

ORDINANCE NO. 06-338

AN INTERIM ZONING ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, PROHIBITING THE ESTABLISHMENT OF MARIJUANA DISPENSARIES IN ANY ZONING DISTRICT WITHIN THE CITY

The City Council of the City of Agoura Hills, California, hereby ordains as follows:

Section 1. Legislative Body Findings.

The City Council of the City of Agoura Hills, as the legislative body of the City, makes the following findings in support of the adoption and application of this interim zoning ordinance regulating land use within the City of Agoura Hills.

A. The City Council adopts this interim ordinance prohibiting the establishment of marijuana dispensaries, as defined hereafter, in any zoning district of the City pursuant to the authority set forth in California Government Code Section 65858.

B. The decision-making process of whether to permit establishment of marijuana dispensaries within the City, and, if permitted, the zoning district or districts in which such use would be permitted and development standards for such use has not been commenced or completed by the City. The City currently has not established any express criteria regarding the establishment, location or scope of operations for marijuana dispensary uses and considers such uses to be not permitted in the City at all. This City Council hereby determines that it lacks sufficient information regarding the permissibility of marijuana dispensaries as lawful enterprises under existing State law. Further, this City Council lacks sufficient information to determine the proper land use and locational criteria for marijuana dispensaries, if such are to be permitted. Finally, this City Council lacks sufficient information to develop and impose regulatory, land use and operational criteria for and upon marijuana dispensaries. The City Council does not want to act without adequate information as such would be acting in an arbitrary and capricious manner. Adoption of criteria in such circumstances would negatively affect the general health, safety and welfare of the City as presently developed and negatively impact further development in the City. Alternatively, allowing marijuana dispensaries without having appropriately studied the land use and its consequence would also be a failure to adequately govern and protect the health, safety, and welfare of the City of Agoura Hills. The City's staff will conduct research and a review of other City's zoning and development standards regarding this use, as well as an investigation regarding the ancillary neighborhood effects of such uses, prior to recommending permanent regulations to the City Council.

C. This City Council hereby directs City staff to undertake an analysis of the issues regarding the permissibility of, and if permitted, the location of, the scope of and the operational criteria that should be imposed upon marijuana dispensaries and further, the structuring of zoning and other necessary regulatory controls to cause such land uses to be beneficial land uses rather than uses that are detrimental to or cause blight to occur within the City of Agoura Hills.

D. Information obtained from other cities indicates that the could be unwanted secondary effects associated with such establishments, such as crime and increased illegal drug sales and use.

E. At least one such establishment has tried to establish itself in the City of Agoura Hills, without a business license and without disclosing the true nature of the business to the City and the public, and without undergoing any type of discretionary review by the City.

F. Pursuant to California Government Code Section 65858(a), this interim ordinance shall be adopted by not less than a four-fifths vote of this City Council and shall be in effect for forty-five days from its adoption. The City Council may consider extension of this interim ordinance, pursuant to all legal requirements, if necessary.

Section 2. Ordinance.

A. FINDINGS. The foregoing recitals are true and correct.

B. INTERIM PROHIBITION ON MARIJUANA DISPENSARIES. No marijuana dispensary, store, or co-op, intended to provide marijuana for medicinal or any other purpose, shall locate, commence, obtain license for or be entitled by the City, in any zone, or any parcel, or at any place, public or private within the City. For purposes of this interim ordinance the term “marijuana dispensary, store or co-op” shall be broadly and liberally interpreted to mean and include any location, structure, facility, vehicle, residence, or similar entity used, in full or part, as a place at or in which marijuana is sold, traded, exchanged, bartered for in any way, made available, located, stored, placed, or cultivated, including any of the foregoing if used in connection with the delivery of marijuana.

C. NO CONFLICT WITH STATE LAW. This interim ordinance shall in no way limit qualified individuals’ right to possess, use or cultivate marijuana for their own medicinal purposes as is presently authorized by the laws of the State of California as set forth in the applicable provisions of the Health and Safety Code.

D. CEQA COMPLIANCE. It can be seen with certainty that this urgency ordinance has no likelihood of causing a significant negative effect on the environment and accordingly both the City Council’s action of adopting this ordinance and the effects derivative from that adoption are found to be exempt from the application of the California Environmental Quality Act of 1970, as amended, pursuant to Section 15061(b)(3) of the State CEQA Guidelines (Title 14 CCR. 15061.(b)(3).) This finding is premised on the fact that the adoption of this urgency interim ordinance will maintain the current environmental conditions arising from the current land use regulatory structure as adopted by the City without change or alteration.

E. PLANNING STUDIES. City staff shall promptly commence the studies they may deem necessary and appropriate to make recommendation to this City Council regarding the establishment of marijuana dispensaries, and the regulatory criteria that are recommended should such land use be permitted.

F. EXTENSION OF TIME. The City Attorney and the City Clerk shall undertake all actions legally necessary to extend this interim ordinance in the event the studies

and reports desired by this City Council will not be concluded on or before the forty-fifth day subsequent to the adoption of this interim ordinance.

G. The City Clerk of the City of Agoura Hills shall certify to the passage and adoption of this ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law.

PASSED, APPROVED AND ADOPTED this ____ day of October, 2006 by the following vote:

AYES: ()
NOES: ()
ABSENT: ()
ABSTAIN: ()

Denis Weber, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk

APPROVED AS TO FORM:

Craig A. Steele, City Attorney