



# Monterey County

## Action Minutes - Draft Monterey County Planning Commission

*Cosme Padilla, Chair*  
*Don Rochester, Vice-Chair*  
*Carl P. Holm, Secretary*

Monterey County Planning  
Commission  
Monterey County  
Government Center -  
Board of Supervisors  
Chambers  
168 W. Alisal St.  
Salinas, CA 93901

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Wednesday, June 22, 2016

9:00 AM

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### Special Meeting

#### 9:00 A.M. - CALL TO ORDER

The meeting was called to order by Chair Padilla at 9:06 A.M.

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was let by Commissioner Mendez

#### ROLL CALL

**Present:**

Ana Ambriz	Jose Mendez
Marth Diehl	Cosme Padilla
Melissa Duflock	Paul C. Getzelman
Luther Hert	Keith Vandever

**Absent:**

Amy Roberts  
Don Rochester

#### PUBLIC COMMENTS

None.

#### AGENDA ADDITIONS, DELETIONS AND CORRECTIONS

Commission Clerk Jackie Nickerson informed the Commissioners of documents distributed on the dais:

- Packet of Additional Correspondence regarding Agenda Item No. 1 (Medical Marijuana Regulations) also provided via e-mail; and
- Additional Correspondence received the morning of June 22, 2016 for Agenda Item No. 1 (Medical Marijuana Regulations)

#### COMMISSIONER COMMENTS, REQUESTS AND REFERRALS

None.

## **APPROVAL OF MINUTES**

There were no minutes on the agenda.

## **9:00 A.M. – SCHEDULED MATTERS**

1. [PC 16-017](#)      **REF150048 - Medical Marijuana Regulations**  
Public hearing to consider making a recommendation to the Board of Supervisors regarding County ordinances establishing land use and permitting regulations for commercial medical cannabis activities and personal medical cannabis cultivation including:
  - a. An Ordinance amending Title 21 (non-coastal zoning ordinance) of the Monterey County Code to regulate commercial medical cannabis activities in the inland unincorporated area of Monterey County;
  - b. An Ordinance amending the Monterey County Coastal Implementation Plan, Part 1 (Title 20, coastal zoning ordinance) of the Monterey County Code to regulate commercial medical cannabis activities in the coastal zone of unincorporated Monterey County; and
  - c. An Ordinance adding Chapters 7.90 and 7.95 to the Monterey County Code requiring an annual commercial medical cannabis permit for commercial medical cannabis activities and requiring an annual personal medical cannabis permit for personal cultivation of one hundred square feet or less of medical marijuana exclusively for personal use.

**Proposed CEQA Action:** Recommend adoption of a Negative Declaration

**Mr. Craig Spencer, Associate Planner, accompanied by Mrs. Jacqueline Onciano, RMA Services Manager, presented the project. The hearing is for the consideration of recommendation to the board of supervisors.**

**Sheriff Steve Bernal spoke about his concerns regarding marijuana. In response to a question by Commissioner Diehl, Sheriff Bernal explained that he prefers a complete ban, but at this point he supports the regulations as drafted.**

**Mr. Spencer continued the presentation showing various zoning districts relative to farmland and existing greenhouses.**

**The Commissioners deliberated on the zoning areas that the proposed ordinance would require permits for existing greenhouses to cultivate medical marijuana. Some Commissioners noted that not all farmland areas are the same within the County; therefore, it is concerning to limit cultivation to greenhouses in certain zoning districts.**

**Commissioner Padilla requested staff to explain the collective farming materials. Mr. Spencer explained a model created by the Compassionate Use Act and the Medical Marijuana Regulation and Safety Act.**

Senior Deputy County Counsel Wendy Strimling advised regarding the collective and cooperative cultivation requirement in state law and the new state law that phases out this requirement and instead establishes a licensing regime. She advised that the draft regulations are based on new state law requirements because that's what the foundation of state law is now.

Break: 10:09 a.m. – Reconvene at 10:23 a.m.

Chair Padilla limited the speakers to three (3) minutes per speaker.

Public Comment:

1) Connie Bauer; 2) Peter Brazil; 3) Joey Espinoza; 4) Janet Louie; 5) Daniel Sosa 6) Lynn Sosa; 7) Jody Pemberton; 8) Susan Selix; 9) Natalie Anicetti; 10) Heidi Park; 11) Trena Ward; 12) Terry Upton; 13) Jeff Lynd; and 14) Rob Ryan

Commissioner Diehl stated the ordinance proposes requiring a Use Permit to allow medical marijuana. Since it is a matter of where and how, Commissioner Diehl suggested using the existing Use Permit process to consider appropriate locations to operate in all agriculture Zoning Districts.

Commissioner Vandevere suggested removing the requirements for additional requirements for those using it for personal use.

Commissioner Getzelman expressed concerns regarding restricting cultivation.

Commissioner Hert stated he would like to look at grows near residential properties and add in language to help protect the concerns of the people.

Commissioner Ambriz suggested that we look at this from a public health perspective, and look at short and long term effects on the population.

Commissioner Mendez raised concerns about only limiting the ordinance for existing greenhouses and believes it should be opened up.

Secretary Carl Holm suggested that the resolution be revised prior to moving forward with recommendation to the Board of Supervisors to include the comments and suggestions that Planning Commission made to the ordinance. Then the decision whether to implement those changes will be determined by the Board of Supervisors.

Staff and the Commissioners continued to deliberate in regards to cultivation and the restrictions proposed in the ordinance.

**Recess for Lunch at 12:00 p.m. to Reconvene at 1:30 p.m.**

Commissioner Getzelman returned at 1:37 p.m.

Commissioner Diehl suggested feedback regarding the ordinance that could be included in a resolution to the Board. Continued deliberation occurred amongst the Commissioners in regards to areas that should be addressed, including; prohibition, security, compassion for patients, equal and fair opportunity, multiple permits per parcel and the permit process.

Senior Deputy County Counsel Wendy Strimling explained that in Title 20 and 21, the Use Permit is granted to owner. State law has a licensing scheme which will issue a license to the licensee who may not be an owner. For example, a property owner may lease to five different licensees, all five would need to come in for a license. The County would allow multiple licensees on one property if State law allows it but at this time the County does not know what the State regulations will allow since they are not written yet.

Staff indicated that they have received input from Planning Commission will prepare a revised resolution incorporating the concerns of the Commission and return to the Planning Commission for consideration of the revised resolution along with the ordinances as written.

It was moved by Commissioner Vandevere, seconded by Commissioner Hert and passed by the following vote to continue the hearing to June 29, 2016 and adopt a motion of intent to revise the resolution as recommended:

AYES: Ambriz, Diehl, Duflock, Getzelman, Hert, Mendez, Padilla,  
Vandevere  
NOES: None  
ABSENT: Roberts, Rochester  
ABSTAIN: None

### **OTHER MATTERS**

None

### **DEPARTMENT REPORT**

None

### **ADJOURNMENT**

The meeting was adjourned by Chair Padilla at 2:15 p.m.

**APPROVED:**

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**CARL P. HOLM**  
**PLANNING COMMISSION SECRETARY**

**ATTEST:**

**BY: \_\_\_\_\_**  
**JACQUELYN NICKERSON**  
**PLANNING COMMISSION CLERK**

**APPROVED ON \_\_\_\_\_**