



AGENCY: City Council  
MEETING DATE: October 25, 2021  
DEPARTMENT: Community Development  
PRESENTED BY: H. Gurewitz  
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## AGENDA ITEM SUMMARY

### **TITLE:**

**Receive Report and Provide Staff with Clarification on the Proposed Zoning for Cannabis Microbusinesses in the City of Fort Bragg**

### **ISSUE:**

On Monday May 20, 2021, the City Council provided direction to staff on updating the Inland Land Use and Development Code (ILUDC) Section 18.22.030 and Section 18.42.057 as it relates to accessory uses to retail and cannabis microbusinesses. On Monday, September 27, 2021, the City Council approved an urgency ordinance placing a 45-day moratorium on the approval of applications and permits for cannabis dispensaries in the Inland Zone of Fort Bragg. In the City Manager's staff report, the purpose of the moratorium was to allow Council to consider several issues which included clarifying the direction given to staff regarding cannabis microbusinesses.

### **ANALYSIS:**

At the previous City Council meeting on May 20, the Council provided the following policy direction to staff:

Manufacturing of cannabis products and the cultivation of flowering plants are to be restricted to the industrial zones in the City.

In the Central Business District, retail cannabis is to be allowed with accessory nursery cultivation that is clearly subordinate and only for the retail sale of the plants on site. The Council did not recommend any changes to the type of permission, Minor Use Permit, for a dispensary.

Council directed staff to develop a microbusiness definition which may or may not be the same as the State's definition which is as follows:

*"Microbusiness" means a licensee that is authorized to engage in cultivation of cannabis on an area less than 10,000 square feet and to act as a licensed distributor, Level 1 manufacturer, and retailer under this division, provided such licensee can demonstrate compliance with all requirements imposed by this division on licensed cultivators, distributors, Level 1 manufacturers, and retailers to the extent the licensee engages in such activities.*

This definition may work as a basic definition to be added to chapter 18.100.020, however, updates to ILUDC Section 18.22.030 Table 2-6, Section 18.42.057 and/or 18.42.059 would be necessary to clarify Council's direction that:

- A microbusinesses in the Commercial General and Highway Visitor Commercial must have a primary retail frontage with a public entrance from the primary public right of way. Other allowable activities with retail may include:
  - nursery stock production
  - cannabis processing
  - cannabis wholesale and distribution.
 Retail does not have to be the primary use as long as it is the primary frontage.
- Microbusinesses will not be allowed in the Central Business District.
- A microbusiness in the industrial zone may have retail delivery only (no in-person).

At the May 20, 2021 meeting, Council did not discuss what level of conditional use permit (Minor Use Permit or a Use Permit) might be required for a microbusiness. Staff would like clarification on this matter as well.

**RECOMMENDED ACTION:**

Provide clarification to staff on the above policies regarding accessory uses and microbusinesses in the City limits.

**ALTERNATIVE ACTION(S):**

Provide alternative direction.

**FISCAL IMPACT:**

None at this time.

**GREENHOUSE GAS EMISSIONS IMPACT:**

Not applicable.

**CONSISTENCY:**

Any updates to the Inland Land Use and Development Code must be consistent with the Inland General Plan.

**IMPLEMENTATION/TIMEFRAMES:**

To be determined.

**ATTACHMENTS:**

1. Meeting minutes from City Council Meeting on May 20, 2021

**NOTIFICATION:**

1. Brandy Moulton
2. Hrant Ekmekjian
3. Chelsea Haskins
4. Danny Schultz
5. Brittany Biesterfeld
6. Cannabis Notify Me subscriber list