City of Winters Planning Commission
Tuesday, April 23, 2024, 6:30 PM

AGENDA

Community Development Department
Contact Phone Number (530) 794-6714
Email: dave.dowswell@cityofwinters.org

Chairperson: Gregory Contreras
Vice Chair: Lisa Baker
Commissioners: Ramon Altamirano, Judith Arce
Jessica Smith

Jeremy Craig, City Manager
Sterling Thomas, Deputy City Clerk

PLEASE NOTE – The numerical order of items on this agenda is for convenience of reference. Items may be taken out of order upon request of the Planning Commission Chair, Commissioners, or City staff. Public comment is limited to 3 minutes, and speakers will be asked to state their name and address.

1. Call to Order: City of Winters Planning Commission Meeting

2. Participation via Zoom:

   https://us02web.zoom.us/j/85749414958?pwd=U1Y0akhjbDVRM2V2dmh1TlBRZzhoZz09

3. ROLL CALL

4. PLEDGE OF ALLEGIANCE

5. PUBLIC COMMENTS
   At this time, any member of the public may address the Planning Commission on matters, which are not listed on this agenda. Citizens should reserve their comments for matters listed on this agenda at the time the item is considered by the Planning Commission. An exception is made for members of the public for whom it would create a hardship to stay until their item is heard. Those individuals may address the item after the public has spoken on issues that are not listed on the agenda. Presentations may be limited to accommodate all speakers within the time available. Public comments may also be continued to later in the meeting should the time allotted for public comment expire.

6. APPROVAL OF AGENDA

7. CONSENT CALENDAR

8. PUBLIC HEARINGS

8.1 Public Hearing to consider amending the General Plan Land Use Designation from Neighborhood Commercial (NC) to Central Business District (CBD) and Rezoning

from Neighborhood Commercial (C-1) to Central Business Commercial (C-2) with a Planned Development Overlay (PD) for a 6.01 Acre Parcel (APN:038-190-035) Located on the South Side of East Grant Avenue between East Main Street and Morgan Street
SR GPA and REZONE APRIL 23 2024 FINAL.docx
PC_Resolution_2024-01_GPA_amendment_23_APRIL_2024_FINAL.docx

8.2 Public Hearing to Consider Possible Zoning Code Amendments Regarding Personal Cannabis Cultivation
Draft Ordinance re Personal Cannabis Cultivation-FINAL.docx
Cannabis_continued_PH_23_April_2024-_FINAL.doc
PC_Resolution_2024-02_cannabis_amendments_DAS_Ver_1-FINAL.docx

9. MISCELLANEOUS

10. PRESENTATIONS

11. STAFF COMMENTS/INFORMATION ITEMS

12. COMMISSION COMMENTS/REPORTS
Under Government Code Section 54952.2, may include: (1) a brief announcement; (2) a question for clarification; (3) a brief report on his or her own activities; (4) request staff to report back to the body at a subsequent meeting concerning any matter, or (5) take action to direct staff to place a matter of business (or issue) on a future agenda.

13. ADJOURNMENT
I declare under penalty of perjury that the foregoing agenda for the regular meeting of the Planning Commission was posted on the City of Winters website at www.cityofwinters.org and Commission Members were notified via e-mail of its' availability. A copy of the foregoing agenda was also posted on the outside public bulletin board at City Hall, 318 First Street , and made available to the public during normal business hours.

_____
Sterling Thomas, Deputy City Clerk

APPEALS: Any person dissatisfied with the decision of the Planning Commission may appeal this decision by filing a written Notice of Appeal with the City Clerk including payment of the applicable Appeal fee, no later than ten (10) calendar days after the day on which the decision is made.

Pursuant to Section 65009 (b) (2), of the State Government Code "If you challenge any of the above projects in court, you may be limited to raising only those issues you or someone else raised at the public hearing(s) described in this notice, or in written correspondence delivered

to the City Planning Commission at, or prior to, this public hearing".

MINUTES: The City does not transcribe its proceedings. Anyone who desires a verbatim record of this meeting should arrange for attendance by a court reporter or for other acceptable means of recordation. Such arrangements will be at the sole expense of the individual requesting the recordation.

PUBLIC REVIEW OF AGENDA, AGENDA REPORTS, AND MATERIALS: Prior to the Planning Commission meetings, copies of the Agenda, Agenda Reports, and other material are available during normal working hours for public review at the Community Development Department. In addition, a limited supply of copies of the Agenda will be available for the public at the meeting. Copies of Agenda, Reports and other material will be provided upon request submitted to the Community Development Department. A copy fee of 25 cents per page will be charged.

Any member of the public may submit a written request for a copy of Planning Commission Agendas to be mailed to them. Requests must be accompanied by a check in the amount of $25.00 for a single packet and $250.00 for a yearly subscription.

OPPORTUNITY TO SPEAK, AGENDA ITEMS: The Planning Commission will provide an opportunity for members of the public to address the Commission on items of business on the Agenda; however, comments are limited to three minutes.

REVIEW OF TAPE RECORDING OF MEETING: Planning Commission Meetings are recorded. Recordings are available for public review on the City of Winters website.

GENERAL NOTES: Meeting facilities are accessible to persons with disabilities. To arrange aid or services to modify or accommodate persons with a disability to participate in a public meeting, contact the City Clerk.

PLANNING COMMISSION

STAFF REPORT

TO: Chair and Planning Commissioners

DATE: April 23, 2024

FROM: David A. Storer, AICP, Contract Planner

SUBJECT: Public Hearing to consider amending the General Plan land use designation from Neighborhood Commercial (NC) to Central Business District (CBD) and rezoning from Neighborhood Commercial (C-1) to Central Business Commercial (C-2) with a Planned Development Overlay (PD) for a 6.01 acre parcel (APN:038-190-035) located on the south side of East Grant Avenue between East Main Street and Morgan Street.

This item was continued to this meeting from the March 26, 2024 meeting due to a lack of quorum due to a Commissioner recusal.

RECOMMENDATION: Staff recommends that the Planning Commission take the following actions:

1. Receive staff report;
2. Conduct the Public Hearing to solicit public comment;
3. Find the project Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3)of the CEQA Guidelines, because adoption of the General Plan Amendment and Zoning (rezoning) is covered by the general rule that CEQA applies only to projects causing a significant effect on the environment, and this project does not have the potential for causing a significant effect on the environment and the General Plan and Zoning amendments are necessary to implement the certified city of Winters 2012-2029 Housing Element, which includes Implementation Program II.3 Rezone to accommodate the Regional Housing Needs Allocation (RHNA). The property is a 6.01 acre parcel (APN:038-190-035) located on the south side of East Grant Avenue between East Main Street and Morgan Street;
4. Adopt Resolution 2024-01 recommending that the City Council:
    a) Find no further environmental review is necessary for the Project under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3)

(Common Sense Exemption) of Title 14 of the California Code of Regulations (State CEQA Guidelines); and

b) Approve the General Plan Amendment to amend the General Plan land use designation from Neighborhood Commercial (NC) to Central Business District (CBD) for the subject property, a 6.01 acre parcel (APN:038-190-035) located on the south side of East Grant Avenue between East Main Street and Morgan Street;

5. Adopt Resolution 2024-02 recommending that the City Council:
   a) Find no further environmental review is necessary for the Project under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (Common Sense Exemption) of Title 14 of the California Code of Regulations (State CEQA Guidelines); and
   b) Approve the Rezone from Neighborhood Commercial (C-1) to Central Business Commercial (C-2) with a Planned Development Overlay permitting owner-occupied and rental multi-family uses by right, pursuant to Government Code 65583.2(I) for developments in which twenty (20) percent or more of the units are affordable to lower income households thereby allowing an increased density from 1 to 10 units per acre to 11-20 units per acre, allowing additional commercial uses and permitting multi-family housing to be located at or above ground level. The property is a 6.01 acre parcel (APN:038-190-035) located on the south side of East Grant Avenue between East Main Street and Morgan Street.

