

<b>AGENCY:</b>	Planning Commission
<b>MEETING DATE:</b>	July 10, 2019
<b>PREPARED BY:</b>	S. Perkins
<b>PRESENTED BY:</b>	S. Perkins

## AGENDA ITEM SUMMARY REPORT

**APPLICATION NO.:** Inland Land Use and Development Code Amendment 1-19 (ILUDC 1-19)

**APPLICANT:** City of Fort Bragg

**PROJECT:** ILUDC Amendment to permit and regulate cannabis businesses in the City of Fort Bragg, including retail, manufacturing and distribution.

**LOCATION:** Inland area of the City of Fort Bragg (Attachment 1)

**APN:** Multiple

**LOT SIZE:** N/A

**ZONING:** N/A

**ENVIRONMENTAL DETERMINATION:** Negative Declaration (Attachment 6)

**SURROUNDING LAND USES:** N/A

**APPEALABLE PROJECT:**  Can be appealed to City Council  
 Can be appealed to California Coastal Commission

### BACKGROUND

The State of California has passed the Medical Marijuana Regulation and Safety Act (MMRSA, 2015) and the Adult Use of Marijuana Act (AUMA, 2016) since the City's cultivation and dispensary ordinances became effective (2009 and 2005, respectively). Each State law places various levels of regulatory responsibility on local jurisdictions. In response of the new legislation, both the Public Safety Committee and the City Council have discussed the regulation of cannabis uses in the City of Fort Bragg. The following Inland Land Use and Development Code (ILUDC) amendment would implement the changes directed by Council.

### PROJECT DESCRIPTION

This amendment to the Municipal Code involves changes to Chapter 18, the Inland Land Use and Development Code (ILUDC). Proposed Sections 18.42.057 and 18.42.059 would apply to retail cannabis businesses (dispensaries) and delivery-only cannabis retail businesses (respectively), and changes are proposed to the land use tables of ILUDC Article 2 to specify where retail cannabis

businesses are allowable with discretionary permits. The land use tables in Article 2 would also be amended to remove cannabis manufacturing as a use type. Instead, cannabis manufacturing uses will be regulated under the existing policies for manufacturing/processing use types. Changes are proposed to the definitions in Article 10, and the specific use regulations for cannabis manufacturing in Article 4 would be rescinded. A table summarizing the proposed amendments is below, and the full changes are included as **Attachments 2 through 4**:

<b>Ordinance Amendments for Cannabis Businesses</b>	
<b>Code Section</b>	<b>Proposed Change(s)</b>
<b>Section 18.22</b>	<ul style="list-style-type: none"> <li>▪ Revise Commercial Land Use Table 2-6 to include Cannabis Retail as a land use, and indicate its allowance in the CBD, CG and CH districts with Minor Use Permit approval and subject to the Specific Use Regulations in Chapter 18.42.057 and 9.30.</li> <li>▪ Revise Commercial Land Use Table 2-6 to include Cannabis Retail – Delivery Only as a land use, and indicate its allowance in CG and CH districts with Minor Use Permit approval and subject to the Specific Use Regulations in Chapter 18.42.059 and 9.30.</li> </ul>
<b>Section 18.24</b>	<ul style="list-style-type: none"> <li>▪ Revise Industrial Land Use Table 2-10 by removing Manufacturing/processing – Cannabis as a land use type.</li> <li>▪ Revise Industrial Land Use Table 2-10 to include Cannabis Retail – Delivery Only as a land use, and indicate its allowance in IH and IL districts with Minor Use Permit approval, subject to the Specific Use Regulations in Chapter 18.42.059 and 9.30, and add a footnote indicating the use is only allowable as accessory to an approved cannabis business engaged in manufacturing, distribution and/or processing.</li> </ul>
<b>Section 18.42</b>	<ul style="list-style-type: none"> <li>▪ Add Section 18.42.057 – Cannabis Retail to provide Specific Use Regulations for retail cannabis uses.</li> <li>▪ Add Section 18.42.059 – Cannabis Retail – Delivery Only to provide Specific Use Regulations for delivery only retail cannabis uses.</li> <li>▪ Rescind Section 18.42.055 – Cannabis, Manufacturing.</li> </ul>
<b>Section 18.100</b>	<ul style="list-style-type: none"> <li>▪ Revise definition of Cannabis Dispensary to Cannabis Retail.</li> <li>▪ Add definition of Cannabis Retail – Delivery Only</li> <li>▪ Rescind definition of Cannabis Manufacturing.</li> <li>▪ Revise definitions of Wholesaling and Distribution, Manufacturing-Heavy, -Medium, and -Light to include industrial cannabis uses.</li> </ul>

## ANALYSIS

Since the passage of the Medical Marijuana Regulation and Safety Act (MMRSA, 2015) and the Adult Use of Marijuana Act (AUMA, 2016), the State of California, through its Bureau of Cannabis Control, has been developing the laws, regulations and licensing requirements for cannabis businesses. On January 16, 2019, the California Office of Administrative Law (OAL) approved the Bureau of Cannabis Control’s revised cannabis regulations.

