

**DRAFT**  
**PLANNING COMMISSION MINUTE EXCERPT**  
**DECEMBER 9, 2015**

- 4.2 Zoning Ordinance Amendment #15-01, initiated by the City of Merced. This application involves changes to the Merced Zoning Ordinance (Title 20 of the Merced Municipal Code) which would add Chapter 20.84, “Medical Marijuana and Cultivation” to the Merced Municipal Code prohibiting all commercial medical marijuana/cannabis uses and activities, including delivery, in all zones and all specific plan areas in the City of Merced and prohibiting the cultivation of any amount of marijuana/cannabis for medical use by a qualified patient or primary caregiver in all zones and specific plan areas in the City of Merced.

Planning Manager ESPINOSA reviewed the report on this item. For further information, refer to Staff Report #15-21.

Public testimony was opened at 7:20 p.m.

No one spoke in favor of the adoption of the proposed ordinance.

Speakers from the Audience in Opposition:

CHRISTINE MERUSEL (aka: Sister Kate) of the Sisters of the Valley, Merced, who provided a handout to the Commission regarding medical marijuana products sold online and reviews of these products.

CHARLES VEILLEAX, Merced

LANDAN DEMRO, Merced

JUSTIN VIGARDT, Snelling

ROLAND ROJAS, Merced

SUSAN BOUSCARA, Merced

EMERY SILBERMAN, Merced, who presented a PowerPoint presentation entitled “Defense of Medical Marijuana in the County of Merced.”

KEVIN BAUER, Merced, who presented a PowerPoint presentation regarding the chemical traits of cannabis and the repercussions of not allowing medical marijuana within the City of Merced.

CHRIS GONZALEZ, Merced

AARON JENKINS, II, Merced

JO JENKINS, Merced

LYNDSEY SEXTON, Empire, CA  
DR. LAKISHA JENKINS, Merced  
NATHAN LOPEZ, Merced  
DIANA WESTMORELAND, Merced  
DWIGHT LARKS, Merced  
SHARON HOFFMAN, Mariposa

Public Testimony was completed at 8:32 p.m.

There was a discussion among the Commissioners regarding modifying the ordinance to provide regulations on the use of medical marijuana rather than prohibiting it. They also discussed the timing required for the adoption of the ordinance due to the state regulations (Assembly Bill 243) being enacted by March 1, 2016.

M/S PADILLA-SMOOT, to recommend to City Council adoption of a Categorical Exemption regarding Environmental Review #15-33, and approval of Zoning Ordinance Amendment #15-01, subject to modifications to the ordinance to allow medical marijuana dispensaries in certain commercial zones (they deferred to staff to determine which zones), allow deliveries to begin at dispensaries within those commercial zones and to end in any zone within the City, and allow the cultivation of up to 12 medical marijuana plants for personal use (equivalent to Merced County's regulations), with no commercial cultivation of marijuana (RESOLUTION #3059).

There was further discussion among the Commission regarding the types of regulations and dispensaries to be allowed.

Commissioner SMOOT withdrew his second to the motion due to concerns with the possibility of walk-up dispensaries being allowed. After further discussion, Commissioner SMOOT, reinstated his second to Commissioner PADILLA's motion.

The motion carried by the following vote:

AYES: Commissioners Smoot, Smith, McLeod, Dylina, Padilla, and  
Vice Chairperson Baker  
NOES: None  
ABSENT: Commissioner Colby  
ABSTAIN: None