BACKGROUND:

The City of Winters had its 6th Cycle General Plan 2021-2029 Housing Element "Certified" by the State Dept. of Housing and Community Development (HCD) on May 11, 2022. (See attachment 3). This means that the Housing Element is in substantial compliance with State Housing Element Law (Article 10.6 of the Gov. Code) as determined by HCD. In consideration of its "Certification" approval, HCD recognized the City's commitment to rezone sufficient lands to provide adequate sites for lower income households in order to meet its Regional Housing Needs Allocation (RHNA). Implementation Program II.3 is provided below:

> II.3 **Rezone to Accommodate RHNA:** As identified in the Background Report, the City can accommodate 130 units through approved projects, its inventory of lower income sites, and accessory dwelling units. To accommodate the remaining lower-income RHNA of 70 units, the City of Winters will identify and rezone a minimum of 4.25 acres of land to the R4A zoning district, a new zoning district that will allow exclusively residential uses and a minimum of 17.5 units per acre to a maximum of 22 units per acre. Rezoned sites will be no less than 0.5 acres and no more than 10 acres in size. Rezoned sites will permit owner-occupied and rental multi-family uses by right pursuant to Government Code section 65583.2(i) for developments in which 20 percent or more of the units are affordable to lower income households. The rezoned sites will be selected from the sites identified below (see Appendix D). Each site has the capacity to accommodate at least 16 units, will be available for development in the planning period, and is located where water, sewer, stormwater drainage, and dry utilities can be provided.
>
> - 038-190-035 – vacant 5.79-acre site with capacity for 101 units.

The subject property listed above is one of four sites identified in the Housing Element that could be rezoned and the property owner has consented to the City's proposed General Plan and Rezoning Amendments. As can be seen above, the City needs to rezone lands to

accommodate an additional 70 units to allow for lower income households thereby eliminating its RHNA "shortfall". See chart below taken from the Housing Element Background Report.

Table IV-1: Comparison of RHNA to Inventory of Sites, Approved Projects, and ADUs

	Extremely Low, Very Low, & Low		Moderate		Above Moderate		TOTAL	
	Acres	Units	Acres	Units	Acres	Units	Acres	Units
2021-2029 RHNA (Table II-39)	-	200	-	104	-	248	-	552
Inventory of Residential Sites								
R-1	0	0	2.9[1]	19[1]	92.6	544	95.5	563
R-2	0	0	0	0	62.1	433	62.1	433
R-3	0	0	9.6	76	0	0	9.6	76
R-4	5.2	90	4.9	81	0	0	10.1	171
CBD	0	0	1.0	7	0	0	1.0	7
C-1/PD	0	0	0.5	10	0	0	0.5	10
Total	*5.2*	*90*	*18.9*	*193*	*154.7*	*977*	*178.8*	*1,260*
Approved Projects								
Various (see Approved projects discussion below)	-	27	-	35	-	495	101.61	557
Accessory Dwelling Units								
ADUs		13		5		0		18
Total Capacity (Inventory, plus Approved Projects, plus ADUs)								
TOTAL CAPACITY		130		236		1,472		1,846
Shortfall		70		0		0		
Excess Capacity		0		129		1,224		

[1]Moderate income units included in the proposed Skreden 61/Farmstead and LDS Subdivision projects– acreage estimated on the proportion of moderate incomes to total units[2]Assumes an average of two ADUs per year, based on ADU production from 2018 through 2021, with affordability levels distributed based on the SACOG Regional Accessory Dwelling Unit Affordability Analysis performed in March 2020 and identified Yolo County's breakdown as 15% extremely low, 10% very low, 44% low, 30% moderate, and 1% above moderate.

Source: City of Winters, 2021; Yolo County Assessor Data, 2020; De Novo Planning Group, 2021

Analysis:

With the proposed General Plan Amendment and Rezoning Amendment, the City will be providing for the addition of a possible 120 units (six acres @ 20/duac) to its housing inventory (without the need to add more units with a Density Bonus), thereby successfully satisfying its obligation to rezone adequate sites to meet its RHNA for the 6th Cycle planning period.

General Plan:

The current General Plan designation for the subject property is Neighborhood Commercial (NC). This designation is described in the General Plan (Part I – Land Use/Circulation Diagrams and Standards) below:

Neighborhood Commercial (NC)

This designation provides for neighborhood and locally-oriented retail and service uses, offices, multi-family residential units above the ground floor, public and quasi-public uses, and similar and compatible uses. All residential uses shall be subject to discretionary review and approval. The FAR shall not exceed 0.40 for commercial uses and residential density shall be in the range of 6.1 to 10.0 units per gross acre.

To comply with the Housing Element Implementation Measure II.3 above, the General Plan designation must be modified to increase the density to allow 20 dwelling units to the acre which the Central Business District (CBD) designation affords.

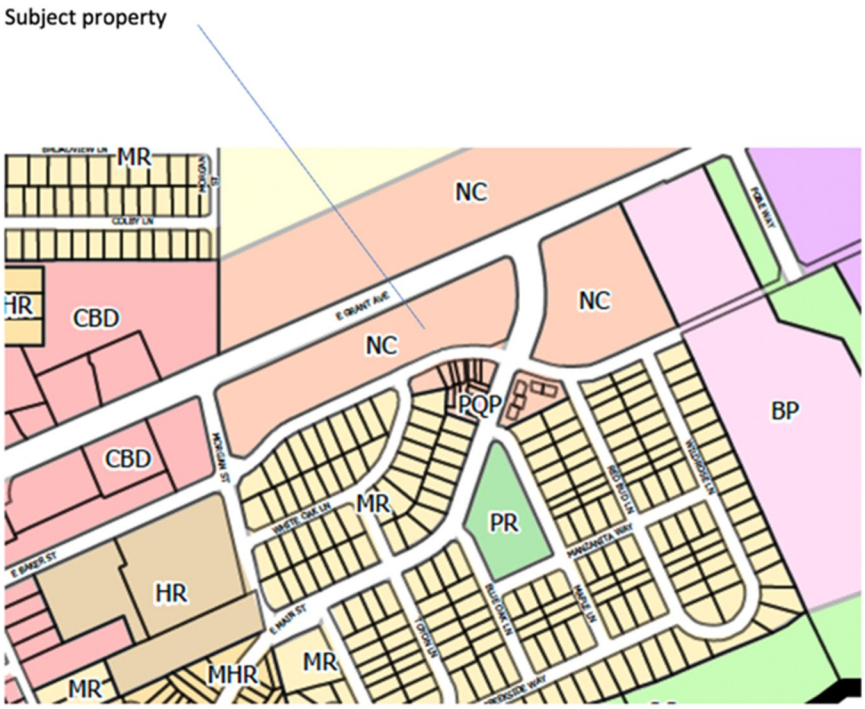


Figure 1 – Current General Plan Map

The proposed new General Plan designation is described in the City General Plan (Part I – Land Use/Circulation Diagrams and Standards) as provided below:

Central Business District (CBD)

This designation provides for restaurants, retail, service, professional and administrative offices, hotels, multi-family residential units, public and quasi-public uses, and similar and compatible uses. Residential densities shall be in the range of 10.1 to 20.0 units per acre; the FAR for offices and commercial uses shall not exceed 2.0 and the FAR for all other uses shall not exceed 0.60. Residential uses shall be subject to discretionary review and approval.