The City of Fort Bragg adopted Ordinance 928-2017 in early 2017 regulating cannabis manufacturing uses following passage of the AUMA. Subsequently, the City has not updated its retail (dispensary) or cultivation ordinances, which were adopted prior to recreational legalization in California. On February 12, 2018, the City Council provided direction to staff to revise the City’s dispensary regulations. At the time of Council direction, state policy had not settled whether or not cannabis businesses may hold multiple license types to participate at multiple points of the supply chain. The state’s policy framework has shifted to allow more flexibility in license types, per the recently-approved Bureau of Cannabis Control’s cannabis regulations.

Previous Council direction for a revised dispensary ordinance, prohibited businesses from operating under multiple state license types (i.e. cannabis manufacturing uses are not permitted where Council directed staff to allow dispensary uses). Conversations with entrepreneurs seeking to establish dispensaries in the City have expressed concern to staff and Council over these limitations. On February 25, 2019, the Council considered the changes to state policy and directed staff to prepare an ordinance to allow some integration of state cannabis business license types.

Additionally, the City’s existing cannabis manufacturing ordinance does not specifically address state license types that are commonly associated with manufacturing uses, such as testing, packaging, warehousing and distribution. The Council directed staff to revise the manufacturing ordinance to address these other uses. The following table summarizes cannabis business activities, and where they may be located per the draft ordinance:

Primary Use	CBD	CG	CH	CN	IL	IH	Coastal <sup>5</sup>
Retail – Storefront only	MUP <sup>1</sup>	MUP <sup>1</sup>	MUP <sup>1</sup>	--	--	--	--
Retail – Delivery only	--	MUP <sup>1</sup>	MUP <sup>1</sup>	--	MUP <sup>2</sup>	MUP <sup>2</sup>	--
Retail – Delivery and Storefront	MUP <sup>1</sup>	MUP <sup>1</sup>	MUP <sup>1</sup>	--	--	--	--
Manufacturing/Processing	--	--	--	--	P/UP <sup>3</sup>	P/UP <sup>3</sup>	--
Distribution	--	--	--	--	P	P	--
Testing	--	--	--	--	P	P	--
Cultivation <sup>4</sup>	--	--	--	--	--	--	--

*P = Permitted, MUP = Minor Use Permit, UP = Use Permit*

- Notes:
1. Dispensaries may conduct manufacturing, distribution and/or processing activities as long as the retail use is the primary activity at the business.
  2. Delivery-only retailers are only allowable in the industrial districts as long as a manufacturing, distribution, and/or processing use is the primary activity at the business.
  3. Manufacturing/Processing activities meeting the ILUDC definition of “Manufacturing-Light” would be permitted. Activities defined as “Manufacturing-Medium” would require a Use Permit in IL, but would be by-right in IH. Activities defined as “Manufacturing-Heavy” would be prohibited in IL, and require a Use Permit in IH.
  4. Council provided direction on July 24, 2019 for staff to develop a cannabis cultivation ordinance, which would be reviewed by the Planning Commission at an upcoming meeting.
  5. The Coastal Land Use and Development Code would need to be amended to incorporate cannabis businesses, pending Council and Planning Commission review.

In addition to the amendments proposed for the ILUDC, the Council will also consider adopting a revised Chapter 9.30, which would apply to all future cannabis businesses (**Attachment 5**). Chapter 9.30 contains the procedures for applications, including review of security plans by the Police Chief, background checks on applicants, and standard operating requirements. These standards include:

- *Submit floor plans indicating the purpose and security of each room*
- *Diagrams showing security camera coverage, lighting and access restrictions*
- *Proposed hours of operation*
- *Record keeping and recall procedures*
- *Solid waste disposal plan*
- *Product supply chain information*
- *Odor prevention plan*

Chapter 9.30 is not a part of the ILUDC, and as a result, is not part of this ILUDC amendment application. It is Council's intent to adopt the revisions to Chapter 9.30 at the same time the Council reviews the ILUDC amendment recommendation from the Planning Commission. Staff recommends that the Planning Commission include a condition of approval on this proposed ILUDC amendment, that Chapter 9.30 be adopted in conjunction with the ILUDC amendment so that the requirements of 9.30 supplement the changes to the ILUDC.

The following provides an explanation of the proposed ILUDC amendment, including the context leading to the Council's direction.

