

# STAFF REPORT - Use Permit

---

## Application Information

Owner: **Keith & Denise Powell**  
Applicant: **Quartaroli & Associates**  
File Number: **PA-1900030**  
Location: **On the east side of Comconex Road, 300 feet north of State Route 120, east of Manteca**  
Address: **17800 S Comconex Road, Manteca**

General Plan:	<b>I/L</b>	Community:	<b>Manteca</b>
Zoning:	<b>I-L</b>	APN:	<b>208-180-23</b>
Project Size:	<b>11.8 acres</b>	Parcel Size:	<b>11.8 acres</b>
Water Supply:	<b>CSA 30</b>	Sewage Disposal:	<b>Septic</b>
Storm Drainage:	<b>On-site</b>	100-Year Flood:	<b>No</b>
Williamson Act:	<b>No</b>	Supervisorial District:	<b>3</b>
Staff:	<b>Christine Luckasen</b>	CEQA Determination:	<b>Negative Declaration</b>

## Project Description

This project is a Use Permit application to expand an existing 34,035 square foot crane rental facility to include the construction of a 14,400 square foot equipment storage building with an 8,000 square foot roof overhang. (Use Type: Equipment Sales & Repair - Heavy Equipment, Sales)

## Recommendation

Approval.

# Referrals and Replies

---

The application referrals were mailed on February 2, 2019, with responses due by March 21, 2019.

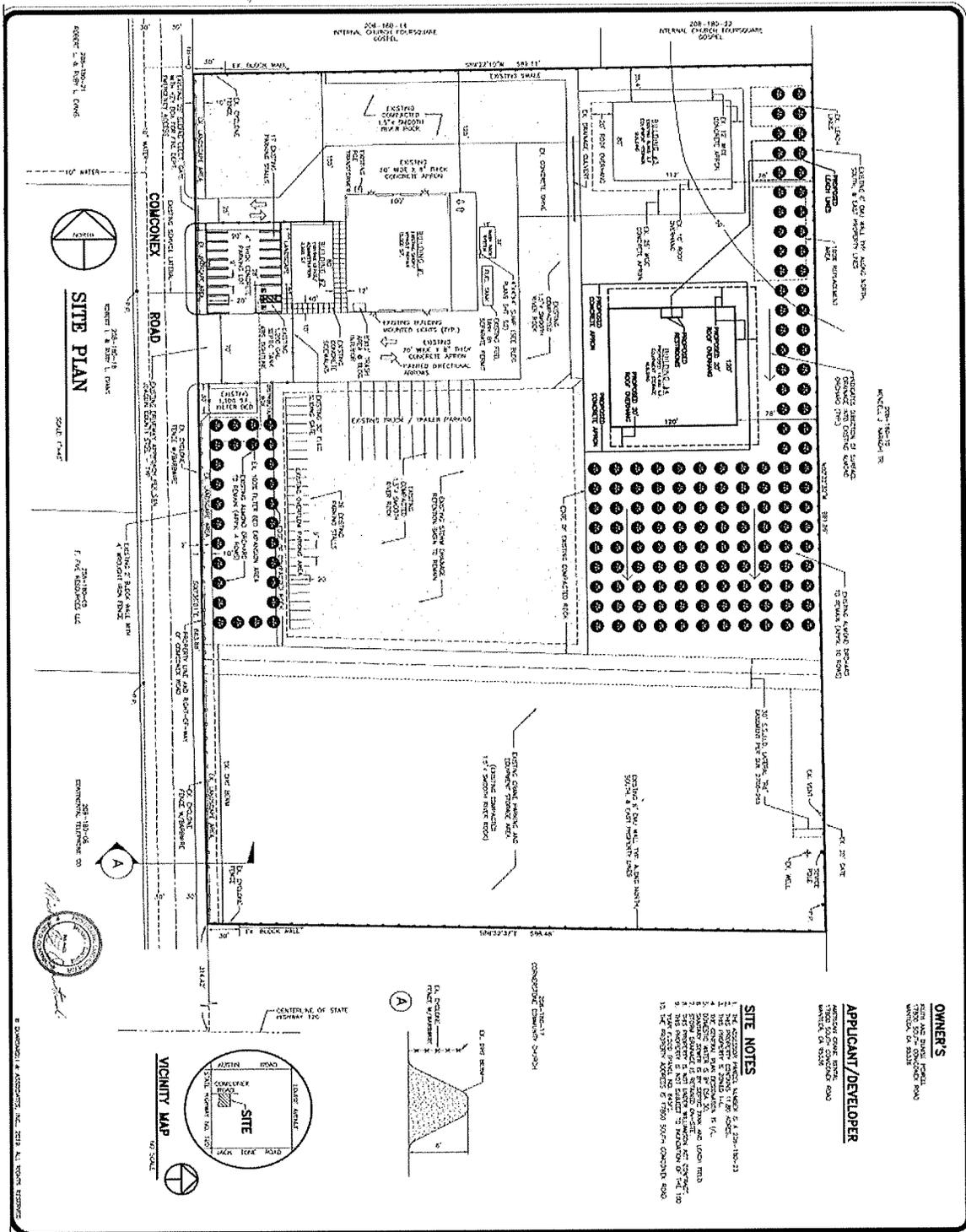
<b>AGENCY</b>	<b>RESPONSE DATE</b> (through April 18, 2019)
Department of Public Works	March 26, 2019
Environmental Health Department	March 25, 2019
S.J. County Sheriff	
S.J. County Building Inspection	March 12, 2019
S.J. County Fire Prevention Bureau	
S.J. County Assessor	
S.J. County Office of Emergency Services	
Council of Governments	March 8, 2019
San Joaquin Air Pollution Control District	March 11, 2019
Lathrop/Manteca Fire District	
P.G. & E.	
Verizon	
C.A. Department of Fish and Wildlife	
City of Manteca - Building & Fire	
City of Manteca - Engineering	
City of Manteca - Planning	
Manteca Unified School District	
U.S. Army Corps of Engineers	
S.S.J.I.D.	March 5, 2019
Caltrans - District 10	
California Highway Patrol	
C.V.W.Q.C.B.	March 14, 2019
C.V.F.P.B.	
Mosquito & Vector Control	
Sierra Club	
Precessi Flying Service	
Haley Flying	
Kathy Perez	

---

A legal ad for the public hearing was published in the Stockton Record on April 22, 2019.

Twenty-nine (29) public hearing notices were mailed on April 19, 2019.

The Development Committee reviewed this proposal on March 27, 2019.



# Analysis

## **Background**

On October 3, 2013, the Planning Commission approved Use Permit application No. PA-1300124 to establish a crane rental facility, which included the construction of a 15,000 square foot repair shop, for incidental repair of cranes, and a 3,200 square foot office building. Improvements were constructed and the use was established.

On November 3, 2016, the Planning Commission approved Use Permit application No. PA-1600198 to expand the existing crane rental facility, including the construction of an 8,960 square foot equipment storage building.

On February 19, 2019, the applicant applied for Use Permit application No. PA-1900030 to further expand the crane rental facility, which includes the construction of a 14,400 square foot equipment storage building with an 8,000 square foot overhang.

