

STAFF REPORT - Development Title Text Amendment

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
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 Roads", "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 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.

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 Cannabis Regulations, means an intersection where a major arterial intersects with either a minor arterial or major arterial.

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
Commercial Cannabis						
<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
Commercial Cannabis									
<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*
Commercial Cannabis					
<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*
Commercial Cannabis				
<u>Cultivation*</u>	<u>U/SP</u>	-	-	-
<u>Distribution*</u>	<u>U/SP</u>	-	-	-
<u>Manufacturing*</u>	<u>U/SP</u>	-	-	-
Retail Sales	-	-	-	-
Laboratory Testing	-	-	-	-

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 major arterial roadways;
- (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

Commercial Cannabis			
Cultivation	<u>.2</u>	<u>.67</u>	
Distribution	<u>.5</u>	<u>.5</u>	
Manufacturing	<u>.2</u>	<u>.67</u>	
Retail Sales	<u>.5</u>	<u>.67</u>	
Laboratory Testing	<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 major arterial roadways;
 - (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.

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.

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.

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:
- (c) Cannabis retail sales may be permitted in the C-C (Community Commercial) and C-G (General Commercial) zone with an approved Use Permit application.
- (d) 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.
- (e) 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.
- (f) 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.
- (g) 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.
- (h) **Parking.** The parking requirements shall be determined pursuant to Section 9-1015.3.
- (i) **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.
- (j) **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.
- (k) **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
- (l) **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.
- (m) **Events.** All events related to cannabis retail sales, including but not limited to Outdoor Special Events and Indoor Special Events, shall be prohibited.

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.

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: _____