

ORDINANCE NO. 204-2018
EXTENSION OF AN URGENCY ORDINANCE OF THE CITY
COUNCIL OF THE CITY OF CLEARLAKE PLACING A
MORATORIUM ON THE OPENING OF COMMERCIAL
CANNABIS CULTIVATION BUSINESSES
WEST OF STATE ROUTE 53

WHEREAS, on December 21, 2017, the City Council of the City of Clearlake voted 5-0 to adopt Urgency Ordinance No. 202-2017 placing a moratorium on and prohibiting the opening of cannabis cultivation businesses at any location in the City of Clearlake west of State Route 53.

The City Council of the City of Clearlake does ordain as follows:

Section 1. Findings. The City Council of the City of Clearlake finds and determines that:

A. There is a public urgency and a need to immediately protect the public health, safety and welfare by extending the moratorium on and prohibiting the opening of cannabis cultivation businesses at any location in the City of Clearlake west of State Route 53.

B. The facts constituting the urgency are that a business has expressed intent to proceed with processing a permit for cannabis cultivation at a location west of State Route 53, that the City Council has expressed an interpretation of the ordinance which is potentially conflicting with the language approved in Ordinance No. 200-2017 and that this ambiguity needs to be resolved prior to the approval of cannabis cultivation permits being issued. There is insufficient time for the City to adopt a regular, non-urgency ordinance applicable to the approved locations of commercial cannabis cultivation businesses. This ordinance both complies with applicable state law (California Government Code §36937) and preserves the status quo, so that the City may either prohibit such uses or establish reasonable rules and regulations protecting the public health, safety and welfare of Clearlake residents and businesses regarding the commercial cultivation of cannabis in locations in the City west of State Route 53.

C. The potential adverse direct and secondary effects of commercial cannabis businesses opening in locations in the City west of State Route 53 presents a clear and present danger to the immediate preservation of the public health, safety, and welfare of the community as these commercial cannabis cultivation businesses may be incompatible with existing businesses and neighborhoods located in the City west of State Route 53.

D. This ordinance is hereby found to be categorically exempt from environmental review pursuant to CEQA Guidelines Section 15061 (b)(3).

Section 2. Extension. The City Council of the City of Clearlake hereby extends Urgency Ordinance 202-2017, in its entirety, which thereby places a moratorium on and prohibiting the opening of cannabis cultivation businesses at any location in the City of Clearlake west of

State Route 53 for a period of ten (10) months and fifteen (15) days. The urgency ordinance is necessary for the protection of the public health, safety, and welfare to become effective immediately upon its adoption; and to protect the health, safety and welfare of the residents of the City.

Section 3. Immediate Effect. Consistent with Government Code Section 65858, this ordinance shall take effect immediately upon the expiration of the forty-five (45) days from the date the original Urgency Ordinance was approved on December 21, 2017 for a period of ten (10) months and fifteen (15) days and the existing provisions of the code previously affected by this ordinance will continue in force unaffected upon the expiration of this time period consistent with Government Code Section 65858 or as amended during this time period by the Clearlake City Council. The ordinance may be extended further by one year pursuant to action of the City Council consistent with the requirements of California Government Code sec. 65858.

Section 4. Interpretation. Any provision of the City of Clearlake Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further valid, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

Section 5. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable. The City Council of the City of Clearlake declares that it would have adopted all the provisions of this ordinance that remain valid if any provisions of this ordinance are declared invalid.

Section 6. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective immediately upon its adoption. The publication of a summary of the ordinance in lieu of the full text of the ordinance is authorized only where the requirements of Government Code section 36933(c)(1) are met.

I hereby certify that the foregoing Ordinance was PASSED, APPROVED and ADOPTED this 1st day of February, 2018.


AYES: Mayor Sabatier, Vice Mayor Harris, Councilmembers Bennett and Perdock

NOES: None

ABSENT OR NOT VOTING: Councilmember Overton


MAYOR

ATTEST:


CITY CLERK

