The sole business conducted is as follows:

Call to order, Chairman Epperson called special meeting to order at 7:00 p.m.

Commissioners Present: Bandy, Nehring, Epperson, Nunez, Jones, Espino

Petition of Amendment to Prohibit Marijuana Cultivation and Dispensaries In All Zone Districts in the City and set public hearing for January 25, 2016

Staff noted that this special meeting was necessary because the petition of amendment was not included in the agenda for the regular planning commission meeting of January 11, 2016, it was left out by mistake. Therefore, staff was directed to request a special meeting of the Planning Commission to file a petition of amendment to formally request that the Commission set a public hearing for January 25, 2016. The public notice was sent to the local newspaper. The agenda for the special meeting was posted 24 hours prior as required.

Staff gave a brief summary of the request for a petition of amendment relating to a proposed amendment to Prohibit Marijuana Cultivation and Dispensaries In All Zone Districts in the City of Kerman. Staff requested that the Planning Commission set a public hearing for January 25, 2016.

On October 9, 2015, Governor Jerry Brown signed into law, three (3) bills – AB 243, AB 266 and SB 643 – which together form the Medical Marijuana Regulation and Safety Act (“MMRSA”). The MMRSA, which became effective January 1, 2016, creates a comprehensive state licensing system for the commercial cultivation, manufacture, retail sale, transport, distribution, delivery, and testing of medical cannabis.

The proposed ordinance addresses the MMRSA legislation which includes a provision that impacts local governments by pre-empting them from enacting cultivation regulations if they do not have such regulations in effect as of March 1, 2016. The provision states:

If a city, county, or city and county does not have land use regulations or ordinances regulating or prohibiting the cultivation of marijuana, either expressly or otherwise under principles of permissive zoning, or chooses not to administer a conditional permit program pursuant to this section, then commencing March 1, 2016, the division shall be the sole licensing authority for medical marijuana cultivation applicants in that city, county, or city and county.

Because of the limited time to conduct detailed studies, the proposed ordinances bans cultivation and dispensaries in all jurisdictions.

The Draft Ordinance includes detailed findings for the Planning Commission to consider.

There were not questions from the Commission.
Commission unanimously approved the Petition of Amendment to the zoning ordinance by the city planner to add Chapter 17.96 to Title 17 of the Kerman Municipal Code Relating to the Prohibition of Marijuana Cultivation and Dispensaries In All Zone Districts in the City hereafter Proposed “Marijuana Ordinance”; and set a public hearing for January 25, 2016.

Yes: Bandy, Nehring, Epperson, Nunez, Jones, Espino
Noes: None
Absent: Wettlaufer (excused)
Abstain: None

Date: January 12, 2016
7:00pm

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Olivia Pimentel, Planning Commission Secretary