



Willows Planning Commission Regular Meeting

July 17, 2024
Willows City Hall
6:00 PM

City Council
Pedro Bobadilla, Chair
Maria Ehorn, Vice Chair
Holly Myers, Commissioner
Llanira Valencia, Commissioner
Sherry Brott, Commissioner

City Planner
Byron Turner

City Clerk
Amos Hoover

201 North Lassen Street
Willows, CA 95988
(530) 934-7041

Agenda

Watch online via Zoom (Passcode 95988):

<https://us06web.zoom.us/j/89082804993?pwd=cGoybFyKG7WX0DMhf81HvyrlNgtkbP.1>

Remote viewing of the Planning Commission meeting for members of the public is provided for convenience only. In the event that the remote viewing connection malfunctions for any reason, the Planning Commission reserves the right to conduct the meeting without remote viewing.

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **CHANGES TO THE AGENDA**

5. **PUBLIC COMMENT & CONSENT CALENDAR FORUM**

All matters on the Consent Calendar are considered routine and are approved by one motion and vote unless Commission Members or the City Planner first requests that a matter be removed for separate discussion and action. Individuals wishing to address the Commission concerning Consent Calendar items or regarding matters that are not already on the agenda are invited to make oral comments of up to three minutes at this time.

Please address your comments to the Chairman and Commission members, and not to staff and/or the audience. By State law, the Commission is not permitted to undertake any action or discussion on any item not appearing on the posted agenda. If you have any documentation that you would like distributed to the Commission, please mail it to the City Planner at 201 North Lassen Street, Willows, CA 95988 or email it to:

bturner@cityofwillows.org.

a. **Minutes Approval**

Recommended Action: Approve minutes of the May 15, 2024, Planning Commission Meeting.

Contact: Amos Hoover, City Clerk, ahoover@cityofwillows.org

6. **PUBLIC HEARING**

All matters in this section of the agenda are formal public hearings and will be acted on individually. Once the Chair opens the public hearing, members of the public may request to speak. When you are called on by the Chair, please state your name clearly for the audio recording. If you have any documentation that you would like to be distributed to the Commission, please give it to the City Planner for distribution.

a. **Minor Use Permit/ File #UP-24-02/W. Sycamore Street @ N. Plumas**

Recommended Action: Staff recommends the Commission receive the Staff Report, attachments, discuss, hold a public hearing, and upon conclusion, consider adoption the attached resolution.

Contact: Byron Turner, City Planner, bturner@cityofwillows.org

7. **DISCUSSION & ACTION CALENDAR**

All matters in this section of the agenda are discussed and will be acted on individually. Individuals wishing to address the Commission concerning any of these items are invited to make oral comments of up to three minutes at this time. Please address your comments to the Chairman and Commission, and not to staff and/or the audience. When the Chairman calls for public comment, please raise your hand to be acknowledged. While not required, the city requests that you please state your name clearly for the audio recording. By State law, the Commission is not permitted to undertake any action or discussion on any item not appearing on the posted agenda. If you have any documentation that you would like distributed to the Commission, please mail it to the City Planner at 201 North Lassen Street, Willows, CA 95988 or email it to: bturner@cityofwillows.org.

a. **Retail/Dispensary Cannabis Businesses – Zoning Review**

Recommended Action: Receive the Staff Report and make a recommendation to alter the current zoning that retail cannabis businesses are allowed to operate under a Conditional Use Permit or keep the zoning as it is currently.

Contact: Joe Bettencourt, Community Development & Services Director,
jbettencourt@cityofwillows.org

b. **Revising Architectural Board of Review Municipal Code- Colors**

Recommended Action: Receive proposed municipal code amendment and recommend for adoption.

Contact: Joe Bettencourt, Community Development & Services Director,
jbettencourt@cityofwillows.org

c. **Commission Direction: Mobile Food Trailers in Entryway (E) Zone**

Recommended Action: Staff is recommending that the Planning Commission discuss and give direction on whether a mobile food trailer can be considered a compatible use in the Entryway Zone.

Contact: Joe Bettencourt, Community Development & Services Director,
jbettencourt@cityofwillows.org

8. **COMMENTS & REPORTS**

- a. Commission Comments & Reports
- b. Staff Comments & Reports

9. **ADJOURNMENT**

This agenda was posted on July 10, 2024.

Amos Hoover

Amos Hoover, City Clerk

A complete agenda packet, including staff reports and back-up information, is available for public inspection during normal work hours at City Hall or the Willows Public Library at 201 North Lassen Street in Willows or on the City's website at www.cityofwillows.org.

In compliance with the Americans with Disabilities Act, the City of Willows will make available to members of the public any special assistance necessary to participate in this meeting. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132). The public should contact the City Clerk's office at 934-7041 to make such a request. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

The City of Willows is an Equal Opportunity Provider



PUBLIC COMMENT & CONSENT CALENDAR FORUM



Willows Planning Commission Action Meeting Minutes May 15, 2024

Agenda Item #5a.

Planning Commission
Pedro Bobadilla, Chair
Maria Ehorn, Vice Chair
Llanira Valencia, Commissioner
Holly Myers, Commissioner
Sherry Brott, Commissioner

1. CALL TO ORDER– 6:00 PM

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Commissioners Present: Chair Bobadilla, Vice Chair Ehorn, and Commissioners Brott and Valencia.
Commissioners Absent: Commissioner Meyers

4. CHANGES TO THE AGENDA

None

5. PUBLIC COMMENT & CONSENT CALENDAR FORUM

a. Minutes Approval

Action: Minutes approved for the April 25, 2024, Planning Commission Meeting.

Moved/Seconded: Vice Chair Ehorn/Commissioner Valencia

Yes: Chair Bobadilla, Vice Chair Ehorn and Commissioners Brott, Meyers, and Valencia

No: None

Absent: None

6. PUBLIC HEARING

a. Minor Use Permit/ File #UP-24-02/W. Sycamore Street @ N. Plumas

Hearing Open: 6:39PM, Closed: 7:02PM

Public Comment

Elton Garner

Jan Smith

Christina Ocampo

Action: Held a public hearing and continued item to the next meeting to ensure proper noticing of the public hearing.

Moved/Seconded: Commissioner Meyers/Vice Chair Ehorn

Yes: Chair Bobadilla, Vice Chair Ehorn and Commissioners Brott, Meyers, and Valencia

No: None

Absent: None

7. COMMENTS & REPORTS

- a. Commission Comments & Reports
- b. Staff Comments & Reports

8. ADJOURNMENT – 7:23 PM

Amos Hoover, City Clerk



PUBLIC HEARING



Date: July 17, 2024
To: Planning Commission
From: Byron Turner, Principal Planner
Subject: Minor Use Permit/ File #UP-24-02/W. Sycamore Street @ N. Plumas

Background: The Planning Commission continued this item on May 15th to allow the applicant to provide additional information, include additional conditions, and ensure that the project was noticed properly. Staff has confirmed that the item has been posted in the newspaper and that notices have been sent to property owners within 300 feet of the subject property. The following Conditions of Approval have been added:

15. To the extent feasible, applicant will comply with downtown design guidelines.
16. Trash/refuse shall be removed daily.
17. Project will return to the Planning Commission after 1-year for an annual review. Commission may require additional reviews.
18. All structures shall be removed within 30-days of business closure.
19. Facility shall operate in accordance with local laws.
20. Any ADA requirements shall be enforced at building permit stage.
21. Changes in hours, days, or operating procedures must be reported to the Community Development Department.
22. Any sub-consultants and contractors shall have valid business licenses.
23. Generator shall meet Air Quality Standards and Noise Standards.
24. Restroom shall be maintained in a clean manner and screened from public view.

Additionally, the ABC licensing condition has been removed.

Recommendation: Staff recommends the Commission receive the Staff Report, attachments, discuss, and upon conclusion, consider adoption the attached resolution.

Rationale for Recommendation: Per WMC 18.55.030(09) Outside Sales and transient or mobile business operations are allowed with an approved use permit from the Planning Commission.

Background:

The subject property is located in the Central Commercial zoning district, on the corner of W. Sycamore St. and N. Plumas St. The site is currently vacant. The General Plan Designation is General Commercial.

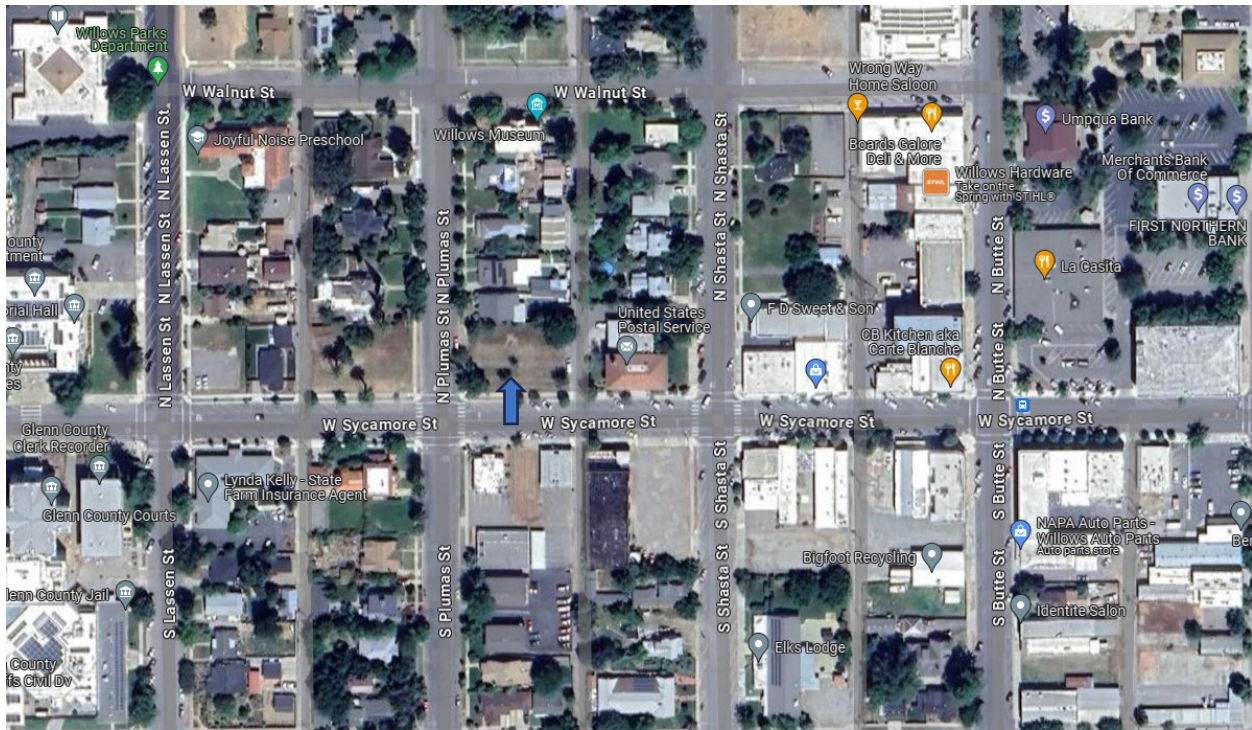


Figure 1: Location

Project

The applicant proposes to utilize the existing vacant lot to place a mobile food trailer, which is a conditionally permitted use in the CC District.

Discussion:

The business plans to be open daily from 8am to 6pm, and proposes a community atmosphere. The applicant plans on serving breakfast, lunch & dinner. The applicant is proposing to install asphalt across the 150 ft. front side of W. Sycamore Street and 30 ft. on Plumas. The applicant, who is in the process of purchasing the lot, will remove 2 trees from the center property, and will hire a landscaper to maintain the lot.



Figure 2: Trailer

The applicant currently holds a food facility permit and intends to use a carport structure for shade and a silent generator for electricity. A portable “porty-potty” still toilet will be located on site with a required hand washing station.

The applicant has future plans to build and operate a butcher and commissary with upstairs residence in the future.

