

**ORDINANCE NO. 219-17**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILLIAMS, CALIFORNIA AMENDING SECTION 17.01.030 AND TABLE 17.01.030.6, 17.01.030.8, 17.01.030.10 OF THE WILLIAMS MUNICIPAL CODE CREATING A CANNABIS OVERLAY ZONE TO ALLOW THE ESTABLISHMENT OF COMMERCIAL CANNABIS USES FOR THE CULTIVATION, MANUFACTURING, TRANSPORTATION, DISTRIBUTION AND TESTING OF CANNABIS PRODUCTS**

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

**SECTION 1. Purpose.** The purpose of this ordinance is to amend the City’s Zoning Ordinance, Title 17, Chapter 17.01, Section 17.01.030, table 17.01.030.6, 17.01.030.8, and 17.01.030.10. . The proposed ordinance would create an overlay zone to allow the establishment of commercial cannabis uses and activity which will involve the cultivation, manufacturing, transportation, distribution, and testing of cannabis products. This ordinance is adopted pursuant to California Constitution article 11, section 7, Government Code section 65850, and other applicable law.

**SECTION 2. Amendments.** Williams Municipal Code section 17.01.030 table 17.01.030.6 is hereby amended:

Table 17.01.030.6 Industrial, Agricultural, Communications, and Transportation										
Land Use	Zoning Districts									
	Residential				Business & Commercial		Mixed Use	Industrial		Agriculture & Open Space
	R-E	R-S	R-U; R-U HD	NC	C-S	C	C-D	BP	IN	AR
<b>Industrial Uses</b>										
Broadcasting Center / Satellite Farm / Server Farm / Switching Facility	-	-	-	-	-	-	-	L	P	-
Commercial Cannabis Activity & Uses; See Subsection 17.01.030.10, Commercial Cannabis Activity Overlay Zone	-	-	-	-	-	-	-	-	-	-
Composting Facility	-	-	-	-	-	-	-	C	P	-

**Table 17.01.030.6  
Industrial, Agricultural, Communications, and Transportation**

Land Use	Zoning Districts									
	Residential				Business & Commercial		Mixed Use	Industrial		Agriculture & Open Space
	R-E	R-S	R-U; R-U HD	NC	C-S	C	C-D	BP	IN	AR
Disposal	-	-	-	-	-	-	-	-	-	C
Extraction	-	-	-	-	-	-	-	-	C	C
Heavy Industry	-	-	-	-	-	-	-	-	P	-
Heavy Retail, Lumberyards and Equipment	-	-	-	-	-	-	-	-	C	-
Light Industry	-	-	-	-	-	-	-	P	P	-
Power Generation, Fossil Fuel	-	-	-	-	-	-	-	-	L	-
Power Generation, Renewable Fuel	-	-	-	-	L	L	-	P	P	P
Recycling Drop off Collection Facility	-	-	-	-	-	-	-	C	P	-
Research / Testing Laboratory	-	-	-	-	-	-	-	P	P	-
Salvage Yard	-	-	-	-	-	-	-	C	P	-
Storage Yard	-	-	-	-	-	-	-	L	P	-
Trucking	-	-	-	-	-	-	-	L	P	-
Waste Transfer Station	-	-	-	-	-	-	-	C	P	-
<b>Agricultural Uses</b>										
Agriculture, Concentrated Animal Feeding Operation / Aquaculture	-	-	-	-	-	-	-	-	-	C
Agriculture, Crops or Silviculture	-	-	-	-	-	-	-	-	-	P
Agriculture, Livestock (non-Concentrated Animal Feeding Operation)	-	-	-	-	-	-	-	-	-	P
Agriculture, Support / Rural Services	-	-	-	-	-	-	-	-	P	P
Animal Boarding Facilities	-	-	-	-	L	P	-	P	-	P
Commercial Stables	-	-	-	-	-	-	-	P	-	P
Farmworker Housing	-	-	-	-	-	-	-	-	-	L
Farm Product Warehousing, Processing, and Storage	-	-	-	-	-	-	-	-	P	P
Grain Milling and Storage	-	-	-	-	-	-	-	-	P	P
Large Animal Veterinarian	-	-	-	-	-	-	-	P	-	P
Nursery or Greenhouse, Wholesale or Retail	-	-	-	-	L	P	-	-	P	P
<b>Transportation and Storage Uses</b>										