## **Facility Operations**

The existing facility operates Monday through Saturday, 6:00 a.m. to 6:00 p.m. with a maximum of thirty-five (35) employees and approximately three (3) customers per day. No increase in hours, employees, or customers is proposed with this expansion.

## **CSA 30**

The project site is located within County Service Area 30 (CSA 30 Manteca Industrial Area) for water services. As a Condition of Approval for the previously approved Use Permit application No. PA-1300124, the project area was required to annex into the district. As a result, an 8.42-acre northern portion of the property was annexed into CSA 30. The proposed equipment storage building is located within the annexed area, and will be served by CSA 30.

## **Parking Modification**

Use Permit Application No. PA-1300124 required forty-one (41) parking stalls, and Use Permit Application No. PA-1600198 required an additional two (2) parking stalls, in addition to the existing forty-one (41) parking stalls, resulting in forty-three (43) existing required parking stalls. The Use Type Equipment Sales & Repair – Heavy Equipment Sales, requires one (1) parking space for every 1,000 square feet of building, and .67 per employee. As a result, fifteen (15) additional parking spaces would be required for this expansion. However, the applicant submitted a letter dated March 5, 2019, requesting a modification in the number of parking spaces required. The letter states that the proposed expansion to the existing crane rental facility consists of storage area only, and the number of employees and anticipated customers will not increase. The applicant has requested that there be no additional parking spaces required with this project. The Community Development Department has reviewed the request and is recommending the Planning Commission approve the modification.

## **San Joaquin Council of Governments**

San Joaquin County is a signatory to San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), and this project is subject to the plan. Participation in the SJMSCP satisfies requirements of both the state and federal endangered species acts, and ensures that the impacts are mitigated below a

level of significance in compliance with the California Environmental Quality Act (CEQA). In order to expedite the approval process, the applicant went through the San Joaquin Council of Governments review process early, and was informed that the fee was \$0. The applicant satisfied the SJCOG requirements on March 6, 2019.

# Recommendations

## Action

It is recommended that the Planning Commission:

1. **Approve the Negative Declaration; and**
2. **Approve Use Permit application No. PA-1900030 with the Findings and Conditions of Approval contained in the Staff Report.**

## Findings

1. The proposed use is consistent with the goals, policies, standards, and maps of the General Plan, any applicable Master Plan, Specific Plan, and Special Purpose Plan, and any other applicable plan adopted by the County.
  - **This Finding can be made because the proposed crane rental facility may be conditionally permitted use in the I-L (Limited Industrial) zone with an approved Use Permit application. The project is consistent with the goals, policies, standards, and maps of the General Plan. There are no Master Plan, Specific Plan, or Special Purpose Plans applicable for this site.**
2. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, and the proposed improvements are properly related to existing and proposed roadways.
  - **This Finding can be made because adequate utilities, access roads, sanitation, drainage, and other necessary facilities have been provided and the proposed improvements are properly related to existing and proposed streets and highways. Additionally, there will be no increase in employees or customers with this expansion. The project is served County Service Area (CSA) 30 for public water, an individual wastewater disposal system(s) will be constructed under permit and inspected by the Environmental Health Department. All storm drainage will be retained on site.**
3. The site is physically suitable for the type of development and for the intensity of development.
  - **This Finding can be made because the 11.8-acre parcel is of adequate size and shape to accommodate the proposed use, building coverage, setbacks, and other requirements of the Development Title. The applicant has requested that no additional parking spaces be required because this expansion is for storage only and will not result in an increase in employees or customers.**
4. Issuance of the permit will not be significantly detrimental to the public health, safety, or welfare or be injurious to the property or improvements of adjacent properties.
  - **This Finding can be made because the Initial Study prepared for the project found no potentially significant environmental impacts.**
5. The use is compatible with adjoining land uses.

- **This Finding can be made because the proposed use will not interfere with nor alter the current land uses on adjacent properties. The adjacent parcels are primarily industrial and agricultural with scattered residences. The proposed use may be conditionally permitted in the I-L zone subject to an approved Use Permit application.**

**Conditions of Approval**

Use Permit Application No. PA-1900030 was approved by the Planning Commission on . The effective date of approval is . This approval will expire on , which is 18 months from the effective date of approval, unless (1) all Conditions of Approval have been complied with, (2) all necessary building permits have been issued and remain in force, and (3) all necessary permits from other agencies have been issued and remain in force.

Unless otherwise specified, all Conditions of Approval and ordinance requirements shall be fulfilled prior to the establishment of the use and the issuance of any building permits. Those Conditions followed by a Section Number have been identified as ordinance requirements pertinent to this application. Ordinance requirements cannot be modified, and other ordinance requirements may apply.

1. COMMUNITY DEVELOPMENT DEPARTMENT (Staff Contact: Christine Luckasen, [209] 468-3121)

- a. **COMMERCIAL BUILDING PERMIT:** Submit an "APPLICATION-COMMERCIAL BUILDING PERMIT". The Site Plan required as a part of the building permit must be prepared by a registered civil engineer or licensed architect. This Plan must show drainage, driveway access details including gates, on-site parking, landscaping, signs, existing and proposed utility services, and grading (refer to the "SITE PLAN CHECK LIST" for details). Foundations and soils investigation shall be conducted in conformance with Chapter 18 of the California Building Code at the time of permit application. A fee is required for the Site Plan review. (Development Title Section 9-884)
- b. **APPROVED USE:** An expansion of an existing 34,035 square foot crane rental facility to include the construction of a 14,400 square foot equipment storage building, with an 8,000 square foot roof overhang, as shown on the site plan dated February 15, 2019. Repair and routine maintenance of the rental construction equipment may be permitted as an accessory use only to the proposed operation. (Use Type: Equipment Sales and Repair - Heavy Equipment, Sales)

Existing Buildings:

- Repair Building: 16,875 square feet
- Office Building: 5,280 square feet
- Equipment Storage Building: 11,880 square feet

These Conditions of Approval include and supersede the Conditions of Approval for Use Permit application No. PA-1600198 and Use Permit application No. PA-1300124.

- c. **CAPITAL FACILITY FEE:** This project may be subject to the Capital Facility Fee. If the Capital Facility Fee is applicable, the County shall collect the fees before the issuance of any building permits. (Development Title Section 9-1245.2)
- d. **PARKING:** Off-street parking shall be provided and comply with the following:
  - 1. All parking spaces, driveways, and maneuvering areas shall be surfaced and permanently maintained with base material of appropriate depth and asphalt concrete to provide a durable, dust free surface. Bumper guards shall be provided where necessary to protect adjacent structures or properties. (Development Title Section 9-1015.5[e])
  - 2. The parking area for the tractor-trailers and mobile crane units shall be surfaced with 1.5 inch

rounded rock, as the surfacing material in lieu of asphalt concrete. (Development Title Section 9-1015.9)

