

**CITY OF MERCED  
Planning Commission**

**MINUTES**

Merced City Council Chambers  
Wednesday, May 18, 2016

Chairperson COLBY called the meeting to order at 7:00 p.m., followed by a moment of silence and the Pledge of Allegiance.

**ROLL CALL**

Commissioners Present: Kurt Smoot, Kevin Smith, Bill Baker, Jill McLeod, Robert Dylina, Peter Padilla, and Chairperson Travis Colby

Commissioners Absent: None

Staff Present: Planning Manager Espinosa, Associate Planner Nelson, Deputy City Attorney Rozell, and Recording Secretary Davis

1. **APPROVAL OF AGENDA**

Chairperson COLBY suggested that the Agenda be amended to move item 4.2 ahead of 4.1. This was due to the fact that he would be recusing himself from item 4.1.

M/S COLBY-BAKER, and carried by unanimous voice vote, to approve the Agenda as amended.

2. **MINUTES**

M/S PADILLA-SMOOT, and carried by unanimous voice vote, to approve the Minutes of May 4, 2016, as submitted.

3. **COMMUNICATIONS**

None.

4. **ITEMS**

- 4.2 Housing Element for the City of Merced (General Plan Amendment #16-03, initiated and prepared by the City of Merced. This application involves the update of the Housing Element of the General Plan, one of seven required elements of the General Plan. The Housing Element sets forth policies and programs for the provision of affordable housing throughout the community.

Associate Planner NELSON reviewed the report on this item. For further information, refer to Staff Report #16-13.

There was no one present wishing to speak regarding this item; therefore, public testimony was opened and closed at 7:29 p.m.

M/S PADILLA-MCLEOD, and carried by the following vote, to recommend to the City Council adoption of a Negative Declaration regarding Environmental Review #16-11, and approval of General Plan Amendment #16-03, subject to the findings set forth in Staff Report #16-13 (RESOLUTION #3069):

AYES: Commissioners Baker, Dylina, McLeod, Padilla, Smith, Smoot, and Chairperson Colby

NOES: None

ABSENT: None

ABSTAIN: None

- 4.1 Zoning Ordinance Amendment #16-02, initiated by the City of Merced. This application involves changes to the Merced Zoning Ordinance (Title 20 of the Merced Municipal Code) which would amend Chapter 20.84, "Medical Marijuana and Cultivation," and Chapter 20.20, "Professional/Commercial Office," to the Merced Municipal Code to allow commercial medical marijuana/cannabis dispensaries in the Professional/Commercial Office (C-O) zones and Planned Developments with Commercial Office designations by Conditional Use Permit subject to certain restrictions; allow commercial deliveries of medical marijuana in the City; and to allow the cultivation of 12 immature plants or 6 mature plants per parcel/lot, either indoors or outdoors, of marijuana/cannabis for

personal medical use by a qualified patient or primary caregiver in all zones and specific plan areas in the City of Merced, with certain restrictions regarding visibility and distance from the property line.

Chairperson COLBY recused himself due to the fact that he had a professional conflict regarding the item and left the dais for the remainder of the meeting. Commissioner BAKER took over as Acting Chairperson.

Planning Manager ESPINOSA reviewed the report. For further information, refer to Staff Report #16-11.

Public testimony was opened at 7:47p.m.

Speaker from the Audience in Favor:

JESSE KRAFT, Groveland, CA

Speaker from the Audience in Opposition:

DWIGHT LARKS, Gustine, CA

Public testimony was completed at 7:56 p.m.

The Commission discussed several concerns that included: indoor versus outdoor cultivation on residential property, the number of plants allowed to be grown on residential property, the necessity of distinguishing mature and immature plants, the zoning designation for commercial dispensaries, and perhaps adding the industrial zones as well.

M/S SMOOT-PADILLA, and carried by the following vote, to recommend to the City Council adoption of a Negative Declaration regarding Environmental Review #16-12, and approval of Zoning Ordinance Amendment #16-02, as shown in Attachment A (Proposed Ordinance) of Staff Report # 16-11, modified as follows, subject to the Findings set forth in Staff Report #16-11 (RESOLUTION # 3068):

Prohibit outdoor growing of marijuana/cannabis for personal use, reduce the number of plants allowed for personal cultivation

to 6 plants (immature or mature), and to allow commercial marijuana/cannabis dispensaries in the Light Industrial (I-L), Heavy Industrial (I-H), Professional/Commercial Office (C-O) zones and Planned Development (with Commercial Office designations) zones, by Conditional Use Permit subject to certain restrictions.

