activities in the City and are not in support of potentially allowing commercial cannabis to surround our community. In the November 2016 General Election, Escalon residents said NO to the legalization of marijuana and the City Council adopted a ban on all marijuana activities because it was the will of our residents. At our October 15 City Council meeting, the Escalon City Council adopted a Resolution, strongly Opposing San Joaquin County's Commercial Cannabis Business Tax, aka Measure B.

It is the will of the residents of Escalon that the City oppose all commercial marijuana/cannabis businesses that could potentially set up adjacent to our City, whose residents have voted to not allow cannabis activities for AUMA. It could increase the demand of our local law enforcement and send mixed messages to our local youth, and the City of Escalon feels that cannabis cultivation/distribution/manufacturing activities are all harmful to the welfare of our residents, will create nuisances, and threaten health and safety.

We kindly request that the San Joaquin County Planning Commission deny approving commercial marijuana activities in the unincorporated areas surrounding the City of Escalon, recognizing the will of our Escalon/San Joaquin residents.

In the event that Planning Commission moves forward with allowing commercial cannabis activities around our City, we request that the City continue to receive notices by mail and/or email of the U/SP processing and be advised of the Planning Commission Meeting date of which it will be considered, giving Escalon the opportunity to voice our concerns and feedback. Please feel free to email me directly with the information, as I have listed my email below.

10/17/2018

Zimbra

Thank you for your cooperation in this matter. We hope you share this information with the Planning Commission prior to them taking action.

Sincerely,

Dominique Romo
Development Services Manager
City of Escalon
(209) 691-7450
dromo@cityofescalon.org
