



# APPLICATION FOR LAND USE COMPATIBILITY DETERMINATION BY THE FRESNO COUNTY AIRPORT LAND USE COMMISSION

**WITHIN AIRPORT INFLUENCE AREA (AIA)?** YES  NO

To determine whether location is within AIA, refer to Airport Influence Area Map for the local jurisdiction, this can be obtained from Fresno County ALUC Staff, and is also available on the web at: [www.fresnocog.org/FCALUC](http://www.fresnocog.org/FCALUC), see below for contact information. If answer is **YES** continue to provide project information below, if answer is **NO** application need not be submitted.

**THIS SECTION TO COMPLETED BY FRESNO COUNTY ALUC STAFF**  
FINDING OF CONSISTENCY WITH FRESNO COUNTY AIRPORT COMPATIBILITY LAND USE POLICY PLAN :

DATE OF RECEIPT: \_\_\_\_\_ ALUC REVIEW DATE: \_\_\_\_\_  
APPROVAL/ADVISORY DATE: \_\_\_\_\_  
STAFF REPORT ITEM #: \_\_\_\_\_  
STAFF REPORT PROVIDED TO: \_\_\_\_\_  
REPORT PROVIDED DATE: \_\_\_\_\_

CONSISTENT  CONSISTENT WITH CONDITIONS  INCONSISTENT

DATE OF SUBMISSION: 9-22-16  
PROJECT NAME: Text Amendment to SECTION 15-2739 MEDICAL MARIJUANA DISPENSARIES  
APPLICANT INFORMATION-AGENCY/COMPANY: City of Fresno  
CONTACT NAME: Bruce Barnes  
TITLE: Project Manager ADDRESS: 2600 Fresno Street, 3rd Floor, Fresno, Ca 93721  
PHONE: 559-621-8047 EMAIL: bruce.barnes@fresno.gov

**FOR MORE INFORMATION PLEASE CONTACT FRESNO COUNTY ALUC STAFF**

Brenda Veenendaal  
Senior Regional Planner  
559.233.4148 Ext. 219  
brendav@fresnocog.org

All submissions **MUST** be complete in order to be reviewed by the Fresno County ALUC, the following is a checklist of items that must be submitted for review:

- Project Type** - See Table A below: Text Amendment to Zoning Ordinance  
indicate project type and land use(s) if applicable
- Project Description** - Attach a typed project summary, or planning staff report, **TABLE A** below describes what should be included in the Project Description based on the Project Type.
- Project Site Location** - Attach a map of the project site, showing the location in proximity to the AIA. This check box may be checked if the map is included in the Project Description.



**Fresno Council of Governments**

Fresno Council of Governments  
2035 Tulare Street, Suite 201, Fresno CA 93721  
[www.fresnocog.org](http://www.fresnocog.org)

**TABLE A - PROJECT TYPE**

	NEW AIRPORT CONSTRUCTION	GENERAL PLAN	SPECIFIC PLAN	ZONING ORDINANCE	INDIVIDUAL DEVELOPMENT PROJECT
	AIRPORT EXPANSION PLAN	MASTER PLAN	COMPATIBILITY LAND USE PLAN	BUILDING REGULATION	
I. Indication (in writing) that the proposed local action is referred to the ALUC for mandatory review under the provisions of the State of California Public Utilities Code.	Y	Y	Y	Y	N
II. Indication (in writing) that the proposed local action is referred to the ALUC for advisory review and comment.	N	N	N	N	Y
III. Full text of the proposed referring agency action, including whether the action is an amendment to an existing plan, and all dates of original adoption if applicable.	Y	Y	Y	Y	N/A
IV. Site map of the proposed local action.	N/A	N/A	N/A	N/A	Y
V. Map(s) and written description including:	Y	Y	Y	N/A	Y
① Geographic Area, highlighting the relationship of proposed action to the Airport Influence Area, including all associated site and Assessor's parcel maps.	Y	Y	Y	N/A	Y
② Site plans and elevations, including measurements of structural heights.	Y	Y	Y	N/A	Y
③ A description of land uses, densities, and open space conservation for the proposed action.	Y	Y	Y	N/A	N/A
VI. A copy of any CEQA or NEPA document, noise study, or other environmental evaluation prepared in conjunction with the proposed action.	Y	Y	Y	N/A	Y
VII. A written assurance that a real estate disclosure document will be provided for property offered for sale or lease within the AIA (Avigation Easement).	N	N	N/A	Y	