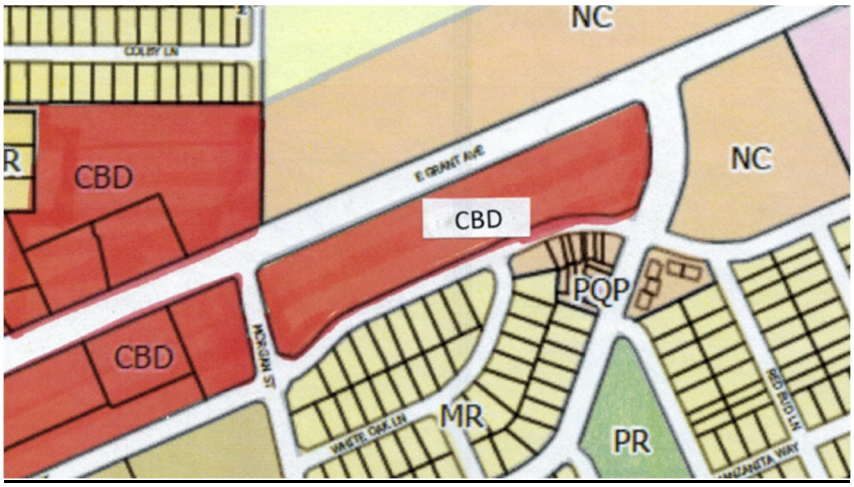


Figure 2 – Proposed General Plan Map

Following consideration by the Planning Commission and approval by the City Council, the General Plan map will be modified on the subject property to reflect the action taken.

Findings for approval of the General Plan Amendment (Staff's comments supporting the Findings are also provided below):

1) Public Welfare. Approval of the amendment will not create conditions materially detrimental to the public health, safety and general welfare. This finding can be made as the site will be developed with commercial uses or residential uses consistent with the current list of allowable uses.
2) Internal General Plan Consistency. The amendment is internally consistent with those goals, objectives, and policies of the general plan which are not being amended. This finding can be made as the property already has a commercial General Plan designation and commercial zoning.
3) Land Use Compatibility. In the case of amendments to the general plan land use policy map, the new designation is compatible with the designations on nearby properties. This finding can be made as nearby properties are commercial and residential in nature.

4) Property Suitability. In the case of amendments to the general plan land use policy map, the new designation is suitable for the location, access, visual character and topography of the subject property. This finding can be made as the proposed commercial (CBD) land use designation is very similar to the existing commercial (NC) land use designation.

Zoning:

The zoning of the subject property is currently C-1 which allows for a variety of principally permitted (PP) uses that include minor automotive repair, business services, financial institutions, equipment sales and rental repair, nurseries, business and medical offices, personal retail services, restaurants, general retail services, service stations, recycling collection centers and Minor utility services. Uses allowed with a Conditional Use Permit (CUP), issued by the Planning Commission, include major automotive repairs, cocktail bar and lounges, outdoor sales, indoor and outdoor recreation, drive-through restaurants, roadside stands, stationary food vendors, assembly hall/community services, communication equipment facilities, public parks, veterinary kennels and hospitals, convalescence and care services, cultural facilities, religious institutions, safety services, and multi-family dwellings.

With the rezoning of the subject property to C-2, the aforementioned uses in the C-1 zone are similarly allowed (by right or upon issuance of a CUP by the Planning Commission) **in addition** to principally permitting a funeral parlor, veterinary kennels and hospitals, emergency shelters, farmworker housing units and farmworker housing complexes. The additional uses of bed and breakfast inns, hotels and motels, personal storage, single-family dwellings and single room occupancy units are allowed with the issuance of a Conditional Use Permit (CUP).

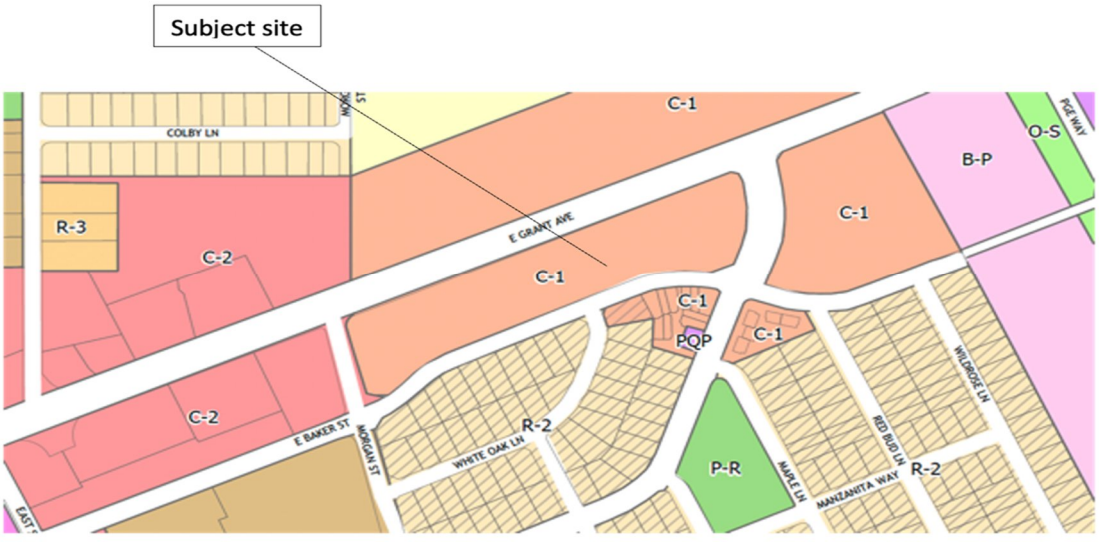


Figure 3 – Current Zoning Map

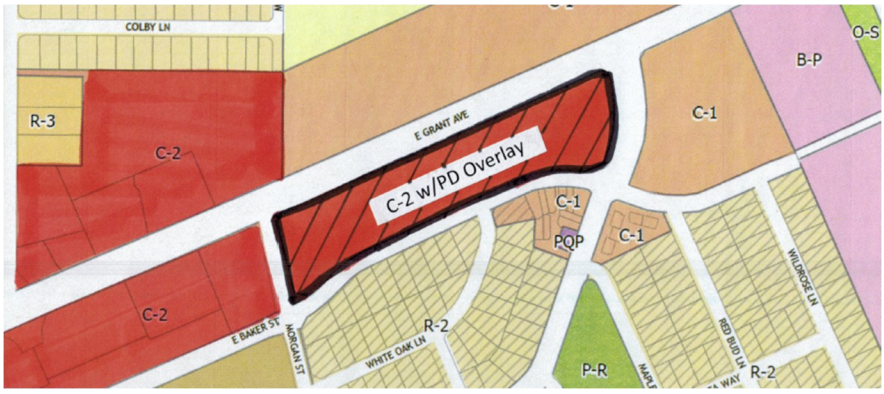


Figure 4 – Proposed Zoning Map

In order to allow for multi-family to be developed pursuant to the directives of the Housing Element Implementation measure II.3 provided above, the property needs a Planned Development (P-D) Overlay in order to provide added flexibility in design. Section 17.48.020 of the City's zoning code provides the following with respect to special design criteria for Planned Development overlays:

> *17.48.020 Application.*
>
> *Where a special design for land use provides a clear benefit for the city in applying regulations more flexible than those contained elsewhere in this title, a planned development (P-D) overlay zone may be established. The purpose of such overlay zone is to grant or require diversification in the location of structures and other site elements which would be appropriately compatible, while ensuring adequate standards relating to the public health, safety, welfare, comfort and convenience. P-D overlay zones may be established in any area suitable for and of sufficient size to contain a planned development, and may include residential, commercial or industrial uses where appropriate findings can be made. The P-D overlay zone may be applied to any base zone within this title. Uses not otherwise found in this title may be specifically permitted within the P-D overlay zone regardless of what base zone it overlays, subject to making required findings.*

In order to approve a P-D Overlay, Section 17.48.060 of the zoning code requires the following six findings to be made (Staff's comments supporting the Findings are also provided below):

A. The development proposed is consistent with the general plan and the purposes of this section; This finding can be made as the General Plan map is being amended concurrently with the proposed rezone and will be therefore be consistent with the General Plan. No development of the site is occurring with this amendment project.