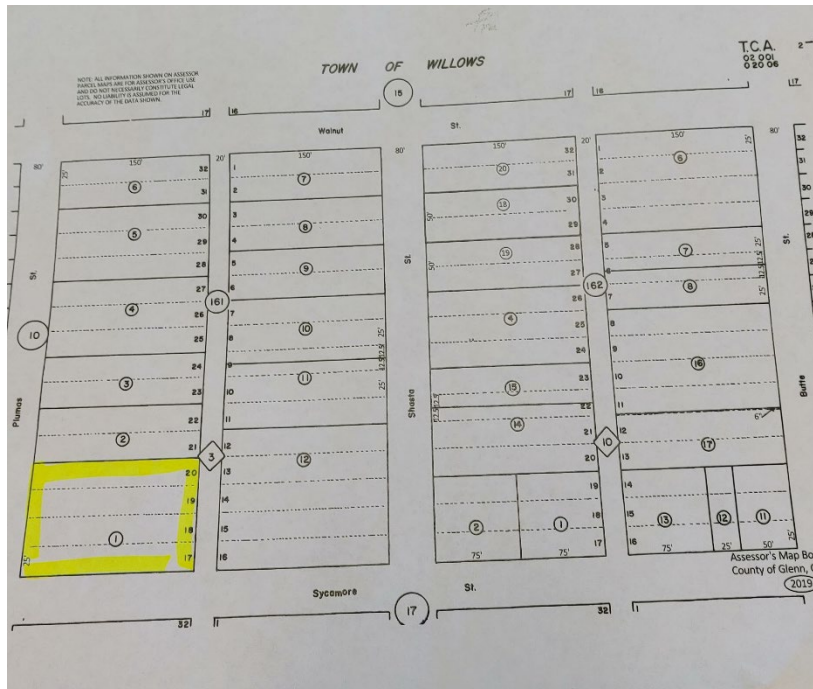


Figure 3: APN Map

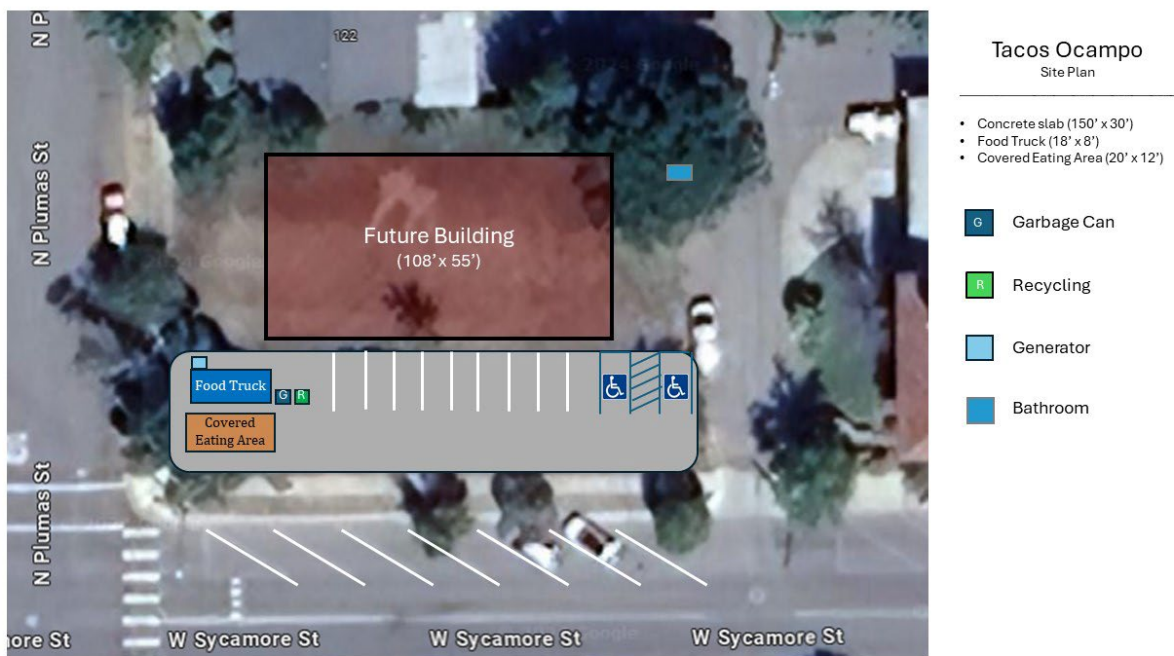


Figure 4: Site Plan



Figure 5: Carpo



Figure 6: Generator

Discussion & Analysis:**Use Permit:**

The applicant proposes to utilize the existing vacant lot to place a mobile food trailer, which is a conditionally permitted use in the CC District.

The General Commercial designation provides for a variety of general retail businesses including, but not necessarily limited to: banks, business offices, food, hardware, variety, department, drug, and clothing stores. The applicant is also/has obtained necessary permits from Environmental Health.

The surrounding zoning is the same as the site with commercial uses to the north, and east. General Commercial is the zoning to the south.

The site is exempt from off-street parking requirements (WMC 18.55.060). Signage exists on the trailer itself.

Findings of Fact for use permit approval is required per WMC Chapter 18.135.050. These findings are included in the Draft Resolution and are as follows:

- (1) That the use is consistent with the purposes of the district in which the site is located; and
- (2) That the proposed location of the use and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity; and
- (3) That the proposed use is in conformance with the general plan. [Ord. 632-91 § 26.05, 10-22-91].

In accordance with Section 18.135.030 notice of this public hearing was published in the local newspaper ten (10) days prior to the public hearing and all property owners as indicated on the latest secured Assessor's records within 300 feet of the subject property were sent notice of the hearing. As of the date of preparation of this report no written or verbal public comments have been received by this office.

Fiscal Impact:

A PTA has been deposited for processing of the application.

Attachments:

1. Draft Resolution
2. Draft Conditions of Approval
3. Public Comment

PC RESOLUTION NO. _____-2024

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILLOWS APPROVING
USE PERMIT (FILE # UP-24-02) TO ALLOW ESTABLISHMENT OF A MOBILE FOOD TRAILER
FOR PROPERTY LOCATED AT W SYCAMORE STREET ASSESSORS PARCEL NUMBER 002-161-
001 WITHIN THE CENTRAL COMMERCIAL ZONE**

WHEREAS, the applicant, Juan Carlos Ocampo and Christina Ocampo has made application for Use Permit approval to allow establishment of a Mobile Food Trailer; and

WHEREAS WMC Chapter 18.55.030(11) allows for Outside Sales and transient or mobile business operations are allowed within the Central Commercial zone with a Use Permit approved by the Planning Commission; and

WHEREAS notice of the Planning Commission meeting held on May 15, 2024, was published in a newspaper of general circulation in the City in accordance with law, and mailing to property owners within 300 feet were sent; and,

WHEREAS the Planning Commission did, on May 15, 2024, hold a public hearing to consider all public oral and written comments, letters and documents, staff reports, and all other documents and evidence which are a part of the Record; and,

WHEREAS the Planning Commission directed staff to return to the Planning Commission with additional information and Conditions of Approval, and,

WHEREAS notice of the Planning Commission meeting held on July 17th, 2024, was published in a newspaper of general circulation in the City in accordance with law, and mailing to property owners within 300 feet were sent; and,

WHEREAS the Planning Commission did, on July 17th, 2024, hold a public hearing to consider all public oral and written comments, letters and documents, staff reports, and all other documents and evidence which are a part of the Record; and,

WHEREAS the Planning Commission does find that the proposed project qualifies as a Categorical Exemption under Sections 15301 & 15303; and

WHEREAS pursuant to Section 18.135.050 of the Zoning Ordinance, the following findings are made:

1) That the use is consistent with the purposes of the district in which the site is located.

WMC Chapter 18.55.030(11) allows for Outside Sales and transient or mobile business operations are allowed within the Central Commercial zone with a Use Permit approved by the Planning Commission

2) That the proposed location of the use and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

The location of the new use will be located on land that is currently vacant and underutilized, and conditions of approval have been placed upon the use ensuring that it will not be detrimental to the public health, safety, or welfare or materially injurious to properties.

3) That the proposed use is in conformance with the General Plan.

Commercial businesses are allowed within the land use designation of General Commercial.

NOW THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Willows does hereby find that the request to allow establishment of a mini-mart style market is consistent with the General Plan, and the City of Willows Municipal Code; and hereby approves Conditional Use Permit (file # UP-24-02), subject to the attached conditions of approval.

IT IS HEREBY CERTIFIED that the foregoing Resolution was duly adopted at a regular meeting of the Planning Commission of the City of Willows on the 17th day of July 2024 by the following vote, to wit:

AYES _____

NOES _____

ABSTAIN _____

ABSENT _____

APPROVED: _____

Pedro Bobadilla, Chairperson

ATTEST: _____

Amos Hoover, City Clerk

Use Permit (UP-24-02) Conditions of Approval
For new Mobile Food Trailer
W Sycamore Street/APN: 002-161-001
PC approval date: _____2024

GENERAL

1. That the applicant/developer shall enter into a *Pass-Through Agreement* with the City of Willows to pay the cost of all planning review, plan checking and field inspection of this project.
2. The approval of this project shall be subject to the latest adopted Ordinances, Resolutions, Policies, and Fees of the City of Willows.
3. In any case where a use, permitted by a use permit, is not made on the project subject to the permit within the time specified in the permit or within one year after the date of granting thereof, then without further action, the permit shall be null, and void and such use shall not be made of the property except upon the granting of a new permit.
4. All plans for additional uses, which are not covered by this review, shall be submitted to the City Manager/Planning Commission for review and approval prior to use.
5. Any new signage to advertise the business shall obtain sign permit approval from the city prior to installation.
6. The business shall obtain a city business license prior to operation.

GLENN COUNTY ENVIRONMENTAL HEALTH DEPARTMENT

7. The applicant will need to apply for and obtain a Food Facility Permit from the County Health Department prior to opening for business.
8. The applicant must submit plans to the Department for review and approval per the food facility plan check requirements on the county website. Contact Jay Bhakta at 530-934-6102.
9. The mobile trailer shall be removed from the site and kept at an approved commissary nightly.

FIRE DEPARTMENT

10. All applicable fire fees shall be paid prior to the issuance of any building permit.
11. All fire and alarm systems must meet the approval of the Fire Chief.
12. The business shall provide fire extinguishers in accordance with the 2022 CFC.
13. A Pre-Fire Plan and Inspection will need to be completed before occupancy of the building.
14. Regular Fire Department safety inspections shall occur annually.

ADDITIONAL CONDITIONS:

15. To the extent feasible, applicants will comply with downtown design guidelines.
16. Trash/refuse shall be removed daily.
17. Project will return to the Planning Commission after 1-year for an annual review. Commission may require additional reviews.
18. All structures shall be removed within 30-days of business closure.
19. Facility shall operate in accordance with local laws.
20. Any ADA requirements shall be enforced at building permit stage.
21. Changes in hours, days, or operating procedures must be reported to the Community Development Department.
22. Any sub-consultants and contractors shall have valid business licenses.
23. The generator shall meet Air Quality Standards and Noise Standards.
24. Restroom shall be maintained in a clean manner and screened from public view.

Use Permit Application File #UP-24-02 Corner of Sycamore & Plumas

Planning commissioners please consider at meeting scheduled for June 19, 2024

Yes I am old, I was born and raised in Willows, as we try to preserve and keep what is left of our historic downtown Willows, I know a food truck with porta potty, carport awning and generator running 10 hours will not enhance our downtown area. I believe a food truck many years ago applied to be placed in the 200 block of West Sycamore at the old Ben Franklin location and the argument was there would be too much trash associated with the particular project, so he placed it at next to the Inkwell.

I am all for new businesses but there are places that food trucks belong, also how much tax revue will this actually generate? Too many same businesses are fighting to stay afloat, Willows has pop up food restaurants that do not go thru the process and are depriving Willows of tax revue, also pop ups selling fruit on street corners, does code enforcement monitor these and enforce the ordinances?

Thank you for your time.

Respectfully,

Rebecca Jarman Warno

Amos Hoover

From: Joan <joanbelforte@yahoo.com>
Sent: Tuesday, May 28, 2024 2:47 PM
To: Amos Hoover
Subject: Food Truck Plumas street

[You don't often get email from joanbelforte@yahoo.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Sent from my iPad

> On May 28, 2024, at 9:33 AM, Joan <joanbelforte@yahoo.com> wrote:

>

> To Whom It May Concern;

>

> As business owners in Willows for over forty years we would like to address the proposed mobil food unit on Plumas Street. Our office is a mere half block from the site. We do NOT believe that a taco truck is compatible with what is left of our historic district.

> Mobile food trucks are a popular option for many residents and we would like to see more of them in Willows...in the right place. Possibly a zone could be created by an innovative planning commission that would include several types of food choices, shade, green space, tables, and clean restrooms (not port-a-potties).

> We want to see Willows thrive, it is necessary for our city workers and all businesses including our own. However, we do not approve of growth for growth's sake.

> We hope that this enterprising local family was not misled when they purchased this lot. Whatever their future plans for that location may be the commission need only address the current proposal. There is nothing about this that represents good planning. When you carefully consider the future of the Willows downtown district please oppose this location and work toward creating a more appropriate one.

>

> Thank you

>

Respectfully,

>

>

Dennis S. Thodas DDS

>

Joan B. Thodas

>

> Sent from my iPad

Dear Willows Planning Commission,

I own property next to Plumas and Sycamore, I understand that you plan on putting a food truck close to this property. I am against this and would like this not to happen. I'm afraid it will have the public loitering around and using all the street space in front of my property.

Thank you,

Sherri Duggins

6/19/2024

June 26, 2024

Joe -

I have concerns over two pending planning projects, both regarding mobile food trucks.

- A. Minor Use Permit / File UP-24-02 Sycamore St / N. Plumas
- The food truck is considered a "mobile business"
 - The zoning is central commercial
 - The "use" determination as a mobile business puts it into zoning requirement for a Conditional use permit.
 - The City Planner did not consider this use to be a "Cafe, restaurant, or catering shop", which is a permitted use in the C.C. zone.
- B. Design Review / File DR-23-03 / 844 W. Wood St.
- The food truck is being considered as an allowed use because it is similar to "Cafes, restaurants, and catering shops"
 - The entry way zoning PROHIBITS mobile businesses.
 - This project is not only being allowed - there is only design review. No use permit process.

Issue

The two proposed projects are essentially the same, but being interpreted differently. I believe that this is incorrect, and sets the city up for liability from the Sycamore Street project applicants.

This was brought to my attention by a very frustrated planning Commissioner and I believe needs to be addressed

prior to any further actions by the planning commission.
Based on the two zoning districts, if the food trucks are considered to be a "mobile business" then:

1. Sycamore / Plumas Project requires a C.U.P.
2. Wood Street Project is a prohibited use and applicant would have to pursue a re-zone (based on city past practice).

If the food trucks are deemed to be similar to "cafes, restaurants and catering shops" then:

1. Sycamore St / Plumas Project is a permitted use and NO CUP is required.
2. Wood Street Project would be considered a permitted use.

I was on the City Council when the Entry Way Zone was developed, and it was definitely not the desire of the city to develop the main artery w/ food trucks — if no drive through windows are allowed on a structure (i.e. no fast food etc), then allowing food trucks is a stretch. Cafes and restaurants are typically considered to be an actual building, as would a catering "shop".

I appreciate you looking into this matter for the benefit of the community and the planning commission.


Lorri Pride



DISCUSSION & ACTION CALENDAR



Date: July 17, 2024
To: Planning Commission
From: Joe Bettencourt, Community Development and Services Director
Subject: Retail/Dispensary Cannabis Businesses – Zoning Review

Recommendation:

Receive the Staff Report and make a recommendation to alter the current zoning that retail cannabis businesses are allowed to operate under a Conditional Use Permit or keep the zoning as it is currently.

Rationale for Recommendation:

While considering setback requirements for retail cannabis businesses, the City Council at their May 28th 2024 meeting, directed staff to have the Planning Commission review the current allowed zoning and make a recommendation to alter zoning or keep the zoning as it is currently.