### **Retail (Dispensaries)**

Cannabis retail uses (dispensaries) can operate as storefront shops, delivery-only businesses, or a combination of both. The City does not presently allow cannabis retail businesses for recreational marijuana. The City Council discussed these various business types and recommended that a draft ordinance include the following:

- *Allow storefront dispensaries in the CBD, CH and CG zoning districts with a Minor Use Permit. Storefront dispensaries may have a delivery component.*

In order to implement this direction, the draft ordinance amends Article 2 to add "Cannabis Retail," and permits these uses in the CBD, CH and CG districts with a Minor Use Permit. The proposed definition of Cannabis Retail in Article 10 states that these uses "sell products directly to on-site customers" and that "sales may also be conducted by delivery."

- *Allow delivery-only dispensaries in the CH and CG districts, and allow delivery-only dispensaries only in conjunction with cannabis manufacturing and distribution uses in the industrial districts.*

The proposed ordinance amends Article 2, adding "Cannabis Retail – Delivery Only," and permits these uses in the CH, CG, IL, and IH districts. For the IL and IH districts, a footnote is proposed in

the ordinance stating that delivery-only dispensaries “shall only be allowable as an accessory use to a cannabis business engaged in manufacturing and/or distribution.”

In addition to the location and permitting standards in Article 2, the ILUDC amendment would make changes to Article 4 to prescribe standards for dispensaries—both storefront and delivery. The standards require applicants to outline the activities involved in the business, and limits the hours they may operate (between 9 a.m. and 9 p.m.), prohibits drive-through sales, and states that dispensaries may not be located within a 600-foot radius of schools, day care centers, or youth centers.

Article 4 also states that the maximum quantity of permits issued for Cannabis Retail and Cannabis Retail – Delivery Only uses shall be determined by Council resolution. The Council has discussed allowing a maximum of four storefront dispensaries and four delivery-only dispensaries. The Planning Commission could consider recommending a specific number to Council for their resolution.

### **Microbusinesses**

Cannabis microbusinesses are facilities that engage in a combination of retail, distribution, manufacturing and/or cultivation. Small scale activities, such as packaging, labelling, pre-rolling or blending require manufacturing and/or distribution licenses from the state. The Council received input from the public that stressed the importance of cross-licensing for businesses to compete within the industry. Council seeks an ordinance that would:

- *Allow small-scale manufacturing and/or distribution activities as accessory to retail uses, thereby allowing cannabis “microbusinesses.”*

The proposed ILUDC amendment includes Section 18.42.057(F), stating that “accessory uses [to cannabis dispensaries] may include activities that require multiple state cannabis licenses, including, but not limited to manufacturing, distribution and/or processing.” This language allows cannabis manufacturing, distribution and processing uses in conjunction with a dispensary. These other activities, however, shall be “accessory” to the retail store, which the ILUDC defines as “a use customarily incidental to, related and clearly subordinate to a primary use on the same parcel, which does not alter the primary use.” The review authority (the Director for a Minor Use Permit, and the Commission on appeal), would review any non-retail activities of a microbusiness application to ensure they are accessory, and would condition the permit such that the accessory activities do not become the primary use of the business. Additionally, Section 18.42.057(F) prohibits the use of volatile solvents in the manufacturing activities accessory to retail uses.

- *Prohibit cultivation as part of microbusiness facilities.*

While the state allows cultivation as part of a microbusiness, the Council directed staff to continue prohibiting commercial cultivation activities within dispensaries (and citywide). Section 17.42.057(F) implements this direction stating that “in no instance shall cannabis cultivation...be allowable as accessory to Cannabis Retail uses.”

### **Cannabis Manufacturing/Distribution/Processing/Testing**

The existing ILUDC allows cannabis manufacturing in the industrial zoning districts with a Use Permit. Presently, the ILUDC prohibits “accessory uses” in conjunction with cannabis manufacturing uses, limiting the potential for manufacturers to hold distribution or processing licenses from the

state. After receiving more information on the way these businesses intend to operate, the Council requested an ordinance amendment that would:

- *Allow any combination of industrial-like cannabis activities in the IL and IH zoning districts.*

To implement this direction, the proposed ordinance amendment removes the land use “cannabis manufacturing” from the land use tables. Instead, any cannabis manufacturing, distribution, processing or testing facility would be interpreted the same as other industrial use types. For example, a cannabis distribution facility would fall under the permit requirements for “Wholesaling and Distribution,” an existing land use in the code. Similarly, a cannabis manufacturing facility would be considered either light-manufacturing, medium-manufacturing or heavy-manufacturing, depending on the nature of the facility and how it fits within the existing manufacturing use type definitions. The ILUDC amendment revises the definitions of these existing manufacturing land uses to include cannabis businesses as examples of allowable activities.

### **ENVIRONMENTAL DETERMINATION**

The California Environmental Quality Act (CEQA) requires analysis of agency approvals for projects. Under CEQA, adoption of changes to a zoning ordinance constitutes a project, and staff has completed the required CEQA review. Staff prepared a Negative Declaration for the project and determined that the proposed amendment could not have a significant effect on the environment. The Negative Declaration is included as **Attachment 6**.