**Table 17.01.030.6  
Industrial, Agricultural, Communications, and Transportation**

Land Use	Zoning Districts									
	Residential				Business & Commercial		Mixed Use	Industrial		Agriculture & Open Space
	R-E	R-S	R-U; R-U HD	NC	C-S	C	C-D	BP	IN	AR
Airport	-	-	-	-	-	-	-	-	C	C
Bus Depot	-	-	-	-	-	C	-	-	-	-
Heliport	-	-	-	-	-	-	-	-	C	C
Helistop	-	-	-	-	-	-	-	-	C	C
Impound Yard	-	-	-	-	P	P	-	P	P	P
Rail Yard	-	-	-	-	-	-	-	-	P	C
Self-Storage	-	-	-	-	L	-	-	-	P	-
Warehousing and Logistics / Distribution Centers	-	-	-	-	-	-	-	P	P	-
<b>Wireless Telecommunications Facilities</b>										
Attached Facilities	-	-	-	-	L	L	L	P	P	P
Non-Stealth Freestanding Facilities	-	-	-	-	-	C	-	C	C	C
Stealth Freestanding Facilities	-	-	-	-	L	L	-	L	L	L

**SECTION 3.** Amendment. Williams Municipal Code section 17.01.030.8 is hereby amended to read in full as follows:

***17.01.030.8 Unlisted uses.***

A. If a proposed use is not listed in this section, and the director has made a determination that the use is either a subcategory of a permitted, limited, or conditional use, or a use that is functionally similar to a permitted, limited, or conditional use, the director will authorize a proposed use. If the director determines that a proposed use is not a subcategory of, or functionally similar to, a permitted, limited, or conditional use, then the use is a prohibited use. The director may refer a proposed use to the planning commission for determination.

B. The following uses are specifically prohibited in the City of Williams:

1. Mobile homes that were constructed more than ten years from the date of proposed installation.
2. Cannabis uses. Cannabis dispensaries cannabis and cannabis delivery, as defined herein, shall be considered prohibited uses in all zoning districts of the City. No use permit, variance, building permit, or any other entitlement or permit, whether administrative or discretionary, shall be

approved or issued for the establishment or operation of a dispensary, or cannabis delivery of cannabis as defined herein in any zoning district, and no person shall otherwise establish such businesses or operations in any zoning district.

### 3. Cannabis cultivation regulated.

(a) **Outdoor Cultivation.** A person may not plant, cultivate, harvest, dry, or process cannabis plants outdoors in any zoning district of the City. No use permit, building permit, variance, or any other permit or entitlement, whether administrative or discretionary, shall be approved or issued for any such use or activity.

#### (b) Indoor Cultivation.

(i) A person may not plant, cultivate, harvest, dry, or process cannabis plants indoors in any zoning district of the City, except as provided for in Section 17.01.030.10 Commercial Cannabis Activity Overlay Zone and in a private residence or inside an accessory structure to a private residence located upon the grounds of a private residence. No use permit, building permit, variance, or any other permit or entitlement, whether administrative or discretionary, shall be approved or issued for any such use or activity.

(ii) A person may not plant, cultivate, harvest, dry, or process more than six cannabis plants for his or her personal use inside a private residence or inside an accessory structure to a private residence located upon the grounds of a private residence. The plants themselves, and any cannabis produced by the plants in excess of 28.5 grams must be kept in a locked space, and must not be visible by normal unaided vision from a public place.

(iii) Not more than six living plants may be planted, cultivated, harvested, dried, or processed within a single private residence, or upon the grounds of that private residence, at one time.

