

**CITY OF MCFARLAND  
PLANNING COMMISSION AGENDA**

**SPECIAL MEETING  
CITY COUNCIL CHAMBERS  
103 W. SHERWOOD AVE, MCFARLAND, CA**

**February 07, 2023  
5:00PM**

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**In Person Meeting**

**How to submit public comments:**

The meetings of the Planning Commission and all municipal entities, commissions, and boards (“the City”) are open to the public. At regularly scheduled meetings, members of the public may address the city on any item listed on the agenda, or on any non-listed matter over which the city has jurisdiction. At special or emergency meetings, members of the public may only address the city on items listed on the agenda.

There is a time limitation of two minutes per person. For any item that is not on the agenda and within the jurisdiction or interest of the city, please come to the podium at this time. The Brown Act does not permit any action or discussion on items not listed on the agenda. If you wish to speak regarding a scheduled agenda item, please come to the podium when the item number and subject matter are announced, and the Chairman opens Public Comment on the item. When recognized, please begin by providing your name and address for the record (optional). Anyone wishing to submit written information at the meeting needs to furnish ten (10) copies to the City Clerk in advance to allow for distribution to Planning Commission, staff, and the media. Willful disruption of the meeting shall not be permitted. If the Chairman finds that there is in fact willful disruption of any Planning Commission Meeting, he/she may order the disrupting parties out of the room and subsequently conduct the Commission’s business without them present.

**Americans with Disabilities Act:**

In compliance with the ADA, if you need special assistance to participate in a city meeting or other services offered by the City, please contact the City Clerk’s office, at (661) 792-3091 ext. 2135. Notification of at least 48 hours prior to the meeting, or time when services are needed, will assist the city staff in assuring those reasonable arrangements can be made to provide accessibility to the meeting or services.

**CALL TO ORDER:** Chairman Marco Martinez

**ROLL CALL:**

Chairman, Marco Martinez  
Vice Chairman, Jose Hernandez Jr.  
Commissioner, Jose “Jay” Hernandez  
Commissioner, Luis Sarabia  
Commissioner, Jim White

**PLEDGE OF ALLEGIANCE:**

**INVOCATION:**

## **PRESENTATIONS**

None

**PUBLIC COMMENT:** This Portion of The Meeting Is Reserved for Persons Desiring to Address the Commission on Any Matter NOT on This Agenda and Over Which the Commission Has Jurisdiction.

Speakers Are Limited to Two (2) Minutes. Please State Your Name and Address for The Record Before Making Presentation.

No Action or Discussion Shall Be Taken on Any Item Not Appearing on The Agenda, Except That Any Planning Commissioner May Briefly Respond to Statements Made, Or Questions Posed, By Members of The Public. Concerns Or Complaints Will Be Referred to The Community Development Director's Office.

## **DEPARTMENTAL REPORTS**

None

## **PUBLIC HEARINGS:**

1. It is Recommended that the Planning Commission Conduct a Public Hearing to Receive Public Input of the Consideration, and Adoption of Resolution No. 2023-0001PC A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MCFARLAND RECOMMENDING CITY COUNCIL APPROVE THE AMENDMENT OF MCFARLAND MUNICIPAL CODE CHAPTERS 17.84.020 B, 17.88.020 B, 17.84.020 B, AND 17.152.030 AND REMOVAL OF CODE CHAPTERS 17.08.045 AND 17.08.050.
2. Open the Public Hearing and Receive Public Testimony;
3. Close the Public Hearing;
4. Motion to Approve Resolution No. 2023-0001PC, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MCFARLAND RECOMMENDING CITY COUNCIL APPROVE THE AMENDMENT OF MCFARLAND MUNICIPAL CODE CHAPTERS 17.84.020 B, 17.88.020 B, 17.84.020 B, AND 17.152.030 AND REMOVAL OF CODE CHAPTERS 17.08.045 AND 17.08.050.

**CONSENT AGENDA:** The Consent Agenda consists of items that in staff's opinion are routine and non-controversial. These items are approved in one motion unless the Planning Commission removes a particular item.

5. Approval of November 29, 2022, Special Planning Commission Meeting Minutes.

## **PLANNING DISCUSSION ITEMS:**

None

**COMMISSIONER COMMENTS:**

On Their Own Initiative, Commission Members May Make an Announcement or A Report on Their Own Activities. They May Ask a Question for Clarification, Make Referral to Staff, Or Take Action to Have Staff Place a Matter of Business on A Future Agenda (Government Code Section 54954.2(A)).

