



Monterey County

Board Order

168 West Alisal Street,
1st Floor
Salinas, CA 93901
831.755.5066

Upon motion of Supervisor Potter, seconded by Supervisor Armenta and carried by those members present, the Board of Supervisors hereby:

Adopted Resolution 16-028 to:

Issue a report pursuant to Government Code section 65858 describing the measures taken to alleviate the condition which led to the adoption of Interim Ordinance No. 5254, as extended by Interim Ordinance No. 5256, temporarily prohibiting the establishment of new medical marijuana dispensaries and collective or cooperative cultivation of medical marijuana in the unincorporated area of Monterey County. (Medical Marijuana Interim Ordinance - REF150047)

PASSED AND ADOPTED on this 16th day of February 2016, by the following vote, to wit:

AYES: Supervisors Armenta, Phillips, Salinas, Parker and Potter

NOES: None

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 78 for the meeting on February 16, 2016.

Dated: February 18, 2016
File ID: RES 16-006

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By Denise Hancock
Deputy

**Before the Board of Supervisors in and for the
County of Monterey, State of California**

Resolution No. 16-028

A Resolution issuing a report pursuant to)
Government Code section 65858, describing)
the measures taken to alleviate the condition)
which led to the adoption of Interim Ordinance)
No. 5254, as extended by interim ordinance)
No. 5256, temporarily prohibiting the)
establishment of new medical marijuana)
dispensaries and collective or cooperative)
cultivation in the unincorporated area of the)
County.....)

WHEREAS, on July 7, 2015, pursuant to Government Code Section 65858, the Monterey County Board of Supervisors (hereinafter "Board") adopted Interim Ordinance No. 5254 establishing a 45-day ban on the collective and cooperative cultivation of medical marijuana and medical marijuana dispensaries in the unincorporated areas to protect the public health, safety and welfare while the County studies and develops appropriate land use regulations to address the public health, safety, environmental, and other impacts from these uses.

WHEREAS, On July 28, 2015, pursuant to Government Code Section 65858, the Board issued a report describing the measures taken to alleviate the conditions which led to adoption of Interim Ordinance No. 5254 (Resolution No. 15-222) and adopted Interim Ordinance No. 5256 extending Interim Ordinance No. 5254 for 10 months and 15 days, until and through July 5, 2016.

WHEREAS, on February 9, 2016, staff provided a status report to the Board of Supervisors on the development of permanent medical marijuana regulations, and the Board directed staff to bring the Interim Ordinance back to the Board before March 1, 2016 to consider expansion of exemptions and extension of the Interim Ordinance.

WHEREAS, pursuant to Government Code Section 65858(d), ten days prior to the expiration of that interim ordinance or any extension, the legislative body must issue a written report describing the measures take to alleviate the condition which led to the adoption of the ordinance.

WHEREAS, in order to meet the timeframe to issue the report under Government Code Section 65858(d) and bring the Interim Ordinance back to the Board before March 1, 2016, a special meeting of the Board has been set for February 16, 2016 to consider issuing the required report. A special meeting of the Board has been set for February 26, 2016 to consider modification and extension of the Interim Ordinance.

WHEREAS, the County has taken the following actions to alleviate the condition which led to the adoption of Interim Ordinance No. 5254, as extended by Interim Ordinance No. 5256:

1. Since July 2015, RMA staff has worked with staff from multiple County agencies and an ad hoc committee of the Board of Supervisors to consider development of medical marijuana regulations. This group has held seven ad hoc committee meetings. This work has included consultation with multiple agencies as well as outside experts in the field.
2. In October 2015, the State enacted the Medical Marijuana Regulation and Safety Act (AB266, AB243, SB643). On February 3, 2016, the Governor signed AB21, urgency

legislation which amended the MMRSA to eliminate a March 1 date for cities and counties to adopt regulations while affirming cities' and counties' authority under the police power to adopt medical marijuana regulations. The draft regulations developed take into account the definitions and standards provided in the new State law.

3. Staff has scheduled a public meeting at 3:30 p.m. on Tuesday February 16, 2016 in the Monterey Room in the County Government Center, located at 168, West Alisal Street, 2nd Floor, in Salinas, to review and discuss the draft regulations with any interested members of public.
4. Preliminary draft ordinances we released for public review with the February 9, 2016 staff report to the Board of Supervisors; these are preliminary drafts that could undergo change in the course of stakeholder meetings, environmental review, and the public hearings on the regulations.
5. Final Board hearings on the permanent regulations are targeted for June 2016. Adoption of the permanent regulations is subject to completion of stakeholder meetings, environmental review, and public hearings (Planning Commission, Board of Supervisors) on the regulations.

WHEREAS, the County intends to continue to work on developing appropriate land use regulations for the cultivation and dispensing of medical marijuana in Monterey County.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors does hereby:

Issue this report describing the measures taken to alleviate the condition which led to the adoption of Interim Ordinance No. 5254, as extended by Interim Ordinance No. 5256, relating to medical marijuana.

PASSED AND ADOPTED upon motion of Supervisor Potter, seconded by Supervisor Armenta carried this 16th day of February 2016, by the following vote, to wit:

AYES: Supervisors Armenta, Phillips, Salinas, Parker and Potter

NOES: None

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 78 for the meeting on February 16, 2016.

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