

## 9-409.140 COMMERCIAL CANNABIS

This Section establishes regulations that allow for commercial cannabis businesses, which are licensed under the Medicinal and Adult-Use Cannabis Regulation and Safety Act, and Title 4, Public Safety, Division 10, Cannabis, Chapter 1, Commercial Cannabis Business, and have a commercial cannabis development agreement for the licensed activities adopted pursuant to Chapter 9-814, Development Agreements, of this Title. This Section ensures that the land use regulations and development standards in this Title 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 the County.

- (a) **Applicability.** The provisions of this Section shall apply whenever:
  - (1) An applicant has an approved commercial cannabis development agreement;
  - (2) A Conditional Use Permit application is submitted for any form of Commercial Cannabis use; and/or;
  - (3) A Planned Development application is submitted for a Cannabis Business Park in a PD Zone.
  
- (b) **Cannabis Cultivation.** Commercial cannabis cultivation is allowed, subject to the following development standards:
  - (1) **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.
  - (2) **Permits.** Commercial cannabis cultivation allowed pursuant to a Cultivator License shall be subject to the following permitting requirements:
    - (A) Cultivation may be permitted in the AG (General Agriculture), I-G (General Industrial), I-L (Limited Industrial) and I-P (Industrial Park) Zones with a Conditional Use Permit application and a Special Purpose Plan.
    - (B) Cultivation may be permitted in a PD (Planned Development) Zone with a Conditional Use Permit for a PD Plan application for a Cannabis Business Park.
  - (3) **Locational Criteria.** The following locational criteria shall apply to commercial cannabis cultivation allowed pursuant to a Cultivator License:

- (A) Cultivation and ancillary activities shall only be permitted within an enclosed structure; and
  - (B) The entrance to the cultivation site shall be no more than 2,000 feet from a major intersection or arterial road. An entrance may be located more than 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:
    - (i) There is sufficient ease of access from the proposed site to an arterial road;
    - (ii) There is sufficient access for emergency vehicles; and
    - (iii) The Cultivator License holder demonstrates that the site may be secured to the satisfaction of the County.
- (4) **Public Services.** All commercial cannabis cultivation shall be served by a public wastewater disposal system, public water system, public stormwater drainage system and provide sanitary disposal of process water, except that cannabis cultivation may be permitted in an approved Cannabis Business Park in a PD Zone 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 Conditional Use Permit, when these service arrangements are shown to be protective of public health and safety and the environment.
- (c) **Cannabis Distribution.** Cannabis distribution shall be subject to the following development standards:
- (1) **License.** An approved Commercial Cannabis Distributor License shall be obtained from the County pursuant to Title 4, Public Safety, prior to beginning distribution. This license shall remain current in order to operate a Cannabis Distribution operation.
  - (2) **Permits.** Cannabis distribution operations shall be subject to the following permitting requirements:
    - (A) 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) Zones with a Conditional Use Permit application and a Special Purpose Plan.
    - (B) 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, Public Safety, for the same lot.
    - (C) 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) Zones with an Administrative Use Permit in an approved Cannabis Business Park.

(D) Cannabis distribution shall also comply with all regulations administered by the Building Department, Department of Public Works, Environmental Health Department, and the Fire Department, as well as State and Federal Regulations.

(d) **Cannabis Manufacturing.** Cannabis manufacturing shall be subject to the following development standards:

(1) **License.** An approved Commercial Cannabis Manufacturer License shall be obtained from the County pursuant to Title 4, Public Safety, prior to beginning distribution. This license shall remain current in order to operate a Cannabis Manufacturing operation.

(2) **Permits.** Cannabis manufacturing operations shall be subject to the following permitting requirements:

(A) 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 a Conditional Use Permit application and a Special Purpose Plan.

(i) 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, Public Safety, for the same lot.

(B) 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 Administrative Use Permit in an approved Cannabis Business Park.

(e) **Cannabis Non-storefront Retail Sales.** Non-storefront retail sales of cannabis shall be subject to the following development standards:

(1) **License.** An approved Commercial Cannabis Retailer License shall be obtained from the County pursuant to Title 4, Public Safety, prior to beginning cannabis non-storefront retail sales. This license shall remain current in order to operate a Cannabis No-storefront Retail Sales operation.