3. A minimum of forty-three (43) parking stalls shall be provided.
  4. Each parking stall shall be an unobstructed rectangle, minimum nine (9) feet wide and twenty (20) feet long. (Development Title Section 9-1015.5[b])
  5. All parking stalls and directional arrows must be delineated with paint. (Development Title Section 9-1015.5[d])
- e. **ACCESS AND CIRCULATION:** The following requirements apply and shall be shown on the Site Plan:
- 1) Access driveways shall have a width of no less than twenty-five (25) feet for two-way aisles and sixteen (16) feet for one-way aisles, except that in no case shall driveways designated as fire department access be less than twenty (20) feet wide. (Development Title Section 9-1015.5[f][1])
- f. **LIGHTING:** Lighting shall be provided and comply with the following:
- 1) If the parking area is to be used at night, parking lot and security lighting shall be installed. (Development Title Section 9-1015.5[g])
  - 2) Any lighting shall be designed to confine direct rays to the premises. No spillover beyond the property lines shall be permitted except onto public thoroughfares, provided, however, that such light shall no cause a hazard to motorists. (Development Title Section 9-1015.5[g][4])
- g. **LANDSCAPING:** Landscaping shall be provided and comply with the following:
- 1) This project will be required to comply with the Model Water Efficient Landscape Ordinance Requirement per California Code of Regulations, Title 23, Division 2, Chapter 2.7.
  - 2) A minimum ten (10) foot wide landscaped strip, respecting the ultimate right-of-way with of Comconex Road, shall be installed across the frontage of the project site. (Development Title Section 9-1020.7) The existing landscaping meets this requirement.
  - 3) Areas of the property which are not part of the project shall be barricaded from traffic and kept mowed and dust free.
- h. **SCREENING:** Screening shall be provided and comply with the following:
- 1) A solid masonry wall six (6) to seven (7) feet in height shall be erected along the first 350 feet of the southern property line adjacent to the project site. The existing screening meets this requirement.
  - 2) All storage materials and related activities, including storage areas for trash, shall be enclosed by a screen six (6) to eight (8) feet in height. Items stored within one hundred (100) feet of a dedicated street or residential zone shall not be stacked higher than two (2) feet above the adjacent screen. (Development Title Section 9-1022.4[e][2][A])
- h. **BUILDING CODE REQUIREMENTS:** The following California Building Code (CBC) and San Joaquin County Ordinance requirements will be applicable to the proposed project. The following

conditions shall be addressed prior to submittal of a building permit application to the Building Inspection Division:

- 1) A building permit for each separate structure or building is required. Submit plans, Specifications and supporting calculations, prepared by a Registered Design Professional (architect or engineer) for each structure or building, showing compliance with The 2016 California Building, Existing Building, Mechanical, Plumbing, Electrical, Energy and Fire Codes as may be applicable. Plans for the different buildings or structures may be combined into a single set of construction documents.
- 2) A grading permit will be required for this project. Submit plans and grading calculations, including a statement of the estimated quantities of excavation and fill, prepared by a Registered Design Professional. The grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of the code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of the code.
- 3) The required plans must be complete at the time of submittal for a building permit. Plans must address building design and construction, fire and life safety requirements, accessibility and show compliance with the current California codes and San Joaquin County ordinances. A complete set of plans must include fire sprinkler plans, truss design submittals, metal building shop drawings, structural plans and calculations, plumbing, electrical and mechanical drawings and energy report.
- 4) A soils report is required pursuant to CBC § 1803 for foundations and CBC appendix § J104 for grading. All recommendations of the Soils Report shall be incorporated into the construction drawings.
- 5) For each proposed new building, provide the following information on the plans:
  - a. Description of proposed use
  - b. Existing and proposed occupancy Groups
  - c. Type of construction
  - d. Sprinklers (Yes or No)
  - e. Number of stories
  - f. Building height
  - g. Allowable floor area
  - h. Proposed floor area
  - i. Occupant load based on the CBC
  - j. Occupant load based on the CPC
- 6) Accessible routes shall be provided per CBC § 11B-206. At least one accessible route shall be provided within the site from accessible parking spaces and accessible passenger loading zones; public streets and sidewalks; and public transportation stops to the accessible building or facility entrance they serve. Where more than one route is provided, all routes must be accessible. §11B- 206.2.1
- 7) At least one accessible route shall connect accessible buildings, accessible facilities, accessible elements and accessible spaces that are on the same site. §11B-206.2.2
- 8) At least one accessible route shall connect accessible building or facility entrances with all

accessible spaces and elements within the building or facility, including mezzanines, which are otherwise connected by a circulation path. §11B-206.2.4

- 9) Parking spaces will be required to accommodate persons with disabilities in compliance with Chapter 11B of the California Building Code. Note that accessible parking spaces are required for each phase of the project. These parking space(s) shall be located as close as possible to the primary entrance to the building.
- 10) Adequate sanitary facilities shall be provided for the facility, per the requirements of Chapter 4 of the California Plumbing Code.
- 11) Pursuant to Section 422.4 of the California Plumbing Code, toilet facilities shall be accessible to employees at all times, should not be more than 500 feet from where employees are regularly employed and accessible by not more than one flight of stairs. The plans shall indicate the location of the toilet facilities and the travel distance from work areas.
- 12) This project will be required to comply with the Model Water Efficient Landscape Ordinance requirements of the California Code of Regulations, Title 22, Division 2, Chapter 2.7

2. DEPARTMENT OF PUBLIC WORKS (Staff contact: Awni Taha, [209] 468-3000, see memo dated March 26, 2019)

- a. The Traffic Impact Mitigation Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee will be based on the current schedule at the time of payment. The fee shall be automatically adjusted July 1 of each year by the Engineering Construction Cost Index as published by the Engineering News Record. (Resolutions R-00-433)
- b. The Regional Transportation Impact Fee shall be required for this application. The fee is due and payable at the time of building permit application. The fee will be based on the current schedule at the time of payment. (Resolution R-06-38)
- c. A copy of the Final Site Plan shall be submitted prior to release of building permit.
- d. The proposed project disturbs less than one (1) acre of ground and is not part of a larger plan of common development. The construction phase of the proposed project shall follow best management practices of the County "Small Site Storm Water Management Plan".
- e. The developer shall provide drainage facilities in accordance with the San Joaquin County Development Standards. Retention basins shall be fenced with six (6) foot high chain link fence or equal when the maximum design depth is 18 inches or more. Required retention basin capacity shall be calculated and submitted along with a drainage plan for review and approval, prior to release of building permit. (Development Title Section 9-1135)

3. ENVIRONMENTAL HEALTH DEPARTMENT (Staff contact: Naseem Ahmed, [209] 468-3420, see memo dated March 25, 2019)

The following requirements have been identified as pertinent to this project. Other requirements may also apply. These requirements cannot be modified

- a. A soil suitability and nitrate loading study incorporating proposed staff and customer use shall be submitted to the Environmental Health Department, indicating that the area is suitable for

septic system usage. The studies must be approved by the Environmental Health Department prior to issuance of building permit(s). (San Joaquin County Development Title, Section 9-1105.2(d)). The fee will be based on the current schedule at the time of payment.

The sewage disposal system shall comply with the onsite wastewater treatment systems standards of San Joaquin County prior to approval. Percolation testing in accordance with the E.P.A. Design Manual - Onsite Wastewater and Disposal Systems is required. The fee will be based on the current schedule at the time of payment.

