

ORDINANCE NO. 202-2017
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 TO BE EFFECTIVE IMMEDIATELY
AS AN URGENCY MEASURE

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

Section 1. 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 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.

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. The City Council of the City of Clearlake adopts this ordinance as an urgency ordinance, 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 and students of the City, hereby institute a 45 day moratorium and prohibition on the issuance of permits to allow commercial cannabis businesses opening in locations in the City west of State Route 53. This ordinance may be extended by further action of the City Council consistent with the requirements of California Government Code sec. 65858.

Section 3. 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 21st day of December, 2017.

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

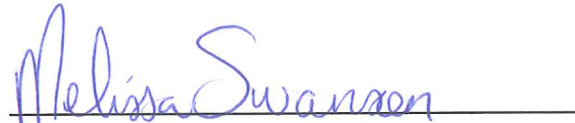
NOES: None

ABSENT OR NOT VOTING: None



MAYOR

ATTEST:



CITY CLERK