(2) **Permits.** Cannabis retail sales operations shall be subject to the following permitting requirements:

(A) Cannabis non-storefront retail sales may be permitted in the C-C (Community Commercial) and C-G (General Commercial) Zones with

an approved Conditional Use Permit and an approved Special Purpose Plan.

- (B) Cannabis non-storefront retail sales may be permitted in I-G (General Industrial), I-L (Limited Industrial), I-P (Industrial Park) and I-W (Warehouse) Zones with a Conditional Use Permit in a Cannabis Business Park.
- (C) Cannabis retail sales operating Non-Storefront Delivery may be permitted in the I-G (General Industrial), I-L (Limited Industrial), I-P (Industrial Park) and I-W (Warehouse) Zones with a Conditional Use Permit and an approved Special Purpose Plan.
- (D) Cannabis retail sales operating Non-Storefront Delivery may be permitted in the I-G (General Industrial), I-L (Limited Industrial), I-P (Industrial Park) and I-W (Warehouse) Zones with an Administrative Use Permit in an approved Cannabis Business Park.

(f) **Cannabis Laboratory Testing.** Cannabis laboratory testing shall be subject to the following development standards:

- (1) **License.** An approved Commercial Cannabis Testing Laboratory License shall be obtained from the County pursuant to Title 4, Public Safety, prior to beginning cannabis laboratory testing operation. This license shall remain current in order to operate a Cannabis Laboratory Testing operation.
- (2) **Permits.** Cannabis laboratory testing shall be subject to the following permitting requirements:
  - (A) Cannabis laboratory testing may be permitted in the I-G (General Industrial), I-L (Limited Industrial), I-P (Industrial Park), I-W (Warehouse), and all commercial zones, excluding the C-FS (Commercial Freeway Services) and C-X (Commercial Crossroads) Zones, with a Conditional Use Permit and an approved Special Purpose Plan.
  - (B) Cannabis laboratory testing may be permitted in the I-G (General Industrial), I-L (Limited Industrial), I-P (Industrial Park), I-W (Warehouse) and all commercial zones, excluding the C-FS (Commercial Freeway Services) and C-X (Commercial Crossroads) Zones, within an Administrative Use Permit in an approved Cannabis Business Park.

(g) **Regulations and Standards Applicable to All Commercial Cannabis Activities.**

- (1) **Commercial Cannabis Development Agreement.** An approved Commercial Cannabis Development Agreement shall be obtained pursuant to Title 4, Public Safety, prior to beginning any commercial operation allowed pursuant to a Commercial Cannabis License.

- (2) **Compliance with County, State and Federal Regulations.** All commercial cannabis activity shall comply with all regulations administered by the Building Department, Department of Public Works, Environmental Health Department, and the Fire Department and with all applicable State and Federal Regulations.
- (3) **Events.** All events related to cannabis cultivation, manufacturing and distribution, including but not limited to Outdoor Special Events and Indoor Special Events, shall be prohibited.
- (4) **Fencing.** The fencing requirements shall be determined by the zone in which the cannabis activity is located pursuant to Section 9-400.060, Fencing and Screening.
- (5) **Fire District.** The premises must be located within a San Joaquin County Fire District.
- (6) **Landscaping.** The landscaping requirements shall be determined by the zone in which the cannabis activity is located pursuant to Chapter 9-402, Landscaping.
  - (A) No product or signs inside the premises shall be viewable by the public from outside the premises.
  - (B) Off-premises signs shall be prohibited by licensee or third party.
- (7) **Parking.** The parking requirements shall be determined pursuant to Chapter 9-406, Parking and Loading.
- (8) **Public Services.** Sites located in an I-G (General Industrial), I-L (Limited Industrial), or I-P (Industrial Park) Zone and in 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. Cannabis cultivation, manufacturing, and laboratory testing may be permitted with a conditional use permit to use an on-site wastewater disposal system, on-site water system, and private stormwater drainage system and provide sanitary disposal of process water, when shown to the satisfaction of the Environmental Health Department that this arrangement would be protective of public health and safety and the environment.
- (9) **Screening.** The screening requirements shall be determined by the zone in which the cannabis activity is located pursuant to Section 9-400.060, Fencing and Screening.
- (10) **Signs.** The sign requirements shall be determined by the zone in which the cannabis activity is located, pursuant to Chapters 9-410, Signs.