SECTION. 4. Amendment. Williams Municipal Code section 17.01.030.8.5 is hereby amended to read in full as follows:

#### 17.01.030.8.5 Overlay districts

- A. This Chapter regulates new and existing structures and land uses in the overlay zoning districts established by Section 17.01.020.01 (Zoning Districts). The provisions of this Chapter provide guidance for development in addition to the standards and regulations of the base zoning districts, where important site, environmental, safety, compatibility, or design issues require particular attention in project planning.
- B. Mapping of overlay districts. The applicability of any overlay zoning district to a specific site is shown by the overlay Zoning Map symbol established by Section 17.01.020.01 (Zoning Districts), being appended as a suffix to the symbol for the primary zoning district on the Zoning Map (for example, IN-H for Industrial with Highway Overlay).
- C. Allowed land uses, permit requirements, development standards. Except as may be otherwise provided by this Chapter for a specific overlay district:
  - 1. Any land use allowed in the applicable base zoning district may be allowed within an overlay district, subject to any additional requirements of the overlay district;

2. Development and new land uses within an overlay district shall obtain the land use permits required by the base zoning district; and
3. Development and new land uses within an overlay district shall comply with all applicable development standards of the base zoning district.
4. Any requirements or standards established by an adopted specific plan, policy plan, or a special standards overlay district, shall supersede the standards of the applicable zoning district and the provisions of this chapter.

D. **Conflicting provisions.** The provisions of this Chapter apply to proposed land uses and development in addition to all other applicable requirements of this Zoning Code. In the event of any perceived conflict between the provisions of this Chapter and any other provision of this Zoning Code, the most restrictive shall control.

**17.01.030.8.7 Highway Zoning**

- A. In addition to the general purposes of this article and the purposes of the base district, the specific purpose of the Highway (H) overlay district is to allow for the establishment of a businesses located along Highway I-5 to allow greater flexibility for design of signs in combination with other zoning districts as referenced in Section 17.11.080 of this Chapter.
- B. The provisions of this chapter shall apply to certain specific areas designated “H” on the official zoning map of the city, and shall be combined with the applicable underlying base district.

17.01.030.9 **Adult-oriented business zoning.** The adult-oriented overlay zone that was established by Ord. 134-04 section 4(part), 2004, to govern the location of adult-oriented businesses in order to avoid adverse secondary effects that may result from the operation of such businesses, as set forth in more detail in the ordinance that adopted the overlay zone and associated ordinance provisions, remains in full force and effect. See Chapter 5.17 for definitions and restrictions.

**17.01.030.10 Commercial Cannabis Activity Overlay Zone**

A. **Purpose.** This Section provides standards for Commercial Cannabis Activity and Uses within the Commercial Cannabis Overlay Zone as shown in Figure A. Commercial Cannabis Activity and Uses shall include:

<b>Table 17.01.030.10</b>		
<b>Commercial Cannabis Activity Overlay Zone Allowed Uses</b>		
<b>Land Use</b>	<b>Maximum Cultivation Area Per Parcel (square feet)</b>	<b>Special Use Regulations</b>
<b>Commercial Cultivation</b>		
Cultivation; Specialty indoor; Small	501-5,000	C
Cultivation; Specialty mixed light; Small	2,501-5,000	C

Cultivation; Indoor; Small	5,001-10,000	C
Cultivation; Mixed Light; Small	5,001-10,000	C
Cultivation; Indoor; Medium	10,001-22,000	C
Cultivation; Mixed Light; Medium	10,001-22,000	C
<b>Commercial Manufacturing</b>		
Level 1- nonvolatile solvents	Per Conditional Use Permit	C
Level 2- volatile solvents	Per Conditional Use Permit	C
<b>Commercial Testing/Laboratories</b>	Per Conditional Use Permit	C
<b>Distributor</b>	Per Conditional Use Permit	C
<b>Transporter</b>	Per Conditional Use Permit	C



Figure A. ( Commercial Cannabis Activity Overlay Zone.

B. Review Authority. The Council is authorized to approve Conditional Use Permits for commercial cannabis activity and uses. The Planning Commission shall make a recommendation to the Council.

C. Permit requirements. Prior to initiating any commercial cannabis activity, the legal representative of the person(s) wishing to conduct the activity shall obtain and maintain a validly issued Conditional Use Permit approved by the City Council. A Conditional Use Permit shall be approved by the Council to ensure compliance with this Section. Conditional Use Permits shall not be issued until either the City Council approves a development agreement for the site, or until after the effective date of an approve ballot measure authorizing the taxation of commercial cannabis activity in the city.

