

NOTICE OF 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 public hearing will be held by the Merced City Council on Tuesday, July 5, 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 Zoning Ordinance Amendment #16-02, initiated by the City of Merced, involving 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 May 18, 2016, was entitled as follows:

“AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
MERCED, CALIFORNIA, AMENDING CHAPTER 20.84,
“MEDICAL MARIJUANA AND CULTIVATION” AND
AMENDING SECTIONS 20.20.040 “CONDITIONAL USES,”
20.34.040 “CONDITIONAL USES,” AND 20.36.040
“CONDITIONAL USES,” OF THE MERCED MUNICIPAL CODE
REGARDING THE ZONING OF MEDICAL MARIJUANA
DISPENSARIES AS CONDITIONAL USES.”

As originally drafted, this ordinance would allow medical marijuana/cannabis dispensaries in the Professional/Commercial Office (C-O) zones and Planned Developments (P-D) 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.

At its meeting of May 18, 2016, 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, AMENDING CHAPTER 20.84, “MEDICAL MARIJUANA AND CULTIVATION” AND AMENDING SECTIONS 20.20.040 “CONDITIONAL USES,” 20.34.040 “CONDITIONAL USES,” AND 20.36.040, “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, I-L (Light Industrial), I-H (Heavy Industrial) and P-D zoning districts with CO, and Industrial General Plan designations; 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 six or fewer marijuana plants, may be cultivated indoors only 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 July 5, 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 May 18, 2016. In addition to adopting one of the two ordinances without modifications, the City Council may also consider amending one of the ordinances as it relates to the zones in which medical marijuana dispensaries are allowed (C-O, I-L and/or I-H, if at all), whether medical marijuana deliveries are allowed, and whether the cultivation of medical marijuana (if allowed) can occur indoors, outdoors, or both indoors and outdoors.

An environmental review checklist has been filed for this project, and a draft negative declaration has been prepared (i.e., no further environmental review would be required) under the California Environmental Quality Act. A copy of this staff evaluation (“Initial

Study”) is available for public inspection at the City of Merced Planning Department during regular business hours, at 678 W. 18th Street, Merced, CA. A copy of this document can also be purchased at the Planning Department for the price of reproduction.

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 W. 18th Street, Merced, CA, and on the City’s website at www.cityofmerced.org.

June 17, 2016



Kim Espinosa, Planning Manager