- b. Submit to the Environmental Health Department revised site plans showing the location and configuration of any existing and proposed sewage disposal systems, along with the area required to be reserved for future sewage disposal repair/replacement (area for 100% sewage disposal replacement). The plans shall include the design calculations, including the maximum number of persons the sewage disposal system is proposed to serve. In addition, show on revised plans that the disposal field area will be barricaded so it cannot be driven over, parked on, or used as a storage area. This disposal field area must be used for that specific purpose only, and it cannot contain any underground utility lines (San Joaquin County Development Title, Section 9-1110.4(c)(5)).
- c. Applicant shall contact Robert McClellon, Program Coordinator, Small Public Water System Program, at (209) 468-0332, to determine if a permit amendment application is required for the existing small public water system prior to issuance of building permits.
- d. Any geotechnical drilling shall be conducted under permit and inspection by The Environmental Health Department (San Joaquin County Development Title, Section 9-1115.3 and 9-1115.6).
- e. Before any hazardous materials/waste can be stored or used onsite, the owner/operator must report the use or storage of these hazardous materials to the California Environmental Reporting System (CERS) at [cers.calepa.ca.gov/](http://cers.calepa.ca.gov/) and comply with the laws and regulations for the programs listed below (based on quantity of hazardous material in some cases).
  1. Any amount but not limited to the following hazardous waste; hazardous material spills, used oil, used oil filters, used oil-contaminated absorbent/debris, waste antifreeze, used batteries or other universal waste, etc. – Hazardous Waste Program (Health & Safety Code (HSC) Sections 25404 & 25180 et sec.)
  2. Onsite treatment of hazardous waste – Hazardous Waste Treatment Tiered Permitting Program (HSC Sections 25404 & 25200 et sec. & California Code of Regulations (CCR), Title 22, Section 67450.1 et sec.)
  3. Reportable quantities of hazardous materials-reportable quantities are 55 gallons or more of liquids, 500 pounds for solids, or 200 cubic feet for compressed gases, with some exceptions. Carbon dioxide is a regulated substance and is required to be reported as a hazardous material if storing 1,200 cubic feet (137 pounds) or more onsite in San Joaquin County – Hazardous Materials Business Plan Program (HSC Sections 25508 & 25500 et sec.)
  4. Any amount of hazardous material stored in an Underground Storage Tank – Underground Storage Tank Program (HSC Sections 25286 & 25280 et sec.)
    - i. If an underground storage tank (UST) system will be installed, a permit is required to be submitted to, and approved by, the San Joaquin County Environmental Health Department (EHD) before any UST installation work can begin.
    - ii. Additionally, an EHD UST permit to operate is required once the approved UST system is installed.
  5. Storage of at least 1,320 gallons of petroleum aboveground or any amount of petroleum

stored below grade in a vault – Aboveground Petroleum Storage Program (HSC Sections 25270.6 & 25270 et sec.)

i. Spill Prevention, Countermeasures and Control (SPCC) Plan requirement

6. Threshold quantities of regulated substances stored onsite - California Accidental Release Prevention (CalARP) Program (Title 19, Section 2735.4 & HSC Section 25531 et sec.)

i. Risk Management Plan requirement for covered processes

4. SAN JOAQUIN COUNCIL OF GOVERNMENTS (Staff contact: Laurel Boyd, [209] 235-0600)

- a. This project is subject to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). This can be up to a 90-day process and it is recommended that the project applicant contact SJMSCP staff as early as possible. It is also recommended that the project applicant obtain an information package.

5. SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (Staff Contact: Arnaud Marjollet, [559] 230-5820, see memo dated March 11, 2019)

- a. The proposed project is subject to District Rule 9510 and the applicant is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable fees.
- b. The proposed project may be subject to the following District rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving, and Maintenance Operations), and Rule 4002 (National Emission Standards for Hazardous Air Pollutants).
- c. The proposed project may require District permits. Prior to the start of construction, the project proponent should contact the District's Small Business Assistance Office at (550) 230-5888 to identify other District rules or regulations that apply to this Project.

NEGATIVE DECLARATION

TO:            X        Office of Planning & Research  
                         P. O. Box 3044  
                         Sacramento, California 95812-3044

X        County Clerk, County of San Joaquin

FROM:        San Joaquin County Community Development Department  
                         1810 East Hazelton Avenue  
                         Stockton, California 95205

---

PROJECT TITLE: A Use Permit application NO. PA-1900030 (UP)

PROPONENT: Keith and Denise Powell

PROJECT LOCATION: The project site is located on the northeast corner of South Comconex Road and State Route 120, Manteca. (APN/Address: 208-180-23/17800 South Comconex Road, Manteca) (Supervisorial District: 3)

PROJECT DESCRIPTION: A Use Permit application for the expansion of an existing 34,035 square foot crane rental facility. The expansion includes the construction of an enclosed 14,400 square foot building for equipment storage with 7,200 square feet of overhang, totaling 21,600 square feet. Operations are planned for 12 hours per day, Monday through Saturday, with 35 employees per shift, three (3) customers per shift, and two (2) vehicles per shift. This parcel will utilize a private septic system, and be provided water from a public water district. This parcel is provided access from Comconex Road. This parcel is not under a Williamson Act contract.

The Property is zoned I-L (Limited Industrial) and the General Plan designation is I/L (Limited Industrial).

---

Based on the attached Initial Study, it has been found that the project will not have a significant effect on the environment.

Date:

Contact Person: Christine Luckasen

Phone: (209) 468-0214

SAN JOAQUIN COUNTY  
COMMUNITY DEVELOPMENT DEPARTMENT

INITIAL STUDY

FILE NO: PA-1900030

PROJECT/APPLICANT: Powell / Quartaroli & Associates

PROJECT DESCRIPTION: A Use Permit application for the expansion of an existing crane rental facility to include the construction of a 14,400 square foot equipment storage building with a 7,200 square foot overhang. The project is located on the east side of Comconex Road, 500 feet north of State Route 120, east of Manteca. (Use Type: Equipment Sales and Repair – Heavy Equipment Sales)

**RECOMMENDED ENVIRONMENTAL DETERMINATION:**

The proposed project could not have a significant effect on the environment, and a Negative Declaration will be prepared.

X

Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A Negative Declaration will be prepared.

\_\_\_\_\_

The proposed project may have a significant effect on the environment, an Environmental Impact Report is required.

\_\_\_\_\_

ASSESSOR PARCEL NO: 208-180-23

ACRES: 11.8

GENERAL PLAN: I/L

ZONING: I-L

CURRENT SITE CONDITIONS (topography, uses): Relatively flat parcel with an existing crane rental facility.

POTENTIAL POPULATION, NUMBER OF DWELLING UNITS, OR SQUARE FOOTAGE OF USE(S): 21,600 square foot expansion to an existing crane rental facility.

**SURROUNDING LAND USES:**

North: Agricultural with scattered residences

South: Religious Assembly / State Route 120 / Agricultural with scattered residences

East: Agricultural with scattered residences

West: Industrial / Residential / City of Manteca

**GENERAL CONSIDERATIONS:**

- 1. Does it appear that any environmental feature of the project will generate significant public concern or controversy?  
 Yes  No Nature of concern(s): \_\_\_\_\_
- 2. Will the project require approval or permits by agencies other than the County?  
 Yes  No Agency name(s): \_\_\_\_\_
- 3. Is the project within the Sphere of Influence, or within two miles, of any city?  
 Yes  No City: **Manteca**

**ENVIRONMENTAL IMPACTS:**

"Yes" may only be checked in situations where there is substantial evidence to indicate that there may be a significant adverse impact on the environment if there is no change in the project description. (CEQA Guidelines, Sec. 15064)

See the "Discussion" section at the end of the Initial Study for explanation of any impacts checked "Yes", or any "No" answer marked with an asterisk (\*).