D. Development Standards. Commercial Cannabis Activity and Uses shall comply with the following standards:

1. All Commercial Cannabis Activity and Uses shall be located within the boundaries of the Commercial Cannabis Activity Overlay Zone as depicted in figure A..

3. All loading/unloading areas shall be conducted within an enclosed and secure building area.

4. Odor control devices and techniques shall be incorporated to ensure that cannabis odors are not detectable from the property boundary and public right-of-way. In multi-tenant buildings cannabis odors shall not be detectable from the building exterior, or from exterior and/or interior common areas such as walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the commercial cannabis business. Odor control systems shall include, but are not limited to, ventilation and exhaust system that provide sufficient odor absorbing to meet the above requirements.

5. Cultivation uses shall prepare a Water Recycling Management Plan that demonstrates that irrigation water is recycled to the maximum extent feasible using best management practices. A separate water meter shall be installed for irrigation uses.

6. All cultivation uses shall be within an enclosed building. Cultivation uses are prohibited outdoors and within greenhouses.

7. Cultivation uses may use mixed-light buildings when issued a local license consistent with state licensing that allows for mixed-light buildings when no light is visible through the roof and windows of grow areas from dusk to dawn.

E. Signs. No exterior signage shall be allowed for commercial cannabis activity and uses except as follows: Commercial cannabis activity and uses shall be limited to one building mounted sign not to exceed 10 square feet that identifies the business name only. No offsite signs shall be permitted. Signs shall not be illuminated nor shall they contain logos, graphics, or list products or services offered. In addition, all signage shall conform to Chapter 17.11 Signs.

**SECTION 4. . Amendment.** Williams Municipal Code section 17.06.320 is hereby amended:

*Cannabis Uses.* For purposes of this code, cannabis uses include the following:

- A. "Commercial Cannabis Activity" includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, and distribution of cannabis products.

**SECTION 5. Authority.** The City Council enacts this ordinance under the authority granted to cities by Article XI, Section 7 of the California Constitution.

**SECTION 6. CEQA.** Adoption of this Ordinance is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines (14 CCR 15061(b)(3)) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The ordinance conditionally permits cannabis businesses that will have no impacts that are different than the farming, manufacturing, distribution, laboratory, activities already authorized within the proposed City zone.

Furthermore, the ordinance contains requirements that prevent any potential impacts on the environment that may be unique to businesses involving cannabis. For example, the ordinance establishes prohibitions on nuisance odors, glare, excess water usage, and establishes safety protections to prevent crime or deterioration of the business area. Further, there is no possibility that this ordinance would create impact that are significant because this ordinance does not authorize a total number of businesses in the city, rather it allows cannabis uses subject to a conditional use permit which at application submittal will be required to comply with CEQA. It does not authorize construction or other related activities. CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. It is therefore found and declared that the adoption of the regulations in this Ordinance will not have a significant effect on the environment.

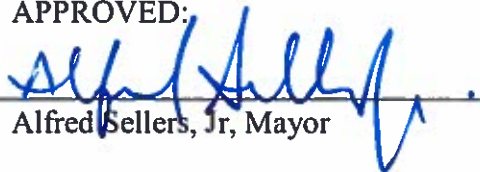
**SECTION 7. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. This City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance be enforced.

**SECTION 8. Effective Date and Publication.** The City Clerk shall certify to the adoption of this Ordinance, and the City Clerk shall cause this Ordinance to be posted or published as prescribed by law. This Ordinance shall take effect thirty (30) days following its adoption.

**PASSED AND ADOPTED** by the City Council of the City of Williams, this 19<sup>th</sup> day of July, by the following vote:

AYES: Council Member Troughton Jr., Jauregui, Mendoza, Bergson and Sellers Jr.  
NOES: None.  
ABSTAIN: None.  
ABSENT: None.

APPROVED:

  
Alfred Sellers, Jr, Mayor

ATTEST:

  
Mariana Pineda, City Clerk