

ORDINANCE NO. 1629

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND ADDING ARTICLE 25-21.6 TO THE CITY OF WOODLAND MUNICIPAL CODE RELATED TO ZONING OF COMMERCIAL CANNABIS CULTIVATION, MANUFACTURING, TESTING, RESEARCH, DISTRIBUTION AND RETAIL BUSINESSES IN THE CITY OF WOODLAND

WHEREAS, the City of Woodland does not permit cannabis related businesses to open or operate within the City; and

WHEREAS, the voters of the State of California adopted Proposition 64, the Adult Use of Marijuana Act, on November 8, 2016, which authorized certain personal cultivation and use of cannabis; and

WHEREAS, on June 27, 2017, the Governor signed SB 94 into law, a budget trailer bill effective immediately, to consolidate state licensing of medicinal and recreational “adult-use” cannabis businesses into a single regulatory scheme, now titled the “Medicinal and Adult-Use Cannabis Regulation and Safety Act” (MAUCRSA); and

WHEREAS, state law authorizes the City of Woodland to either prohibit or regulate commercial cannabis uses; and

WHEREAS, the City Council of the City of Woodland has determined that reasonable regulations regarding the establishment of commercial cannabis cultivation, manufacturing, testing, research, and distribution businesses in the City, as defined in this Ordinance and consistent with state law, will provide an appropriate balance between the City’s interests in fostering certain commercial, agricultural, and research-related activities while also protecting the public health, safety, and welfare of Woodland residents; and

WHEREAS, the City of Woodland Planning Commission considered this Ordinance amending the Zoning Code regarding commercial cannabis uses during a duly noticed public hearing on November 2, 2017, and voted 4-1-1-1 to recommend that the City Council adopt this Ordinance with certain amendments to the total number and types of allowable uses; and

WHEREAS, the City Council finds, based on the Planning Commission’s recommendation, that this Ordinance is in general conformance with the City’s General Plan and that the public necessity, convenience, and general welfare require the adoption of this Ordinance to balance the City’s interests in maintaining and developing certain commercial cannabis activities in the City while preserving the public health and safety of Woodland residents; and

WHEREAS, the City Council also finds that adoption of this Ordinance preserves and clarifies the City’s intended Zoning regulations regarding cannabis uses and is intended to retain and maintain local land use authority over those uses in light of state law and state licensing of commercial cannabis uses; and

WHEREAS, the City Council finds that this Ordinance will not result in any significant changes to the character or use of properties in the City and is not a project with the potential for causing a significant effect on the environment requiring California Environmental Quality Act (CEQA) analysis, and is categorically exempt from CEQA; and

NOW, THEREFORE, the City Council of the City of Woodland does hereby ordain as follows:

Section 1. Article 21.6 is hereby added to Chapter 25 of the Woodland Municipal Code to read as follows:

Article 21.6 – Commercial Cannabis Businesses

25-21.6-10 – Purpose

25-21.6-20 – Applicability

25-21.6-30 – Definitions

25-21.6-40 – General Conditions

25-21.6-50 – City Council Review

25-21.6-60 – Cannabis Manufacturing

25-21.6-70 – Cannabis Laboratories and Research

25-21.6-80 – Cannabis Distribution Facilities

25-21.6-90 – Cannabis Cultivation

25-21.6-100 – Cannabis Retailers

25-21.6-110 – Additional Regulatory Requirements

25-21.6-10 – Purpose.

The purpose of this Article is to impose zoning restrictions on commercial cannabis businesses in the City of Woodland as authorized and/or licensed by the State of California pursuant to state law. This Article is not intended to, and does not, give any person or entity independent legal authority to operate a cannabis business. Rather, it is intended to impose zoning restrictions regarding cannabis businesses that may operate in the City pursuant to this Code and state law. This Article is in addition to any other business license and regulatory requirements imposed on cannabis businesses by this Code or other applicable law.

25-21.6-20 – Applicability

No part of this Article shall be deemed to conflict with federal law, as contained in the Controlled Substances Act, nor to otherwise permit any activity that is prohibited under that Act or any other local, state, or federal law, statute, rule, or regulation. Nothing in this Article shall be construed to allow any conduct or activity relating to cultivation, distribution, dispensing, sale or consumption of cannabis that is otherwise illegal under local or state law. No provision of this Article shall be deemed a defense or immunity to any action brought against any person by the Yolo County District Attorney's office, the Attorney General of the State of California, or the United States of America.

