

REPORT TO THE CITY COUNCIL



DATE: May 5, 2020

TITLE: An Ordinance Amending Chapter 17.180 "Definitions" of Testing Facility, to Allow for Cannabis Facilities that are Licensed by the Federal Government Itself or by the State Government Itself.

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RECOMMENDATION

- 1) Staff Report;
- 2) Entertain questions of Staff from the City Council
- 3) Open Public Hearing;
- 4) Take public testimony from those favor;
- 5) Take public testimony from those opposed;
- 6) Take public testimony from those in a neutral position;
- 7) Close the Public Hearing;
- 8) City Council discussion and questions to Staff; and
- 9) Introduce for First Reading and read by title only: "An Ordinance of the City Council of the City Of Desert Hot Springs, Amending Chapter 17.180 "Definitions" of Testing Facility, to Allow for Cannabis Facilities That are Licensed by the Federal Government Itself or by the State Government Itself."

DISCUSSION

The City of Desert Hot Springs ("City") is a charter city organized pursuant to Article XI of the California Constitution. Chapter 5.50 "Medical Marijuana Facilities Regulatory Permit," of the Desert Hot Springs Municipal Code ("DHSMC") establishes standards for granting permits to Marijuana Facilities within the City. Chapter 17.180, of the DHSMC establishes zoning regulations and development standards for Marijuana Facilities, as that term is defined, within the City. Currently, the DHSMC only allows Testing Facilities, as they are defined, within Commercial and Industrial districts of the City. Testing Facilities, as they are defined, are limited to those that are licensed by the State of California.

The City has been contacted by Testing Facilities that are specifically licensed by the federal government to perform research and develop of the cannabis plant. It is arguable that Testing Facilities with federal licenses or contracts are permitted within the City pursuant to the Supremacy Clause. That said, The City would like to make it clear that Testing Facilities with federal licenses or contracts are permitted within the City. The City would like to expand that use to include Testing Facilities that are specifically contracted by the State, or any lawful department thereof, to perform research and develop of the cannabis plant.

The Planning Commission held a public hearing on April 14, 2020 and recommended approval to the City Council as proposed.

FISCAL IMPACT

None.

EXHIBIT(S)

- 1) Proposed Ordinance