B. The development proposed either complies with the applicable provisions of the basic zoning district on the property or any deviations from those provisions have been justified as necessary to achieve an improved design for the development and/or the environment; This finding can be made as the provisions of the zoning code will be met when development occurs consistent with the new zoning district. No development of the site is occurring with this amendment project.

C. The proposed development is essential or desirable to the public comfort and convenience; This finding can be made as the new land use designations will provide for expanded commercial and residential uses/development in the City. No development of the site is occurring with this amendment project.

D. The requested plan will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety or general welfare; This Finding can be made as the new designations are enhancements to the existing land use designations and consistent in nature. No development of the site is occurring with this amendment project.

E. Adequate utilities, access roads, sanitation and/or other necessary facilities and services will be provided or available; This finding can be made as the site is located on a major arterial to the City where urban infrastructure exists. No development of the site is occurring with this amendment project.

F. The development will not create an adverse fiscal impact for the city in providing necessary services. This finding can be made as the property will be developed by property owners who will pay their fare-share of

impact fees necessary to provide necessary services. No development of the site is occurring with this amendment project.

ENVIRONMENTAL ASESSMENT:

Staff has reviewed the Project to determine the required level of review under CEQA. The proposed Project is exempt from CEQA under State CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption). Section 15061(b)(3) of the State CEQA Guidelines states that an activity is covered by the "common sense" exemption that CEQA only applies to projects that 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 review. If property is to be developed, staff will conduct a subsequent analysis/review pursuant to CEQA, or verify the applicability of a CEQA exemption, prior to any discretionary action to approve or move forward with any recommendation.

STAFF RECOMMENDATION:

Should the Planning Commission concur with staff's recommendation, the following two motions are provided:

1. Adopt Resolution 2024-01 recommending that the City Council:
    a) Find no further environmental review is necessary for the Project under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (Common Sense Exemption) of Title 14 of the California Code of Regulations (State CEQA Guidelines); and
    b) Approve the General Plan Amendment to amend the General Plan land use designation from Neighborhood Commercial (NC) to Central Business District (CBD) for the subject property, a 6.01 acre parcel (APN:038-190-035) located on the south side of East Grant Avenue between East Main Street and Morgan Street.
2. Adopt Resolution 2024-02 recommending that the City Council:
    a) Find no further environmental review is necessary for the Project under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (Common Sense Exemption) of Title 14 of the California Code of Regulations (State CEQA Guidelines); and
    b) Approve the rezone from Neighborhood Commercial (C-1) to Central Business Commercial (C-2) with a Planned Development Overlay permitting owner-occupied and rental multi-family uses by right, pursuant to Government Code 65583.2(I) for developments in which twenty (20) percent or more of the units are affordable to lower income households, thereby allowing an increased density from 1 to 10 units per acre to 11-20 units per acre, allowing additional commercial uses and permitting multi-family housing to be located at ground level. The property is a 6.01 acre parcel (APN:038-190-035) located on the south side of East Grant Avenue between East Main Street and Morgan Street.

ALTERNATIVES:

Actions that the Planning Commission may take as an alternative to the recommended action include the following:

1) Direct staff to return with additional information at a later meeting.
2) Recommend to the City Council that the General Plan and Rezoning Amendments not be adopted.

ATTACHMENTS:

1. General Plan Amendment - Draft Resolution of the Planning Commission, No. 2024-01.
2. Rezoning Amendment – Draft Resolution of the Planning Commission, No. 2024-02.
3. Letter dated May 11, 2022, from HCD

PLANNING COMMISSION RESOLUTION NO. 2024-01

RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE A GENERAL PLAN AMENDMENT TO THE GENERAL PLAN LAND USE DESIGNATION FROM NEIGHBORHOOD COMMERCIAL (NC) TO CENTRAL BUSINESS DISTRICT (CBD) FOR A 6.01 ACRE PARCEL (APN:038-190-035) LOCATED ON THE SOUTH SIDE OF EAST GRANT AVENUE BETWEEN EAST MAIN STREET AND MORGAN STREET AND FINDING THAT NO FURTHER ENVIRONMENTAL REVIEW IS NECESSARY FOR THE PROJECT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15061(B)(3) (COMMON SENSE EXEMPTION) OF TITLE 14 OF THE CALIFORNIA CODE OF REGULATIONS (STATE CEQA GUIDELINES).

Whereas, the City of Winters General Plan was adopted on May 19, 1992, by City Council Resolution No. 1992-13; and

Whereas, General Plan Housing Element updates must be prepared in accordance with the provisions set forth in Section 65583 et seq. of the Government Code; and

Whereas, on May 11, 2022, the State Department of Housing and Community Development (HCD) found that the City prepared (and adopted) 6th Cycle Housing Element in substantial compliance with State Housing Element Law (Article 10.6 of the Gov. Code); and

Whereas, the "Certified" Housing Element contained several Implementation policies that required action on the part of the City related to the ability of the City to provide adequate sites for all economic segments of the community; and

Whereas, Implementation Policy II.3 requires the City to rezone a minimum of 4.25 acres to accommodate 70 units for lower income households; and

Whereas, the aforementioned rezoned lands (with a P-D overlay) will allow the addition of higher density residential uses at a minimum of 17.5 dwelling units per acre up to a maximum of 22 dwelling units to the acre, allowing expanded commercial uses from C-1 to C-2 and multi-family units at or above ground level; and

Whereas, a General Plan amendment is necessary in order to rezone the subject property in order to implement Policy II.3 of the City's Housing Element; and

Whereas, the property owner of Assessor's Parcel Number 038-190-035 is desirous to have the subject property have a new General Plan designation and be within a new zoning district in order for the City to implement the policies of its Housing Element; and

Whereas, a notice of public hearing for the General Plan amendment was published in the *Winters Express* on March 14, 2024; and

Whereas, in accordance with Winters Municipal Code Section 17.36.030.B and Section 17.16.040, an affected property owners notice was mailed to adjacent property owners within 300 feet of the project location on March 15, 2024; and

Whereas, the City of Winters Planning Commission continued the duly noticed public hearing on March 26, 2024 without discussion due to lack of quorum due to a Commissioner recusal; and

Whereas, the Planning Division staff presented its oral and written staff report on the proposed project at a regular meeting of the Planning Commission on April 23, 2024; and

Whereas, the Planning Division staff recommended approval of the proposed General Plan Amendment based on the findings provided in Exhibit A attached hereto and incorporated herein; and

Whereas, on April 23, 2024, the Planning Commission held a public hearing on the project to receive oral and written testimony and written prior to reaching its decision.

Now, Therefore Be It Resolved that the Planning Commission recommends that the City Council approve a General Plan amendment to the General Plan land use designation from Neighborhood Commercial (NC) to Central Business District (CBD) for a 6.01 acre parcel (APN:038-190-035) located on the south side of East Grant Avenue between East Main Street and Morgan Street and finding that no further environmental review is necessary for the project under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (Common Sense Exemption) of Title 14 of the California Code of Regulations (State CEQA Guidelines); and

Be it Further Resolved that the Planning Commission, based on the evidence in the record and findings set forth in Exhibit A, determines the project to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (General Rule) of the CEQA Guidelines.