Sources: The following sources of information have been used in determining environmental impacts:

Original source materials and maps on file in the Community Development Department including: all County and City general plans and community plans; assessor parcel books; various local and FEMA flood zone maps; service district maps; maps of geologic instability; maps and reports on endangered species such as the Natural Diversity Data Base; noise contour maps; specific roadway plans; maps and/or records of archeological/historic resources; soil reports and maps; etc. Many of these original source materials have been collected from other public agencies or from previously prepared EIR's and other technical studies. Copies of these reports can be found by contacting the Community Development Department.

**1. Water:**

- a. Is any portion of the project subject to flood hazard?  
Flood zone: \_\_\_\_\_ **X**  Yes  No
- b. Will the project result in reduction of surface or ground water quality or quantity?  Yes  No
- c. Will the project result in increases to surface, channel or stream volumes, or alterations to drainage patterns and streams?  Yes  No
- d. Will the project result in erosion of or sedimentation to a channel, river, or body of water?  Yes  No

Other sources used: \_\_\_\_\_

**2. Earth:**

- a. Will the project result in or be subject to potentially hazardous geologic

or soils conditions on or immediately adjoining the site (slides, springs, erosion, liquefaction, earthquake faults; steep slopes, septic tank limitations)?

Yes  No

b. Will the project involve substantial grading which could result in secondary impacts (consider amount, steepness, and visibility of proposed slopes; consider effect of grading on trees and creek channels)?

Yes  No

c. Will there be conversion of prime farmland (over 40 acres and not shown for development in the General Plan)?

Yes  No \*

Other sources used: **San Joaquin County Soil Survey**

**3. Plant/Animal Life:**

a. Will there be a reduction or disturbance to any habitat for plants and animals (including removal or disturbance of trees, riparian areas, or migration routes)?

Yes  No \*

b. Will the project impact any rare, endangered, threatened, or recreational species located on or near the site? (Check the Natural Diversity Data Base)

Yes  No \*

Other sources used: **Natural Diversity Database**

**4. Air/Climate:**

a. Will the project make a significant contribution to the deterioration of existing air quality, including creation of objectionable odors; will future project residents be subjected to significant pollution levels?

Yes  No \*

b. Will the project result in any impact to current climatic conditions? (Consider the introduction of water features, loss of wetland, etc.)

Yes  No

Other sources used: \_\_\_\_\_

**5. Noise:**

a. Will the project expose people to high noise or vibration levels (over 65db/Ldn for residential uses or 75db/Ldn for industrial uses at the property line)? (Check 2010 projected noise contours.)

Yes  No

b. Will the project result in increased noise or vibration levels?

Yes  No

Other sources used: \_\_\_\_\_

**6. Energy/Natural Resources:**

a. Will the project use substantial amounts of fuel or energy, require a substantial increase in demand upon existing sources, or require the development of new sources of energy?

Yes  No

b. Will the project affect the potential use, extraction, conservation, or depletion of a natural resource (other than agricultural land)?

Yes  No

Other sources used: \_\_\_\_\_

**7. Hazards:**

- a. Will the project create a risk of explosion; release, generate or store Any hazardous substances; or cause other dangers to public health and safety?  Yes  No
- b. Are there any known hazardous substances located within 500 feet of the boundaries of this project, if in an existing or proposed residential area (this could include possible groundwater contamination)?  Yes  No
- c. Will the project result in interference with, or need, for emergency plans?  Yes  No

Other sources used: \_\_\_\_\_

**8. Utilities and Public Service:**

- a. \*\*Will the project require alteration of, addition to, or the need for new utility systems (water, sewer, drainage, solid waste), including a sphere of Influence or district boundary change?  Yes  No \*
- b. \*\*Will the project result in the need for or the expansion of the following services: fire and police protection, schools, parks and recreation, libraries, roads, flood control, solid waste or other public works facilities, public transit, or governmental services?  Yes  No
- c. Will the project adversely impact existing recreational/park opportunities or require new park/recreation opportunities?  Yes  No

Note: \*\* "Yes" answers to these two questions and 9 (b) below will require additional discussion, but do not necessarily indicate a potentially significant impact.

Other sources used: \_\_\_\_\_

**9. Transportation/Circulation:**

- a. Will the project generate significant traffic volumes and/or make a significant contribution to an existing circulation problem (consider existing LOS on nearby arterials and highways, road design, access, parking, accident potential)?  Yes  No \*
- b. \*\*Will the project cause special transportation considerations (consider water-borne, rail, air, pedestrian, and bicycle traffic, and public transportation systems and parking facilities)?  Yes  No
- c. Will the project result in a significant increase in commuting to and from the local community?  Yes  No
- d. Will the project be impacted by or interfere with an airport flight path?  Yes  No
- e. Will the project restrict access to the surrounding area?  Yes  No

Other sources used (note traffic studies): \_\_\_\_\_

**10. Cultural Resources:**

- a. Will the proposal result in an alteration of a significant archeological, or historical site, structure, or building?  Yes  No

Other sources used: \_\_\_\_\_

**11. Housing:**

- a. Will the proposal adversely affect the existing housing stock or create a demand for additional housing (more than 50 units)?  Yes  No

Other sources used: \_\_\_\_\_

**12. Aesthetics:**

- a. Will the project obstruct any public scenic vista or view, create an aesthetically offensive site open to public view, or produce new light or glare?  Yes  No

Other sources used: \_\_\_\_\_

**13. Land Use:**

- a. Is this project a growth-inducing action: Will it encourage additional requests for related uses, or will it set a significant land use precedent in the area?  Yes  No
- b. Will the project conflict with existing or planned land uses; is the project in conflict with any adopted plans?  Yes  No \*
- c. Will the project disrupt a natural or recreation area, impact access to waterways, or allow trespass onto surrounding land?  Yes  No

**14. Cumulative:**

- a. Will the project create any impacts which may not be significant for the project alone, but may be significant when combined with other anticipated development of similar type and or location?  Yes  No

Other sources used: \_\_\_\_\_

- 15. Other Impacts:** Identify any other impact(s) not noted above which may be significant, and cite source(s). **NONE KNOWN.**

**Mandatory Findings of Significance:**

(A "Yes" answer to any of the following questions requires preparation of an EIR.)

- a. Does the project have the potential to degrade the quality of the environment or curtail the diversity in the environment?  Yes  No
- b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?  Yes  No

- c. Does the project have impacts which are individually limited but cumulatively considerable?  Yes  No
- d. Does the project have environmental impacts which will cause substantial, adverse effects on human beings, either directly or indirectly?  Yes  No

**16. DISCUSSION OF ANY ENVIRONMENTAL IMPACTS NOTED ABOVE.**

(Discuss any questions answered "Yes" above, as well as any "No" answers marked with an asterisk (\*). Discuss any changes to the project which could mitigate the identified impacts. Discuss any proposed mitigation monitoring program submitted by the project applicant. Use additional attached pages if necessary.)