**ADJOURNMENT:**

This Is to Certify This Agenda Was Posted at McFarland City Hall on **February 03, 2023.**



Francisca Alvarado, City Clerk



Kenneth Williams, City Manager/ Chief of Police

**The Next Regular Planning Commission Meeting: February 21, 2023.**

The City of McFarland does not discriminate based on disability and complies with the provisions of the Americans with Disabilities Act (ADA). If you need special assistance to participate in this meeting, please contact the City Clerk's office at (661) 792-3091 ext. 2135 at least 48 hours prior to the meeting to make reasonable arrangements to ensure accessibility to this meeting.



**PLANNING COMMISSION STAFF REPORT**  
**February 7, 2023**

**TO:** Chair and Planning Commissioners  
**FROM:** Brianahi De Leon  
 City Planner  
 Larry Ronk  
 Community Development Director

**DATE:** February 7, 2023

<b>Agenda Item</b>	
Presentation	
Consent	
Unfinished Business	
New Business	
Public Hearing	x
Other	
<b>Action Requested</b>	
Ordinance	
Resolution	x
Motion	
Other	

**PROJECT DESCRIPTION:** Zoning Ordinance Amendment – Commercial Cannabis Permits and activity

**ENVIRONMENTAL DOCUMENT:** None

**APPLICANT:** City of McFarland

**SECTION:** Sections 17.84.020 B, 17.88.020 B, 17.92.020 B, 17.152.030, 17.08.045 and 17.152.030 of Title 17 Zoning

**STAFF RECOMMENDATION**

The staff recommends the Planning Commission to approve and recommend the presentation to City Council of the proposed adoption and amendment to Sections 17.84.020 B, 17.88.020 B, 17.92.020 B, 17.152.030, and removal of Sections 17.08.045 and 17.152.030 of Title 17 Zoning will permit, by-right Commercial Cannabis Permits subject to Section 19.04 Commercial Cannabis Activity in the McFarland Municipal Code to the City Council.

**PROJECT DESCRIPTION**

The City Council placed a measure in the November 2022 election which would allow the city to tax any cannabis business/activity within the city. With the approval of this tax, staff was directed to create an ordinance to allow cannabis retail, cultivation, and distribution within certain zones per recommendation of the Cannabis Standing Committee. The committee chose to provide three (3) zones as a primary with a possible additional zone through an approved Conditional Use Permit process. The ordinance that staff has put together with review from the City Attorney has provided a guideline, enforcement,

application process, and fees associated with Cannabis entering our City for business. Through staff review of the existing Municipal Code ordinances, staff has compiled various existing ordinances that must be amended to ensure consistency. These ordinances will require an amendment to allow cannabis activity within the following zones: Industrial zones and Commercial zones as long as a Conditional Use Permit is approved for individual applications.

**ENVIRONMENTAL REVIEW**

None

**FINDINGS**

None

**ATTACHMENTS**

Resolution No. 2023-0001PC

**RESOLUTION NO. 2023-0001-PC**  
**A RESOLUTION OF THE PLANNING COMMISSION OF**  
**THE CITY OF MCFARLAND RECOMMENDING CITY**  
**COUNCIL APPROVE THE AMENDMENT OF**  
**MCFARLAND MUNICIPAL CODE CHAPTERS 17.84.020 B,**  
**17.88.020 B, 17.84.020 B, AND 17.152.030 AND REMOVAL**  
**OF CODE CHAPTERS 17.08.045 AND 17.08.050**

**WHEREAS**, The City of McFarland (“City”) desires to codify it’s Municipal Code Chapter related to Cannabis and;

**WHEREAS**, The Ordinance updates the Municipal Code to amend Sections 17.84.020 B, 17.88.020 B, 17.92.020 B and 17.152.030 and remove Sections 17.08.045 and 17.152.030 of Title 17 Zoning will permit, by-right Commercial Cannabis Permits subject to Section 19.04 Commercial Cannabis Activity; and

**WHEREAS**, Adoption of this resolution will assist in providing uniformity and consistency to the regulations and standards related to Commercial Cannabis Activity found throughout the McFarland Municipal Code.