It is hereby certified that the foregoing Planning Commission Resolution No. 2024-01 was duly adopted on a motion by Commissioner _____ and seconded by Commissioner _____, at a regular meeting of the City of Winters Planning Commission held on the 23rd day of April, 2024, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

_____
Gregory Contreras, Chairperson

Attest:

_____
Jeremy Craig, Planning Commission Secretary

Planning Commission Resolution No. 2024 – 01
Exhibit "A"

General Plan Amendment Findings

1) Public Welfare. Approval of the amendment will not create conditions materially detrimental to the public health, safety and general welfare. This finding can be made as the site will be developed with commercial uses or residential uses consistent with the current list of allowable uses.

2) Internal General Plan Consistency. The amendment is internally consistent with those goals, objectives, and policies of the general plan which are not being amended. This finding can be made as the property already has a commercial General Plan designation and commercial zoning.

3) Land Use Compatibility. In the case of amendments to the general plan land use policy map, the new designation is compatible with the designations on nearby properties. This finding can be made as nearby properties are commercial and residential in nature.

4) Property Suitability. In the case of amendments to the general plan land use policy map, the new designation is suitable for the location, access, visual character and topography of the subject property. This finding can be made as the proposed commercial (CBD) land use designation is very similar to the existing commercial (NC) land use designation.

PLANNING COMMISSION RESOLUTION NO. 2024-01

RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE A REZONE FROM NEIGHBORHOOD COMMERCIAL (C-1) TO CENTRAL BUSINESS COMMERCIAL (C-2) WITH A PLANNED DEVELOPMENT OVERLAY (PD) FOR A 6.01 ACRE PARCEL (APN:038-190-035) LOCATED ON THE SOUTH SIDE OF EAST GRANT AVENUE BETWEEN EAST MAIN STREET AND MORGAN STREET AND FINDING THAT NO FURTHER ENVIRONMENTAL REVIEW IS NECESSARY FOR THE PROJECT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15061(B)(3) (COMMON SENSE EXEMPTION) OF TITLE 14 OF THE CALIFORNIA CODE OF REGULATIONS (STATE CEQA GUIDELINES)

Whereas, the City of Winters General Plan was adopted on May 19, 1992, by City Council Resolution No. 1992-13; and

Whereas, General Plan Housing Element updates must be prepared in accordance with the provisions set forth in Section 65583 et seq. of the Government Code; and

Whereas, on May 11, 2022, the State Department of Housing and Community Development (HCD) found that the City prepared (and adopted) 6th Cycle Housing Element in substantial compliance with State Housing Element Law (Article 10.6 of the Gov. Code); and

Whereas, the "certified" Housing Element contained several Implementation policies that required action on the part of the City related to the ability of the City to provide adequate sites for all economic segments of the community; and

Whereas, Implementation Policy II.3 requires the City to rezone a minimum of 4.25 acres to accommodate 70 units for lower income households; and

Whereas, the aforementioned rezoned lands will allow the addition of higher density residential uses at a minimum of 17.5 dwelling units per acre up to a maximum of 22 dwelling units to the acre in addition to allowing expanded commercial uses and multi-family units at or above ground level; and

Whereas, a General Plan amendment is necessary in order to rezone the subject property in order to implement Policy II.3 of the City's Housing Element; and

Whereas, the property owner of Assessor's Parcel Number 038-190-035 is desirous to have the subject property have a new General Plan designation and be within a new zoning district in order for the City to implement the policies of its Housing Element; and

Whereas, a notice of public hearing for the proposed rezone was published in the *Winters Express* on March 14, 2024; and

Whereas, in accordance with Winters Municipal Code Section 17.36.030.B and Section 17.16.040, an affected property owners notice was mailed to adjacent property owners within 300 feet of the project location on March 15, 2024; and

Whereas, the City of Winters Planning Commission continued the duly noticed public hearing on March 26, 2024 without discussion due to lack of quorum due to a Commissioner recusal; and

Whereas, the Planning Division staff presented its oral and written staff report on the proposed project at a regular meeting of the Planning Commission on April 23, 2024; and

Whereas, the Planning Division staff recommended approval of the proposed rezoning of **APN:038-190-035** based on the findings provided in Exhibit A attached hereto and incorporated herein; and

Whereas, on April 23, 2024, the Planning Commission held a public hearing on the project to receive oral and written testimony and written prior to reaching its decision.

Now, Therefore Be It Resolved that the Planning Commission recommends that the City Council approve a rezone from Neighborhood Commercial (C-1) to Central Business Commercial (C-2) with a Planned Development Overlay (PD) for a 6.01 acre parcel (APN:038-190-035) located on the south side of East Grant Avenue between East Main Street and Morgan Street and finding that no further environmental review is necessary for the project under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (Common Sense Exemption) of Title 14 of the California Code of Regulations (State CEQA Guidelines); and

Be it Further Resolved that the Planning Commission, based on the evidence in the record and findings set forth in Exhibit A, determines the project to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (General Rule) of the CEQA Guidelines.

It is hereby certified that the foregoing Planning Commission Resolution No. 2024-01 was duly adopted on a motion by Commissioner _____ and seconded by Commissioner _____, at a regular meeting of the City of Winters Planning Commission held on the 23rd day of April, 2024, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

_____
Gregory Contreras, Chairperson

Attest:

_____

Jeremy Craig, Planning Commission Secretary

Planning Commission Resolution No. 2024 – 01
Exhibit "A"

Rezone Findings

1. The proposed rezoning from C-1 to C-2 is consistent with the General Plan designation of Central Business District (CBD)
2. The proposed rezoning of C-2 with a Planned Development (P-D) overlay meets the following Findings:

A. The development proposed is consistent with the general plan and the purposes of this section; This finding can be made as the General Plan map is being amended concurrently with the proposed rezone and will be therefore be consistent with the General Plan. No development of the site is occurring with this amendment project.

B. The development proposed either complies with the applicable provisions of the basic zoning district on the property or any deviations from those provisions have been justified as necessary to achieve an improved design for the development and/or the environment; This finding can be made as the provisions of the zoning code will be met when development occurs consistent with the new zoning district. No development of the site is occurring with this amendment project.

C. The proposed development is essential or desirable to the public comfort and convenience; This finding can be made as the new land use designations will provide for expanded commercial and residential uses/development in the City. No development of the site is occurring with this amendment project.

D. The requested plan will not impair the integrity or character of the neighborhood nor be detrimental to the public health, safety or general welfare; This Finding can be made as the new designations are enhancements to the existing land use designations and consistent in nature. No development of the site is occurring with this amendment project.

E. Adequate utilities, access roads, sanitation and/or other necessary facilities and services will be provided or available; This finding can be

made as the site is located on a major arterial to the City where urban infrastructure exists. No development of the site is occurring with this amendment project.

F. The development will not create an adverse fiscal impact for the city in providing necessary services. This finding can be made as the property will be developed by property owners who will pay their fare-share of impact fees necessary to provide necessary services. No development of the site is occurring with this amendment project.

EXHIBIT A

ORDINANCE NO. 2024-30

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WINTERS AMENDING SECTIONS 17.04.140, 17.205.010, 17.205.020, AND 17.205.030 OF THE WINTERS MUNICIPAL CODE AND ADDING SECTION 17.205.040 TO THE WINTERS MUNICIPAL CODE REGARDING CANNABIS CULTIVATION FOR PERSONAL USE

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

Section 1. **Findings.** The City Council hereby makes the following findings:

A. Pursuant to Winters Municipal Code section 17.28.010, the City Council hereby finds that the text amendments to the Zoning Code contained in this Ordinance are required for the public necessity, convenience and general welfare by clarifying and furthering the intent and scope of the City's existing restrictions and regulations regarding cannabis uses, consistent with state law.