The Planning Commission will not adopt the Negative Declaration, as the adoption of a resolution in support of the proposed changes does not constitute a project under CEQA. The Negative Declaration would be adopted by City Council, if they adopt the proposed amendment to the ILUDC.

### **RECOMMENDED PLANNING COMMISSION ACTION**

Hold a hearing, close the hearing, deliberate and adopt the resolution (**Attachment 7**) to City Council recommending approval of the ILUDC amendment.

### **ALTERNATIVE PLANNING COMMISSION ACTIONS**

Hold a hearing, deliberate and provide staff with additional direction regarding proposed amendments to the ILUDC regulating cannabis businesses.

## **AMENDMENT FINDINGS**

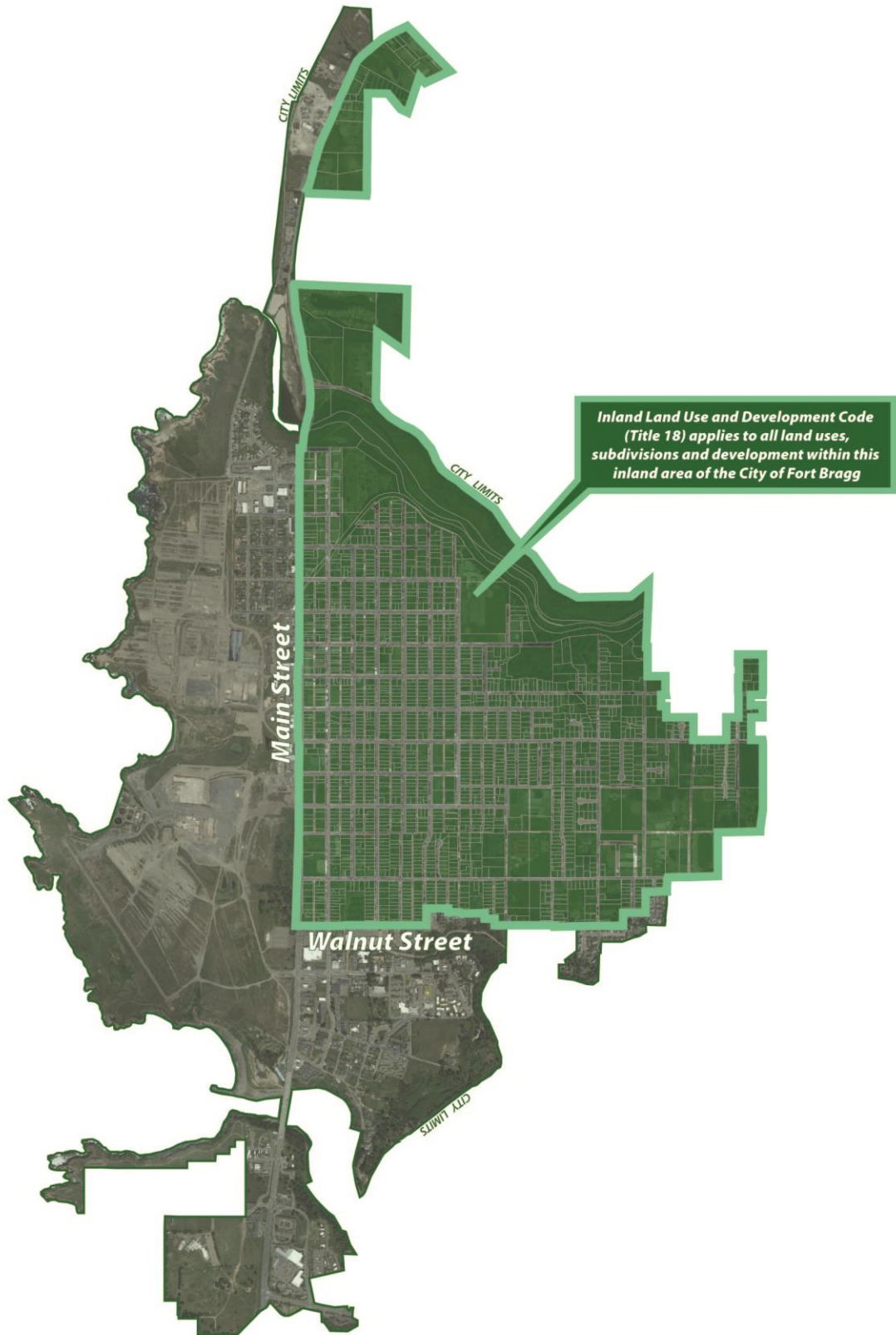
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|---------------------------|--|
| <b>18.94.060(B)(1)(a)</b> | The proposed amendment is consistent with the General Plan and any applicable specific plan;                                     |
| <b>18.94.060(B)(1)(b)</b> | The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and |
| <b>18.94.060(B)(2)</b>    | The proposed amendment is internally consistent with other applicable provisions of the Development Code.                        |

## **SPECIAL CONDITIONS**

1. Adoption of the ILUDC amendments shall only occur in conjunction with the adoption of revisions to Chapter 9.30 that prescribe the process for cannabis business applications and standard cannabis business operating requirements.