The zoning in which retail cannabis businesses can currently operate, with a Conditional Use Permit, are Highway Commercial and the combined zones of General Commercial/Light Industrial/Planned Development and General Commercial/Planned Development.

Background:

On November 28, 2017, the Willows City Council adopted a Cannabis Ordinance (#736-2017) to facilitate the approval, regulation, and operation of cannabis businesses. This ordinance, as chaptered in the WMC along with State laws and regulations imposes strict zoning, security, and operational requirements on cannabis dispensaries. Thereafter, the Willows City Council adopted resolution (#32-2017) which established 1,000-foot setbacks from churches, schools, licensed daycare or preschool facilities, playgrounds and/or parks for retail cannabis dispensaries and directed the Planning Commission to review zoning to determine where retail cannabis businesses could operate.

The City of Willows Municipal Code (WMC) Section 9.20.070 allows for the commercial sale of Cannabis and Cannabis products for medical and nonmedical uses, subject to the conditions set forth in this code, and only in zones in which such sales are permitted uses pursuant to WMC Title 18. The zones in which retail/dispensary Cannabis businesses can operate, with a Conditional Use Permit, are Highway Commercial, and combined zones (General Commercial/Light Industrial/Planned Development and General Commercial/Planned Development).

On April 27, 2022, a Request for Proposals (RFP) for applications for a Cannabis Retail Dispensary Permit was publicly released with a submittal deadline of June 1, 2022. The RFP sought applications from individuals and companies, who wished to develop and operate a cannabis retail dispensary facility in Willows. One proposal was received from Sundial Collective Willows.

Subsequently, a Phase 2 application was submitted and reviewed by Staff and on October 17, 2022, the applicant was notified that the Phase 2 submittal was determined to be complete, and they could proceed to the use permit stage. On December 14, 2022, a Use Permit application was presented to the Planning Commission for review and consideration and the resolution was approved. At the February 14, 2023, City Council meeting, a public hearing was held, and a Resolution was passed approving a business license for Sundial Collective. Since the business license approval, Sundial Collective has never moved forward with construction of the project in South Willows and the permit has since expired.

Prior to Sundial Collective, Element 7 was another dispensary applicant whose permit also expired, and the project was never completed. In both instances, the applicants would have preferred to occupy existing buildings (because it's more affordable), but they could not find any buildings in the city limits that satisfied the City's distance and/or zoning requirements. As a result, they resolved to construct a new building, but ran out of funding to complete the projects.

At the May 28th 2024 City Council meeting, a Resolution was adopted to remove all setback requirements from churches, licensed daycare, playgrounds, and parks but kept a 1,000 ft. setback requirement from schools (preschool~12th grade).

Discussion & Analysis:

Allowing retail cannabis businesses to operate in additional zoning would open the opportunity to private investors to site a business in existing buildings, which is a major investment incentive. Central Commercial and General Commercial zoning are two possibilities. The majority of this zoning is located between Butte St. and the railroad tracks to the east of Tehama St. and runs North/South from Eureka St. to just south of the Glenn Colusa Irrigation District Canal. This would put customers, both local and traveling, close to other commerce within the center of the City, which has the potential to create higher foot traffic for all businesses. Light Industrial zoning is also an option as a Conditional Use Permit can be obtained if the Planning Commission views that a business is similar in nature to those allowed in the General Commercial District. The Entryway zoning, although mostly within the unallowed setback distance, also provides an opportunity to pull customers closer to other businesses within the city. Attachment 2 provides a list of current allowed uses for the Central Commercial, General Commercial, Light Industrial and Entryway zoning.

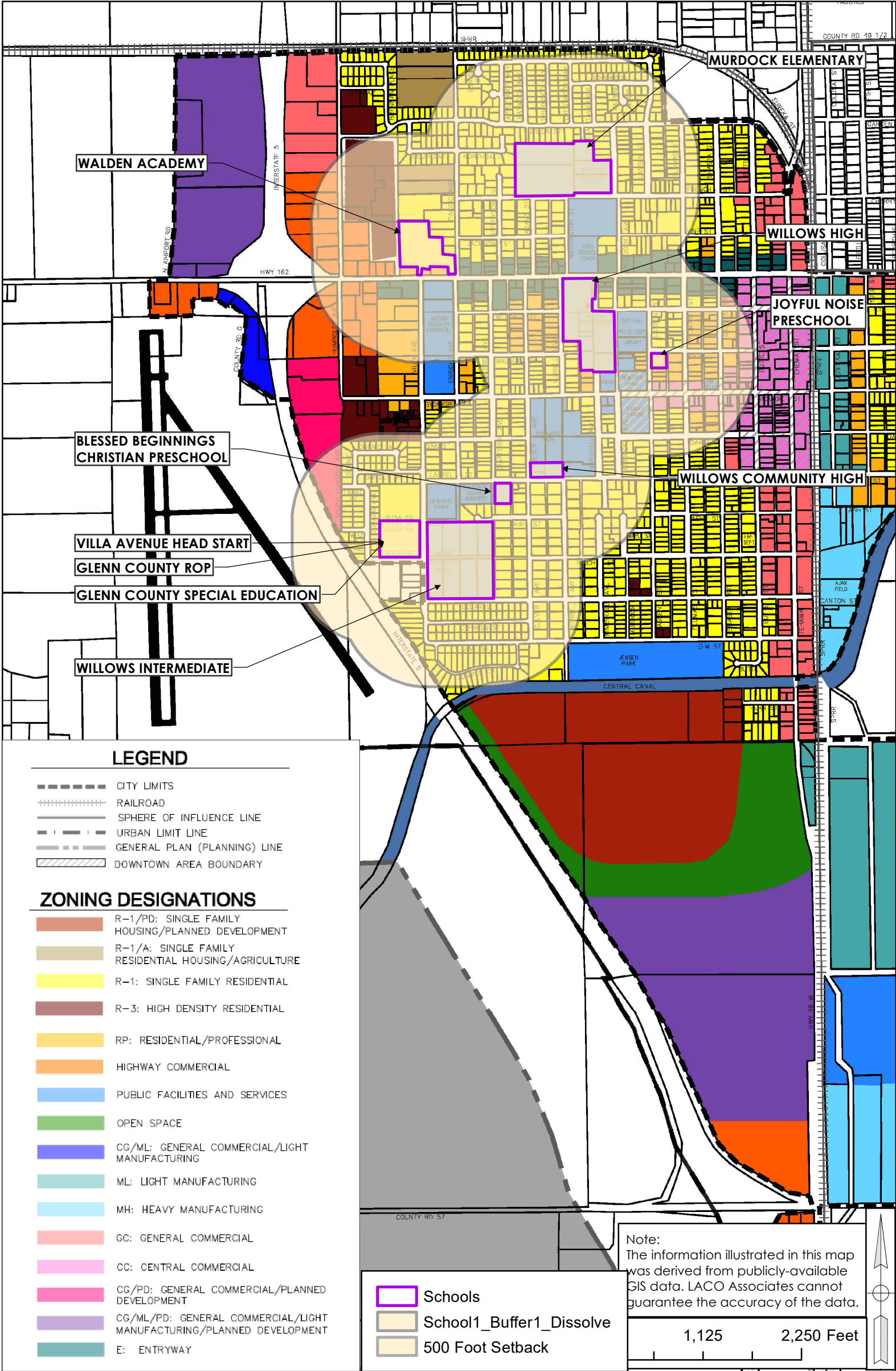
Fiscal Impact:

There is no impact to the city as this project has a PTA deposit on file for processing.

Attachments:

1. Zoning and Setback Map
2. Zoning Descriptions
3. State Cannabis Regulations
4. Resolution 32-2017
5. Establishment of Zones for Retail Cannabis

REUSE OF DOCUMENTS: This document and the ideas and design incorporated herein, as an instrument of professional service, is the property of LACO Associates and shall not be reused in whole or part for any other project without LACO Associates express written authorization.



Chapter 18.55

CC CENTRAL COMMERCIAL DISTRICT

Sections:

18.55.010 Purpose.

18.55.020 Permitted uses.

18.55.030 Uses permitted with a conditional use permit.

18.55.040 Prohibited uses.

18.55.050 Other regulations.

18.55.060 Parking exemption for sites in the downtown area.

18.55.010 Purpose.

The central commercial or CC district is to be applied in the established central business district or similar areas where there is or will be a concentration of retail sales and service uses within a defined commercial center attractive to pedestrian shoppers. New residential uses are permitted, subject to regulations contained within this chapter. [Ord. 732-17 § 1, 11-14-17; Ord. 700-11 § 1, 7-12-11; Ord. 676-07 § 1(15.01), 8-28-07; Ord. 664-00 § 15.01, 6-27-00; Ord. 632-91 § 15.01, 10-22-91].

18.55.020 Permitted uses.

The following uses and structures are permitted in the CC district:

- (1) Banks, business offices, food, hardware, variety, department, drug, jewelry, clothing stores, and general retail establishments.
- (2) Music and dance studios.
- (3) Blueprint shops and photographic stores.
- (4) Cafes, restaurants, and catering shops.
- (5) Art and antique shops, pawnshops, and florists.
- (6) Newspapers and commercial printing shops, and repair shops.

(7) Laundries.

(8) Barber shops and beauty parlors.

(9) Libraries.

(10) Movie theaters.

(11) Museums and galleries.

(12) Bakeries, including only retail sales on the premises and baking to supply not more than three retail outlets.

(13) Outdoor advertising signs and structures pertaining to the use or operation on the site and not exceeding one and one-half square feet of sign per linear foot of site frontage.

(14) Professional offices, studios, and clinics.

(15) Public utility offices, substations, communications equipment buildings and related structures and uses unless a conditional use permit is required for such uses by other provisions of this title.

(16) Incidental storage when contained within an enclosed building and when it is clearly incidental to and integral to the operation of the primary business.

(17) Other uses which, in the opinion of the planning commission, are similar to those uses listed above.

(18) Residences, boardinghouses, transitional and supportive housing, and group dwellings; provided, that residential units and quarters occupy only the second story or higher of structures whose first stories contain nonresidential uses, either permitted or permitted by conditional use permits in the CC district, except as authorized under WMC [18.110.090](#)(8). [Ord. 732-17 § 1, 11-14-17; Ord. 714-15 § 1, 6-9-15; Ord. 700-11 § 1, 7-12-11; Ord. 676-07 § 1(15.02), 8-28-07; Ord. 664-00 § 15.02, 6-27-00; Ord. 632-91 § 15.02, 10-22-91].

18.55.030 Uses permitted with a conditional use permit.

The following uses and structures are permitted in the CC district only if a conditional use permit has first been secured:

(1) Pet shops and veterinary offices.

- (2) Mortuaries and funeral parlors.
- (3) Bars and cocktail lounges.
- (4) Private and public parking lots.
- (5) Private schools and business colleges.
- (6) Public schools and colleges.
- (7) Martial arts and exercise studios.
- (8) Health clubs.
- (9) Outside sales and transient or mobile business operations.
- (10) New and used automobile sales, automotive rental establishments and automotive repair; provided, that these uses are located on properties fronting on Tehama Street.
- (11) Mini-markets without gasoline sales.
- (12) Hotels, motels, and similar lodging facilities.
- (13) Bed and breakfast establishments.
- (14) Churches.
- (15) Civic clubs.
- (16) *Reserved.*
- (17) Accessory uses, including repair operations and services. Such services shall be clearly incidental to the sale of products at retail on the premises, shall not employ more than five persons excluding sales personnel, and shall be placed and constructed so as not to be offensive or objectionable because of odor, dust, smoke, noise, or vibration.
- (18) Other uses which, in the opinion of the planning commission, are similar to those uses listed above.
- (19) Uses and structures with drive-through windows. [Ord. 732-17 § 1, 11-14-17; Ord. 714-15 § 1, 6-9-15; Ord. 700-11 § 1, 7-12-11; Ord. 676-07 § 1(15.03), 8-28-07; Ord. 664-00 § 15.03, 6-27-00; Ord.

632-91 § 15.03, 10-22-91].

18.55.040 Prohibited uses.

(1) Uses permitted in the ML district, as set forth in WMC [18.70.020](#)(2) et seq.

(2) Uses permitted in the MH district, as set forth in WMC [18.75.020](#)(2) et seq.

(3) Freestanding or ground-mounted telecommunications antennas, towers and related equipment intended for commercial uses. [Ord. 732-17 § 1, 11-14-17; Ord. 700-11 § 1, 7-12-11; Ord. 676-07 § 1(15.04), 8-28-07; Ord. 664-00 § 15.04, 6-27-00; Ord. 632-91 § 15.04, 10-22-91].

18.55.050 Other regulations.

(1) Minimum lot area: 1,000 square feet.

(2) Minimum Yard Requirements.

(a) Front: none.

(b) Side: none.

(c) Rear: none.

(3) Maximum building height: 50 feet.

(4) Loading Area. Private off-street space for handling all materials and equipment shall be provided.

(5) Parking. Off-street parking shall be provided in an amount in accordance with the regulations of Chapter [18.120](#) WMC. However, the planning commission may, through a conditional use permit, reduce or waive off-street parking requirements if the planning commission adopts findings that (a) imposition of the off-street parking requirements of Chapter [18.120](#) WMC would require an excessive area be devoted to accessory land uses, to the detriment of productive building coverage desired in the downtown area, and (b) sufficient on-street parking and/or public off-street parking exists within reasonable walking distance. [Ord. 732-17 § 1, 11-14-17; Ord. 700-11 § 1, 7-12-11; Ord. 676-07 § 1(15.05), 8-28-07; Ord. 664-00 § 15.04, 6-27-00; Ord. 632-91 § 15.05, 10-22-91].

18.55.060 Parking exemption for sites in the downtown area.

Uses and structures located within the downtown area, as defined within the CC central commercial zoning district, specifically the downtown parking exemption district area of Butte Street, Tehama Street, and Shasta Street, specifically from Laurel Street to Wood Street as defined by the map contained in WMC [18.120.060](#) designating the downtown parking exemption zone, are not required to

provide on-site parking as normally required by this chapter and Chapter [18.120](#) WMC, since new parking will be largely accommodated by existing on-street parking. Two parking spaces per new residential unit within the central business district as defined by the CC central commercial district shall be provided. The parking requirements for all other uses shall be determined by the city manager. However, the city manager shall refer any request to the planning commission when design review is required.