25-21.6-30 – Definitions

The following words and phrases shall have the following meanings when used in this section:

“Cannabis” means all or any parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis, and cannabis as defined by section 11018 of the California Health and Safety Code, as it may be amended. For purposes of this Article, “cannabis” means and includes both cannabis for medical purposes and non-medical, “adult-use” purposes, unless otherwise specified, but does not include industrial hemp.

“Cannabis business” means a business activity including, but not limited to, planting, cultivation, harvesting, transporting, manufacturing, compounding, converting, processing, preparing, storing, packaging, distributing, researching, testing, providing, or selling wholesale and/or retail sales of cannabis. A cannabis business includes any facility, building structure, or location, expressly including dispensaries and deliveries, and shall expressly include those commercial cannabis activities authorized and/or licensed by state law.

“Cannabis cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis licensed by the state and intended for commercial sale. For purposes of this Article, cannabis cultivation does not mean or include personal cultivation of cannabis regulated by Article 21.5 of the Zoning Code

“Cannabis distribution facility” means any facility engaged in the procurement, temporary storage, non-retail sales, and transport of cannabis or cannabis products between state-licensed cannabis business, including warehouses and similar structures.

“Cannabis laboratories and research” means a laboratory, facility, or entity that offers or performs tests or testing of cannabis or cannabis products, including accredited testing laboratories licensed by the state and involved in commercial cannabis activity in the state. Cannabis laboratories and research also includes start-up or incubator research activities, which typically include but are not limited to research, design, analysis, development, and/or testing of a cannabis product, and laboratories or facilities engaged in scientific research studies, investigation, testing, or experimentation, but not including cannabis manufacturing or sales of cannabis.

“Cannabis manufacturing” means the compounding, blending, extracting, infusing, or otherwise making or preparing a cannabis product. For purposes of this Article, cannabis manufacturing expressly includes the production, preparation, propagation, processing, or compounding of cannabis or cannabis products directly or indirectly, including through extraction and/or chemical synthesis methods. Cannabis manufacturing may include distribution of wholesale products from the premises, but shall not include any retail sales of cannabis or cannabis products or other sales to consumers.

“Cannabis retailer” means a premises permanently located in the City licensed by the state of California pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act, California Business and Professions Code section 26000 et seq., as may be amended, where cannabis is provided for retail sale to consumers, including an establishment that delivers cannabis as part of a retail sale. Unless otherwise specified, “Cannabis retailer” means both a retailer selling medical cannabis and medical cannabis products to patients with valid physician’s recommendations, and a retailer providing adult-use cannabis and cannabis products for adults 21 years of age and over, pursuant to state law.

25-21.6-40 – General Conditions

(a) No cannabis business may operate in any zoning district in the City of Woodland except as expressly permitted by and in conformance with the provisions of this Article. No cannabis business may engage in the retail sales of cannabis unless expressly permitted or conditionally permitted pursuant to this Article.

(b) Any cannabis business permitted by this Article must, prior to operating a cannabis business, obtain and maintain at all times a valid license issued by the State of California, as may be applicable, and any other local or regulatory licenses required by this Code. Any cannabis business operating without a valid license from the State of California shall cease operations until a valid state license is obtained, in addition to any other state and local requirements that may apply.

(c) Pursuant to California Business and Professions code section 26054(b), as may be amended, no cannabis business may be located within a 600 foot radius of a school providing K-12 instruction, a day care center or a youth center in existence at the time the license is issued. Additionally, no cannabis business may be located within a 600 foot radius of a public park.

25-21.6-50 – City Council Review

(a) The Planning Commission shall review all conditional use permit applications submitted pursuant to this Article and provide a recommendation regarding approval to City Council.

(b) The City Council shall serve as the final review authority for all conditional use permit applications submitted pursuant to this Article, and is authorized to approve or deny issuance of all cannabis conditional use permits.

(c) In evaluating whether to recommend approval or approve conditional use permit applications, the Planning Commission and City Council shall consider the following factors, in addition to all other requirements provided for in Article 27 of Chapter 25 of the Municipal Code:

- (1) The type of proposed use by the applicant;
- (2) Whether the proposed use will be detrimental to the health, safety and welfare of the community;

- (3) Whether the use would enhance the economic viability of the area in which it is proposed to be located, including adjacent and surrounding properties;
- (4) Whether the applicant has adequately addressed potential community benefits of the use to offset potential adverse impacts;
- (5) The extent of support or opposition to the proposed use and location from members of the community;
- (6) The number of cannabis uses located or proposed to be located within 1,000 feet of the proposed location;
- (7) The extent to which the proposed use would cause a further overconcentration of that particular type of use in the area;
- (8) The background and the history of the applicant, including the nature and extent of problems on any premises where he or she has operated a cannabis business in the past; and
- (9) Whether there is a history of police or crime-related problems in the area of the proposed location which may be exacerbated by establishment of the proposed cannabis use.

