

# Attachment D

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# MONTEREY COUNTY

## RESOURCE MANAGEMENT AGENCY

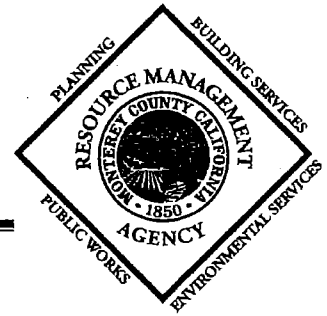
Carl P. Holm, AICP, Director

John Guertin, Acting Deputy Director

Daniel Dobrilovic, Acting Building Official

Michael Novo, AICP, Director of Planning

Robert K. Murdoch, P.E., Director of Public Works



168 W. Alisal Street, 2<sup>nd</sup> Floor  
Salinas, CA 93901  
<http://www.co.monterey.ca.us/rma>

January 5, 2016

California Department of Food and Agriculture  
Attn: Taylor Roschen  
1220 N Street  
Sacramento, CA 95814

**Re: Medical Cannabis Cultivation Licensing in Monterey County**

Dear Mr. Roschen,

The purpose of this letter is to inform the Department of Food and Agriculture (the "Department") of the County of Monterey regulations currently in place concerning the cultivation of medical cannabis in the unincorporated areas of the County. As further described below, the County of Monterey ("County") has in place an interim ordinance prohibiting the cultivation of medical marijuana. Therefore, pursuant to Health and Safety Code Section 11362.777, it would be inappropriate for the Department to become the sole licensing authority for medical cannabis cultivation in the County on March 1, 2016.

On July 7, 2015, pursuant to Government Code Section 65858, the Monterey County Board of Supervisors adopted a 45-day interim ordinance to prohibit the collective or cooperative cultivation of medical marijuana and prohibit medical marijuana dispensaries temporarily ("Interim Ordinance No. 5254"). On July 28, 2015, the Board of Supervisors adopted Ordinance No. 5256 extending the interim ordinance for 10 months, 15 days, until and through July 5, 2016. Enclosed for your reference are copies of Interim Ordinance No. 5254 and Ordinance No. 5256. As stated in the ordinance findings, the purpose of the temporary ban is to enable the County to study, develop, and consider regulations relating to the cultivation, processing, and dispensing of medical marijuana.

The ordinance contains an exception for cultivation of medical marijuana by a qualified patient or a patient with an identification card for personal use, and by a primary caregiver who is cultivating plants only for persons whom he or she personally serves as a primary caregiver and who is not engaging in collective or cooperative cultivation. In addition, the ordinance provides an exception for operations legally established prior to adoption of the ordinance, if the existing operations prove to the satisfaction of the Director of Planning that they fall within the exemption. To date, no exemption has been granted.

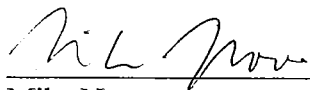
Taylor Roschen  
December 22, 2015  
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Based on Interim Ordinance No. 5254 as extended by Ordinance No. 5256, the County currently prohibits all commercial medical cannabis cultivation, as that term is defined in the new state legislation, within the unincorporated areas of the County. This prohibition will remain in effect until new regulations are adopted or until Interim Ordinance No. 5254, as extended by Interim Ordinance No. 5256, expires. Per direction of the County Board of Supervisors, County staff is actively working on drafting new regulations that would provide a conditional permit program for commercial medical cannabis cultivation. Given the complexity of the issues and the legal requirements for adopting zoning ordinances, the new regulations will not be in place by March 1, 2016. However, the County anticipates having a conditional permit program in place by July 5, 2016.

As you know, Monterey County has a significant agricultural industry. State and local protections of our agricultural lands play a key role in the vitality of our agricultural industry. The County is an important supplier of agricultural products on a global scale. Medical cannabis cultivation may have a negative impact on existing agricultural productivity, as well as the potential impacts on land use, County services, and public health and safety. All of these important issues are being addressed by the County during the drafting of our new regulations, and the County desires to maintain local control of these important issues. We will advise you once the County's new medical cannabis cultivation regulations are in place.

Thank you for your consideration concerning this matter. If you have any questions about this letter please do not hesitate to contact me.

Sincerely,



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Mike Novo  
County of Monterey  
Resource Management Agency - Planning Director  
Phone: (831) 755-5192  
Email: [Novom@co.monterey.ca.us](mailto:Novom@co.monterey.ca.us)

cc:

Carl Holm, Resource Management Agency Director  
Lew Bauman, Chief Administrative Officer  
Charles McKee, County Counsel  
Dave Potter, District 5 Supervisor  
John Phillips, District 2 Supervisor