**WHEREAS**, Adoption of this resolution is in furtherance of the City’s goals and objectives while reducing the potentially negative impacts arising from potentially deficient and/or incomplete/incompatible Municipal Code Chapters; and

**WHEREAS**, on February 7, 2023, following notice duly and regularly given as required by law, the Planning Commission of the City of McFarland held a public hearing to consider the approval of the recommendation for the City Council to adopt the amendment to the Municipal Code. The Planning Commission received a report from City Staff, oral and written testimony from the public, and deliberated on the project.

**WHEREAS**, all legal prerequisites to adoption of this resolution have occurred.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF MCFARLAND DOES ORDAIN AS FOLLOWS:

**NOW THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of McFarland as follows:

**Section 1.** That the foregoing Recitals are true and correct and constitute a substantive part of this Resolution.

**Section 2.** Recommendation to City Council to approve the amendments pertaining to Commercial Cannabis Activity.

- a. The Planning Commission finds that Commercial Cannabis ordinance amendments were presented to the Planning Commission, that the Planning Commission has reviewed the Zoning Ordinance prepared for the Project, all staff reports pertaining to the Project, and all other pertinent documents relating to the preparation of the Commercial Cannabis Activity.
- b. The Planning Commission finds that on the basis of the Commercial Cannabis Activity Ordinance comments received, and the whole record that there is no substantial evidence that the Project will have a significant adverse impact on the environment;
- c. The Planning Commission finds that the amendments to the ordinances pertaining to Commercial Cannabis Activity reflects the City's independent judgment and analysis.
- d. The Planning Commission hereby recommends that the City Council adopt amendments attached hereto as Exhibit A and incorporated herein by reference.

**Section 3.** Recommendation to City Council to approve the amendment to Chapter 17.84.020 of the McFarland Municipal Code to hereby amend and adopt to add a permitted use Section 17.84.020 B, to read as follows:

“Commercial Cannabis Activity as established by Chapter 8.29.05 Commercial Cannabis Activity within Title 19 Commercial Cannabis Activity.”

**Section 4.** Recommendation to City Council to approve the amendment to Chapter 17.88.020 of the McFarland Municipal Code to hereby amend and adopt to add a permitted use Section 17.88.020 B, to read as follows:

“Commercial Cannabis Activity as established by Chapter 19.04.040 Commercial Cannabis Activity within Title 19 Commercial Cannabis Activity.”

**Section 5.** Recommendation to City Council to approve the amendment to Chapter 17.92.020 of the McFarland Municipal Code to hereby amend and adopt to add a permitted use Section 17.92.020 B, to read as follows:

“Commercial Cannabis Activity as established by Chapter 19.04.040 Commercial Cannabis Activity within Title 19 Commercial Cannabis Activity.”

**Section 6.** Recommendation to City Council to approve the amendment to Chapter 17.152.030 of the McFarland Municipal Code to hereby amend and adopt to add a permitted use Section 17.152.030 B, to read as follows:

“Commercial Retail Cannabis in C-2 zones.”

**Section 7.** Recommendation to City Council to approve the amendment to Chapter 17.08.045 of the McFarland Municipal Code to be removed.

**Section 8.** Recommendation to City Council to approve the amendment to Chapter 17.08.050 of the McFarland Municipal Code to be removed.

**Section 9.** The custodian of records for the resolution and all other materials which constitute the record of proceedings upon which the Planning Commission’s recommendation is based is the City Clerk of the City of McFarland. Those documents are available for public review in the Office of the City Clerk, which can be reached at 661-792-3091, and is located at 401 W. Kern Avenue, McFarland, CA 93250

**Section 10.** This Resolution shall take effect immediately upon its adoption.

**Section 11.** The City Clerk shall certify to the passage and adoption of this Resolution.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of McFarland on the 7<sup>TH</sup> day of February, 2023 by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Francisca Alvarado, City Clerk

CITY OF MCFARLAND  
PLANNING COMMISSION:

\_\_\_\_\_  
Marco Martinez, Chairman



I, \_\_\_\_\_, City Clerk of the City of McFarland, California, DO HEREBY CERTIFY that the foregoing resolution is a true and accurate copy of the Resolution passed and adopted by the Planning Commission of the City of McFarland on the date and by the vote indicated herein.