No existing city-required parking spaces in place as of the effective date of the ordinance codified in this chapter shall be removed within the downtown area. [Ord. 732-17 § 1, 11-14-17; Ord. 700-11 § 1, 7-12-11; Ord. 676-07 § 1(15.06), 8-28-07; Ord. 632-91 § 15.06, 10-22-91].

The Willows Municipal Code is current through Ordinance 758-22, passed November 8, 2022.

Disclaimer: The city clerk's office has the official version of the Willows Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://cityofwillows.org/>

City Telephone: (530) 934-7041

[Code Publishing Company](#)

Chapter 18.60

CG GENERAL COMMERCIAL DISTRICT

Sections:

18.60.010 Purpose.

18.60.020 Permitted uses.

18.60.030 Uses permitted with a conditional use permit.

18.60.040 Other regulations.

18.60.010 Purpose.

The general commercial or CG district is intended to be applied in areas where commercial facilities are necessary for public service and convenience. [Ord. 733-17 § 1, 11-14-17; Ord. 701-11 § 1, 7-12-11; Ord. 632-91 § 16.01, 10-22-91].

18.60.020 Permitted uses.

The following uses and structures are permitted in the CG district:

- (1) Uses permitted in the CC district as set forth in WMC [18.55.020](#).
- (2) Pet shops and veterinarian offices.
- (3) Mortuaries and funeral parlors.
- (4) Private schools and business colleges.
- (5) Commercial parking lots and parking garages.
- (6) Automobile service stations.
- (7) Residences, boardinghouses, transitional and supportive housing, and group dwellings; provided, that residential units and quarters occupy only the second story or higher of structures whose first stories contain nonresidential uses, either permitted or permitted by conditional use permits in the CG district, except as authorized by WMC [18.110.090](#)(8).
- (8) Emergency shelters (up to 50 beds), subject to development and managerial standards per WMC [18.110.111](#). [Ord. 733-17 § 1, 11-14-17; Ord. 715-15 § 1, 6-9-15; Ord. 701-11 § 1, 7-12-11; Ord. 632-

91 § 16.02, 10-22-91].

18.60.030 Uses permitted with a conditional use permit.

The following uses and structures may be permitted in the CG district only if a conditional use permit has first been secured:

- (1) All uses permitted in any residential zones.
- (2) Boardinghouses, group dwellings, and churches.
- (3) Bars and cocktail lounges.
- (4) Adult businesses.
- (5) Major automobile and equipment repair service stations.
- (6) Automobile and equipment sales and service including used car lots.
- (7) Wholesale distribution uses and warehouses.
- (8) Hotels, motels, hospitals, sanitariums, and rest homes.
- (9) Other commercial uses in the opinion of the planning commission which are of similar nature to those uses listed above.
- (10) Emergency shelters, 50 beds or more, subject to development and managerial standards per WMC [18.110.111](#).
- (11) Cannabis retail/dispensary business in combined CG/ML/PD or CG/PD zones subject to development standards and WMC [9.20.070](#) to [9.20.080](#) and defined in WMC [8.10.010](#). [Ord. 738-18 § 1, 8-14-18; Ord. 733-17 § 1, 11-14-17; Ord. 701-11 § 1, 7-12-11; Ord. 632-91 § 16.03, 10-22-91].

18.60.040 Other regulations.

- (1) Commercial Uses.
 - (a) Minimum lot area: 5,000 square feet.
 - (b) Minimum Yard Requirements.
 - (i) Front: none.

(ii) Side: none.

(iii) Rear: 12 feet where accessible from street or alley for loading purposes. Building may project over rear yard area, providing 14 feet clear vertical distance from ground level is maintained. Building code and other regulations shall apply.

(c) Maximum building height: 35 feet. Additional height may be permitted if a use permit is secured in each case.

(d) Loading Space. Private off-street space for the handling of all materials and equipment.

(e) Minimum Parking. Off-street parking shall be provided in an amount in accordance with the regulations of Chapter [18.120](#) WMC.

(2) Residential Uses. Minimum lot area, front, side and rear setbacks, maximum building height, maximum lot coverage and parking requirements for residential uses permitted with a use permit shall be subject to the regulations of the residential zone(s) for which the use is considered a principally permitted use. [Ord. 733-17 § 1, 11-14-17; Ord. 701-11 § 1, 7-12-11; Ord. 632-91 § 16.04, 10-22-91].

The Willows Municipal Code is current through Ordinance 758-22, passed November 8, 2022.

Disclaimer: The city clerk's office has the official version of the Willows Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://cityofwillows.org/>

City Telephone: (530) 934-7041

[Code Publishing Company](#)

Chapter 18.50

E ENTRYWAY DISTRICT

Sections:

18.50.010 Purpose.

18.50.020 Permitted uses.

18.50.030 Uses permitted with a conditional use permit.

18.50.040 Prohibited uses.

18.50.050 Other regulations.

18.50.010 Purpose.

The entryway or E district is intended to apply to arterial streets leading into downtown, where a mix of commercial, office, and residential uses is appropriate in an aesthetically appealing corridor, in which new developments and modifications to existing developments shall occur in accordance with design guidelines. Permitted uses and uses permitted with a conditional use permit are intended to be compatible with residential uses within and adjacent to the E district. [Ord. 664-00 § 14B.01, 6-27-00; Ord. 632-91 § 14B.01, 10-22-91].

18.50.020 Permitted uses.

The following uses and structures are permitted in the E district:

(1) Offices occupied by accountants, architects, dentists, physicians, engineers, attorneys, counselors, drugless practitioners, electrologists, geologists, optometrists, psychologists, and other occupations and enterprises.

(2) Retail stores and businesses or service enterprises, including the following:

(a) Banks and business offices.

(b) Food, hardware, variety, drug, and clothing stores not to exceed 2,500 square feet of retail sales floor area. All on-site storage related to such uses shall be within an enclosed building and shall be clearly incidental to and integral to the operation of the primary business.

(c) Music and dance studios.

(d) Blueprint shops and photographic stores.

(e) Cafes, restaurants, and catering shops.

(f) Art and antique shops.

(g) Florists.

(h) Barber shops and beauty parlors.

(i) Bakeries, including only retail sales on the premises and baking to supply not more than three retail outlets.

(3) Other uses, which, in the opinion of the planning commission, are similar to those uses listed above; and

(4) Outdoor advertising signs and structures pertaining to the use or operation of the site, subject to the following:

(a) Signs shall not exceed one and one-half square feet for each lineal foot of building frontage. The total surface area of all incidental signs, including services, trading stamps, prices, credit cards, or product advertising shall not exceed 40 square feet.

(b) Signs shall be no higher than 30 feet above grade. Freestanding signs in excess of 10 feet in height are prohibited.

(c) The above restrictions shall not apply to “directional signs” and “exempt signs” as defined in Chapter [18.125](#) WMC. [Ord. 664-00 § 14B.02, 6-27-00; Ord. 632-91 § 14B.02, 10-22-91].

18.50.030 Uses permitted with a conditional use permit.

The following uses and structures are permitted in the E district only if a conditional use permit has first been secured. Uses and structures which, in the opinion of the planning commission, are similar to the following may be permitted if a conditional use permit has first been secured:

(1) Permitted uses in the R-2 district, as set forth in WMC [18.35.030](#).

(2) Pet shops and veterinary offices.

(3) Mortuaries and funeral parlors.

(4) Private schools.

(5) Bed and breakfast establishments with five or fewer guest quarters.

(6) Martial arts or exercise studios.

(7) Health clubs.

(8) Residential uses as authorized under WMC [18.110.090](#)(9).

(9) Residential use as authorized under WMC [18.110.090](#)(10). [Ord. 749-20 § 2, 6-23-20; Ord. 744-19 § 1, 2-26-19; Ord. 664-00 § 14B.03, 6-27-00; Ord. 632-91 § 14B.03, 10-22-91].

18.50.040 Prohibited uses.

(1) Uses permitted in the ML district, as set forth in WMC [18.70.020](#)(2) et seq.

(2) Uses permitted in the MH district, as set forth in WMC [18.75.020](#)(2) et seq.

(3) Automobile service stations and mini-markets with gasoline sales.

(4) Outside sales and transient or mobile business operations.

(5) Bars and cocktail lounges, except as incidental to and contained within an otherwise permitted restaurant or cafe.

(6) Adult entertainment businesses subject to Chapter [18.115](#) WMC.

(7) Uses and structures with drive-through windows.

(8) Uses not expressly listed or determined by the planning commission to be similar to uses in WMC [18.50.020](#) or [18.50.030](#). [Ord. 664-00 § 14B.04, 6-27-00; Ord. 632-91 § 14B.04, 10-22-91].

18.50.050 Other regulations.

(1) Residential Uses. Minimum lot area, front, side, and rear setbacks, maximum building height, maximum lot coverage and parking requirements for residential uses shall be subject to the regulations of the residential zone(s) in which the use is considered a principally permitted use.

(2) Nonresidential Uses.

(a) Minimum lot area: 5,000 square feet.

(b) Maximum lot coverage by structures: 50 percent.

(c) Minimum Yard Requirements.

(i) Front: 12 feet from the inner edge of the sidewalk or, in the absence of a sidewalk, 18 feet from the outer edge of the curb.

(ii) Side: six feet from the inner edge of the sidewalk or, in the absence of a sidewalk, 12 feet from the outer edge of the curb.

(iii) Rear: 12 feet where accessible from street or alley for loading purposes. Buildings may project over the rear yard, providing 14 feet clear vertical distance from ground level is maintained. Building code and other regulations shall apply. Signs may be located in required yard areas, subject to design review.

(d) Maximum building height: 30 feet.

(e) Loading Space. Private off-street space for handling all materials and equipment shall be provided.

(f) Minimum Parking. Off-street parking shall be provided in an amount in accordance with the regulations of Chapter [18.120](#) WMC. No off-street parking shall be provided in the front of any structure.

(g) When applying the regulations contained in the E district to parcels adjoining Wood Street, the Wood Street frontage shall always be considered the front yard.

The city of Willows zoning map is hereby amended by designating the areas shaded on the following map as entryway E zoning district.¹ [Ord. 664-00 § 14B.05, 6-27-00; Ord. 632-91 § 14B.05, 10-22-91].

¹Code reviser's note—The most current zoning map is on file with the city.

City Website: <https://cityofwillows.org/>

City Telephone: (530) 934-7041

[Code Publishing Company](#)

Chapter 18.70

ML LIGHT INDUSTRIAL DISTRICT

Sections:

18.70.010 Purpose.

18.70.020 Permitted uses.

18.70.030 Uses requiring conditional use permits.

18.70.040 Other regulations.

18.70.010 Purpose.

The light industrial or ML district is intended to apply to areas in which light manufacturing and heavy commercial uses of the nonnuisance type and large administrative facilities are the desirable predominant uses. [Ord. 632-91 § 18.01, 10-22-91].

18.70.020 Permitted uses.

The following uses and structures are permitted in the ML district:

- (1) Uses permitted in the CG district as defined in WMC [18.60.020](#).
- (2) Assembly and storage of goods, materials, liquids, and equipment, except storage of flammable or explosive matter or materials which create dust, odors, or fumes.
- (3) Wholesale and storage warehouses.
- (4) Feed stores.
- (5) Manufacturing, processing, fabricating, refining, repairing, packaging or treatment of goods, materials or produce by electric power, oil or gas (except operations involving fish fats and oils, bones and products or similar substances commonly recognized as creating offensive conditions in the handling thereof).
- (6) Dyeing and dry cleaning plants, rug cleaning plants, laundries, veterinary hospitals and enclosed animal kennels, cabinet shops, and construction and materials yards (except gravel, rock, and cement materials yards).

(7) The following, when conducted within a building or enclosed within a solid wall or fence of a type approved by the planning commission not less than six feet in height: major automobile repairs, body and fender repair shops, auto painting shops, cooperage and bottling works, sheet metal shops, welding shops, truck terminals and retail lumberyards.

(8) Automobile sales and service including used car lots.

(9) Caretaker's residence; provided, that the legally established use requires the continuous supervision of a caretaker or security person. [Ord. 664-00 § 18.02, 6-27-00; Ord. 632-91 § 18.02, 10-22-91].

18.70.030 Uses requiring conditional use permits.

The following uses and structures may be permitted:

Retail stores and business or service enterprises which, in the opinion of the planning commission, are similar those included in WMC [18.60.030](#) (CG district). [Ord. 632-91 § 18.03, 10-22-91].

18.70.040 Other regulations.

(1) Industrial Uses.

(a) Minimum lot area: 10,000 square feet.

(b) Minimum Yard Requirements.

(i) Front: none.

(ii) Side: none, except as required by building code or other regulations.

(iii) Rear: none.

(c) Required parking spaces: see WMC [18.120.020](#)

(d) Loading Area. Private off-street space for the handling of all materials and equipment.

(e) Maximum building height limit: 50 feet. [Ord. 632-91 § 18.04, 10-22-91].

The Willows Municipal Code is current through Ordinance 758-22, passed November 8, 2022.

Disclaimer: The city clerk's office has the official version of the Willows Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://cityofwillows.org/>

City Telephone: (530) 934-7041

[Code Publishing Company](#)

(f) Holding a distributor transport only license shall not authorize a licensee to:

(1) Engage in the delivery of cannabis or cannabis products as defined in Business and Professions Code section 26001(o);

(2) Engage in the wholesale, destruction, packaging, labeling, or storing of cannabis or cannabis products; or

(3) Arrange for the regulatory compliance testing of cannabis or cannabis products by a testing laboratory.

(g) A distributor transport only licensee who is licensed to engage in self-distribution and whose licensed premises will be on the same property as their licensed cultivation or licensed manufacturing premises shall comply with the security provisions contained in chapter 1, article 5 that are applicable to their licensed cultivation or licensed manufacturing premises.