**ATTACHMENTS**

1. Location Map
2. Article 2 Revisions
3. Article 4 Revisions
4. Article 10 Revisions
5. Chapter 9.30 – Cannabis Businesses
6. Negative Declaration
7. Resolution to Council



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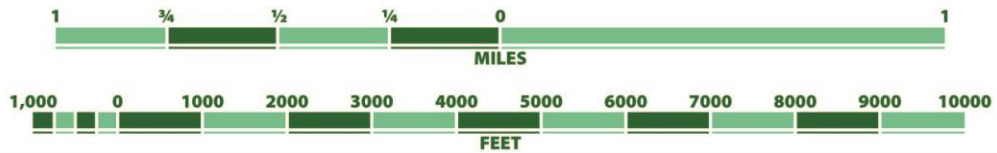




TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts		PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
		PERMIT REQUIRED BY DISTRICT					
		CN	CO	CBD	CG	CH	
LAND USE (1)							
RETAIL TRADE							
Art, antique, and collectables stores		—	—	P	P	P	
Artisan shop		UP	UP	P	P	P	
Auto and vehicle sales and rental		—	—	—	P	P	
Auto parts sales with no installation services		—	—	—	P	P	
Bar/tavern		—	—	UP	MUP	MUP	
Big box retail		—	—	—	UP	UP	
Building and landscape materials sales - Indoor		—	—	—	P	—	
Building and landscape materials sales - Outdoor		—	—	—	UP	—	18.42.130
Cannabis Retail		—	—	MUP	MUP	MUP	18.42.057 Chapter 9.30
Cannabis Retail - Delivery Only		—	—	—	MUP	MUP	18.42.057 Chapter 9.30
Construction and heavy equipment sales and rental		—	—	—	UP	UP	18.42.130
Convenience or liquor store		UP	—	P	P	P	
Drive-through retail		—	—	UP	UP	UP	18.42.070
Farm supply and feed store		—	—	—	P	—	
Fuel dealer (propane for home and farm use, etc.)		—	—	—	UP	—	
Furniture, furnishings and appliance store		—	—	P	P	—	
General retail - 10,000 sf or larger		—	—	UP	UP	UP	
General retail - 5,000 sf - 9,999 sf		—	—	P	P	P	
General retail - Less than 5,000 sf		P	—	P	P	P	
Groceries, specialty foods		P	—	P	P	P	
Mobile home, boat, or RV sales		—	—	—	UP	UP	
Night club		—	—	UP	UP	UP	
Office supporting retail		P	P	P	P	P	
Outdoor retail sales and activities		—	—	P	P	P	18.42.130
Restaurant, café, coffee shop		UP	P	P	P	P	18.42.165
Second hand store		—	—	—	P	P	
Service station		—	—	—	UP	UP	18.42.180
Shopping center		—	—	—	UP	UP	
Key to Zoning District Symbols							
CN	Neighborhood Commercial	CG	General Commercial				
CO	Office Commercial	CH	Highway and Visitor Commercial				
CBD	Central Business District						
Notes:							
(1) See Article 10 for land use definitions.							

TABLE 2-10 Allowed Land Uses and Permit Requirements for Industrial Zoning Districts		P Permitted Use, Zoning Clearance required		
		MUP Minor Use Permit required (see Section 18.71.060)		
		UP Use Permit required (see Section 18.71.060)		
		S Permit requirement set by Specific Use Regulations		
		— Use not allowed		
LAND USE (1)		PERMIT REQUIRED BY DISTRICT		Specific Use Regulations
		IL	IH	
AGRICULTURAL, RESOURCE & OPEN SPACE USES				
Crop production, horticulture, orchard, vineyard		P	P	
INDUSTRY, MANUFACTURING & PROCESSING, WHOLESALING				
Agricultural product processing		—	P	
Artisan/craft product manufacturing		P(2)	—	
Boat and ship construction, repair, maintenance		—	P	
Construction contractor		P(2)	P(2)	
Fish processing		P(2)	P	
Laboratory - Medical, analytical, research & development		P(2)	P	
Laundry, dry cleaning plant		P	P	
Lumber and wood product manufacturing		UP	UP	
Manufacturing/processing – Cannabis		UP	UP	18.42.155 Chapter 9.33
Manufacturing/processing - Heavy		—	UP	
Manufacturing/processing - Light		P(2)	P	
Manufacturing/processing - Medium intensity		—	P(2)	
Media production		P	P	
Petroleum product storage and distribution		UP	P	
Printing and publishing		P	P	
Recycling - Heavy processing		UP	UP	18.42.150
Recycling - Large collection facility		UP	UP	18.42.150
Recycling - Light processing		UP	UP	18.42.150
Recycling - Reverse vending machine		P	P	18.42.150
Recycling - Scrap and dismantling yards		—	UP	
Recycling - Small collection facility		P	P	18.42.150
Storage - Cold storage facility, ice plant		—	UP	
Storage - Outdoor		UP	UP	18.42.140
Storage - Personal storage facility (mini-storage)		P	P	
Storage - Warehousing		P(2)	P	
Wholesaling and distribution		P(2)	P	
Key to Zoning District Symbols				
IL		Light Industrial		
IH		Heavy Industrial		
Notes:				
(1) See Article 10 for land use definitions.				
(2) Use shall be entirely enclosed within a building, unless outdoor activities and/or storage are authorized by Use Permit.				
(3) See Section 18.24.030.C for additional permit requirements.				