B. Pursuant to Winters Municipal Code sections 17.28.040 and 17.28.050, the City Council further finds, based upon Planning Commission recommendation, that this Ordinance conforms to the City's General Plan.

Section 2. **Amendments to Section 17.04.140.** Section 17.04.140 of Chapter 17.04 of Title 17 of the City of Winters Municipal Code is hereby amended as follows:

A. The following paragraph is hereby inserted in Subsection B of Section 17.04.140 in between the paragraph entitled "Cultivation" and the paragraph entitled "Deemed withdrawn":

"Cultivation site" means the real property on which cannabis cultivation occurs.

B. The following paragraph is hereby inserted in Subsection B of Section 17.04.140 in between the paragraph entitled "Person" and the paragraph entitled "Planning Commission":

"Personal cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, trimming, or processing of cannabis or any part thereof, conducted by an individual for personal use, and not intended or conducted for sale, resale, or other commercial cannabis activity.

C. The following paragraph is hereby inserted in Subsection B of Section 17.04.140 in between the paragraph entitled "Principal residence" and the paragraph entitled "Production housing":

"Private residence" has the same meaning as the term is defined in Section 11362.2(b)(5) of the Health & Safety Code, and as may be amended, which provides that private residence "means a house, an apartment unit, a mobile home, or other similar dwelling."

Section 3. **Amendment to Section 17.205.010.** Section 17.205.010 of Chapter 17.205 of Title 17 of the Winters Municipal Code is hereby amended to read as follows (deletions shown in strikethrough and additions shown in underline):

17.205.010 Purpose and Intent.

The purpose and intent of this chapter is to regulate cannabis uses in a manner that protects the health, safety and welfare of the community. This chapter is not intended to interfere with a patient's right to medical cannabis in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code, nor does it criminalize cannabis possession or cultivation by specifically defined classifications of persons, pursuant to state law. This ~~article~~ chapter is not intended to give any person independent legal authority to grow or use cannabis; it is intended simply to impose zoning restrictions and reasonable regulations on certain cannabis uses when those uses are authorized by California state law.

Section 4. **Amendment to Section 17.205.020.** Section 17.205.020 of Chapter 17.205 of Title 17 of the Winters Municipal Code is hereby amended to read as follows (deletions shown in strikethrough and additions shown in underline):

17.205.020 Personal Cannabis Cultivation.

~~Commercial cannabis cultivation is prohibited in the city.~~

A. Prohibition. Cannabis cultivation is prohibited in all zones of the city. No person shall engage in the cultivation of cannabis in the city for any purpose.

B. Limited Exemption. The prohibition on cannabis cultivation in subsection A of this section does not apply to the indoor cultivation of cannabis, and the outdoor cultivation of up to two (2) plants, at a private residence, conducted with complete adherence to the following regulations:

1. Six plants total. Total cultivation is limited to no more than six (6) living cannabis plants per private residence, or upon the grounds of a private residence (including accessory structures), at one time, regardless of the number of persons residing at the residence and inclusive of both indoor and outdoor plants.

2. Two plants outdoors. Two (2) of the six (6) living plants that may be cultivated, at any one time, may be cultivated outdoors, if the outdoor cultivation is no less than ten (10) feet from the property line of the cultivation site.

3. Indoor cultivation. Indoor cultivation shall occur entirely within a private residence or within an accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure. Persons engaging in indoor cultivation must comply with all state and local laws regarding fire safety, water use, electrical wiring, buildings and indoor cultivation, including without

limitation, Health and Safety Code Sections 11362.1 and 11362.2, as may be amended.

4. Locked space. The six (6) living plants and any cannabis produced by the plants in excess of 28.5 grams shall be kept within a locked space, inaccessible to minors and trespassers, located either within the private residence or upon the grounds of the private residence. A locked space for purposes of outdoor cultivation means a locked and secure enclosure completely surrounding the cultivation site which renders the cultivation site inaccessible to minors and trespassers (e.g., a secured and locked garden fence, or a secured and locked backyard fence).

5. Visibility. The six (6) living plants (whether grown indoors or outdoors) and any cannabis produced by the plants in excess of 28.5 grams shall not be visible from any public right of way, or in any manner be visible by normal unaided vision from a place regularly accessible to the general public.

6. Setback requirements. The cannabis plants shall be placed at a minimum setback of three (3) feet from the edge of the canopy to the property line.

7. Plant height. The height of the cannabis plants shall not exceed the standard fence height applicable to the parcel, or six (6) feet, whichever is lesser.

8. Odor. Any private residence used for cannabis cultivation shall have proper ventilation to prevent mold damage and to prevent cannabis plant odors or particles from becoming a public nuisance to surrounding properties or the public. A public nuisance may be deemed to exist if the cultivation produces odors which are disturbing to people of normal sensitivity residing or present on adjacent or nearby properties or areas open to the public.

9. Nuisance Activity. Cultivation shall not result in a nuisance or adversely affect the health, welfare, or safety of the resident or nearby residents by creating dust, glare, heat, noise, noxious gases, odors, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or waste. It is hereby declared to be unlawful for any person to create a public nuisance in the course of cannabis cultivation under this chapter.

10. Electricity.

a. The collective draw from all electrical appliances at the cannabis cultivation site shall not exceed the maximum rating of the approved electrical panel for the private residence where the cannabis is being cultivated.

b. The maximum rating shall be as established in the manufacturer specifications for the approved electrical panel.

11. Gas products. The use of gas products (CO2, butane, propane, natural gas, etc.) or generators for cannabis cultivation is prohibited. Use of gas products shall be limited to those allowed by the California Building, Electrical, and Fire Codes as adopted and amended by the city of Winters.

12. Lighting. Any lighting fixture or combination of lighting fixtures used for cannabis cultivation shall:

a. not exceed the rated wattage and capacity of the circuit breaker; and

b. shall be shielded so as to completely confine light and glare to the interior of the private residence or fully enclosed accessory structure.

13. Use, storage, or discharge into city wastewater facilities of any hazardous chemicals in the cultivation of cannabis is strictly prohibited. "Hazardous chemicals" shall include, but is not limited to, any chemical or substance that is prohibited by the Federal Environmental Protection Agency or the California Department of Food and Agriculture.

14. Water usage. Water usage for the cultivation of cannabis under this chapter shall not exceed any limitations imposed by federal, state, or local water restrictions.

15. Private residence. Any private residence used for cultivation shall:

a. include a fully functional and usable kitchen, as well as bathroom and bedroom areas, for their intended use by the resident(s).

b. not be used primarily or exclusively for cannabis cultivation.

16. Garage. Cultivation shall not displace required parking in a garage.

Section 5. Amendment to Section 17.205.030. Section 17.205.030 of Chapter 17.205 of Title 17 of the Winters Municipal Code is hereby amended to read as follows (deletions shown in strikethrough and additions shown in underline):

17.205.030 Commercial cannabis ~~activity~~ cultivation.

~~Commercial cannabis activity is prohibited in the city. The city expressly reserves the right to amend this restriction and to regulate such commercial cannabis activity in the future, including through zoning restrictions and business license requirements.~~

Commercial cannabis cultivation is prohibited in the city.

Section 6. Addition of Section 17.205.040. Section 17.205.040 of Chapter 17.of Title 17 of the Winters Municipal Code is hereby added to read as follows (additions shown in underline):

17.205.040 Commercial cannabis activity.

Commercial cannabis activity is prohibited in the city. The city expressly reserves the right to amend this restriction and to regulate such commercial cannabis activity in the future, including through zoning restrictions and business license requirements.