Authority: Section 26013, Business and Professions Code. Reference: Sections 26012 and 26070, Business and Professions Code.

Chapter 3. Retailers

§15400. Access to Retailer Premises.

(a) Access to the licensed premises of a retailer with only an A-designation shall be limited to individuals who are at least 21 years of age.

(b) Access to the licensed premises of a retailer with only an M-designation shall be limited to individuals who are at least 18 years of age and have a valid physician's recommendation for medicinal cannabis, and individuals who are at least 21 years of age.

(c) Access to the licensed premises of a retailer with both an A- designation and an M-designation may include persons identified in subsections (a) and (b) of this section.

Authority: Section 26013, Business and Professions Code. Reference: Sections 26070 and 26140, Business and Professions Code.

§15402. Customer Access to the Retail Area.

(a) Individuals shall be granted access to the retail area to purchase cannabis goods only after the retailer or an employee of the retailer has confirmed the individual's age and identity pursuant to section 15404.

(b) The licensed retailer or at least one employee shall be physically present in the retail area at all times when individuals who are not employees of the licensed retailer are in the retail area.

(c) All sales of cannabis goods must take place within the retail area of the retailer's licensed premises, except for cannabis goods sold through delivery, a drive-in or drive-through window as authorized by section 15025(e), or curbside delivery as provided in subsection (d).

(d) A licensed retailer or licensed microbusiness authorized to engage in storefront sales at their licensed premises may conduct sales through curbside delivery. Cannabis goods that have been purchased by a customer may be delivered to the customer in a vehicle parked immediately outside the licensed retail premises. Curbside delivery of cannabis goods must occur under video surveillance and meet the requirements of section 15044, subsection (e) for recording point-of-sale areas. Retail employees engaging in curbside delivery must verify each customer's age pursuant to subsection (a). Licensed retailers who are only authorized to engage in retail sales through delivery shall not conduct sales through curbside delivery.

Authority: Section 26013, Business and Professions Code. Reference: Sections 26070 and 26140, Business and Professions Code.

§15403. Hours of Operation.

A licensed retailer shall sell and deliver cannabis goods only between the hours of 6:00 a.m. Pacific Time and 10:00 p.m. Pacific Time.

Authority: Section 26013, Business and Professions Code. Reference: Section 26070, Business and Professions Code.

§15403.1. Requirements While Not Open for Business.

At any time the licensed premises is not open for retail sales, a licensed retailer shall ensure that:

(a) The licensed premises is securely locked with commercial-grade, nonresidential door locks as required in section 15046 of this division;

(b) The licensed premises is equipped with an active alarm system pursuant to section 15047 of this division, which shall be activated when the licensed retailer or its employees are not on the licensed premises; and

(c) Only employees of the licensee and other authorized individuals are allowed access to the licensed premises. For the purposes of this section, authorized individuals include individuals employed by the licensee as well as any outside vendors, contractors, or other individuals conducting business that requires access to the licensed premises.

Authority: Section 26013, Business and Professions Code. Reference: Section 26070, Business and Professions Code.

§15404. Retail Customers.

(a) A licensed retailer shall only sell adult-use cannabis goods to individuals who are at least 21 years of age after confirming the customer's age and identity by inspecting a valid form of identification provided by the customer as required by subsection (c) of this section.

(b) A licensed retailer shall only sell medicinal cannabis goods to individuals who are at least 18 years of age and possesses a valid physician's recommendation after confirming

the customer's age, identity, and physician's recommendation as required by subsection (c) of this section.

(c) Acceptable forms of identification include the following:

- (1) A document issued by a federal, state, county, or municipal government, or a political subdivision or agency thereof, including, but not limited to, a valid motor vehicle operator's license, that contains the name, date of birth, height, gender, and photo of the person;
- (2) A valid identification card issued to a member of the Armed Forces that includes the person's name, date of birth, and photo; or
- (3) A valid passport issued by the United States or by a foreign government.

Authority: Section 26013, Business and Professions Code. Reference: Section 26140, Business and Professions Code.

§15405. Cannabis Goods Display.

- (a) Cannabis goods for inspection and sale shall only be displayed in the retail area.
- (b) Cannabis and cannabis products may be removed from their packaging and placed in containers to allow for customer inspection. The containers shall not be readily accessible to customers without assistance of retailer personnel. A container must be provided to the customer by the licensed retailer or its employees, who shall remain with the customer at all times that the container is being inspected by the customer.
- (c) Cannabis and cannabis products removed from their packaging for display shall not be sold or consumed when the cannabis and cannabis products are no longer used for display.

Authority: Section 26013, Business and Professions Code. Reference: Section 26070, Business and Professions Code.

§15406. Cannabis Goods for Sale.

A licensed retailer shall not make any cannabis goods available for sale or delivery to a customer unless:

- (a) The cannabis goods were received by the licensed retailer from a licensed distributor or licensed microbusiness authorized to engage in distribution;
- (b) The licensed retailer has verified that the cannabis goods have not exceeded their best-by, sell-by, or expiration date if one is provided;
- (c) In the case of manufactured cannabis products, the product complies with all requirements of Business and Professions Code section 26130;
- (d) The cannabis goods have undergone regulatory compliance testing as required by the Act and chapter 6;

(e) The batch number, if any, is labeled on the package of cannabis goods and matches the batch number on the corresponding certificate of analysis for regulatory compliance testing;

(f) The packaging and labeling of the cannabis goods complies with Business and Professions Code section 26120 and this division; and

(g) The cannabis goods comply with all applicable requirements found in the Act and this division.

Authority: Section 26013, Business and Professions Code. Reference: Sections 26070 and 26120, Business and Professions Code.

§15407. Sale of Non-Cannabis Goods.

(a) In addition to cannabis goods, a licensed retailer may sell only cannabis accessories and the branded merchandise of any licensee. Licensed retailers may provide customers with promotional materials.

(b) Notwithstanding subsection (a), a licensed retailer or licensed microbusiness authorized for retail sales who operates a consumption area on the licensed premises in accordance with Business and Professions Code section 26200(g) may also sell prepackaged, non-cannabis-infused, non-alcoholic food and beverages if the applicable local jurisdiction allows such sales.

(c) Nothing in this section shall be interpreted to prevent consumers from bringing or receiving non-cannabis-infused, non-alcoholic food and beverages from a restaurant or food delivery service for consumption in the designated consumption area on the licensed premises, if the applicable local jurisdiction allows such activities.

Authority: Section 26013, Business and Professions Code. Reference: Sections 26070, 26151 and 26152, Business and Professions Code.

§15408. Sale of Live Plants and Seeds.

(a) A licensed retailer shall only sell live, immature cannabis plants and cannabis seeds if all of the following requirements are met:

(1) The plant is not flowering and is shorter and narrower than 18 inches; and

(2) The plant or seed originated from a licensed nursery that holds a valid license from the Department or a licensed microbusiness authorized to engage in cultivation.

(b) A licensed retailer shall not apply or use any pesticide, on live plants. A licensed retailer shall not cause any pesticide to be applied or used on live plants.

Authority cited: Section 26013, Business and Professions Code. Reference: Sections 26070 and 26100, Business and Professions Code.

§15409. Daily Limits.

(a) A licensed retailer shall not sell more than the following amounts to a single adult-use cannabis customer in a single day:

(1) 28.5 grams of non-concentrated cannabis.

(2) 8 grams of cannabis concentrate as defined in Business and Professions Code section 26001, including cannabis concentrate contained in cannabis products.

(3) 6 immature cannabis plants.

(b) A licensed retailer shall not sell more than the following amounts to a single medicinal cannabis patient, or to a patient's primary caregiver purchasing medicinal cannabis on behalf of the patient, in a single day:

(1) 8 ounces of medicinal cannabis in the form of dried mature flowers or the plant conversion as provided in Health and Safety Code section 11362.77.

(2) 12 immature cannabis plants.

(c) Notwithstanding subsection (b) of this section, if a medicinal cannabis patient's valid physician's recommendation contains a different amount than the limits listed in this section, the medicinal cannabis patient may purchase an amount of medicinal cannabis consistent with the patient's needs as recommended by a physician and documented in the physician's recommendation.

(d) The limits provided in subsection (a) and subsection (b) of this section shall not be combined to allow a customer to purchase cannabis goods in excess of any of the limits provided in this section.

(e) For the purposes of this section, a licensed retailer shall be responsible for determining that the amount of cannabis concentrates found in manufactured cannabis products sold to customers comply with the requirements of this section.

Authority: Section 26013, Business and Professions Code. Reference: Section 26012, Business and Professions Code; and Sections 11362.1 and 11362.77, Health and Safety Code.

§15410. Customer Return of Cannabis Goods.

(a) For the purposes of this section, "customer return" means a customer's return of cannabis goods that were purchased from a licensed retailer, back to the licensed retailer from whom the cannabis goods were purchased.

(b) A licensed retailer may accept customer returns of cannabis goods that were previously sold to a customer.

(c) A licensed retailer shall not resell cannabis goods that have been returned.

(d) A licensed retailer shall treat any cannabis goods abandoned on the licensed retailer premises as a customer return.

(e) Defective manufactured cannabis products returned by customers to a licensed retailer may be destroyed or returned to the licensed distributor from whom the cannabis goods were obtained.

Authority cited: Section 26013, Business and Professions Code. Reference: Sections 26011.5, 26012 and 26070, Business and Professions Code.

§15411. Requirements for Providing Free Cannabis Goods to Medicinal Consumers.

(a) A licensed retailer shall not provide free cannabis goods to any person. A licensed retailer shall not allow individuals who are not employed by the licensed retailer to provide free cannabis goods to any person on the licensed premises.

(b) Notwithstanding subsection (a), in order to provide access to medicinal cannabis patients who have difficulty accessing medicinal cannabis goods, a licensee who holds an M-Retailer license, an M-Retailer Non-storefront license, or an M-Microbusiness license that is authorized for retail sales may provide free medicinal cannabis goods if the following criteria are met:

(1) Free cannabis goods are provided only to a medicinal cannabis patient or primary caregiver who possesses a valid physician's recommendation for medicinal cannabis or cannabis products or a valid identification card issued under Health and Safety Code section 11362.71.

(A) Before providing free cannabis goods to a medicinal cannabis patient who does not possess a valid identification card issued under Health and Safety code section 11362.7, the licensed retailer shall do the following:

(i) Verify with the Medical Board of California, the Osteopathic Medical Board of California, or the California Board of Podiatric Medicine that the attending physician providing the patient's medicinal cannabis recommendation has a license in good standing to practice medicine or osteopathy in the State of California;

(ii) Keep a copy of the patient's or primary caregiver's driver's license or other government-issued identification; and

(iii) Prepare and retain written certification that the licensed retailer verified the physician's recommendation as required by this section that includes the date and time of the verification, the name of the employee who conducted the verification, the name of the licensing board(s) contacted, the method by which the licensing board was contacted, and the name of the person at the licensing board who provided the verification if it was conducted orally, or a copy of the verification if it was provided in writing.

(B) After initially verifying a physician's recommendation for a specific medicinal cannabis patient as required by this section, a licensed retailer shall also verify the physician's recommendation at least annually, for the time period that the physician's recommendation is valid.

(C) A licensee shall not provide free cannabis goods to a medicinal cannabis patient or the patient's primary caregiver if the physician's recommendation has expired.

(2) Prior to being provided to the patient or the patient's primary caregiver, the cannabis goods have been properly designated for donation and recorded in the track and trace system.

(3) Except as provided under Revenue and Taxation Code section 34012.1, the donated cannabis goods shall comply with all statutory and regulatory requirements that apply to cannabis goods for sale, including those for cultivating, manufacturing, distributing, processing, storing, regulatory compliance testing, packaging, labeling, transporting, and delivering.

(4) The cannabis goods provided to a medicinal cannabis patient or the patient's primary caregiver pursuant to this section shall be applied toward the daily purchase limit for a medicinal cannabis customer contained in section 15409 and the possession limits contained in Health and Safety Code section 11362.77.

(5) If cannabis goods are donated by a licensed retailer, then the sales invoice or receipt for the cannabis goods shall indicate that the cannabis goods were donated.

(6) The provision of free cannabis goods shall be recorded in the track and trace system and the licensed retailer's inventory records. The inventory records shall also include either the number of the medicinal cannabis patient's identification card issued under Health and Safety Code section 11362.7 or a copy of a valid physician's recommendation and the written certification that the recommendation was verified as required by this section.

(c) In addition to the provision of free cannabis goods in subsection (b), a licensed retailer may donate cannabis goods and the use of equipment in compliance with any compassionate use, equity, or other similar program administered by a local jurisdiction. The licensee shall ensure that all cannabis goods provided pursuant to this subsection comply with subsections (b)(4), (b)(5), and (b)(6).

(d) A licensed retailer may contract with an individual or organization to coordinate the provision of free cannabis goods on the licensee's retail premises. All cannabis goods provided through an individual or organization pursuant to this subsection shall comply with the requirements of this section. The licensed retailer may be disciplined for violations of the Act that are committed by an individual or organization with whom the licensee has contracted.

(e) A licensed retailer authorized to engage in retail sales only through delivery shall provide free cannabis goods only by delivery. Free cannabis goods provided through delivery shall comply with the requirements of this section.

Authority: Section 26013, Business and Professions Code. Reference: Sections 26013, 26153 and 26160, Business and Professions Code.

§15412. Prohibition on Packaging and Labeling by a Retailer.

(a) A licensed retailer shall not accept, possess, or sell cannabis goods that are not packaged as they will be sold at final sale, in compliance with this division.

(b) A licensed retailer shall not package or label cannabis goods.

(c) Notwithstanding subsection (b) of this section, a licensed retailer may place a barcode or similar sticker on the packaging of cannabis goods to be used in inventory tracking. A barcode or similar sticker placed on the packaging of a cannabis goods shall not obscure any labels required by the Act or this division.

Authority: Section 26013, Business and Professions Code. Reference: Section 26120, Business and Professions Code.

§15413. Cannabis Goods Packaging and Exit Packaging.

