

REPORT TO THE PLANNING COMMISSION



DATE: July 25, 2017

TITLE: An Ordinance of the City Council of the City of Desert Hot Springs, Amending Chapter 17.180 (Medical Marijuana Facilities Operation and Location) to Eliminate the Requirement for Developers to Enter into Development Agreements in Certain Circumstances.

Prepared by: Scott Taschner, Senior Planner

Reviewed by: Daniel Porras, Community Development Director
& Jennifer Mizrahi, City Attorney

RECOMMENDATION

- 1) Staff Report;
- 2) Entertain Questions of Staff from Planning Commission;
- 3) Open the Public Hearing;
- 4) Take Public Testimony;
- 5) Close the Public Hearing;
- 6) Planning Commission discussion and questions to Staff; and
- 7) That the Planning Commission makes a recommendation to the City Council to adopt the attached Ordinance.

BACKGROUND:

Currently all Medical Marijuana Facilities must obtain a Development Agreement for development on raw land. A development agreement is a contract between the city and a property owner (generally). The agreement sets the standards and conditions that govern the development of the property. It provides certainty to the developer that his or her project will be isolated from changes in the City's zoning laws over the course of development (ie- the developer's rights "vest"), but it also contracts the developer to provide benefits to the City. Normally, these kinds of benefits include infrastructure improvements, public open space, or monetary payment into funds, such as "in lieu" fees, in exchange for that certainty. That said, in many of the development agreements with the City, the public benefit is the requirement that the developer 1) shall have 20% of its workforce be City residents and 2) pay a "good wage", which is about \$2 above minimum wage.

That said, Development Agreements, on the other hand, can add unnecessary time and expense to the entitlement process. Elimination of the development agreement for medical marijuana facilities would streamline the development of such facilities.

Further, and of important not, this Ordinance does not preclude developers and the City Council from entering into development agreements pursuant to Chapter 17.84 titled Development Agreements of the DHSMC. Therefore, should a developer or the City desire that a Development Agreement be in place, it could do so.

ORDINANCE:

Staff has prepared a Draft Ordinance to 1) amend Table 17.180 Medical Marijuana Facilities Operation and Location) to Eliminate the Requirement for Developers to

Enter into Development Agreements in Certain Circumstances.

FISCAL IMPACT:

None.

EXHIBITS:

Exhibit No. 1 – Draft Ordinance