(d) The City Council is authorized to approve up to a maximum of six (6) total conditional use permits for cannabis businesses pursuant to this Article.

25-21.6-60 – Cannabis Manufacturing

Cannabis manufacturing may be permitted, subject to the requirements of the Municipal Code, including all applicable Performance Standards, and the granting of a conditional use permit as provided for in Article 27 of Chapter 25 of the Municipal Code, in the Industrial (I) and Industrial with Light Industrial Flex Overlay (I/LIF) zones.

25-21.6-70 – Cannabis Laboratories and Research

Cannabis laboratories and research facilities may be permitted, subject to the requirements of the Municipal Code, including all applicable Performance Standards, and the granting of a conditional use permit as provided for in Article 27 of Chapter 25 of the Municipal Code, in the Industrial (I) and Industrial with Light Industrial Flex Overlay (I/LIF) zones. Cannabis laboratories and research facilities are prohibited from engaging in commercial cultivation, manufacturing, distribution and sales of cannabis.

25-21.6-80 – Cannabis Distribution Facilities

Cannabis distribution facilities may be permitted, subject to the requirements of the Municipal Code, including all applicable Performance Standards, and the granting of a conditional use permit

as provided for in Article 27 of Chapter 25 of the Municipal Code, in the Industrial (I) and Industrial with Light Industrial Flex Overlay (I/LIF) zones.

25-21.6-90 – Cannabis Cultivation

Cannabis cultivation is prohibited.

25-21.6-100 – Cannabis Retailers

Cannabis retailers are prohibited.

25-21.6-110 – Additional Regulatory Requirements

In addition to complying with all applicable requirements in this Article and obtaining a state license for commercial cannabis activities, no commercial cannabis use may operate in the City without first obtaining a cannabis business permit.

Section 2. Section 25-18-10. - Table 3-Permitted Uses of the Woodland Municipal Code is hereby amended to add “Cannabis Uses” into Table 3, to be inserted after part G. Miscellaneous Uses, as follows:

H. CANNABIS USES	I	EOZ
1. Indoor Commercial Cultivation for Cannabis: Prohibited.		
2. Manufacturing, both Volatile and Non-Volatile: Limited to manufacturing for wholesale distribution for resale; Retail (on-site) sales prohibited	i	
3. Testing, Research and Development: Retail (on-site) sales prohibited	i	
4. Distribution: Retail (on-site) sales prohibited	i	
5. Retailers (Dispensaries): Prohibited.		

Section 3. Section 25-18-20 of the Woodland Municipal Code is hereby amended to add letter “i.” to the list of special conditions, to be inserted following letter “h.”, as follows:

- “i. Conditional Use Permit required, with final approval by the City Council, subject to article 25-21.6.”

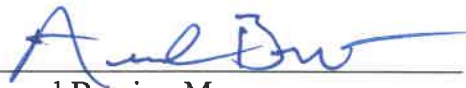
Section 4. Severability. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 5. CEQA. The City Council hereby finds that the Zoning Code amendments in this Ordinance impose the same or more stringent zoning standards as existing zoning standards that apply to other similar commercial uses in the City. The City Council further finds that this Ordinance merely establishes reasonable zoning restrictions regarding certain commercial cannabis uses that may be conditionally permitted in existing zones with similar uses in the City, and does not independently authorize or approve the establishment of any particular cannabis business in the City. As such, the City Council finds that this Ordinance will not result in any significant changes to the character or use of properties in the City and is not a project with the potential for causing a significant effect on the environment requiring California Environmental Quality Act (CEQA) analysis, and is categorically exempt from CEQA pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations and Business and Professions Code Section 26055(h).

Section 6. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption.

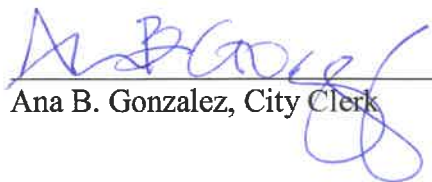
PASSED AND ADOPTED by the City Council this 5th day of December, 2017, by the following vote:

AYES: Council Member Davies, Fernandez, Rodriguez and Mayor Barajas
NOES: Council Member Stallard
ABSENT: None
ABSTAIN: None



Angel Barajas, Mayor

ATTEST:



Ana B. Gonzalez, City Clerk

APPROVED AS TO FORM:



Kara K. Ueda, City Attorney