
**SUBJ: ADULT-USE CANNABIS ORDINANCE AMENDMENTS
EXHIBIT B SUMMARY**

Accompanying this Agenda Item for Committee action at its May 5 meeting is new Exhibit B, which incorporates both the Zoning Board of Appeals recommended modifications to the text (highlighted in green) and the Public Works, Planning and Transportation Committee's additional recommendations from its April 28 meeting (highlighted in red).

The Committee's recommended changes included the following:

- (1) Permitting **transporters** by Conditional Use Permit (CUP) in the General Commercial (GC) Zoning District (the draft previously allowed this use category only in the Industrial zones by right);
- (2) Permitting certain **production uses** (i.e. infusers, processors, and craft growers) by right in the Limited Industrial (LI) and Intensive Industrial (II) Zoning Districts (the draft previously allowed these uses only by CUP in the Industrial zones);
- (3) Requiring that the review process for such production uses include a **public information meeting**,
- (4) Further requiring that the review process for such production uses provide for PBD Department authority to impose **additional reasonable conditions** on such uses;
- (5) Incorporating commentary encouraging sustainable site and construction practices in the context of craft growers, infusers, processors, and cultivation centers; and
- (6) Incorporating an **exception to the Forest Preserve sensitive use buffer** when the relevant portion of the Forest Preserve property contains inaccessible natural resources (i.e. wetlands, unnavigable waterways) that would practically preclude the public's use of such portion.

While the PWPT recommendations #1 through #5 as reflected in new Exhibit B are self-explanatory, recommendation #6 (related to sensitive use buffering) requires further explanation. Specifically, upon review of the PWPT recommendation #6 with the States Attorney's Office, it is staff's position that the application of this exception only to the Forest Preserve buffer and not to the other sensitive use buffers where such inaccessible natural resources are present would constitute an arbitrary application of the exception and would expose the County to further litigation risk in the event a prospective business applicant were to challenge the regulations as applied. Staff further believes the Committee's intent is met by applying the buffer exception wherever inaccessible, undevelopable natural resources effectively render the use and enjoyment of such areas (whether for recreational or other purposes) impractical. Consequently, staff's draft of the PWPT recommendation #6 expands the applicability of the natural resource exception to all sensitive use categories.

An inevitable consequence of the overall buffer exception is a modest increase (from the previous drafts) in the number of potentially available sites for cannabis businesses in the unincorporated area (the majority of which result from the Forest Preserve buffer exception alone). Staff will have the GIS sensitive use mapping tool on hand at the Committee's May 5 meeting to show the effect of the buffer exception and is prepared to discuss this issue further with the Committee at the meeting.