**PLEASE SEE INITIAL STUDY ATTACHMENT PA-1900030.**

Prepared by: Christine Luckasen

---

Title: Assistant Planner

Date: April 3, 2018

**INITIAL STUDY CONTINUED**  
**PA-1900030**  
**Powell / Quartaroli & Associates**

**Project Description: A Use Permit application for the expansion of an existing crane rental facility to include the construction of a 14,400 square foot equipment storage building with a 7,200 square foot overhang. The project is located on the east side of Comconex Road, 500 feet north of State Route 120, east of Manteca. (Use Type: Equipment Sales and Repair – Heavy Equipment Sales)**

**2. Earth**

2. c. The project is subject to the Agricultural Mitigation Ordinance pursuant to Development Title Section 9-1080.3(a), which states that the County shall require agricultural mitigation as a result of General Plan Amendment or Zone Reclassification that changes the designation of land from agricultural to non-agricultural use. This parcel is subject to this requirement as a result of General Plan Amendment application PA-1200153 (GP) and Zone Reclassification application PA-1200154 (ZR). Development Title section 9-1080.3(c) states “Agricultural mitigation shall be satisfied by granting a farmland conservation easement or other farmland conservation mechanism as set forth in Subsection (d) of this Section to or for the benefit of a Qualifying Entity. The number of acres of agricultural mitigation land shall be at least equal to the number of acres that will be changed to a nonagricultural use (a 1:1 ratio).” Pursuant to Development Title Section 9-1080.3(f), submission of the required legal instrument to provide agricultural mitigation land will be required at the time of Grading Permit or Building Permit issuance for the underlying development project.

**3. Plant/Animal Life**

3. a.&b. The Natural Diversity Database does not list any rare, endangered, or threatened species as potentially occurring in or near the project area. Referrals have been sent to the San Joaquin Council of Governments (SJCOG) for review. If SJCOG determines that the applicant may participate in the San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), and if the applicant chooses to participate, then the proposed project is consistent with the SJMSCP, as amended, as reflected in the conditions of project approval for this proposal. Pursuant to the Final EIR/EIS for San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), dated November 15, 2000, and certified by SJCOG on December 7, 2000, implementation of the SJMSCP is expected to reduce impacts to biological resources resulting from the proposed project to a level of less-than-significant. If the applicant chooses not to participate, then the applicant will be required to participate in a similar mechanism that provides the same level of mitigation.

**4. Air & Climate**

4. a. This project is an expansion of an existing crane rental facility to include the construction of a 14,400 square foot equipment storage building with a 7,200 square foot overhang. A referral has been sent to the San Joaquin Air Pollution Control District for review. This project will be subject to the District requirements regarding fugitive dust emissions and emissions standards for hazardous air pollutants. With the rules and regulations of the San Joaquin Air Pollution Control District, the impact to air quality will be less than significant.

**8. Utilities and Public Services**

8. a. The project site is served by County Service Area 30 (CSA 30) for water service and storm drain service. The Department of Public Works states that the existing water service is sufficient

to serve the proposed expansion. Public sewer is not available. Any new development will have to be accommodated by an on-site septic system for sewage. The Environmental Health Department will determine the size of this system. As a result, the project will not require new public utility systems or district boundary changes. A referral has been sent to the Department of Public Works and the Environmental Health Department for review.

### **9. Transportation/Circulation**

9. a. This project is an expansion of an existing crane rental facility. The existing facility operates Monday through Saturday, 6:00 am to 6:00 pm with a maximum of 35 employees and approximately three (3) customers per day. No increase in hours, employees, or customers is expected with this expansion. The Department of Public Works states that the proposed project would have a less than significant impact on traffic on the local streets because the development project is not expected to exceed fifty vehicles during any hour. Projects that have a traffic volume that is less than fifty (50) trips per hour have a less than significant impact of traffic.

### **13. Land Use**

13. a. & b. The proposed project is an expansion of an existing crane rental facility to include the construction of a 14,400 square foot equipment storage building with a 7,200 square foot overhang. The Use Type for the project is Equipment Sales and Repair – Heavy Equipment Sales, and may be conditionally permitted in the I-L zone with an approved Use Permit application. This project is not a growth-inducing action nor is in conflict with any existing or planned land uses. The surrounding land uses are industrial, agricultural with scattered residences, and residential. The proposed project does not conflict with any existing or planned land uses, and will not set any significant land use precedents in the area. Therefore, this project is not a growth-inducing action.

# STAFF REPORT - Development Title Text Amendment

---

## Application Information

Applicant: **San Joaquin County**  
File Number: **PA-1900067**  
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 revise the definition of "Structure" in Title 9, Division 1, Chapter 9-110, Section 9-110.4 as it is used in Chapters 9-848 Flood Variance Procedures and 9-1605 Flood Hazards to conform to the Federal Emergency Management Agency (FEMA) Floodplain Management Regulations.

## Recommendation

Approval.

# Referrals and Replies

---

A legal ad for the public hearing was published in the Stockton Record on April 22, 2019.

Four (4) public hearing notices were sent through inter-office mail on April 19, 2019.

## Analysis

### Background

Development Title Chapters 9-848 Flood Variance Procedures and 9-1605 Flood Hazards are part of the County's floodplain management regulations adopted to protect the health, safety, and welfare of County residents created by flooding. The County recognizes that areas of the County, the floodplains, are subject to periodic flooding which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. These losses are caused by uses and items in those areas that are inadequately elevated, flood proofed, or protected from flood damage. Therefore, the County, through its Department of Public Works, strictly enforces the requirements in Chapters 9-848 Flood Variance Procedures and 9-1605 Flood Hazards.

The County's Flood Hazards and Variance Procedures were adopted and meet the Federal Emergency Management Agency (FEMA) Floodplain Management Regulations. They are also in line with FEMA's flood plain management best practices. Additionally, the Chapters are compliant with the National Flood Insurance Program (NFIP), which underwrites flood insurance coverage only in communities that adopt and enforce floodplain management regulations through an ordinance that meets or exceeds NFIP criteria.

As written, Chapters 9-848 Flood Variance Procedures and 9-1605 Flood Hazards use the County's Development Title definition of "structure" which states that a structure is "any object constructed or installed by man having location upon, in, or under the ground, including, but not limited to, buildings, manufactured homes, fences over six (6) feet in height, towers, gas or liquid storage tanks, signs, smokestacks, and overhead transmission lines." (Development Title Chapter 9-110, Section 9-110.4)

This Development Title definition is appropriately broad for most uses in the Development Title. It includes man made items such as agricultural pumps, swimming pool equipment, freestanding signs, and solar arrays. These are key to address other areas of the Development Title, but because they do not pose the same flood hazard risk as other items defined as a "structure", and appropriately, these items are not included in the definition of "structure" for floodplain management.

Conversely, the FEMA definition of "structure", which is also utilized for NFIP, (and is interchangeable with the "building" definition) is much more narrow and states: "for floodplain management purposes, a structure is a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home." FEMA regulations apply to construction of "structures"/ "buildings" that are walled and roofed structures, and generally dwellings, commercial and industrial buildings and storage units. These structures must be elevated, or in some cases flood proofed, above the 100 year flood level. FEMA's definitions and regulations do not extend these requirement to items that are not considered "structures" or "buildings", such as outdoor agricultural pumps, swimming pool equipment, freestanding signs and solar arrays.