AYES: Commissioners Dylina, McLeod, Padilla, Smoot and Acting Chairperson Baker

NOES: Commissioner Smith

ABSENT: None

ABSTAIN: Chairperson Colby

5. **INFORMATION ITEMS**

5.1 **Calendar of Meetings/Events**

Planning Manager ESPINOSA briefed the Planning Commission on items for the next few Planning Commission meetings.

6. **ADJOURNMENT**

There being no further business, Acting Chairperson BAKER adjourned the meeting at 8:25 p.m.

Respectfully submitted,



KIM ESPINOSA, Secretary  
Merced City Planning Commission

APPROVED:



TRAVIS COLBY, Chairperson  
Merced City Planning Commission

**CITY OF MERCED**  
**Planning Commission**

**Resolution #3068**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of May 18, 2016, held a public hearing and considered **Zoning Ordinance Amendment #16-02**, initiated by the City of Merced. This application involves changes to the Merced Zoning Ordinance (Title 20 of the Merced Municipal Code) which would amend Chapter 20.84, “Medical Marijuana and Cultivation,” and Chapter 20.20, “Professional/Commercial Office,” to the Merced Municipal Code to allow commercial medical marijuana/cannabis dispensaries in the Professional/Commercial Office (C-O) zones and Planned Developments with Commercial Office designations by Conditional Use Permit subject to certain restrictions; allow commercial deliveries of medical marijuana in the City; and to allow the cultivation of 12 immature plants or 6 mature plants per parcel/lot, either indoors or outdoors, of marijuana/cannabis for personal medical use by a qualified patient or primary caregiver in all zones and specific plan areas in the City of Merced, with certain restrictions regarding visibility and distance from the property line; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings A through I of Staff Report #16-11; and,

**NOW THEREFORE**, after reviewing the City’s Draft Environmental Determination, and fully discussing all the issues, the Merced City Planning Commission does resolve to hereby recommend to City Council adoption of a Negative Declaration regarding Environmental Review #16-12, and approval of Zoning Ordinance Amendment #16-02, as shown in Attachment A (Proposed Ordinance) of Staff Report #16-11, modified as follows:

Prohibit outdoor growing of marijuana/cannabis for personal use, reduce the number of plants allowed for personal cultivation to 6 plants (immature or mature), and to allow commercial marijuana/cannabis dispensaries in the Light Industrial (I-L), Heavy Industrial (I-H), Professional/Commercial Office (C-O) zones and Planned Development (with Commercial Office designations) zones, by Conditional Use Permit subject to certain restrictions.

Upon motion by Commissioner Smoot, seconded by Commissioner Padilla, and carried by the following vote:

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

PLANNING COMMISSION RESOLUTION # 3068

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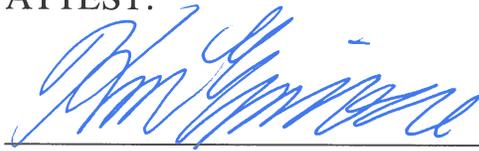
May 18, 2016

Adopted this 18<sup>th</sup> day of May 2016



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Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:



\_\_\_\_\_  
Secretary

**CITY OF MERCED**  
**Planning Commission**

**Resolution #3069**

**WHEREAS**, the Merced City Planning Commission at its regular meeting of May 18, 2016, held a public hearing and considered **General Plan Amendment #16-03**, initiated and prepared by the City of Merced. This application involves the update of the Housing Element of the General Plan, one of seven required elements of the General Plan. The Housing Element sets forth policies and programs for the provision of affordable housing throughout the community; and,

**WHEREAS**, the Merced City Planning Commission concurs with Findings A through H of Staff Report #16-13; and,

**NOW THEREFORE**, after reviewing the City's Draft Environmental Determination, and fully discussing all the issues, the Merced City Planning Commission does resolve to hereby recommend to City Council adoption of a Negative Declaration regarding Environmental Review #16-11, and approval of General Plan Amendment #16-03.

Upon motion by Commissioner Padilla, seconded by Commissioner McLeod, and carried by the following vote:

**AYES:** Commissioners Baker, Dylina, McLeod, Padilla, Smith, Smoot,  
and Chairperson Colby

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

PLANNING COMMISSION RESOLUTION # 3069

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May 18, 2016

Adopted this 18<sup>th</sup> day of May 2016



Chairperson, Planning Commission of  
the City of Merced, California

ATTEST:



Secretary