Section 7. **CEQA.** This Ordinance is not a project within the meaning of Title 14 of the California Code of Regulations, Section 15061(b)(3), of the State of California Environmental Quality Act ("CEQA") Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly, as it clarifies and furthers existing prohibitions and restrictions regarding cannabis uses in the City of Winters, and does not permit or authorize new or increased intensity of uses. The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of Yolo in accordance with CEQA Guidelines.

Section 8. **Custodian of Records.** The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk's office located at 318 First Street, Winters, CA 95694. The custodian of these records is the City Clerk.

Section 9. **Severability.** If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council of the City of Winters hereby declare that they would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 10. **Effective Date.** This Ordinance shall become effective thirty (30) days following its adoption.

Section 11. **Publication.** The City Clerk shall certify to the adoption of this Ordinance. Not later than fifteen (15) days following the passage of this Ordinance, the Ordinance, or a summary thereof, along with the names of the City Council members voting for and against the Ordinance, shall be published in a newspaper of general circulation in the City of Winters.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Winters, California, at a regular meeting of the City Council held on the ____ day of _____, 2024.

City of Winters

_____
By: Bill Biasi, Mayor

ATTEST:

_____
Jeremy Craig, City Clerk

PLANNING COMMISSION
STAFF REPORT

TO: Chairperson and Planning Commissioners

DATE: April 23, 2024

FROM: David Storer, Contract Planner
David Dowswell, Contract Planner

SUBJECT: Continued Public Hearing to Consider Possible Zoning Code Amendments Regarding Personal Cannabis Cultivation.

RECOMMENDATION: Staff recommends that the Planning Commission take the following actions:

1) Receive the staff report;
2) Conduct the Public Hearing to solicit public comment; and
3) Recommend to the City Council adoption of an ordinance amending the Zoning Code to establish regulations for the cultivation of cannabis for personal use.

BACKGROUND

In 1996, California voters approved Proposition 215 (codified at Health and Safety Code §§ 11362.5 et seq. and entitled "The Compassionate Use Act of 1996"). Proposition 215 was intended to allow persons in need of marijuana for medical purposes to be able to obtain and use it without fear of criminal prosecution under limited, specified circumstances. The State Legislature enacted subsequent legislation (SB 420) to clarify the scope of the Compassionate Use Act of 1996 and to allow cities and other governing bodies to adopt and enforce rules and regulations consistent with SB 420.

California voters in November 2016 adopted Proposition 64 concerning use and cultivation of cannabis for non-medical “adult-use.” Proposition 64 permits individuals to grow up to six cannabis plants inside of residential structures and does not allow the City to completely prohibit such indoor cultivation for personal use. The City may, however, impose reasonable regulations concerning indoor cultivation in order to provide for the health, safety, and welfare of City residents. Proposition 64 also enacted a separate licensing scheme for state licensing of non-medical, adult-use cannabis businesses.

The Winters Municipal Code does not currently define, regulate or prohibit non-medical marijuana uses or commercial cannabis uses other than commercial cannabis cultivation and activity, such as manufacturing, distribution, and wholesale and retail sales of cannabis.

On October 10, 2017, the Planning Commission considered the above-mentioned Zoning Code amendments. At the hearing, two of the commissioners expressed that the prohibition of outdoor cannabis cultivation would create an undue financial burden for some and were opposed to this restriction. At the conclusion of the hearing, the Commission voted 4 to 2 to recommend the Council approve the amendments as drafted by staff, which would prohibit all outdoor cultivation of cannabis in the City, including cultivation conducted for personal use.

On November 7, 2017, the City Council considered the amendments to the Zoning Code regarding outdoor cannabis cultivation. At the hearing, there was considerable discussion about whether to allow or prohibit outdoor cultivation of cannabis. Ultimately, the City Council voted to adopt Ordinance 2017-07 without the provisions that restricted outdoor cannabis cultivation for personal use.

On February 27, 2024, the City Council and Planning Commission held a joint workshop regarding the cannabis industry. The City’s consultant, HDL Companies, presented an overview of policy options for the City to consider in adopting regulations regarding whether to allow commercial cannabis cultivation, such as manufacturing, distribution, and wholesale and retail sales of cannabis. At the meeting, resident Paul Myer requested the Council reconsider the current Zoning Code provisions to address personal outdoor cannabis cultivation. The City Council directed staff to refer this matter back to the Planning Commission for consideration.

ANALYSIS:

As mentioned above, when the Planning Commission initially considered the issue of allowing outdoor cannabis cultivation, the Commission recommended it be prohibited. The current Zoning Code provisions, as adopted by the City Council by Ordinance 2017-07, do not expressly prohibit outdoor cannabis cultivation, including cultivation conducted for personal use.

This item was continued from the March 26, 2024 Planning Commission meeting to this date to allow staff to provide the Planning Commission with a proposed ordinance that permits outdoor cultivation of cannabis for personal use with certain limitations, as directed by the Planning Commission and based on comments and input from the public.

The attached draft ordinance establishes regulations for cannabis cultivation for personal use, including provisions for outdoor and indoor cultivation. State law allows for personal cultivation of up to 6 plants at a private residence. Additionally, local jurisdictions may not completely prohibit indoor personal cultivation, but may enact and enforce reasonable regulations. Local jurisdictions may prohibit outdoor personal cultivation (See California Health and Safety Code Section 11362.2.) The proposed ordinance would regulate personal cultivation of cannabis at a private residence as follows:

1. Six plants total. Total cultivation is limited to no more than six (6) living cannabis plants per private residence, or upon the grounds of a private residence (including accessory structures), at one time, regardless of the number of persons residing at the residence and inclusive of both indoor and outdoor plants.

2. Two plants outdoors. Two (2) of the six (6) living plants that may be cultivated, at any one time, may be cultivated outdoors, if the outdoor cultivation is no less than ten (10) feet from the property line of the cultivation site.

3. Indoor cultivation. Indoor cultivation shall occur entirely within a private residence or within an accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure. Persons engaging in indoor cultivation must comply with all state and local laws regarding fire safety, water use, electrical wiring, buildings and indoor cultivation, including without limitation, Health and Safety Code Sections 11362.1 and 11362.2, as may be amended.

4. Locked space. The six (6) living plants and any cannabis produced by the plants in excess of 28.5 grams shall be kept within a locked space, inaccessible to minors and trespassers, located either within the private residence or upon the grounds of the private residence. A locked space for purposes of outdoor cultivation means a locked and secure enclosure completely surrounding the cultivation site which renders the cultivation site inaccessible to minors and trespassers (e.g., a secured and locked garden fence, or a secured and locked backyard fence).

5. Visibility. The six (6) living plants (whether grown indoors or outdoors) and any cannabis produced by the plants in excess of 28.5 grams shall not be visible from any public right of way, or in any manner be visible by normal unaided vision from a place regularly accessible to the general public.

6. Setback requirements. The cannabis plants shall be placed at a minimum setback of three (3) feet from the edge of the canopy to the property line.

7. Plant height. The height of the cannabis plants shall not exceed the standard fence height applicable to the parcel, or six (6) feet, whichever is lesser.

8. Odor. Any private residence used for cannabis cultivation shall have proper ventilation to prevent mold damage and to prevent cannabis plant odors or particles from becoming a public nuisance to surrounding properties or the public. A public nuisance may be deemed to exist if the cultivation produces odors which are disturbing to people of normal sensitivity residing or present on adjacent or nearby properties or areas open to the public.