Finally, Sacramento County and other local jurisdictions with similar floodplain management issues, and the California Department of Water Resources Model Floodplain Management ordinance use a definition of structure that is in conformance with the FEMA definition in their floodplain management ordinances. Accordingly, the Department of Public Works has proposed this Text Amendment to revise Section 9-110.4 of Chapter 9-110, to define "structure" with the underlined text as follows:

"Structure" means any object constructed or installed by man having location upon, in, or under the ground, including, but not limited to, buildings, manufactured homes, fences over six (6) feet in height, towers, gas or liquid storage tanks, signs, smokestacks, and overhead transmission lines. For the purposes of Chapter 9-848 Flood Variance Procedures and 9-1605 Flood Hazards, "Structure" means a walled and roofed building, including gas or liquid storage tank, that is principally above ground, as well as a manufactured home."

The proposed amendment would conform the Development Title definition of "structure" to FEMA regulations as it is used in floodplain management chapters 9-848 Flood Variance Procedures and 9-1605 Flood Hazards.

### **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. The Community Development Department has determined that the proposed Development Title Text Amendment has no potential for causing a significant effect on the environment because it is strictly an amendment by the County to the Development Title definition of "Structure" as to (2) two Chapters, 9-848 Flood Variance Procedures and 9-1605 Flood Hazards. Accordingly, a Notice of Exemption will be filed by the Department if the Text Amendment is approved.

# Recommendations

## Action

It is recommended that the Planning Commission:

1. **Forward Development Title Text Amendment No. PA-1900067 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 revision to the Development Title definition of “Structure” 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 SECTION 9-110.4, CHAPTER 9-110, DIVISION 1, TITLE 9  
OF THE ORDINANCE CODE OF THE COUNTY OF SAN JOAQUIN AS IT APPLIES TO  
CHAPTERS 9-848 AND 9-1605

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 to add the underlined section as follows:

"Structure" means any object constructed or installed by man having location upon, in, or under the ground, including, but not limited to, buildings, manufactured homes, fences over six (6) feet in height, towers, gas or liquid storage tanks, signs, smokestacks, and overhead transmission lines. For the purposes of Chapter 9-848 Flood Variance Procedures and 9-1605 Flood Hazards, "Structure" means a walled and roofed building, including gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**SECTION 2.** This Ordinance shall take effect and be in force thirty (30) days after its adoption, and prior to the expiration of fifteen (15) days from the passage thereof, shall be published once (1) in the Record, a newspaper of general circulation published in the County of San Joaquin, State of California, with the names of the members of the Board of Supervisors voting for and against the same.

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:

\_\_\_\_\_  
MIGUEL VILLAPUDUA  
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: \_\_\_\_\_

# STAFF REPORT - Development Title Text Amendment

---

## Application Information

Applicant: **San Joaquin County**  
File Number: **PA-1900065**  
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, requirements, and land use development regulations for commercial cannabis activities in the unincorporated areas of San Joaquin County consistent with Title 4, Division 10, Chapter 1 Commercial Cannabis Business. The proposed amendments (1) add Chapter 9-1090 which regulates various types of commercial cannabis businesses including Cultivation, Manufacturing, Distribution, Retail Sales, and Laboratory Testing, (2) add a new definition for Commercial Cannabis Development Agreement, and (3) remove Chapter 9-125, which previously regulated commercial cannabis dispensaries.

## Recommendation

Approval.

# Referrals and Replies

---

A legal ad for the public hearing was published in the Stockton Record on April 22, 2019.

Four hundred eighty-nine public hearing notices were sent via email, three (3) through inter-office mail and twenty-three (23) via postal mail on April 19, 2019.

## 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. Pursuant to Section 4-10004, the Title 4 ordinance was only to become operative if the Commercial Cannabis Business Tax (Measure B) passed by a 2/3 majority on November 6, 2018.

On August 7, 2018, San Joaquin County adopted the Title 4 Commercial Cannabis Business ordinance. Accordingly, on November 1, 2018, staff brought forward to the Planning Commission a Title 9 Development Title Text Amendment consistent with the Title 4 Commercial Cannabis Business ordinance. This Commission voted unanimously to forward Development Title 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. However, on November 6, 2018, the Commercial Cannabis Business Tax known as Measure B failed and as a result the Development Title Text Amendment was not forwarded to the Board.

Shortly after November 6, 2018, County Counsel's Office began receiving inquiries into operating commercial cannabis businesses in the unincorporated county pursuant to development agreements. Therefore, on January 8, 2019, County Counsel sought direction from the Board regarding development agreements. The Board directed Counsel to bring back for its consideration the necessary modifications to the Title 4 ordinance to allow for commercial cannabis businesses through development agreements and to make corresponding changes to Title 9. A new Development Title Text Amendment application has been prepared that reflects these changes. The previously proposed Development Title Text Amendment PA-1800249 was voided.

The adopted Title 4 Commercial Cannabis ordinance with the directed amendments would allow for a commercial cannabis business to operate in the unincorporated areas of the County provided all of the following are obtained: a Board approved commercial cannabis development agreement, a Use Permit, Site Approval or Special Purpose Plan (depending on the zoning and type of development project), a Commercial Cannabis License issued by the Environmental Health Department, and an Annual State license. Although the land use entitlements would run with the land, operation of the business will be

dependent on compliance with all applicable requirements. The types of licenses available under Title 4 include: Cultivator, Distributor, Manufacturer, Retailer, and Testing Laboratory.

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."

This 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 commercial cannabis businesses consistent with the amended Title 4 Commercial Cannabis 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 proposed to be permitted in any residential zone.

This Commercial Cannabis ordinance (Title 9, Division 10, Chapter 9-1090) will only be applicable to parcels with a Commercial Cannabis Development Agreement approved by the County pursuant to Title 9, Division 13. 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 activity uses which include Cannabis Cultivation, Cannabis Distribution, Cannabis Manufacturing, Cannabis Retail Sales, and Cannabis Laboratory Testing require an approved Commercial Cannabis Development Agreement. Additionally, all types except 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, 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.

### **Development Agreements**

The Title 4 Commercial Cannabis ordinance as amended requires commercial cannabis businesses to only operate pursuant to a valid Board approved Development Agreement. This Development Title Text Amendment adds the following definition of Commercial Cannabis Development Agreement to Section 9-110.4, Chapter 9-110, Division 1, Title 9,

- “Commercial Cannabis Development Agreement” means a development agreement for commercial cannabis activity adopted by the Board of Supervisors pursuant to Government Code Section 65864 et seq. and Title 9, Division 13, Chapter 9-1300.

A Commercial Cannabis Development Agreement will be required for any type of cannabis related operation. This requirement has been added to each section for each type of cannabis use in Chapter 9-1090.

### **Removal of Cannabis Dispensary Regulations**

Currently Chapter 9-125, Division 1, Title 9, prohibits cannabis dispensaries as they existed under Health and Safety Code Sections 11362.5 (The Compassionate Use Act of 1996) and 11362.7 through 11362.83 (Medical Marijuana Program) and the Adult Use of Marijuana Act. The Board's adoption of Title 4 makes this Chapter inconsistent with County policy and existing County Codes. Therefore, the proposed Development Title Text Amendment removes Chapter 9-125 Cannabis Dispensary Regulations in its entirety, including removing the definition of Cannabis Dispensary.