TABLE 2-10 Allowed Land Uses and Permit Requirements for Industrial Zoning Districts		P Permitted Use, Zoning Clearance required		Specific Use Regulations
		MUP Minor Use Permit required (see Section 18.71.060)		
		UP Use Permit required (see Section 18.71.060)		
		S Permit requirement set by Specific Use Regulations		
		— Use not allowed		
LAND USE (1)		PERMIT REQUIRED BY DISTRICT		
		IL	IH	
<b>RETAIL TRADE</b>				
Accessory retail or services		MUP	MUP	18.42.020
Bar/tavern		—	—	
Boat and ship sales		—	—	
Building and landscape materials sales - Indoor		P	P	
Building and landscape materials sales - Outdoor		UP	P	18.42.130
<b>Cannabis Retail - Delivery Only</b>		<b>MUP (4)</b>	<b>MUP (4)</b>	<b>18.42.057 Chapter 9.30</b>
Construction and heavy equipment sales and rental		UP	P	18.42.130
Convenience store		—	—	
Farm supply and feed store		P(2)	P	
Fuel dealer (propane for home and farm use, etc.)		P	—	
Marine hardware and supplies sales		—	—	
Mobile home or RV sales		UP	UP	
Restaurant, café, coffee shop		—	—	
Retail sales accessory to wholesaling		MUP	MUP	
Service station		UP	UP	18.42.180
<b>SERVICES - BUSINESS, FINANCIAL, PROFESSIONAL</b>				
ATM		—	—	
Business support service		P	—	
Office - Accessory		P	P	
Office - Processing and corporate		P	P	
<b>Key to Zoning District Symbols</b>				
IL	Light Industrial			
IH	Heavy Industrial			
<b>Notes:</b>				
(1) See Article 10 for land use definitions.				
(2) Use shall be entirely enclosed within a building, unless outdoor activities and/or storage are authorized by Use Permit.				
(3) See Section 18.24.030.C for additional permit requirements.				
(4) Use shall only be allowable as an accessory use to a cannabis business engaged in manufacturing and/or distribution.				

TABLE 2-10 Allowed Land Uses and Permit Requirements for Industrial Zoning Districts		PERMIT REQUIRED BY DISTRICT		Specific Use Regulations
		IL	IT	
		P	Permitted Use, Zoning Clearance required	
		MUP	Minor Use Permit required (see Section 18.71.060)	
		UP	Use Permit required (see Section 18.71.060)	
		S	Permit requirement set by Specific Use Regulations	
		—	Use not allowed	
LAND USE (1)		PERMIT REQUIRED BY DISTRICT		Specific Use Regulations
		IL	IT	
SERVICES - GENERAL				
Accessory retail or services		MUP	—	18.42.020
Equipment rental		P(2)	—	
Kennel, animal boarding		UP	—	
Lodging - Hotel or motel		—	—	
Maintenance service - Client site services		P(2)	—	
Medical Marijuana Dispensary		UP	—	FBMC 9.30 (Ord.
Public safety facility		P	—	
Repair service - Equipment, large appliances, etc.		P(2)	—	
Vehicle services - Major repair/body work		UP	—	
Vehicle services - Minor maintenance/repair		P	—	
Veterinary clinic, animal hospital		P	—	
TRANSPORTATION, COMMUNICATIONS & INFRASTRUCTURE				
Ambulance, taxi, or limousine dispatch facility		P(2)	—	
Boat launching facility		—	—	
Broadcasting studio		P	—	
Electric power generation		—	—	
Freight terminal		P(2)	—	
Harbor and marina facilities		—	—	
Parking facility, public or commercial		—	—	
Pipeline or transmission line		S	—	18.42.144
Telecommunications facility		S	—	18.44
Transit station or terminal		UP	—	
Utility facility		P	—	
Vehicle storage		UP	—	
Key to Zoning District Symbols				
IL	Light Industrial			
IH	Heavy Industrial			
Notes:				
(1) See Article 10 for land use definitions.				
(2) Use shall be entirely enclosed within a building, unless outdoor activities and/or storage are authorized by Use Permit.				
(3) See Section 18.24.030.C for additional permit requirements.				

