



Legislation Details (With Board Report)

File #: PC 16-022 **Name:** REF150048 - Medical Marijuana Regulations

Type: Planning Item **Status:** Agenda Ready

File created: 6/23/2016 **In control:** County of Monterey Planning Commission

On agenda: 6/29/2016 **Final action:**

Title: REF150048 - Medical Marijuana Regulations
Resolution of the Monterey County Planning Commission recommending that the Monterey County Board of Supervisors not adopt the ordinances establishing regulations for medical cannabis activities as currently drafted. Those ordinance include:

- 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) A resolution of intent to adopt 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 as drafted; and
- c) An ordinance adding Chapters 7.90 and 7.95 to the Monterey County Code to require an annual commercial medical cannabis permit for commercial medical cannabis activities and require an annual personal medical cannabis permit for personal cultivation of one hundred square feet or less of medical marijuana exclusively for personal use as drafted.
(Countywide)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Staff Report, 2. Exhibit A - Updated Draft Resolution, 3. Attachment 1 to Exhibit A - Draft Ordinance amending Title 21 (Inland), 4. Attachment 2 to Exhibit A - Draft Ordinance amending Title 20 (Coastal), 5. Attachment 3 to Exhibit A - Draft Ordinance adding Chapters 7.90 and 7.95, 6. PC Resolution 16-015, 7. Hearing Submittal

Date	Ver.	Action By	Action	Result
6/29/2016	1	County of Monterey Planning Commission		

REF150048 - Medical Marijuana Regulations

Continued from June 22, 2016: 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. 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: Negative Declaration prepared

RECOMMENDATION:

It is recommended that the Planning Commission adopt the resolution attached as **Exhibit A**, prepared per the Planning Commission's motion of intent, recommending that the Board of Supervisors not adopt the ordinances establishing regulations for medical marijuana as drafted, and providing suggestions for the revision of the ordinances prior to their adoption. The draft ordinances include:

- 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. This ordinance establishes certain specified commercial medical cannabis activities, including cultivation within existing greenhouses and industrial buildings as well as manufacturing, testing, delivery, and transport, as a use allowed subject to a Use Permit in each case within specified zoning districts and adds Chapter 21.67 to the Monterey County Code to establish regulations governing the issuance of use permits for commercial medical cannabis activities (**Attachment 1 to Exhibit A**).
- 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. This ordinance establishes certain specified commercial medical cannabis activities, including cultivation within existing greenhouses and industrial buildings as well as manufacturing, testing, delivery, and transport, as a use allowed subject to a Coastal Development Permit in each case within specified zoning districts and adds Chapter 20.67 to the Monterey County Code to establish regulations governing the issuance of Coastal development permits for commercial medical cannabis activities; (**Attachment 2 to Exhibit A**) and
- c. An ordinance adding Chapters 7.90 and 7.95 to the Monterey County Code to require an annual commercial medical cannabis permit for commercial medical cannabis activities and require an annual personal medical cannabis permit for personal cultivation of one hundred square feet or less of medical marijuana exclusively for personal use. (**Attachment 3 to Exhibit A**)

SUMMARY:

On June 22, 2016, the Planning Commission held a public hearing to consider making a recommendation to the Board of Supervisors on draft ordinances establishing regulations for medical cannabis activities in the unincorporated areas of Monterey County. After considering the evidence in the record and hearing testimony, the Planning Commission adopted a resolution of intent to recommend denial of the ordinance as drafted and continued the public hearing to June 29, 2016 with direction to staff to prepare a revised resolution for consideration. An updated resolution is attached as **Exhibit A**.

The updated resolution is intended to reflect the direction of the Planning Commission from the June 22, 2016 hearing including recommending that the Board of Supervisors not adopt the ordinances as drafted and consider making the changes to the ordinance prior to adoption. For a detailed list of recommended changes refer to Exhibit A.

DISCUSSION:

For more detail on the background for this item refer to the staff report prepared for the June 22, 2016 hearing.

OTHER AGENCY INVOLVEMENT:

The following agencies and departments have been involved in preparation of the draft ordinances:

- Resource Management Agency CAO's Office
- Health Department/Environmental Health Bureau
- Economic Development Department Sheriff's Office
- Treasure/Tax Collector Agricultural Commissioner's Office
- District Attorney's Office County Counsel's Office

FINANCING:

Funding for staff time associated with this ordinance development is included in the FY15-16 adopted Budget for RMA-Planning.

Prepared by: Craig W. Spencer, Associate Planner, x5233

Reviewed by: Jacqueline R. Onciano, RMA Services Manager

Approved by: Carl P. Holm, AICP, Resource Management Agency Director

Attachments:

Exhibit A - Updated Draft Resolution

- Attachment 1 - A Draft Ordinance amending Title 21 (inland zoning)
- Attachment 2 - A Draft Ordinance amending Title 20 (coastal zoning); and
- Attachment 3 - A Draft Ordinance adding Chapters 7.90 and 7.95 to the Monterey County Code

cc: Front Counter Copy; Planning Commission; RMA-Environmental Services; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; RMA-Code Enforcement; Health Department; Economic Development; County Counsel; Sheriff; Treasure/Tax Collector; Agricultural Commissioner; District Attorney; CAO's Budget Office; CAO's office; Jacqueline R. Onciano, RMA Services Manager; Craig Spencer, Project Planner; The Open Monterey Project (Molly Erickson); LandWatch (Michael DeLapa); John H. Farrow; Janet Brennan; George Brehmer; Betty Wren; Michael Groves; Todd Bessire; Michael Bitar; Aaron Johnson; Sal Palma; Mike Linder; Jason Kallen; Aaron Newsom; Darin Woodfill; Jennifer Carrera; Ryan Booker; Jeff Scott; Isabelle Franz; Nick Curton; Paula Getzelman; Danica Flores; Lizette Valdez; Jessica McElfresh; Wil Wicke; Frank Chimienti; Joey Espinosa; Ryan Munevar; Valentia Piccinini; Jeff Atkinson; Mark Barber; Jen Linney; Melissa Duflock; Courtney Lyng; Melissa; Ken Greer; Heidi Park; Todd Winter; Ellen Komp; Ken Ekelund; Len Merino; Oren Rosenfeld; Stephen Kim; James Benton; Steven Haba; Saphirre Blackwood; Gavin Kogan; Kathleen Hoganson; The Pharmaceuticals Company; Kurt Kaufeldt; Ralph Calderon; George Omictin; Caroline Waters; Kristin Nevedal; Juls Bindi; Michael Caragio; Guy Savage; Paul Milladin; Rick Walker; Chris Chmelicek; Grace Hall; Bart Clanton; Steve Craig; Susan Selix; Planning File REF150048