(a) All cannabis goods sold by a licensed retailer shall be in compliance with the packaging requirements in chapter 11.

(b) A package containing cannabis goods shall be tamper-evident and child-resistant. If the package contains multiple servings, the package must also be resealable.

(c) All cannabis goods purchased by a customer shall not leave the licensed retailer's premises unless the goods are placed in an opaque exit package.

(d) Immature plants and seeds sold by a licensed retailer are not required to be placed in resealable, tamper-evident, child-resistant packaging.

Authority: Section 26013, Business and Professions Code. Reference: Sections 26070.1 and 26120, Business and Professions Code.

§15414. Non-Storefront Retailer.

(a) A non-storefront retailer licensee shall be authorized to conduct retail sales exclusively by delivery as defined in Business and Professions Code section 26001(o).

(b) A complete application for a non-storefront retailer license shall include all the information required in an application for a retailer license.

(c) A non-storefront retailer licensee shall comply with all the requirements applicable to retailer licensees, except for those provisions related to public access to the licensed premises and the retail area.

(d) The licensed premises of a non-storefront retailer licensee shall be closed to the public.

Authority cited: Section 26013, Business and Professions Code. Reference: Sections 26012 and 26070, Business and Professions Code.

§15415. Delivery Employees.

- (a) All deliveries of cannabis goods shall be performed by a delivery employee who is directly employed by a licensed retailer.
- (b) Each delivery employee of a licensed retailer shall be at least 21 years of age.
- (c) All deliveries of cannabis goods shall be made in person. A delivery of cannabis goods shall not be made through the use of an unstaffed vehicle.
- (d) Deliveries of cannabis goods shall be received by customers only during the hours of operation established by section 15403. Delivery employees shall return to the licensed premises after making their last delivery of the day if they have any unsold cannabis goods to return to the premises.
- (e) During the process of delivery, the licensed retailer's delivery employee may not engage in any activities except for cannabis goods delivery and necessary rest, fuel, or vehicle repair stops.
- (f) A delivery employee of a licensed retailer shall, during deliveries, carry a copy of the retailer's current license, a copy of the QR Code Certificate issued by the Department, which complies with section 15039, subsection (d), the employee's government-issued identification, and an identification badge provided by the employer pursuant to section 15043. A delivery employee shall provide a copy of the retail license, a copy of the QR Code Certificate, and their employee identification badge to a delivery customer upon request.
- (g) Prior to providing cannabis goods to a delivery customer, a delivery employee shall confirm the identity and age of the delivery customer as required by section 15404 and ensure that all cannabis goods sold comply with requirements of section 15413.
- (h) A licensed retailer shall maintain an accurate list of the retailer's delivery employees and shall provide the list to the Department upon request.

Authority: Section 26013, Business and Professions Code. Reference: Sections 26070 and 26090, Business and Professions Code.

§15415.1. Deliveries Facilitated by Technology Platforms.

- (a) A licensed retailer or licensed microbusiness shall not sell or otherwise transfer any cannabis goods to a customer through the use of an unlicensed third party, intermediary business, broker, or any other business or entity.
- (b) Notwithstanding subsection (a) of this section, a licensed retailer or licensed microbusiness may contract with a service that provides a technology platform to facilitate the sale and delivery of cannabis goods, in accordance with all of the following:
 - (1) The licensed retailer or licensed microbusiness does not allow for delivery of cannabis goods by the technology platform service provider.

(2) The licensed retailer or licensed microbusiness does not share in the profits of the sale of cannabis goods with the technology platform service provider, or otherwise provide for a percentage or portion of the cannabis goods sales to the technology platform service provider.

(3) The licensed retailer or licensed microbusiness shall not advertise or market cannabis goods in conjunction with the technology platform service provider, outside of the technology platform, and shall ensure that the technology platform service provider does not use the licensed retailer's or licensed microbusiness's license number or legal business name on any advertisement or marketing that primarily promotes the services of the technology platform.

(4) The licensed retailer or licensed microbusiness shall ensure the following information is provided to customers:

(A) Any cannabis goods advertised or offered for sale on or through the technology platform shall disclose, at a minimum, the licensed retailer's or licensed microbusiness's legal business name and license number.

(B) Customers placing an order for cannabis goods through the technology platform shall be able to easily identify the licensed retailer or licensed microbusiness that each cannabis good is being ordered or purchased from. This information shall be available to the customer prior to the customer placing an order or purchasing the cannabis goods.

(5) All required sales invoices and receipts, including any receipts provided to the customer, shall disclose, at a minimum, the licensed retailer's or licensed microbusiness's legal business name and license number.

(6) All other delivery, marketing, and advertising requirements under this division are complied with.

Authority: Section 26013, Business and Professions Code. Reference: Sections 26001, 26070, 26090, 26151 and 26152, Business and Professions Code.

§15416. Delivery to a Physical Address.

(a) A delivery employee may only deliver cannabis goods to a physical address in California.

(b) A delivery employee shall not leave the State of California while possessing cannabis goods.

(c) A delivery employee shall not deliver cannabis goods to an address located on publicly owned land or any address on land or in a building leased by a public agency. This prohibition applies to land held in trust by the United States for a tribe or an individual tribal member unless the delivery is authorized by and consistent with applicable tribal law.

(d) A delivery employee may deliver to any jurisdiction within the State of California provided that such delivery is conducted in compliance with all delivery provisions of this division.

(e) A delivery employee shall not deliver cannabis goods to a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center.

Authority: Section 26013, Business and Professions Code. Reference: Sections 26070 and 26090, Business and Professions Code.

§15417. Delivery Vehicle Requirements.

(a) A licensed retailer's delivery employee, carrying cannabis goods for delivery, shall only travel in an enclosed motor vehicle. Any vehicle used in the delivery of cannabis goods shall be operated by a delivery employee of the licensee. A vehicle used in the delivery of cannabis goods shall not have any marking or other indications on the exterior of the vehicle that may indicate that the delivery employee is carrying cannabis goods for delivery. Only the licensee or an employee of the retailer licensee for whom delivery is being performed shall be in the delivery vehicle.

(b) While carrying cannabis goods for delivery, a licensed retailer's delivery employee shall ensure the cannabis goods are not visible to the public. Cannabis goods shall be stored in a secure, fully enclosed trunk that cannot be accessed from inside the vehicle, or in a secured area or compartment within the interior of the vehicle. A "secured area" is defined as an area where solid or locking metal partitions, cages, or high-strength shatterproof acrylic can be used to create a secure compartment in the fully enclosed vehicle. The secured area may be comprised on three sides by any part of the body of the vehicle, provided the parts of the vehicle used for the purposes of this section are shatterproof and are not made of glass.

(c) A licensed retailer's delivery employee shall not leave cannabis goods in an unattended motor vehicle unless the motor vehicle is locked and equipped with an active vehicle alarm system. Any cannabis goods left in an unattended vehicle must be stored in a container as required in subsection (b).

(d) A vehicle used for the delivery of cannabis goods shall be outfitted with a dedicated Global Positioning System (GPS) device for identifying the geographic location of the delivery vehicle and recording a history of all locations traveled to by the delivery employee while engaged in delivery. A dedicated GPS device must be owned by the licensee and used for delivery only. The device shall be either permanently or temporarily affixed to the delivery vehicle and shall remain active and inside of the delivery vehicle at all times during delivery. At all times, the licensed retailer shall be able to identify the geographic location of all delivery vehicles that are making deliveries for the licensed retailer and document the history of all locations traveled to by a delivery employee while engaged in delivery. A licensed retailer shall provide this information to the Department upon request. The history of all locations traveled to by a delivery employee while engaging in delivery shall be maintained by the licensee for a minimum of 90 days.

(e) Upon request, a licensed retailer shall provide the Department with information regarding any motor vehicle used for the delivery of cannabis goods, including the vehicle's make, model, color, Vehicle Identification Number, license plate number and Department of Motor Vehicles registration information.

(f) Any motor vehicle used by a licensed retailer to deliver cannabis goods is subject to inspection by the Department. Vehicles used to deliver cannabis goods may be stopped and inspected by the Department at any licensed premises or during delivery.

Authority: Section 26013, Business and Professions Code. Reference: Sections 26070 and 26090, Business and Professions Code.

§15418. Cannabis Goods Carried During Delivery.

(a) A licensed retailer's delivery employee shall not carry cannabis goods in the delivery vehicle with a value in excess of \$10,000 at any time.

(b) For the purposes of this section, the value of cannabis goods shall be determined using the current retail price of all cannabis goods carried by, or within the delivery vehicle of, the licensed retailer's delivery employee.

(c) A delivery employee may only carry cannabis goods, cannabis accessories, branded merchandise of any licensee, or promotional materials in the delivery vehicle and may only perform deliveries for one licensed retailer at a time. A delivery employee must depart and return to the same licensed premises before taking possession of any cannabis goods from another licensee to perform deliveries.

(d) Before leaving the licensed premises, the licensed retailer's delivery employee must have a delivery inventory ledger of all cannabis goods provided to the licensed retailer's delivery employee. The contents of the delivery inventory ledger must comply with the requirements of section 15049.3. During the delivery trip, as defined in section 15049.3, the delivery employee shall maintain the delivery inventory ledger in hard copy or electronically, the latter of which may be an electronic copy maintained in the track and trace system. The delivery inventory ledger must be updated after each completed delivery to reflect the remaining inventory carried by the delivery employee. The delivery inventory ledger must otherwise be updated in accordance with the requirements of section 15049.3, and then entered into the track and trace system no later than the end of the calendar day on which the delivery trip occurred.

(e) The licensed retailer's delivery employee shall maintain a log that includes all stops from the time the licensed retailer's delivery employee leaves the licensed premises to the time that the licensed retailer's delivery employee returns to the licensed premises, and the reason for each stop. The log shall be turned in to the licensed retailer when the licensed retailer's delivery employee returns to the licensed premises. The licensed retailer must maintain the log as a commercial cannabis activity record as required by this division. The log may be maintained electronically.

(f) Prior to arrival at any delivery location, the licensed retailer must have received a delivery request from the customer and provided the delivery request receipt to the licensed retailer's delivery employee electronically or in hard copy. The delivery request receipt provided to the licensed retailer's delivery employee shall contain all of the information required in section 15420, except for the date and time the delivery was made, and the signature of the customer.

(g) Immediately upon request by the Department or any law enforcement officer, the licensed retailer's delivery employee shall provide:

(1) The delivery inventory ledger from the time the licensed retailer's delivery employee left the licensed premises up to the time of the request;

(2) All delivery request receipts for cannabis goods carried by the delivery employee, in the delivery vehicle, or any deliveries that have already been made to customers; and

(3) The log of all stops from the time the licensed retailer's delivery employee left the licensed premises up to the time of the request.

(h) If a licensed retailer's delivery employee does not have any delivery requests to be performed for a 30-minute period, the licensed retailer's delivery employee shall not make any additional deliveries and shall return to the licensed premises. Required meal breaks shall not count toward the 30-minute period.

(i) Upon returning to the licensed premises, all undelivered cannabis goods shall be returned to the licensed retailer's inventory and recorded within the track and trace system in accordance with section 15049.3.

Authority: Section 26013, Business and Professions Code. Reference: Sections 26067, 26068, 26070, 26090 and 26160, Business and Professions Code.

§15419. Cannabis Consumption During Delivery.

A licensed retailer's delivery employees shall not consume cannabis or cannabis products while delivering cannabis goods to customers.

Authority: Section 26013, Business and Professions Code. Reference: Sections 26070 and 26090, Business and Professions Code.

§15420. Delivery Request Receipt.

A licensed retailer shall prepare a hard copy or electronic delivery request receipt for each delivery of cannabis goods.

(a) The delivery request receipt shall contain the following:

(1) The legal business name and license number of the licensed retailer;

(2) The first name and employee number of the licensed retailer's delivery employee who delivered the order;

(3) The first name and employee number of the licensed retailer's employee who prepared the order for delivery;

(4) The first name of the customer and a licensed retailer-assigned customer number for the person who requested the delivery;

(5) The date and time the delivery request was made;

(6) The delivery address;

(7) A detailed description of all cannabis goods requested for delivery. The description shall include the weight, volume, or any other accurate measure of the amount of all cannabis goods requested;

(8) The total amount paid for the delivery, including any taxes or fees, the cost of the cannabis goods, and any other charges related to the delivery; and

(9) Upon delivery, the date and time the delivery was made, and the handwritten or electronic signature of the customer who received the delivery.

(b) At the time of the delivery, the delivery employee of the retailer shall provide the customer who placed the order with a hard or electronic copy of the delivery request receipt. The delivery employee shall retain a hard or electronic copy of the signed delivery request receipt for the licensed retailer's records.

(c) For the purposes of this section, an employee number is a distinct number assigned by a licensed retailer to an employee that would allow the licensed retailer to identify the employee in documents or records using the employee number rather than the employee's full name. A licensed retailer shall be able to identify the employee associated with each employee number upon request from the Department.

(d) For the purposes of this section, a customer number is a distinct number assigned by a licensed retailer to a customer that would allow the licensed retailer to identify the customer in documents or records using the customer number rather than the customer's full name. A licensed retailer shall be able to identify the customer associated with each customer number upon request from the Department.

Authority cited: Section 26013, Business and Professions Code. Reference: Sections 26070, 26090 and 26160, Business and Professions Code.

§15421. Delivery Route.

While making deliveries of cannabis goods, a licensed retailer's delivery employee shall only travel from the retailer's licensed premises to the delivery address; from one delivery address to another delivery address; or from a delivery address back to the retailer's licensed premises. A delivery employee of a licensed retailer shall not deviate from the delivery path described in this section, except for necessary rest, fuel, or vehicle repair stops, or because road conditions make continued use of the route unsafe, impossible, or impracticable.

Authority: Section 26013, Business and Professions Code. Reference: Sections 26070 and 26090, Business and Professions Code.

§15422. Receiving Shipments of Inventory.

(a) A licensed retailer shall receive a shipment of cannabis goods only from a licensed distributor or licensed microbusiness authorized to engage in distribution.