\_\_\_\_\_  
Francisca Alvarado, City Clerk

## NOTICE OF PUBLIC HEARING

### **Ordinance Amendment for Commercial Cannabis Permits subject to Section 19.04 Commercial Cannabis Activity at City Council Chambers (103 Sherwood Ave, McFarland)**

Notice is hereby given that the City Council of the City of McFarland will conduct a public hearing, at which time you may be heard to consider the following:

- Consideration and adoption of a Resolution Recommending the Planning Commission of the City of McFarland Approve and Recommend the presentation of the proposed adoption to amendment to Sections 17.84.020 B, 17.88.020 B, 17.92.020 B, 17.152.030, and remove Sections 17.08.045 and 17.152.030 of Title 17 Zoning will permit, by-right Commercial Cannabis Permits subject to Section 19.04 Commercial Cannabis Activity in the McFarland Municipal Code to the City Council.

#### **Special McFarland Planning Commission Public Hearing Information**

**Date:** February 7, 2023

**Time:** 5:00 PM

**Place:** City of McFarland Council Chambers, 103 W. Sherwood Avenue, McFarland, CA 93250

**Join on-line:** Facebook Webpage at:

<https://www.facebook.com/cityofmcfarland/>

Notice is further given that the City Council of the City of McFarland, California, will conduct a public hearing, at which time you may be heard to consider the following:

- Consideration and adoption of a Ordinance of the City Council of the City of McFarland Approving amendment to Sections 17.84.020 B, 17.88.020 B, 17.92.020 B, 17.152.030, and remove Sections 17.08.045 and 17.152.030 of Title 17 Zoning will permit, by-right Commercial Cannabis Permits subject to Section 19.04 Commercial Cannabis Activity in the McFarland Municipal Code to the City Council.

#### **Regular McFarland City Council Public Hearing Information**

**Date:** February 9, 2023

**Time:** 6:00 PM

**Place:** City of McFarland Council Chambers, 103 W. Sherwood Avenue, McFarland, CA 93250

**Join on-line:** Facebook Webpage at:

<https://www.facebook.com/cityofmcfarland/>

These meetings shall be held in person at the City of McFarland Council Chambers, located at 103 W. Sherwood Avenue, McFarland, CA 93250. Additionally, these meetings shall be broadcast for listening and/or viewing purposes only via Facebook. To access the meetings for viewing or listening purposes

only, please use the following information:

**Join on-line:** Facebook Webpage at: <https://www.facebook.com/cityofmcfarland/>

Members of the public are encouraged to participate by providing public comment at the meetings. The agenda of the Regular City Council Meeting will be posted at least 72 hours prior to the meeting. The meeting the agendas will be posted at <https://www.mcfarlandcity.org/AgendaCenter>. Please check the agendas for any modifications to how the meetings may be conducted and for ways in which the public can participate.

**Description of Project:**

The City of McFarland City Council placed a measure in November 2022 election which would allow the City to tax any cannabis business/activity within the city. With the direction of City Council, staff reviewed the Municipal Code and is now recommending amendments to various sections in order to establish consistency throughout the Municipal Code.

Additional information on the proposed project and proposed environmental finding may be obtained from the City of McFarland, City Hall, 401 W. Kern Avenue, McFarland, CA 93250, or the City's web site at [www.mcfarlandcity.org](http://www.mcfarlandcity.org).

All persons interested in this topic who have questions, would like to provide feedback, or who have comments are invited to attend. If you challenge the approval or denial of these matters in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk, at or prior to, the public hearing. Address any communications or comments regarding the project to Francisca Alvarado, City Clerk, at 401 W. Kern Avenue, McFarland, CA 93250, (661) 792-3091, [falvarado@mcfarlandcity.org](mailto:falvarado@mcfarlandcity.org)

**CITY OF MCFARLAND SPECIAL PLANNING COMMISSION MINUTES**

**In Person Meeting**  
**November 29, 2022**

**CALL TO ORDER**

Vice Chair J. Hernandez Jr. called the meeting to order at 6:04 p.m.