Abbreviations: Y - Yes, information is required; N - No, information is not required; N/A - Not applicable

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FRESNO,  
CALIFORNIA, AMENDING SECTION 15-2739 OF THE  
FRESNO MUNICIPAL CODE, RELATING TO MARIJUANA

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 15-2739 of the Fresno Municipal Code is amended as follows:

SECTION 15-2739. ~~MEDICAL~~MARIJUANA DISPENSARIES

A. ~~Medical~~Marijuana is defined as ~~set forth in California Health and Safety Code section 11362.5 et seq.~~ [all parts of the plant Cannabis sativa L., Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin.]

[B. A "Commercial Marijuana Operation" includes any cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, delivery, or sale of marijuana or a marijuana product.]

~~B.[C.]~~ A "~~Medical~~Marijuana Dispensary" means any facility or location, whether fixed or mobile, where ~~medical~~ marijuana is made available to, distributed by, or distributed to one or more of the following: (1) a qualified patient, (2) a person with an identification card, (3) a primary caregiver[.] (all three of these terms are defined in strict

accordance with California Health and Safety Code section 11362.5 et seq.), or (4) any other person. Unless otherwise regulated by this Code or applicable law, a "medical marijuana dispensary" shall not include the following uses: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illnesses licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code section 11362.5 et seq.

C.[D.] A "~~Medical~~ Marijuana Cooperative" involves two or more persons collectively or cooperatively cultivating, using, transporting, possessing, administering, delivering, or giving away medical marijuana.

D.[E.] A ~~medical~~ Marijuana Dispensary and/or ~~medical~~ Marijuana Cooperative shall be allowed only in a zone district designated for medical offices and only if consistent with [local,] state[,] and federal law. [A Commercial Marijuana Operation shall only be allowed in a zone district that allows a similar use and only if consistent with local, state, and federal law.]

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

\* \* \* \* \*

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

Mayor Approval: \_\_\_\_\_, 2016  
Mayor Approval/No Return: \_\_\_\_\_, 2016  
Mayor Veto: \_\_\_\_\_, 2016  
Council Override Vote: \_\_\_\_\_, 2016

YVONNE SPENCE, CMC  
City Clerk

BY: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN,  
City Attorney

BY: \_\_\_\_\_  
Mary Raterman-Doidge Date  
Deputy City Attorney

MRD:dy,prn [72459dy/mrd] 09/21/16



## **Part II: Base and Overlay Districts**

### **15-1602 Airport Environs (AE) Overlay District**

**A. Purpose.** As used herein, "Airport" means Fresno Yosemite International Airport, Fresno-Chandler Executive Airport, and/or Sierra Sky Park. The Airport Environs (AE) Overlay District is established to:

1. Protect life and property on the ground and in the air around the airport from potential hazards to ensure the safe navigation of aircraft.
2. Identify a range of uses compatible with airport accident hazard and airport noise exposure.
3. Prohibit the development of incompatible uses that are detrimental to the general health, safety, and welfare and to existing and future airport operations.
4. Require noise attenuated construction within the airport environs.
5. Comply with Federal Aviation Administration (FAA) regulations.
6. Comply with the California State Aeronautics Act.

**B. Use Regulations.** Those uses permitted in the Base District, subject to the limitations and conditions set forth therein and consistent with applicable Airport Land Use Plans.

#### **C. Development Standards.**

1. In addition to the development standards of the underlying district, development in the AE Overlay District is subject to the requirements, limitations, and conditions set forth therein and consistent with applicable Airport Land Use Compatibility Plans and applicable provisions of Federal Aviation Administration (FAA) regulations. The three airport plans within the city are Sierra Sky Park, Fresno-Chandler Executive, and Fresno Yosemite International.

2. Airport Land Use Commission (ALUC) Review. The ALUC shall review any projects within its purview pursuant to applicable plans, and shall review any text amendments to this Code.