(b) A licensed retailer shall accept shipments of cannabis goods only between the hours of 6:00 a.m. Pacific Time and 10:00 p.m. Pacific Time.

(c) During business hours, shipments of cannabis goods shall not enter the licensed premises through an entrance or exit that is available for use by the public.

(d) A licensed retailer whose licensed premises only has one entryway may be exempt from the requirements of subsection (c) of this section if the licensed retailer obtains authorization from the local jurisdiction explicitly authorizing this activity. The licensed retailer shall be required to provide this authorization to the Department upon request. For this section to apply, the licensed premises must physically have only one entryway and cannot have any other entryways.

Authority: Section 26013, Business and Professions Code. Reference: Sections 26012 and 26070, Business and Professions Code.

§15423. Inventory Documentation.

A licensed retailer shall maintain an accurate record of its inventory. A licensed retailer shall provide the Department with the record of inventory immediately upon request. A licensed retailer shall keep a record of the following information for all cannabis goods the licensed retailer has in its inventory:

- (a) A description of each item such that the cannabis goods can easily be identified;
- (b) An accurate measurement of the quantity of the item;
- (c) The date and time the cannabis goods were received by the licensed retailer;
- (d) The sell-by or expiration date provided on the package of cannabis goods, if any;
- (e) The name and license number of the licensed distributor or licensed microbusiness that transported the cannabis goods to the licensed retailer; and
- (f) The price the licensed retailer paid for the cannabis goods, including taxes, delivery costs, and any other costs.

Authority: Section 26013, Business and Professions Code. Reference: Section 26160, Business and Professions Code.

§15424. Inventory Reconciliation.

- (a) A licensed retailer shall be able to account for all of its inventory.
- (b) In conducting an inventory reconciliation, a licensed retailer shall verify that the licensed retailer's physical inventory is consistent with the licensed retailer's records pertaining to inventory.
- (c) The result of inventory reconciliation shall be retained in the licensed retailer's records and shall be made available to the Department upon request.
- (d) If a licensed retailer identifies any evidence of theft, diversion, or loss, the licensed retailer shall notify the Department and law enforcement pursuant to section 15036 of this division.

(e) If a significant discrepancy as defined in section 15034 of this division is discovered between a licensed retailer's physical inventory and the licensed retailer's inventory records, the licensed retailer shall notify the Department and law enforcement pursuant to section 15036 of this division.

Authority: Section 26013, Business and Professions Code. Reference: Section 26160, Business and Professions Code.

§15427. Retailer Premises-to-Retailer Premises Transfer.

(a) A licensee who holds multiple retail licenses may arrange for the transfer of cannabis goods from one licensed retail premises to another licensed retail premises if both retail licenses are held by the same sole proprietor or business entity.

(b) Cannabis goods transferred to a licensed retail premises under subsection (a) may be sold by the licensed retailer receiving the cannabis goods only if the cannabis goods comply with all requirements found in the Act and this division.

(c) The transportation of cannabis goods under this section must comply with all requirements found within the Act and this division.

(d) Any movement of cannabis goods under this section shall be properly entered into the track and trace system.

Authority: Section 26013, Business and Professions Code. Reference: Section 26070, Business and Professions Code.

Chapter 4. Microbusiness

§ 15500. Microbusiness.

(a) In order to hold a microbusiness license, a licensee must engage in at least three (3) of the following commercial cannabis activities: cultivation, manufacturing, distribution, and retail sale. License types created by the Department in regulation shall not be considered qualifying commercial cannabis activities for purposes of obtaining a microbusiness license, except for the Type N manufacturing license and the distributor transport only license.

(b) An applicant for a microbusiness license shall indicate on the application for licensure all commercial cannabis activities in which the applicant intends to engage.

(c) All cultivation, manufacturing, distribution, and retail activities performed by a licensee under a microbusiness license shall occur on the same licensed premises.

(d) A holder of a microbusiness license engaged in cultivation shall comply with all the rules and requirements applicable to the cultivation license type suitable for the cultivation activities of the licensee.

(e) A holder of a microbusiness license engaged in manufacturing shall comply with all the rules and requirements applicable to a Manufacturer 1 license in this division.

RESOLUTION NO. 32-2017**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS
ESTABLISHING THE MAXIMUM NUMBER OF RETAIL/DISPENSARY
CANNABIS BUSINESS LICENSES PERMITTED IN THE CITY OF WILLOWS**

WHEREAS, the City Council of the City of Willows, pursuant to Chapter 9.20.070 has authorized the establishment of retail and dispensary businesses selling both medical and non-medical cannabis within the City of Willows; and

WHEREAS, in 1996 "The Compassionate Use Act" of 1996 was enacted by Proposition 215 enabling persons who are in need of cannabis for medical purposes to obtain and use it without fear of State criminal prosecution; and

WHEREAS, on November 8, 2016 California voters approved Proposition 64, the "Adult Use of Marijuana Act", which established a licensing and regulatory framework for the cultivation, manufacture, transportation, storage, distribution, and sale of recreational cannabis, and which recognized the authority of local jurisdictions to either ban or regulate certain activities related to the cultivation, manufacture, transportation, storage, distribution, delivery, and sale of recreational cannabis; and

WHEREAS, on June 27, 2017 Governor Brown signed SB 94, a bill which among other things established a new statutory framework which reconciled the MCRSA and AUMA and regulating medical and non-medical cannabis use, possession, cultivation and commercial activities in the State of California (referred to as "MAUCRSA"); and

WHEREAS, on November 28, 2017 the City Council of the City of Willows enacted "An Ordinance of the City Council of the City of Willows Repealing Willows Municipal Code Chapter 9.20 ("Medical Marijuana"), Adopting New Chapter 9.20 ("Cannabis"), Repealing Chapter 8.10.010 ("Definitions"), Adopting New Chapter 8.10.010, and Amending Chapter 8.10 ("Nuisance") to Regulate Cannabis, Use, Cultivation, Sales, and Other Cannabis Activities in the City of Willows" (hereafter the "Cannabis Ordinance"); and

WHEREAS, the City Council of the City of Willows, pursuant to Chapter 9.20.070 of the Cannabis Ordinance has authorized the establishment of retail and dispensary businesses selling both medical and non-medical cannabis within the City of Willows; and

WHEREAS, Chapter 9.20.070 of the Cannabis Ordinance requires the City Council to adopt a resolution establishing the maximum number of Retail/Dispensary Cannabis Business licenses that may be issued within the City of Willows in order to prevent excessive concentrations of such businesses, and to set other special conditions that may be necessary and appropriate for the regulation of such businesses; and

WHEREAS, the City Council finds and determines that the adoption of this Resolution is exempt from environmental review pursuant to California Environmental Quality Act Guidelines

Section 15061(b)(3) in that there is nothing in this Resolution or its implementation that could have a foreseeable significant effect on the environment,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WILLOWS:

1. That, pursuant to Chapter 9.20.070 of the Willows Municipal Code, the City Council of the City of Willows hereby orders that the number of Retail/Dispensary Cannabis Licenses issued to conduct such business in the City of Willows shall not exceed two (2); and
2. That no such Retail/Dispensary Cannabis License shall be issued for any business location, and no such license holder may conduct business in any location, nearer than one thousand (1,000) feet to any church, elementary school, middle school, high school, licensed daycare or preschool facility, playground or parks; and
3. That the City of Willows Planning Commission is hereby directed to establish, in accordance with the terms of this Resolution, in which zones of the City of Willows Retail/Dispensary Cannabis Licensed business may operate as a permitted use.

PASSED AND ADOPTED by the City Council of the City of Willows this 28th day of November, 2017, by the following vote:

AYES: Williams, Mello, Yoder, Vice-Mayor Warren & Mayor Hansen

NOES: None.

ABSTAIN: None.

ABSENT: None.

ATTEST:


ROBYN JOHNSON, CITY CLERK

APPROVED:


GARY HANSEN, MAYOR

PROPOSED ZONING TEXT AMENDMENTS**Add those sections that are in blue:**

- **18.60.030 Uses permitted with a conditional use permit.**

The following uses and structures may be permitted in the CG district only if a conditional use permit has first been secured:

1. (1) All uses permitted in any residential zones.
2. (2) Boardinghouses, group dwellings, and churches.
3. (3) Bars and cocktail lounges.
4. (4) Adult businesses.
5. (5) Major automobile and equipment repair service stations.
6. (6) Automobile and equipment sales and service including used car lots.
7. (7) Wholesale distribution uses and warehouses.
8. (8) Hotels, motels, hospitals, sanitariums, and rest homes.
9. (9) Other commercial uses in the opinion of the planning commission which are of similar nature to those uses listed above.
10. (10) Emergency shelters, 50 beds or more, subject to development and managerial standards per WMC 18.110.111. [Ord. 733-17 § 1, 11-14-17; Ord. 701-11 § 1, 7-12-11; Ord. 632-91 § 16.03, 10-22-91].

11. *(11) Cannabis Retail/Dispensary business in combined CG/ML/PD or CG/PD zones subject to development standards and WMC Section 9.20.070 to 9.20.80 and defined in Chapter 8.10.010.*

- **18.65.030 Uses permitted with a conditional use permit**

The following uses and structures may be permitted in the CH district only if a conditional use permit has first been secured:

- (1) Additional highway commercial uses will require a conditional use permit only if the planning commission finds that the type of use is necessary for servicing the traveling public.
- (2) All permitted uses set forth in WMC 18.60.020. [Ord. 664-00 § 17.03, 6-27-00; Ord. 632-91 § 17.03, 10-22-91].
- (3) *Cannabis Retail/Dispensary business subject to development standards and WMC Section 9.20.070 to 9.20.80 and defined in Chapter 8.10.010.*

- **9.20.070(1) Retail/dispensary cannabis business licenses.**

(1) The City of Willows authorizes, subject to the conditions set forth in this code, *and only in zones in which such sales are permitted uses pursuant to title 18 of this Code*, the commercial sale of cannabis and cannabis products for medical and nonmedical uses. Such authorization, and any license issued hereunder, does not include the manufacturing or delivery of cannabis or cannabis products, nor the sale of cannabis or cannabis products at any location other than that for which a license is issued by the City of Willows.



Date: July 17, 2024
To: Planning Commission
From: Joe Bettencourt, Community Development and Services Director
Subject: Revising Architectural Board of Review Municipal Code- Colors

Recommendation:

Receive proposed municipal code amendment and recommend for adoption.

Rationale for Recommendation:

The current code references colors that are ambiguous and not well defined. Updating the code will modernize color schemes and provide clarity to the applicant and Planning Commission during the Architectural Review process.

Background:

At the January 24th 2024 Planning Commission meeting, the commission was reviewing a four-plex located at 245 S. Tehama St. because the color scheme was different than the one that was approved in the initial architectural review. Discussion was had regarding the vague color scheme that is currently in the code and staff was directed to bring back a proposed amendment to the municipal code. The Planning Commission desired to update the language for clarification on what colors were allowed and to modernize the available colors.

Discussion & Analysis:

The Planning Commission can modify the suggested color palette and proposed municipal code as desired.

Fiscal Impact:

There is no impact to the city as this will be a part of the budgeted Municipal Code Update.

Attachments:

1. Digital Color Palette
2. Proposed Municipal Code

Bright Neutrals

Our bright neutrals provide the warmth of color while pairing easily with other hues.

Attachment 3

| | | | | | | |
|--|--|---|--|---|--|--|
| <div>SW 9166</div> <div>Drift of Mist</div> <div>Expert Pick</div> | <div>SW 7661</div> <div>Reflection</div> <div>Expert Pick</div> | <div>SW 7653</div> <div>Silverpointe</div> <div>Expert Pick</div> | <div>SW 9165</div> <div>Gossamer Veil</div> <div>Expert Pick</div> | <div>SW 7654</div> <div>Lattice</div> | <div>SW 7651</div> <div>Front Porch</div> | <div>SW 7662</div> <div>Evening Shadow</div> |
| <div>SW 7064</div> <div>Passive</div> <div>Expert Pick</div> | <div>SW 7057</div> <div>Silver Strand</div> <div>Expert Pick</div> | <div>SW 7071</div> <div>Gray Screen</div> | <div>SW 7657</div> <div>Tinsmith</div> | <div>SW 6254</div> <div>Lazy Gray</div> | <div>SW 7649</div> <div>Silverplate</div> | <div>SW 7065</div> <div>Argos</div> |
| <div>SW 7663</div> <div>Monorail Silver</div> | <div>SW 7638</div> <div>Jogging Path</div> | <div>SW 7506</div> <div>Loggia</div> <div>Expert Pick</div> | <div>SW 6072</div> <div>Versatile Gray</div> <div>Expert Pick</div> | <div>SW 7016</div> <div>Mindful Gray</div> <div>Expert Pick</div> | <div>SW 7658</div> <div>Gray Clouds</div> <div>Expert Pick</div> | <div>SW 7058</div> <div>Magnetic Gray</div> |
| <div>SW 7037</div> <div>Balanced Beige</div> | <div>SW 7072</div> <div>Online</div> | <div>SW 7023</div> <div>Requisite Gray</div> | <div>SW 7652</div> <div>Mineral Deposit</div> <div>Expert Pick</div> | <div>SW 6255</div> <div>Morning Fog</div> | <div>SW 7650</div> <div>Ellie Gray</div> | <div>SW 7659</div> <div>Gris</div> |

SW 7066
Gray Matters

SW 7059
Unusual Gray

SW 7073
Network Gray

SW 7655
**Stamped
Concrete**

SW 9161
Dustblu

SW 7660
Earl Grey
Expert Pick

SW 9162
African Gray
Expert Pick

SW 7664
Steely Gray

SW 9163
Tin Lizzie
Expert Pick

SW 9164
Illusive Green

SW 6256
Serious Gray
Expert Pick

SW 7074
Software

SW 7067
Cityscape

SW 7060
Attitude Gray
Expert Pick

SW 7665
Wall Street

SW 7624
Slate Tile

SW 7622
Homburg Gray
Expert Pick

SW 7604
Smoky Blue

SW 6257
Gibraltar
Expert Pick

SW 7075
Web Gray

SW 7068
Grizzle Gray
Expert Pick

SW 7061
Night Owl

SW 7674
Peppercorn

SW 7615
Sea Serpent

SW 7076
Cyberspace
*Oct. 2021 Color of the
Month*

SW 7749
Laurel Woods

Mid-Tone Neutrals

Create the sense of a clean, cozy space with one of our mid-tone neutrals.