# ARTICLE 4

## Standards for Specific Land Uses

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## CHAPTER 18.42 - STANDARDS FOR SPECIFIC LAND USES

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### Sections:

- 18.42.010 - Purpose and Applicability
- 18.42.020 - Accessory Retail and Service Uses
- 18.42.030 - Agricultural Accessory Structures
- 18.42.040 - Animal Keeping
- 18.42.050 - Bed and Breakfast Inns (B&Bs)
- ~~18.42.055 - Cannabis Manufacturing~~
- ~~18.42.057 - Cannabis Retail~~
- ~~18.42.059 - Cannabis Retail – Delivery Only~~
- 18.42.060 - Child Day Care Facilities
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### ~~18.42.055 - Cannabis Manufacturing<sup>1</sup>~~

~~This Section establishes standards for cannabis manufacturing, where allowed by Article 2 (Zoning Districts and Allowable Land Uses). These standards apply in addition to other provisions of the Municipal Code, including but not limited to Chapter 9.33 (Cannabis Manufacturing).~~

- ~~A. — Limitation on location. The design, location, size and operating characteristics of the cannabis manufacturing use shall be compatible with the existing and future land uses in the vicinity, and, specifically, with any church, park, hospital, nonprofit organization or residential use within 200 feet of the cannabis manufacturing use. Further, the cannabis manufacturing use shall not be located within 600 feet of any school, day care center, or youth center.~~
- ~~B. — Operating standards. Cannabis manufacturing uses shall comply with all of the following operating standards:
  - ~~1. — Limitations on use. A cannabis manufacturing use shall comply with the following limitations:
    - ~~a. — Cannabis manufacturing uses shall not conduct or engage in the retail sale of any product, goods or service. Only wholesale activities are permitted.~~
    - ~~b. — Accessory retail and/or distribution uses other than wholesale sales shall not be permitted in conjunction with the cannabis manufacturing use.~~
    - ~~c. — No cannabis shall be grown or cultivated on the property of the cannabis manufacturing use.~~~~~~

- d. ~~No cannabis or cannabis product shall be smoked, ingested, or otherwise consumed on the property.~~
  2. ~~Notice to entrants. A cannabis manufacturing use building entrance shall be clearly and legibly posted with a notice indicating that persons under the age of 21 are precluded from entering the premises unless they are in the presence of their parent or legal guardian. The building entrance shall be clearly and legibly posted with a notice indicating that smoking, ingesting or consuming cannabis on the property is prohibited.~~
  3. ~~Security. A cannabis manufacturing use shall provide adequate security on the premises, including lighting and alarms, for the safety of employees and visitors and to minimize the potential for criminal activity, including theft and unauthorized entry.~~
  4. ~~Employee register. A cannabis manufacturing use shall maintain a current register of the names of all employees currently employed by the use, and shall provide the Chief of Police with the name, phone number, and email of an on-site community relations staff person to whom one can provide notice if there are operating problems associated with the cannabis manufacturing use. The register and contact information shall be current and up-to-date at all times.~~
  5. ~~Off site effects. No obnoxious odor or fumes shall be emitted that are perceptible without instruments by a reasonable person at the property line of the site.~~
  6. ~~State law. A cannabis manufacturing use shall meet all State law requirements for cannabis manufacturing, including all State law operating criteria.~~
  7. ~~Compliance with the cannabis manufacturing ordinance. As a condition of approval, the applicant shall comply with all the requirements of the Municipal Code, including but not limited to Chapter 9.33 (Cannabis Manufacturing). Such compliance will be confirmed in writing by the Police Chief prior to issuance of a business license for the facility.~~
- C. ~~Required findings. In order to approve a Use Permit for a cannabis manufacturing use, the Planning Commission must make the following findings:~~
1. ~~The cannabis manufacturing use is compatible with the existing and future land uses in the vicinity, and, specifically, with any church, park, hospital, nonprofit organization or residential use within 200 feet of the cannabis manufacturing use; and~~
  2. ~~The cannabis manufacturing use will not be located within 600 feet of any school, day care center, or youth center.~~

~~(Ord. 928, § 2, passed 02-27-2017)~~

## 18.42.057 – Cannabis Retail

In addition to the Operating Requirements set forth in Chapter 9.30, this section provides location and operating requirements for Cannabis Retail. Chapter 9.30 contains definitions of terms used herein.