*Delayed start due to technical difficulties with Facebook Live.*

**ROLL CALL**

Commissioners Present: J. Hernandez Jr., J. White, Jay L. Hernandez, L. Sarabia

Commissioners Absent: Chairman M. Martinez

**OFFICIALS PRESENT**

City Manager/Chief of Police Williams, City Planner De Leon, Community Development Director Ronk, City Clerk Alvarado

Officials Absent: None

**PLEDGE OF ALLEGIANCE**

Commissioner L. Sarabia

**INVOCATION**

Vice Chair J. Hernandez Jr.

**PRESENTATIONS AND PROCLAMATIONS**

None

**PUBLIC COMMENTS**

Opened at 6:07 p.m.

Closed at 6:07 p.m.

*No comments from the public were presented.*

**DEPARTMENTAL REPORTS**

- City Manager/Chief of Police K. Williams- Update on Enforcement Signs for Truck Route Parking.

City Manager Williams gave a brief report to the Commission regarding truck route enforcement and signage around our city limits.

## **PUBLIC HEARINGS**

1. It is Recommended that the Planning Commission Conduct a Public Hearing to Receive Public Input of the Consideration and Adoption of Resolution NO. 2022-0017 PC, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MCFARLAND RECOMMENDING CITY COUNCIL TO APPROVE AND ADOPT THE 6TH CYCLE 2023-2031 MCFARLAND HOUSING ELEMENT TO REPLACE THE 2015-2023 HOUSING ELEMENT AND THE ACCOMPANYING INITIAL STUDY AND NEGATIVE DECLARATION. AS REFLECTED IN EXHIBIT A AND EXHIBIT B.
  - a. Staff Report- City Planner Brianahi De Leon
  - b. Open the Public Hearing and Receive Public Testimony: 6:47 p.m.
  - c. Close Public Hearing. 6:47 p.m.

***No comments from the public were presented.***

- d. Motion was made by: Commissioner J. White to approve Resolution NO. 2022- 0017PC, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MCFARLAND RECOMMENDING CITY COUNCIL TO APPROVE AND ADOPT THE 6TH CYCLE 2023-2031 MCFARLAND HOUSING ELEMENT TO REPLACE THE 2015-2023 HOUSING ELEMENT AND THE ACCOMPANYING INITIAL STUDY AND NEGATIVE DECLARATION. AS REFLECTED IN EXHIBIT A AND EXHIBIT B; 2nd by: Commissioner Jay L. Hernandez.

### **Roll call vote 4/0**

**Commissioner J. White- Aye**

**Commissioner Jay L. Hernandez- Aye**

**Commissioner J. Hernandez Jr. – Aye**

**Commissioner L. Sarabia- Aye**

**Chairman M. Martinez- Absent**

**CONSENT AGENDA:** The Consent Agenda consists of items that in staff’s opinion are routine and non-controversial. These items are approved in one motion unless the Planning Commission removes a particular item.

1. Approval of November 1, 2022, Special Planning Commission Meeting Minutes.

Motion was made by: Commissioner Jay L. Hernandez to approve the Consent Agenda 2nd by: Commissioner J. White. 4/0 Motion Carried.

**AYES: J. Hernandez Jr., J. White, Jay L. Hernandez, L. Sarabia**

**NAYS: None**

**ABSTAIN: None**

**ABSENT: M. Martinez**

## **PLANNING DISCUSSION ITEMS**

None

## **COMMISSIONER COMMENTS**

### **Commissioner J. White-**

Q: If there was anything we can do about the trash and tumble weeds by the railroad tracks.

A: Community Development Director L. Ronk responded that getting a hold of the railroad has been very difficult. He stated that Public Works does a great job in maintaining the City's side responsibility.

### **Commissioner J. Hernandez Jr.-**

Q: If the public would be able to drive through the Community Trail.

A: Community Development Director L. Ronk stated that is a walking trail and that enforcement will have to take place if used otherwise.

Q: When will the registration for the Community Garden begin and would like to see a portion designated to senior citizens and handicap.

A: Community Development Director L. Ronk responded that it will come back to Planning Commission once they have a plan.

## **ADJOURNMENT**

Motion was made by: Commissioner Jay L. Hernandez to adjourn the meeting; 2<sup>nd</sup> by: Commissioner J. White at 6:57 p.m.

<b>AYES:</b>	<b>J. Hernandez Jr., J. White, Jay L. Hernandez, L. Sarabia</b>
<b>NAYS:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>None</b>
<b>ABSENT:</b>	<b>M. Martinez</b>

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***Francisca Alvarado, City Clerk***