

NOTICE OF STUDY SESSION AND PUBLIC HEARING REGARDING PROPOSED
AMENDMENTS TO THE CITY OF MERCED'S ZONING ORDINANCE RELATING TO
MEDICAL MARIJUANA, AND NOTICE OF POTENTIAL INTRODUCTION OF
ORDINANCE RELATING TO MEDICAL MARIJUANA DISPENSARIES, DELIVERY OF
MEDICAL MARIJUANA AND CULTIVATION OF MARIJUANA (INCLUDING MEDICAL
MARIJUANA)

A study session will be held by the Merced City Council on Monday, January 4, 2016, at 5:15 p.m. in the City Council Chambers located at 678 W. 18th Street, Merced, CA, concerning proposed regulations relating to medical marijuana, including potential amendments to the City's zoning ordinance relating to medical marijuana dispensaries, delivery of medical marijuana and cultivation of marijuana (including cultivation for medical purposes).

A public hearing will be held by the Merced City Council on Monday, January 4, 2016, at 7:00 p.m., or as soon thereafter as may be heard in the City Council Chambers located at 678 W. 18th Street, Merced, CA, concerning the proposed amendments to the City's zoning ordinance relating to medical marijuana dispensaries, delivery of medical marijuana and cultivation of marijuana (including cultivation for medical purposes).

The original ordinance presented to the Planning Commission on December 9, 2015, was entitled as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF MERCED, CALIFORNIA, ADDING CHAPTER 20.84,
"MEDICAL MARIJUANA AND CULTIVATION" TO THE
MERCED MUNICIPAL CODE PROHIBITING ALL
COMMERCIAL MEDICAL MARIJUANA USES IN THE
CITY AND PROHIBITING CULTIVATION FOR MEDICAL
USE BY A QUALIFIED PATIENT OR PRIMARY
CAREGIVER

As originally drafted, this ordinance would have prohibited the cultivation of marijuana (including cultivation for medical uses) and all commercial medical marijuana uses, including dispensaries and deliveries of medical marijuana within the City of Merced.

At its meeting of December 9, 2015, the Planning Commission weighed the issues of medical marijuana dispensaries, deliveries of medical marijuana within the City and whether marijuana should be allowed to be cultivated within the City for medical use by a qualified patient or primary caregiver. After taking public testimony, the Planning Commission recommended that the proposed ordinance be approved by the City Council with specific changes. Within the modifications proposed by the Planning Commission, the ordinance is now entitled as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MERCED, CALIFORNIA, ADDING CHAPTER 20.84, "MEDICAL MARIJUANA AND CULTIVATION" AND AMENDING SECTIONS 20.20.040 "CONDITIONAL USES," 20.24.040 "CONDITIONAL USES," AND 20.28.040, "CONDITIONAL USES," OF THE MERCED MUNICIPAL CODE REGARDING THE ZONING OF MEDICAL MARIJUANA DISPENSARIES AS CONDITIONAL USES

The draft ordinance provides that medical marijuana dispensaries would be a conditional use in the C-O, C-C, C-G and P-D zoning districts; deliveries of medical marijuana would be allowed within the City from dispensaries permitted to operate in the jurisdiction in which it was located and which fully complied with state and local law; and twelve or fewer marijuana plants, mature or immature, may be cultivated on any lot if the owner, lessee or tenant of the lot is the primary caregiver or the qualified patient and the cannabis is intended for the qualified patient. All other commercial medical marijuana activities would be prohibited within the City.

At its meeting on January 4, 2016, the City Council will consider the ordinance as recommended by the Planning Commission and the original ordinance considered by the Planning Commission at its meeting on December 9, 2015. Because these issues were discussed at length by the Planning Commission at its meeting on December 9, 2015, the City Council may also consider amending the ordinance modified at the direction of the Planning Commission or the ordinance originally proposed to the Planning Commission at its December 9, 2015, meeting in the following areas: medical marijuana dispensaries, delivery of medical marijuana and cultivation of marijuana (including cultivation for medical purposes).

All persons in favor of, opposed to, or in any manner interested in the proposed amendments to the City's zoning ordinance relating medical marijuana dispensaries, delivery of medical marijuana and cultivation of marijuana (including cultivation for medical purposes) are invited to attend this public hearing. The public is also invited to provide any oral or written comments regarding these matters at or before the public hearing date. If you challenge the decision of the City Council 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 of Merced at, or prior to, the public hearing. A copy of the full text of the proposed ordinances are available for review in the Office of the City Clerk, City of Merced, 678 West 18th Street, Merced, California, and on the City's website at www.cityofmerced.org.

December 16, 2015

/s/ Kim Espinosa

Kim Espinosa, Planning Manager