

Resolution No.

STOCKTON PLANNING COMMISSION

RESOLUTION RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING MEDICAL CANNABIS REGULATIONS AND BANNING CERTAIN CANNABIS BUSINESSES

On June 28, 2016, the Council adopted Resolutions 2016-06-28-1503-01 and 2016-06-28-1503-02 to place two qualified initiatives (Measures P and Q) before voters on the November 8, 2016 General Election ballot; and

The two initiatives sought to remove the prohibition on medical cannabis (marijuana) dispensaries, allow medical cannabis cultivation businesses within the City, and allow an increase to the business license tax on medical cannabis and marijuana-related businesses; and

Both measures P and Q were approved by the voters; and

On June 27, 2017, the Governor signed into law Senate Bill 94, the Medicinal and Adult-Use Cannabis Regulation and Safety Act, which establishes a single system of administration for cannabis laws in California. This bill conformed the Medical Cannabis Regulation and Safety Act and the Adult Use of Marijuana Act of 2016 (Proposition 64) into a single system; and

On August 30, 2017, the Legislation/Environmental Committee recommended enactment of a ban on all non-medical (or “adult use”) cannabis businesses and medical cannabis businesses engaging in manufacturing, testing, or distribution, and amendments to the existing cannabis regulations relating to locational restrictions when natural or man-made barriers exist and to the calculation of the maximum cultivation area to be based on cannabis plant canopy area; and

City staff prepared and is recommending an amendment to Title 16 that addresses revisions necessary to implement the Committee’s recommendation; and

The Planning Commission is authorized by Section 16.212.040 of the Stockton Municipal Code (SMC) to review and make a recommendation to the Council to amend the provisions of Title 16 related to cannabis businesses; now, therefore:

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF STOCKTON AS FOLLOWS:

1. The Planning Commission of the City of Stockton, in accordance with Section 16.116.050B, finds and determines:

A. The proposed amendment of the SMC's provisions for cannabis businesses is consistent with applicable General land uses, objectives, policies, programs, and actions of all elements of the General Plan on balance and will not create any inconsistencies with the Development Code. The proposed amendment will serve to comply with SB 94 and related laws and be consistent with the following General Plan goals and policies:

LU-1.7 Land Use Conflicts. The City shall continue to apply the regulations and procedures of the Development Code and shall use the environmental process to prevent or mitigate land use conflicts.

ED-1 To maintain a thriving business community that provides a sound tax base for the City, jobs for the local workforce, and commercial shopping opportunities for residents and visitors alike.

B. The proposed amendment will amend Title 16 of the SMC to address cannabis businesses. The amendment will not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the City, because the amendment will make minor changes to existing cannabis regulations and will ban certain cannabis businesses until the City is able to study and determine whether and how they should be permitted.

C. The proposed SMC amendments are exempt from the California Environmental Quality Act (CEQA) under the "general rule" that CEQA applies only to projects that have the potential for causing significant environmental effects, as specified in Section 15061(b)(3). Approval of the required amendments will make minor changes to existing cannabis regulations and will ban certain cannabis businesses and constitutes an administrative action that will not result in direct or indirect physical changes in the environment, and any future projects that would rely on these amendments will require further case-specific environmental review under CEQA.

D. The proposed amendments are internally consistent with other applicable provisions of the Development Code relating to permit procedures and development standards.

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2. The Planning Commission hereby recommends that the City Council adopt the amendments to the SMC related to cannabis businesses as set forth in Exhibit 1, attached hereto and incorporated by this reference.

PASSED, APPROVED and ADOPTED: October 12, 2017.

ELIZABETH MOWRY HULL, CHAIR
CITY OF STOCKTON PLANNING COMMISSION

ATTEST:

DAVID KWONG, SECRETARY
CITY OF STOCKTON PLANNING COMMISSION