

REPORT TO THE CITY COUNCIL



DATE: June 20, 2017

TITLE: Urgency Interim Ordinance Adopting a Moratorium on the Establishment of any Medical Marijuana Facility Located in the 207 Acre Area North of the I-10 Freeway and West of Palm Drive, and South of Varner Road, Excepting APN 669-150-002

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RECOMMENDATION

- 1) Staff Report;
- 2) Entertain questions of Staff from City Council;
- 3) Open the Public Hearing;
- 4) Take Public Testimony;
- 5) Close the Public Hearing;
- 6) City Council discussion and questions to Staff; and
- 7) Consider adoption of an Interim Urgency Ordinance of the City Council of the City of Desert Hot Springs prohibiting the establishment of any medical marijuana facility as defined in Chapter 17.180 of the Desert Hot Springs Municipal Code, or for any use or activity related thereto, for properties with a General Plan land-use designation of L-I (light-Industrial) and located in the 207 acre area north of the I-10 freeway, and west of Palm Drive, and south of Varner Road, and excepting APN 669-150-002.

BACKGROUND

On June 6, 2017, the City Council gave direction to staff to resume and complete the City-Wide Comprehensive General Plan Update. The Council expressed some concerns regarding the potential for development applications for medical marijuana cultivation facilities (in the 207 acre area) being submitted prior to adoption of a new City-Wide Comprehensive General Plan. Council gave direction to staff to prepare an Interim Urgency Ordinance, also known as "Moratorium", for Council consideration, which would prohibit the issuance of any new permits, licenses, approvals or entitlements for the establishment of medical marijuana cultivation facilities and other related activities in the 207 acre area north of I-10, west of Palm Drive and south of Varner Road (with the exception of APN 669-150-002), until such time that the City can complete and adopt a City-Wide Comprehensive General Plan Update.

INTERIM URGENCY ORDINANCE REQUIREMENTS

A. Subject Ordinance

An Urgency Interim Zoning Ordinance ("Subject Ordinance") is a local law that takes immediate effect once passed to temporarily prohibit a particular land use so that a locality can have the time it needs to study the potential effects and impacts and to establish regulations for same.

B. Requirements

Under California Government Code section 65858, without following the procedures otherwise required prior to the adoption of a zoning ordinance, a city may adopt as an urgency measure an interim ordinance prohibiting any uses that may be in conflict with a contemplated general

plan, specific plan, or zoning proposal that the City intends on studying for a period of up to 24 months. In order to adopt such an ordinance, the following must be done:

- 1) Adoption requires a four-fifths vote of the City Council;
- 2) The Subject Ordinance must contain findings stating why the Subject Ordinance is needed to address a current and immediate threat to public health, safety, or welfare;
- 3) 10 days prior to the expiration of the Subject Ordinance or any extension thereof, the Council shall issue a written report describing the measures taken to alleviate the condition which led to the adoption of the Subject Ordinance

C. Term of the Subject Ordinance

The Subject Ordinance has an initial term of 45 days, unless it is extended by four-fifths vote of the City Council. If the City does *not* notice and publish the Subject Ordinance, the City can extend the Subject Ordinance for a period of time up to 10 months and 15 days, for a total of 1 year. If the City *does* notice and publish (10 days in the newspaper of general circulation) the Subject Ordinance, the City can extend the Subject Ordinance for a period of time up to 22 months and 15 days, for a total of 2 years. In this case, the public hearing notice with the full time was in fact noticed and published, therefore the Council could extend the Subject Ordinance for a period of time up to 22 months and 15 days.

D. Effects

If approved, the Subject Ordinance would cause a temporary suspension of the processing of any incomplete application or approval of any permit, entitlement or license within the Subject Area, as defined by the Ordinance. Further, no use permit, variance, building permit, or any other entitlement for use would be accepted, processed, approved or issued for the establishment or operation of uses for a subject area. Adopting such Subject Ordinance would allow adequate time for the City to consider, study, and enact regulations for any such area, so that the City Council can properly consider the best uses and proper development standards for that area.

FISCAL IMPACT

Adoption of an Interim Urgency Ordinance will have no immediate fiscal impact to the city. Permits and fees will still be collected as development applications are submitted for all other types of development. The only restriction is that city staff will not be able to process cultivation applications in the L-I designated zone, within the Subject Area.

EXHIBITS

- 1) Interim Urgency Ordinance
- 2) Vicinity Map of 207-Acre Area