

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 5 CHAPTER 5.100, SECTION 5.100.080 AND TITLE 16 CHAPTER 16.80, SECTIONS 16.80.195(A)(1) AND 16.80.195(B)(1) OF THE STOCKTON MUNICIPAL CODE, RELATING TO MEDICAL CANNABIS BUSINESSES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

SECTION I. DECLARATION OF URGENCY

Pursuant to the provisions of California Government Code Sections 36934 and 36937, the City Council of the City of Stockton has determined that the provisions contained herein are necessary for the immediate preservation of the public peace, health, or safety within the incorporated areas of the city. This determination is based on the following facts and circumstances:

1. On November 8, 2016, Measure P was submitted to the voters for approval. Measure P lifted the ban on and expanded the number of medical marijuana dispensaries and allowed for medical marijuana cultivation locations. Measure P was approved and became effective on December 23, 2016.
2. City staff have received numerous inquiries from members of the public regarding the establishment of medical marijuana dispensaries and cultivation businesses throughout the City of Stockton and are currently processing two applications (one for a medical marijuana dispensary and one for a cultivation business).
3. Although Measure P limits the number of operator's permits for dispensaries and cultivation sites, there is no such limitation on the number of applicants who may apply for Conditional Use Permits. Therefore, there is the potential for more Conditional Use Permit applications to be received than can ultimately operate.
4. Measure P does not contain a process for dealing with the disproportionate number of applicants versus available permits.
5. Immediate action is needed to increase the number of available permits and establish a process that limits the number of applications that may be filed and processed to ensure that the number of applications is proportionate to the number of available permits.
6. Failure to limit the number of applications given the substantial interest (I.e. 60 inquiries) would result in a substantial amount of staff time in both the Community Development and Police departments.

CITY ATTORNEY

REVIEW: _____

DATE: _____

7. Processing such a substantial amount of applications would be overly oppressive or burdensome and could result in other work being postponed or left undone. For the Police department, this could mean unreasonable use of staff resources which might otherwise be allocated to more pressing public safety issues. For Community Development, this could mean that other more beneficial community projects are not processed as timely as they might otherwise be.
8. This Ordinance is found to be categorically exempt from environmental review pursuant to CEQA Guidelines Section 15061(b)(3) in that the City Council finds and determines that there is nothing in this Ordinance or its implementation that could reasonably have any significant effect on the environment.

SECTION II. AMENDMENT OF CODE.

Title 5 Chapter 5.100, Section 5.100.080 is hereby amended to read as follows:

At no time shall there be in operation within the City more than ~~four~~ six (46) active Operators Permits for dispensaries and four (4) active Operators Permits for cultivation sites. At no time shall there be more than two (2) dispensaries and two (2) cultivation sites in operation within any Council District. ~~(Res. 2016-06-28-1503-01 § I)~~

SECTION III. AMENDMENT OF CODE.

Title 16 Chapter 16.80, section 16.80.195(A)(1) is hereby amended to read as follows:

A. Medical Cannabis Dispensaries.

1. **Conditional use permit required.** A conditional use permit is required to establish or operate a medical cannabis dispensary. The Director shall not accept applications for conditional use permits in excess of the number of available permits allowed under Stockton Municipal Code section 5.100.080.

SECTION IV. AMENDMENT OF CODE.

Title 16 Chapter 16.80, section 16.80.195(B)(1) is hereby amended to read as follows:

B. Medical Cannabis Cultivation.

1. **Conditional use permit required.** A conditional use permit is required to establish or operate a medical cannabis cultivation site. The Director shall not accept applications for conditional use permits in excess of the number of available permits allowed under Stockton Municipal Code section 5.100.080.

SECTION V. EFFECTIVE DATE.

This ordinance shall take effect immediately and be in full force after its passage.

ADOPTED: _____

EFFECTIVE: _____

MICHAEL D. TUBBS
Mayor of the City of Stockton

ATTEST:

BONNIE PAIGE
City Clerk of the City of Stockton