

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** Honorable City Council

**FROM:** David A. Bobardt, Community Development Director



**DATE:** October 20, 2015 (CC Special Meeting of 10/21/2015)

**SUBJECT:** Consider Resolution Directing the Planning Commission to Study, Hold a Public Hearing, and Provide a Recommendation to the City Council on an Amendment to Sections 17.20.050 (Permitted Uses in Open Space, Agricultural, Residential, and Special Purpose Zones) and 17.20.060 (Permitted Uses in Commercial and Industrial Zones) of Chapter 17.20 (Uses by Zone) of the Zoning Ordinance to Address Changes in State Law Under the Medical Marijuana Regulation and Safety Act and Determination That This Action Is Not a Project Approval Subject to the California Environmental Quality Act

**BACKGROUND/DISCUSSION**

On October 9, 2015, Governor Brown signed three bills into law, AB 243, AB 266, and SB 643, collectively known as the Medical Marijuana Regulation and Safety Act. These bills provide for State oversight of medical marijuana cultivation and distribution as allowed under Proposition 215, while still providing for local control. The City of Moorpark does not currently allow for medical marijuana dispensaries in any zone. Under the new State legislation, the City would have to specifically address mobile dispensaries and cultivation of medical marijuana if it wishes to regulate these uses. A resolution is attached that initiates a Zoning Ordinance Amendment to address these issues.

**ENVIRONMENTAL DETERMINATION**

The action of the City Council at this time is not a "project approval" subject to the California Environmental Quality Act as it is only seeking the recommendation of the Planning Commission. The level of environmental review on such an ordinance will be determined prior to Planning Commission recommendation.

**FISCAL IMPACT**

None.

**STAFF RECOMMENDATION**

Adopt Resolution No. 2015-\_\_\_\_\_.

Attachment:  
Resolution No. 2015-\_\_\_\_\_

RESOLUTION NO. 2015-\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, DIRECTING THE PLANNING COMMISSION TO STUDY, HOLD A PUBLIC HEARING, AND PROVIDE A RECOMMENDATION TO THE CITY COUNCIL ON AMENDMENTS TO SECTIONS 17.20.050 (PERMITTED USES IN OPEN SPACE, AGRICULTURAL, RESIDENTIAL, AND SPECIAL PURPOSE ZONES) AND 17.20.060 (PERMITTED USES IN COMMERCIAL AND INDUSTRIAL ZONES) OF CHAPTER 17.20 (USES BY ZONE) OF THE ZONING ORDINANCE TO ADDRESS CHANGES IN STATE LAW UNDER THE MEDICAL MARIJUANA REGULATION AND SAFETY ACT AND DETERMINATION THAT THIS ACTION IS NOT A PROJECT APPROVAL SUBJECT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, Section 17.44.050 of the Municipal Code provides that the City Council may initiate proceedings to consider amendments to the Zoning Ordinance by the adoption of a resolution of intent; and

WHEREAS, the City Council wishes to initiate proceedings to consider a Zoning Ordinance Amendment that would amend Sections 17.20.050 (Permitted Uses in Open Space, Agricultural, Residential, and Special Purpose Zones) and 17.20.060 (Permitted Uses in Commercial and Industrial Zones) of Chapter 17.20 (Uses by Zone) of the Zoning Ordinance to address changes in State law under the Medical Marijuana Regulation And Safety Act; and

WHEREAS, the Community Development Director has determined that the initiation of proceedings for a Zoning Ordinance Amendment is not a project approval subject to the California Environmental Quality Act.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

**SECTION 1.** ENVIRONMENTAL DETERMINATION: The City Council concurs with the determination of the Community Development Director that the initiation of proceedings for a Zoning Ordinance Amendment is not a project approval subject to the California Environmental Quality Act.

**SECTION 2.** INITIATION OF PROCEEDINGS: The City Council hereby authorizes the initiation of proceedings to consider a Zoning Ordinance Amendment that would amend Section 17.32.120 (Recreational vehicle and trailer parking and storage standards) of Chapter 17.32 (Off-Street Parking Requirements) of the Zoning Ordinance.

**SECTION 3.** DIRECTION TO PLANNING COMMISSION: The Planning Commission is hereby directed to study, hold a public hearing, and provide a recommendation to the City Council on this matter.

**SECTION 4.** CITY CLERK CERTIFICATION AND FILING: The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this 21st day of October, 2015.

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Janice S. Parvin, Mayor

ATTEST:

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Maureen Benson, City Clerk