

**RESOLUTION NO. 2018-
A RESOLUTION OF THE PLANNING COMMISSION OF THE
COUNTY OF SAN BENITO, STATE OF CALIFORNIA,
RECOMMENDING AMENDING SECTION 25.07.005, 25.17.023, 25.17.044 AND
ADDING SECTION 25.17.064 TO TITLE 25 RELATING TO ZONING FOR CANNABIS
BUSINESSES**

WHEREAS, the Planning Commission has held a duly noticed public hearing on the proposed regular ordinance amending Sections 25.07.005, 25.17.023, 25.17.044 and adding Section 25.17.064, related to the identification of those zoning districts where the use of land for commercial cannabis business purposes is expressly prohibited or expressly permitted with a conditional use permit within San Benito County; and

WHEREAS, the proposed ordinance explicitly prohibits cannabis businesses and commercial cannabis activities in the M-2 district within unincorporated area of San Benito County; and

WHEREAS, the prohibited uses specified by this ordinance within this title are examples only and are not to be construed as a complete listing of all prohibited uses; and

WHEREAS, cannabis businesses engaged in cultivation, distribution, laboratory testing, manufacture, and microbusiness (non-retail) are permitted with a conditional use permit in the CM and M-1 zoning districts; and

WHEREAS, only cannabis businesses engaged in the cultivation of cannabis are permitted with a conditional use permit in the AP and AR zoning districts; and

WHEREAS, the Planning Commission has determined that the proposed ordinance is consistent with the following sections of the 2035 General Plan:

1. Section 3 Land Use Element, GOAL LU-3.1 Agricultural Diversification, states, “[t]he County shall support existing farms, vineyards, and other agricultural operations and encourage the agricultural industry to continue diversification that includes organic, value-added, small-scale, sustainable, and community-supported agricultural practices throughout the county.” The Ordinance is consistent with Goal LU-3.1 in that not prohibiting certain commercial cannabis activities creates diversity of available agricultural-type opportunities and thereby promotes the diversification of use of agricultural and rangeland zones; and
2. Section 3 Land Use Element, GOAL LU-6.3 Industrial Uses, states, “[t]he County shall encourage industrial land uses to locate in areas that would not pose significant land use conflicts and in a manner appropriate to the type of industrial activity proposed, such as industry in direct support of agricultural operations in agricultural areas and general light industrial services nodes near existing and proposed major transportation infrastructure (e.g., highways like State Route 25 corridor in the North County, arterial roads, rail, and airports).” The Ordinance is consistent with Goal LU-6.3 in that the zones identified for commercial cannabis activities encompass all areas where the nodes have been identified, and that the ordinance allows commercial cannabis activity in industrial areas; and
3. Section 4, GOAL ED-1.6 Agricultural Base Diversification, states, “[t]he County shall diversify the existing agricultural base by encouraging strong relationships between traditional agricultural industries and emerging agricultural-related industries, and

emphasizing the expansion of value-added agricultural products in the county.” The Ordinance is consistent with Goal ED-1.5 in that the cannabis industry is an emerging agricultural-related industry with a local base of persons interested in entering the cannabis industry, as well as, persons and entities outside the County looking for cannabis business opportunities in San Benito County.

WHEREAS, the Planning Commission hereby finds that this Ordinance is not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15308 Class 8: Actions by Regulatory Agencies for Protection of the Environment consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment, and pursuant to California Business and Professions Code Section 26055, subd. (h), which states in pertinent part, “[w]ithout limiting any other statutory exemption or categorical exemption, [CEQA] does not apply to the adoption of an ordinance . . . that requires discretionary review and approval of permits . . . to engage in commercial cannabis activity. To qualify for this exemption, the discretionary review in any such law, ordinance, rule, or regulation shall include any applicable environmental review pursuant to [CEQA].”

WHEREAS, a Notice of Exemption has been prepared for the Project; and

WHEREAS, the Planning Commission has considered all public testimony and information presented during the public hearing regarding this item.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the County of San Benito as follows:

Section 1. Based on the review and determination of the Resources Management Agency, the Planning Commission of the County of San Benito finds that the proposed ordinance is consistent with the General Plan for the reasons set forth above.

Section 2. Based on the review and determination of the Resources Management Agency, the Planning Commission of the County of San Benito finds that the Project is exempt from review under the California Environmental Quality Act as set forth above.

Section 3. A Notice of Exemption is recommended for approval for the Project and Planning Commission recommends the Resources Management Agency Director be directed to file a Notice of Exemption.

Section 4. The Planning Commission hereby recommends adoption of the proposed ordinance.

Section 5. Upon approval of the Project by the San Benito County Board of Supervisors, the RMA Director may file the Notice of Exemption with the County Clerk.

PASSED AND ADOPTED by the Planning Commission of the County of San Benito at a public meeting held on _____, 20____.

Robert Rodriguez, Vice Chair
San Benito County Planning Commission

ATTEST:

By: _____

Clerk