

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
BOARD ACTION SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA: 5.B.4  
AGENDA DATE: December 19, 2017

**SUBJECT:**

Acceptance of the Initial Commercial Cannabis Business Application Zoning Review

**BOARD ACTION AS FOLLOWS:**


**RESOLUTION NO. 2017-0709**

On motion of Supervisor Withrow , Seconded by Supervisor Monteith  
and approved by the following vote,  
Ayes: Supervisors: Olsen, Withrow, Monteith, DeMartini, and Chairman Chiesa  
Noes: Supervisors: None  
Excused or Absent: Supervisors: None  
Abstaining: Supervisor: None

- 1)  Approved as recommended
- 2)  Denied
- 3)  Approved as amended
- 4)  Other:

MOTION:

ATTEST:

  
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
AGENDA ITEM**

DEPT: Chief Executive Office

BOARD AGENDA:5.B.4  
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CEO CONCURRENCE: YES

4/5 Vote Required: No

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**SUBJECT:**

Acceptance of the Initial Commercial Cannabis Business Application Zoning Review

**STAFF RECOMMENDATION:**

1. Accept the initial commercial cannabis application zoning review of non-eligible registrants.

**DISCUSSION:**

On December 5, 2017, the Stanislaus County Board of Supervisors approved amendments to the County's zoning code, regulations and fees for Commercial Cannabis Activities (CCA) in the unincorporated areas. The zoning ordinance amendments made changes to the County's zoning code to allow certain specified commercial cannabis activities to be conducted in specific zoning areas. Also included in the adopted ordinances are regulations pertaining to the protection of neighboring areas. These protections include:

- A buffer of 200 feet from the CCA to residential uses;
- A buffer of 600 feet from a "youth center" including parks;
- Municipal Advisory Council's recommendations of approval or denial of the CCA are to be given great weight; and
- Requires written approval from a city with a cannabis ban, if the CCA is within the city's sphere of influence or within ½ mile of the city's sphere of influence.

Staff has conducted an initial review of the 117 initial application interests received (265 permit requests) and have found at least five that will not comply with the adopted regulations. The cities of Hughson and Turlock have been contacted and we are waiting on their formal review and determination of those interests within the ½ mile buffer zone of these "dry" communities. Below is a summary of non-eligible zoning activities and those waiting final determination from the cities of Hughson and Turlock:

<b>Activity</b>	<b>Determination</b>
Retail, Cultivation, & Distribution	Not an allowed use in the zoning district
Retail, Cultivation, Distribution, & Manufacturing	Not an allowed use in the zoning district
Cultivation, Distribution, & Manufacturing	Requested cannabis activities not allowed in the zoning district
Retail Storefront	Set back & strong Salida community opposition
Retail Non-Storefront	Set back & strong Salida community opposition
Indoor Cultivation	Hughson ½ mile buffer (pending city confirmation)
Cultivation	Turlock ½ mile buffer (pending city confirmation)
Cultivation	Turlock ½ mile buffer (pending city confirmation)
Cultivation & Nursery	Turlock ½ mile buffer (pending city confirmation)

Should the cities of Hughson and Turlock express their opposition to commercial cannabis activities in the ½ mile buffer outside of their sphere, this will bring the total initial non-eligible registrants to nine as listed in the above table. This will decrease our eligible registrants to 108 registrants with a total of 234 permit requests. Five of the ineligible registrants have been notified, by mail, that their registration for CCA permit will not be processed further. The four interests located within the ½ mile sphere of influence areas are pending final notification from the adjacent cities. Additionally, registrants may not substitute properties and no refunds of fees are available for those who fail to progress at any point in the process.

**POLICY ISSUE:**

On December 5, 2017 the Board of Supervisors requested that staff return with a report of the initial review the 117 initial application interests received.

**FISCAL IMPACT:**

There is no fiscal impact associated with this report to the Board of Supervisors.

**BOARD OF SUPERVISORS' PRIORITY:**

The recommended action is consistent with the Boards' priorities of a Safe Community, A Strong Local Economy, A Well-Planned Infrastructure System, and Efficient Delivery of Public Services by regulating cannabis activities in the unincorporated area of Stanislaus County.

**STAFFING IMPACT:**

Existing staff from the Chief Executive Office, County Counsel, and Planning and Community Development continue to address cannabis business activities.

**CONTACT PERSON:**

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