### **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. The Community Development Department has determined that the proposed Development Title 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 the Community Development Department if the Development Title Text Amendment is approved.

**Notification of Development Title Text Amendment**

Pursuant to Development Title Section 9-220.8 Notification (Chapter 9-220) notification shall be given to local agencies for property-specific applications only. In addition notice of hearing shall be mailed to any person who has filed a written request for notice with the Community Development Department. Because this Development Title Text Amendment is not property-specific, notification to local agencies is not required.

During the review process for previously submitted Development Title Text Amendment PA-1800249, the Community Development Department did provide notice of the proposed project to a variety of agencies and cities within San Joaquin County as well as to the public who had been part of the review process for Title 4. The Community Development Department received three (3) letters in opposition; one (1) from the City of Lodi, one (1) from the City of Lathrop and one (1) from the City of Escalon and public comments from the Farm Bureau at one of the Planning Commission meetings. Because of these comments, as a courtesy, the Community Development Department again provided notice of public hearing to all cities in San Joaquin County, the Farm Bureau and the public list generated through the Title 4 review process.

# Recommendations

## Action

It is recommended that the Planning Commission:

1. **Forward Development Title Text Amendment No. PA-1900065 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, 9-125, 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, CHAPTER 9-1090 (COMMERCIAL CANNABIS).

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 Development Agreement", "Commercial Cannabis License", "Commercial Cannabis Licensee", "Cultivator License", "Development Agreement", "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 Development Agreement.** "Commercial Cannabis Development Agreement" means a development agreement for commercial cannabis activity adopted by the Board of Supervisors pursuant to Government Code Section 65864 et seq. and Title 9, Division 13, Chapter 9-1300.

**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.

**Development Agreement.** "Development Agreement" means a written agreement between the County and a person having a legal or equitable interest in real property for the development of that real property as provided in Chapter 9-1300 and Government Code Section 65864 et seq.

**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.** Chapter 9-125 is hereby removed:

~~CHAPTER 9-125 – CANNABIS DISPENSARY REGULATIONS~~

~~9-125.1 – INTENT.~~

~~The intent of this Chapter is to prohibit the establishment of facilities for the distribution (including selling, serving, storing, keeping, manufacturing, exchanging or giving away) of cannabis within the unincorporated area of San Joaquin County, irrespective of Health and Safety Code Section 11362.765(a) as it applies to Health and Safety Code Section 11570. It is not the intent of this Chapter to otherwise prohibit or inhibit the right of seriously ill people to obtain and use cannabis for medicinal purposes pursuant to The Compassionate Use Act of 1996 and The Medical Cannabis Program of the Health and Safety Code. Nor is it the intent of this Chapter to prohibit or inhibit such a right in hospitals, clinics, residential care facilities, or similar facilities, licensed pursuant to the Health and Safety Code.~~

~~9-125.2 – DEFINITION.~~

~~The following definition applies to this chapter in addition to those definitions in Section 9-110.4 of this Title:~~

~~**Cannabis Dispensary.** "Cannabis Dispensary" means any facility or activity by which cannabis is made available for transfer from one (1) person or entity to another person or entity, including but not limited to such transfers pursuant to Health and Safety Code Sections 11362.5 (The Compassionate Use Act of 1996) and 11362.7 through 11362.83 (Medical Marijuana Program) as they now read or as amended. "Cannabis Dispensary" also means any activity defined as "Delivery," "Distribution," or "Sale" under the Adult Use of Marijuana Act as it now reads or as amended.~~

~~A cannabis dispensary shall not include the following uses, so long as such uses comply with this code, Health and Safety Code Section 11362.5, et seq., and other applicable law:~~

- 1.—A clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code.
- 2.—A health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code.
- 3.—A residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code.
- 4.—A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code.
- 5.—A hospice or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.

**9-125.3 PROHIBITION.**

No person shall establish, operate, or permit the establishment or operation of a cannabis dispensary in or upon any premises in the unincorporated San Joaquin County.

**SECTION 4.** 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:

<b>TABLE 9-305.2 USES IN RESIDENTIAL ZONES</b>						
<b>Legend:</b>						
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						
<b>*Special Use Regulations (See Section 9-305.6)</b>						
<b>Residential Zones</b>						
	<b>R-R</b>	<b>R-VL</b>	<b>R-L</b>	<b>R-M</b>	<b>R-MH</b>	<b>R-H</b>
<b>Commercial Cannabis</b>						
<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
<b><u>Commercial Cannabis</u></b>									
<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*
<b><u>Commercial Cannabis</u></b>					
<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. .

<b>TABLE 9-605.2 - USES IN AGRICULTURAL ZONES</b>				
<b>Legend:</b>				
<b>P Permitted Use</b>				
<b>IP Permitted Use With Improvement Plan</b>				
<b>QX Use Permitted Subject to Quarry Excavation Permit</b>				
<b>S Use Permitted Subject to Site Approval</b>				
<b>SD Use Permitted Subject to Second Unit Dwelling Permit</b>				
<b>U Use Permitted Subject to Use Permit</b>				
<b>- Use Not Permitted</b>				
<b>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</b>				
<b>*Special Use Regulations (See Section 9-605.6)</b>				
<b>**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))</b>				
Use Types	Agricultural Zones			
	AG	AL	AU	ARM*
<b><u>Commercial Cannabis</u></b>				
<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***
<b><u>Commercial Cannabis</u></b>			
<u>Cultivation</u>	-	-	-
<u>Distribution</u>	-	-	-
<u>Manufacturing</u>	-	-	-
<u>Retail Sales</u>	-	-	-
<u>Laboratory Testing</u>	-	-	-

**SECTION 5.** 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
<b>Commercial Cannabis</b>			
<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 6.** 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 that are licensed under the Medicinal and Adult-Use Cannabis Regulation and Safety Act, and Title 4, Division 10, Chapter 1 Commercial Cannabis Business, and have a commercial cannabis development agreement for the licensed activities adopted pursuant to Division 13. 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) An applicant has an approved commercial cannabis development agreement;
- (2) A Use Permit is submitted for any form of Commercial Cannabis use; and/or;
- (3) 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.
- (l) **Commercial Cannabis Development Agreement.** An approved Commercial Cannabis Development Agreement shall be obtained pursuant to Title 4 prior to beginning any commercial operation allowed pursuant to a Cultivator License.

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

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

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

**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.
- (k) **Commercial Cannabis Development Agreement.** An approved Commercial Cannabis Development Agreement shall be obtained pursuant to Title 4 prior to beginning any commercial operation allowed pursuant to a Commercial Cannabis Laboratory Testing License.

**SECTION 7.** This Ordinance shall take effect and be in force thirty (30) days after its adoption, and prior to the expiration of fifteen (15) days from the passage thereof, shall be published once (1) in the Record, a newspaper of general circulation published in the County of San Joaquin, State of California, with the names of the members of the Board of Supervisors voting for and against the same.

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:

\_\_\_\_\_  
MIGUEL VILLAPUDUA  
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: \_\_\_\_\_