9. Nuisance Activity. Cultivation shall not result in a nuisance or adversely affect the health, welfare, or safety of the resident or nearby residents by creating dust, glare, heat, noise, noxious gases, odors, smoke, traffic, vibration, or other impacts, or be hazardous due to use or storage of materials, processes, products or waste.

10. Electricity.

a. The collective draw from all electrical appliances at the cannabis cultivation site shall not exceed the maximum rating of the approved electrical panel for the private residence where the cannabis is being cultivated.

b. The maximum rating shall be as established in the manufacturer specifications for the approved electrical panel.

11. Gas products. The use of gas products (CO2, butane, propane, natural gas, etc.) or generators for cannabis cultivation is prohibited. Use of gas products shall be limited to those allowed by the California Building, Electrical, and Fire Codes as adopted and amended by the city of Winters.

12. Lighting. Any lighting fixture or combination of lighting fixtures used for cannabis cultivation shall:

a. not exceed the rated wattage and capacity of the circuit breaker; and

b. shall be shielded so as to completely confine light and glare to the interior of the private residence or fully enclosed accessory structure.

13. Use, storage, or discharge into city wastewater facilities of any hazardous chemicals in the cultivation of cannabis is strictly prohibited. “Hazardous chemicals” shall include, but is not limited to, any chemical or substance that is prohibited by the Federal Environmental Protection Agency or the California Department of Food and Agriculture.

14. Water usage. Water usage for the cultivation of cannabis under this chapter shall not exceed any limitations imposed by federal, state, or local water restrictions.

15. Private residence. Any private residence used for cultivation shall:

a. include a fully functional and usable kitchen, as well as bathroom and bedroom areas, for their intended use by the resident(s).

b. not be used primarily or exclusively for cannabis cultivation.

16. Garage. Cultivation shall not displace required parking in a garage.

The Planning Commission should take testimony from the public regarding whether to amend the current Zoning Code provisions to establish regulations for personal cannabis

cultivation as provided in the proposed draft ordinance. . At the conclusion of the hearing, the Planning Commission shall recommend to the City Council whether the proposed ordinance should be adopted. Staff has prepared a draft ordinance which includes language permitting outdoor (non-commercial) cannabis cultivation in addition to allowing indoor cultivation, in accordance with State law. The Winters Municipal Code currently prohibits commercial cannabis cultivation and activity. Alternatively, the Planning Commission can recommend that the Zoning Code not be amended to reflect those changes, e.g., the Planning Commission can recommend to completely prohibit all outdoor personal cannabis cultivation.

PROJECT NOTIFICATION:

A public hearing notice was published in the *Winters Express* on March 14, 2024, pursuant to Government Code Section 65090. The item was continued to this date from the March 26, 2024 Planning Commission meeting.

ENVIRONMENTAL ASSESSMENT:

The proposed zoning ordinance is not a project within the meaning of Title 14 of the California Code of Regulations, Section 15061(b)(3), of the State of California Environmental Quality Act ("CEQA") Guidelines, because it has no potential for resulting in physical change in the environment, directly or indirectly, as it clarifies and furthers the intent and scope of the City's existing restrictions and regulations regarding cannabis uses in the City of Winters, and does not permit or authorize new or increased intensity of uses.

ALTERNATIVES:

The Planning Commission may recommend modifications to the proposed ordinance or may recommend the City Council not adopt the proposed ordinance.

ATTACHMENTS:
Exhibit A: Draft Ordinance

PLANNING COMMISSION RESOLUTION NO. 2024-02

RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING SECTIONS 17.04.140, 17.205.010, 17.205.020, AND 17.205.030 OF THE WINTERS MUNICIPAL CODE AND ADDING SECTION 17.205.040 TO THE WINTERS MUNICIPAL CODE REGARDING CANNABIS CULTIVATION FOR PERSONAL USE AND FINDING THAT NO FURTHER ENVIRONMENTAL REVIEW IS NECESSARY FOR THE PROJECT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15061(B)(3) (COMMON SENSE EXEMPTION) OF TITLE 14 OF THE CALIFORNIA CODE OF REGULATIONS (STATE CEQA GUIDELINES) BECAUSE ADOPTION OF THE ORDINANCE HAS NO POTENTIAL FOR RESULTING IN PHYSICAL CHANGE IN THE ENVIRONMENT, DIRECTLY OR INDIRECTLY, AS IT CLARIFIES AND FURTHERS THE INTENT AND SCOPE OF THE CITY'S EXISTING RESTRICTIONS AND REGULATIONS REGARDING CANNABIS USES IN THE CITY OF WINTERS, AND DOES NOT PERMIT OR AUTHORIZE NEW OR INCREASED INTENSITY OF USES

WHEREAS, in 2017, the City Council adopted Ordinance No. 2017-07 adding Chapter 17.205 and amending Sections 17.04.140 and 19.04.030 of the City of Winters Municipal Code regarding prohibited cannabis uses and related definitions consistent with state law. Specifically, among other things, Ordinance No. 2017-07 updated definitions to the Zoning Code for "cannabis" and "commercial cannabis activity" and expressly prohibited commercial cannabis activity, including commercial cultivation, in the City. The Ordinance did not include provisions regulating cannabis cultivation for personal use; and

WHEREAS, Section 17.205.020 of the Winters Municipal Code only expressly prohibits commercial cannabis cultivation and activity; and

WHEREAS, the Planning Commission recommends that the City Council amend Section 17.205.020 of the Winters Municipal Code to establish regulations for the cultivation of cannabis for personal use, in accordance with state law; and

WHEREAS, the Planning Commission finds that the restrictions and prohibitions contained in the attached Ordinance clarify the scope and intent of the City's existing cannabis regulations and ensures that the City's regulations remain consistent with state law.

WHEREAS, a notice of public hearing for the adoption of the Ordinance was published in the Winters Express on March 14, 2024; and

WHEREAS, the Planning Commission continued the project from the March 26, 2024, Planning Commission meeting to April 23, 2024, to allow staff to provide the Planning Commission with a proposed ordinance that permits outdoor cultivation of cannabis for personal use with certain limitations as directed by the Planning Commission and based on comments and input from the public; and

WHEREAS, the Planning Division staff presented its oral and written staff report on the proposed Ordinance at a regular meeting of the Planning Commission on April 23, 2024; and

WHEREAS, the Planning Division staff recommends approval of the proposed Ordinance, attached hereto as Exhibit A and incorporated herein; and

WHEREAS, on April 23, 2024, the Planning Commission held a public hearing on the proposed Ordinance to receive oral and written testimony and written prior to reaching its decision.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission recommends that the City Council approve the proposed Ordinance amending sections 17.04.140, 17.205.010, 17.205.020, and 17.205.030 of the Winters Municipal code and adding section 17.205.040 to the Winters Municipal Code regarding cannabis cultivation for personal use, in substantially the form attached hereto as Exhibit A and incorporated herein, and finds that no further environmental review is necessary for the project under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) (Common Sense Exemption) of Title 14 of the California Code of Regulations (State CEQA Guidelines) because adoption of the ordinance has no potential for resulting in physical change in the environment, directly or indirectly, as it clarifies and furthers the intent and scope of the City's existing restrictions and regulations regarding cannabis uses in the City of Winters, and does not permit or authorize new or increased intensity of uses.

IT IS HEREBY CERTIFIED that the foregoing Planning Commission Resolution No. 2024-02 was duly adopted on a motion by Commissioner _____ and seconded by Commissioner _____, at a regular meeting of the City of Winters Planning Commission held on the 23rd day of April, 2024, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

_____
Gregory Contreras, Chairperson

Attest:

_____
Jeremy Craig, Planning Commission Secretary