| | | | | | | |
|---------------------------|---|---|----------------------------|--|---|---|
| SW 6071 Popular Gray | SW 7029 Agreeable Gray <i>Expert Pick</i> | SW 6001 Grayish | SW 7050 Useful Gray | SW 7015 Repose Gray <i>Expert Pick</i> | SW 7043 Worldly Gray <i>Expert Pick</i> | SW 7022 Alpaca <i>Expert Pick</i> |
| SW 6002 Essential Gray | SW 6072 Versatile Gray <i>Expert Pick</i> | SW 7016 Mindful Gray <i>Expert Pick</i> | SW 7051 Analytical Gray | SW 7030 Anew Gray | SW 7044 Amazing Gray | SW 7023 Requisite Gray |
| SW 6073 Perfect Greige | SW 6003 Proper Gray | SW 7017 Dorian Gray | SW 7052 Gray Area | SW 7024 Functional Gray <i>Expert Pick</i> | SW 7031 Mega Greige | SW 7045 Intellectual Gray |
| SW 9170 Acier | SW 9167 Polished Concrete | SW 9169 Chatura Gray | SW 7504 Keystone Gray | SW 9168 Elephant Ear | SW 9171 Felted Wool | SW 9172 Studio Clay |

SW 7018
Dovetail

SW 6074
Spalding Gray

SW 7053
Adaptive Shade

SW 6004
Mink

SW 7032
Warm Stone

SW 7025
Backdrop
Expert Pick

SW 7046
Anonymous

SW 7019
Gauntlet Gray
Expert Pick

SW 6075
Garret Gray

SW 7033
Brainstorm
Bronze

SW 6005
Folkstone

SW 7026
Griffin
Expert Pick

SW 7047
Porpoise

SW 7505
Manor House

SW 7054
Oak Leaf Brown

SW 7048
Urbane Bronze
*2021 Color of The
Year*

SW 7034
Status Bronze

SW 7510
Chateau Brown

SW 7055
Enduring Bronze

SW 7020
Black Fox

SW 7027
Hickory Smoke

Muted Neutrals

Our muted neutrals play well with natural light and virtually any other color.

| | | | | | | |
|---|--|--|--|---|---|---|
| SW 7541 Grecian Ivory | SW 7517 Rivers Edge | SW 7632 Modern Gray | SW 7667 Zircon | SW 7036 Accessible Beige <i>Expert Pick</i> | SW 7511 Bungalow Beige | SW 7672 Knitting Needles |
| SW 7641 Colonnade Gray <i>Expert Pick</i> | SW 0054 Twilight Gray H | SW 0055 Light French Gray <i>Expert Pick</i> H | SW 1015 Skyline Steel <i>Expert Pick</i> | SW 2844 Roycroft Mist Gray H | SW 9173 Shiitake <i>Expert Pick</i> | SW 7524 Dhurrie Beige |
| SW 7638 Jogging Path | SW 7668 March Wind | SW 7506 Loggia <i>Expert Pick</i> | SW 7512 Pavilion Beige | SW 2832 Colonial Revival Gray H | SW 2850 Chelsea Gray H | SW 7037 Balanced Beige |
| SW 0049 Silver Gray H | SW 7643 Pussywillow <i>Expert Pick</i> | SW 7644 Gateway Gray | SW 7639 Ethereal Mood | SW 7507 Stone Lion <i>Expert Pick</i> | SW 7038 Tony Taupe | SW 0037 Morris Room Grey H |

| | | | | | | |
|---|----------------------------|---|--|--|--|---|
| SW 2821 Downing Stone H | SW 7633 Taupe Tone | SW 7640 Fawn Brindle <i>Expert Pick</i> | SW 7635 Palisade | SW 7501 Threshold Taupe | SW 7746 Rushing River | SW 0023 Pewter Tankard H |
| SW 7642 Pavestone <i>Expert Pick</i> | SW 7503 Sticks & Stones | SW 7673 Pewter Cast | SW 7513 Sanderling | SW 2827 Colonial Revival Stone H | SW 7669 Summit Gray | SW 7670 Gray Shingle |
| SW 9174 Moth Wing <i>Expert Pick</i> | SW 7502 Dry Dock | SW 2845 Bunglehouse Gray H | SW 7508 Tavern Taupe | SW 2855 Sycamore Tan H | SW 2840 Hammered Silver H | SW 0024 Curio Gray H |
| SW 0077 Classic French Gray H | SW 7743 Mountain Road | SW 2841 Weathered Shingle H | SW 2819 Downing Slate <i>Expert Pick</i> H | SW 2820 Downing Earth H | SW 7039 Virtual Taupe | SW 2849 Westchester Gray H |

| | | | | | | |
|------------------------------|--------------------------------|------------------------|--|---|--|--|
| SW 7514 Foothills | SW 0038 Library Pewter H | SW 7509 Tiki Hut | SW 7629 Grapy | SW 7040 Smokehouse | SW 2848 Roycroft Pewter H | SW 7515 Homestead Brown |
| SW 2740 Mineral Gray | SW 7520 Dark Brown | SW 7545 Pier | SW 7041 Van Dyke Brown | SW 2739 Charcoal Blue | SW 7675 Sealskin <i>Expert Pick</i> | SW 7069 Iron Ore <i>Mar. 2022 Color of the Month</i> |
| SW 9176 Dress Blues | SW 9183 Dark Clove | SW 9177 Salty Dog | SW 6076 Turkish Coffee | SW 6244 Naval <i>Expert Pick</i> | SW 2735 Rockweed | SW 6994 Greenblack |
| SW 6988 Bohemian Black | SW 6279 Black Swan | SW 9182 Rojo Marrón | SW 9178 In the Navy <i>Expert Pick</i> | SW 6006 Black Bean | SW 6993 Black of Night | SW 6992 Inkwell |
| SW 9175 Deep Forest Brown | SW 9179 Anchors Aweigh | SW 6989 Domino | SW 6991 Black Magic | SW 6990 Caviar <i>Expert Pick</i> | SW 6258 Tricorn Black <i>Expert Pick</i> | SW 7630 Raisin |

18.141.060 Criteria for approval of applicants.

Review shall be guided by the following:

(1) Competent Design. Development has been designed by and bears the signature of a person who under the building code has been designated as legally competent to submit such development proposal. The overall design may be directed towards buildings of any architectural characteristic. However, there must be a consistent organization of materials and openings, and a harmonious relationship of major elements; and decorative parts must relate to the character of the design.

(2) Relationship Between Structures Within the Development and Between Structures and Site. There shall be a harmonious and pleasing relationship between the various structures of the development on the site and between the structures and the site itself. The proposed structures should be designed to fit the site and not vice versa.

(3) Relationship Between Development and Neighborhood. Proposed structures and site development shall be related harmoniously and have good space and relationship to the terrain and to existing structures and development in the vicinity. The design shall show that due regard has been given to orientation of structures to streets, climatic considerations, and especially, the creation and utilization of open space. Overdevelopment of the site shall be avoided.

(4) Materials and Colors Used. Soft and muted colors in the earthtone and woodtone range and natural materials are preferred and generally should predominate. Other colors and materials may be accepted if the applicant can demonstrate that they are appropriate to the style, are appropriate accent colors, and are harmonious with the site or compatible with the character of the neighborhood.

(a) Earthtone and woodtone colors are considered to be ~~various shades of reddish-brown, brown, tan, ocher, umber, gold, sand and green. Color schemes for new residential construction are incorporated into the single-family design guidelines.~~ select colors within the Sherwin Williams 2024 bright, muted, mid-tone neutrals color palette or equivalent.

(b) Natural materials include adobe, slump block brick, stone, redwood, exterior wood wall covering, or wood shakes and shingles.

(c) Windows and Glass. Bronzitone or other glare reducing and color harmonizing finishes may be required on glass surfaces when they constitute 50 percent or more of a wall or building face, when such wall or face is exposed to the direct rays of the sun for any substantial part of the daylight hours. Similar treatment is to be used to reduce see-through capacity where glass surfaces would otherwise permit a view of pipes, utilities and other service units attached to a ceiling or roof. Mirror-type glass shall be avoided.

(d) Roofs (including equipment, but excluding skylights) are to be composed of nonglossy earthtone or woodtone finishes that minimize reflectivity.

(e) Metal Buildings or Finishes. Unpainted metal, galvanized metal or metal subject to ordinary rusting may not be used. Galvanized metal may be used in areas that are zoned in the industrial classifications. Metals that develop an attractive oxidized finish may be used: copper or weathering steel are examples of such materials.

(f) Concrete surfaces must be colored, textured, sculptured, patterned and/or serve a design function as opposed to a mere structural function.

(5) Wall, fences or screening shall be employed in a skillful manner and in harmony with the design of the development to conceal and to screen parking and loading areas, garbage and refuse collection areas and mechanical equipment from public view from adjoining streets, from persons residing on or working in the development, or from persons residing or working in the neighborhood.

(6) Surface Water Drainage. Special attention shall be given to proper site surface drainage. Stormwaters shall be removed and carried away in an adequate drainage system. Surface water and all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicles or pedestrian traffic and will not create puddles on the paved areas.

(7) Drives, Parking and Circulation. With respect to vehicular, bicycle and pedestrian circulation (including walkways, interior drives and parking) special attention shall be given to location and number of access points to the public streets, open space areas, general interior circulation, separation of pedestrian from vehicular traffic and arrangement of parking areas that are safe and convenient insofar as practical. Such facilities should not detract from the design of the proposed buildings and structures or from adjoining or neighboring properties. The effect of the development on adjoining sites and properties must be considered and the loading capacities of adjoining streets must also be considered.

(8) Utility Service. Utility connections shall be installed underground. Proposed method of sanitary sewage disposal for all buildings shall be indicated. Adequate garbage and refuse collection areas shall be mandatory and designed to prevent scatter and located in areas convenient both to users and to persons who make collections and be of sufficient size and properly screened. There shall be adequate ingress and egress to all utilities.

(9) Signs, when submitted as part of the development, shall be so designed as to be skillfully integrated into the development and not detract from the overall appearance of the project or of surrounding areas or developments.

(10) Exterior Lighting. Light sources shall not create a glare or hazard on adjoining streets or be annoying to adjacent properties or residential areas. The location of lights and electric conduits in the landscaped areas shall be coordinated with the landscaping and irrigation plans.

(11) Landscaping shall be well designed with appropriate variations and shall be included as an integral enhancement of the site and, where needed, for screening purposes. Plant materials shall be suitable for the functions to be served. Irrigation systems may be required, and their location shall be coordinated with the plans for the location of plants. All landscaping shall be maintained in good condition and any dead or dying plants, bushes, or trees shall be replaced with new healthy stock of a size compatible with the remainder of the growth at the time of replacement.

(12) Temporary visual and air pollution resulting from construction shall be minimized through retention of natural vegetation, rock formations and topography until applicant is prepared, once he starts grading, to continue immediately with the construction applied for through to completion as one continuous process. The period of construction shall be of duration reasonable to the size and complexity of the development. During grading, dust prevention must be emphasized to avoid unnecessary annoyance to persons living or working in the area.

(13) Any or all of the above criteria may be waived by the planning commission in developments showing exceptional design merit, which carry out the objectives of this chapter and which are consistent with the general plan.

(14) Consistency with Design Guidelines. A proposed development shall be consistent with the city's design guidelines as applied to the project through the design review process. The historic downtown and wood street design guidelines, the single-family residential and multifamily residential design guidelines, shall be utilized for proposals brought before the architectural design review board.

(15) Development is subject to public works standards per WMC [17.55.280](#), [17.55.290](#) and [17.55.300](#). [Ord. 753-22, 4-26-22; Ord. 520-76 § 14, 1-12-76. Formerly § 2.45.060; prior code § 2.96].



Date: July 17, 2024
To: Planning Commission
From: Joe Bettencourt, Community Development Director
Byron Turner, Principal Planner
Subject: Commission Direction: Mobile Food Trailers in Entryway (E) Zone

Recommendation:

Staff is recommending that the Planning Commission discuss and give direction on whether a mobile food trailer can be considered a compatible use in the Entryway Zone.

Rationale for Recommendation:

Section 18.50.020 of the Willows Municipal Code states:

The following uses and structures are permitted in the E district:

- (2) Retail stores and businesses or service enterprises, including the following:
 - (e) Cafes, restaurants, and catering shops.
- (3) Other uses, which, in the opinion of the planning commission, are similar to those uses listed above.

Section 18.50.040 further states:

Prohibited Uses:

- (4) Outside sales and transient or mobile business operations.

Background:

Staff is seeking direction on whether a mobile food trailer can be considered a similar use to a café or restaurant. If the Planning Commission chooses not to find that a mobile food facility can be a similar use to café or restaurant, they would therefore not be permitted in the Entryway District. Section 113831 (Definitions) of the California Health and Safety Code defines a "Mobile Food Facility" as *any vehicle used in conjunction with a commissary or other permanent food facility upon which food is distributed at retail. "Mobile Food Facility" does not include a Transporter used to transport packaged food from a food facility or other approved source to the consumer.*

The previous applications for mobile food trailers have been considered mobile businesses.

Discussion & Analysis:

The entryway or E district is intended to apply to arterial streets leading into downtown, where a mix of commercial, office, and residential uses is appropriate in an aesthetically appealing corridor, in which new developments and modifications to existing developments shall occur in accordance with design guidelines. Permitted uses and uses permitted with a conditional use permit are intended to be compatible with residential uses within and adjacent to the E district. [Ord. 664-00 § 14B.01, 6-27-00; Ord. 632-91 § 14B.01, 10-22-91].

Fiscal Impact:

None