

RESOLUTION NO. PC 2022-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CLEARLAKE, CALIFORNIA RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT DA 2022-01 FOR CLEARLAKE HARVEST COMPANY, LLC FOR THE PROPERTY LOCATED AT 2250 OGULIN CANYON ROAD, CLEARLAKE, CALIFORNIA, APN: 010-044-19-000.

WHEREAS, DEVELOPER owns the real property located at 2250 Ogulin Canyon Road, identified as Assessor's Parcel Number 010-044-19-000 ("Property") that is the subject of this agreement; and

WHEREAS, CITY is authorized to enter into binding development agreements with persons having legal or equitable interests in real property for the development of such property, pursuant to Section 65864, et seq. of the Government Code; and

WHEREAS, the Property is located within the City's I, Industrial, and CB, Commercial Cannabis Business Zoning Districts and subject to the land use controls of the City's Municipal Code; and

WHEREAS, DEVELOPER intends to operate a cannabis business on the Property including Cultivation, Manufacturing and Distribution, and has received approval of related activities; and

WHEREAS pursuant to Sections 5-20 and 18-43 of the Municipal Code, a development agreement for the commercial cannabis business is required; and

WHEREAS, DEVELOPER has requested CITY to enter into a development agreement and proceedings have been taken in accordance with Sections 5.20 and 18-43 of the Municipal Code and Section 68564, et seq. of the Government Code and the rules and regulations of CITY; and

WHEREAS, the Planning Commission has considered this Development Agreement (DA 2021-02) at a duly noticed public hearing.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CLEARLAKE ("PLANNING COMMISSION") HEREBY FINDS AND RESOLVES AS FOLLOWS:

SECTION 1. The property located at, At 2250 Ogulin Canyon Road, identified as Assessor's Parcel Number 010-044-19-000 legally described by Assessor's Parcel Number 010-044-19-000 ("Project Site" and/or "Property").

SECTION 2. The applicant has requested CITY to enter into a development agreement and proceedings have been taken in accordance with Section 68564, et seq. of the Government Code and the rules and regulations of CITY.

SECTION 3. On May 24, 2022, the Planning Commission of the City of Clearlake held a duly noticed public hearing at which interested persons had the opportunity to testify and at which the Planning Commission considered the Development Agreement.

SECTION 4. The development agreement proposed herein is consistent with the General Plan of the City of Clearlake in that the Potential Activity consist of a cannabis micro-business which is authorized in the zone subject to obtaining conditional use permits from the Planning Commission.

SECTION 5. Conditional Use Permits (CUP 2021-28 through CUP 2021-32) approved by the Planning Commission for a cannabis business permit is not operational until Development Agreement 2022-01 has been approved City Council and executed by the City and the Developer.

SECTION 6. The Planning Commission therefore recommends to the City Council to adopt Development Agreement DA 2022 -01 attached hereto as Exhibit 1.

SECTION 7. If any section, division, sentence, clause, phrase or portion of this resolution is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

The Secretary shall attest to the adoption of this resolution and shall forward a copy to the applicant, and any person requesting the same.

PASSED AND ADOPTED on this of 24th day of May 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chairperson, Planning Commission

ATTEST:

City Clerk, Planning Commission