- A. ~~Conditional use. A Minor Use Permit shall be required to operate Cannabis Retail in accordance with Table 2-6 of Article 2.~~
- B. ~~Quantity. The maximum quantity of permits issued for Cannabis Retail uses shall be determined by City Council resolution.~~
- C. ~~Delivery services. The primary use of a Cannabis Retail use shall be to sell products directly to on-site customers. Sales may also be conducted by delivery. Cannabis Retail uses engaging in delivery in addition to on-site sales shall be subject to the following requirements:~~



1. Commercial delivery to locations outside a permitted Cannabis Retail facility shall only be permitted in conjunction with a permitted Cannabis Retail facility that has a physical location and a retail storefront open to the public. A Cannabis Retail use shall not conduct sales exclusively by delivery. Delivery of cannabis without a storefront component shall be considered Cannabis Retail – Delivery Only, and subject to the requirements of 18.42.059, in addition to Chapter 9.30.
  2. Minor Use Permit applications for Cannabis Retail shall include a statement as to whether the use will include delivery of cannabis and/or cannabis products to customers located outside the Cannabis Retail facility. If a permitted Cannabis Retail use without a delivery component chooses to provide delivery services at a later date, an amendment to the Minor Use Permit shall be required.
  3. If delivery services will be provided, the application shall describe the operational plan and specific extent of such service, security protocols, and how the delivery services will comply with the requirements set for in Chapter 9.30, 18.42.057, and state law.
- D. Drive through services. Drive-through or walk-up window services in conjunction with Cannabis Retail are prohibited.
- E. Location requirements. In addition to the requirements established in Article 2, Cannabis Retail uses shall not be located within a 600-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued, pursuant to Chapter 9.30.
1. Measurement of distance. The distance between Cannabis Retail and a school shall be made in a straight line from the boundary line of the property on which the Cannabis Retail use is located to the closest boundary line of the property on which a school is located.
- F. Operational requirements. In addition to project specific conditions of approval and the requirements set forth in Chapter 9.30, Cannabis Retail shall comply with the following operational requirements:
1. Employees. The Cannabis Operator shall maintain a current register of the names of all employees employed by the Cannabis Retailer, and shall disclose such register for inspection by any City officer or official for purposes of determining compliance with the requirements of this section and/or any project specific conditions of approval prescribed in the Minor Use Permit.
  2. Recordkeeping. The Cannabis Operator shall maintain patient and sales records in accordance with state law.
  3. Photo identification. No person shall be permitted to enter a Cannabis Retail facility without government issued photo identification. Cannabis Businesses shall not provide cannabis or cannabis products to any person, whether by purchase, trade, gift or otherwise, who does not possess a valid government issued photo identification card.
  4. Hours of operation. Cannabis Retail may operate between the hours of 9:00 a.m. to 9:00 p.m. up to seven days per week unless the review authority imposes more restrictive hours due to the particular circumstances of the application. The basis for any restriction on hours shall be specified in the permit. Cannabis Retail uses shall only be permitted to engage in delivery services during hours that the storefront is open to the public, unless the review authority permits delivery outside these hours.
- G. Accessory uses. As defined in Article 10, accessory uses are customarily incidental to, related and clearly subordinate to a primary use on the same parcel, which does not alter the primary use. Uses accessory to Cannabis Retail facilities may be allowable pursuant to the permitting requirements in Article 2. Accessory uses may include activities that require multiple state cannabis licenses, including, but not limited to manufacturing,

distribution, and/or processing. In no instance shall cannabis cultivation or cannabis manufacturing using volatile solvents be allowable as uses accessory to Cannabis Retail uses.

#### 18.42.059 – Cannabis Retail – Delivery Only

In addition to the Operating Requirements set forth in Chapter 9.30, this section provides location and operating requirements for Cannabis Retail – Delivery Only. Chapter 9.30 contains definitions of terms used herein.

- A. Conditional use. A Minor Use Permit shall be required to operate Cannabis Retail – Delivery Only in accordance with Table 2-6 of Article 2.
- B. Quantity. The maximum quantity of permits issued for Cannabis Retail – Delivery Only uses shall be determined by City Council resolution.
- C. Location requirements. In addition to the requirements established in Article 2, Cannabis Retail – Delivery Only uses shall not be located within a 600-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued, pursuant to Chapter 9.30
  - 1. Measurement of distance. The distance between Cannabis Retail – Delivery Only and a school shall be made in a straight line from the boundary line of the property on which the Cannabis Retail – Delivery Only use is located to the closest boundary line of the property on which a school is located.
- B. Operational requirements. In addition to project specific conditions of approval and the requirements set forth in Chapter 9.30, Cannabis Retail – Delivery Only uses shall comply with the following operational requirements:
  - 1. Cannabis Retail – Delivery Only uses shall comply with the same operational requirements applicable to Cannabis Retail uses, as described in 18.41.057.
  - 2. The application shall describe the operational plan and specific extent of such service, security protocols, and how the delivery services will comply with the requirements set for in Chapter 9.30, 18.42.059, and state law.

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## CHAPTER 18.100 - DEFINITIONS

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**Cannabis Retail.** A Cannabis Business where cannabis or cannabis products are offered, either individually or in any combination, for retail sale directly to customers. The primary use of a Cannabis Retail Business is to sell products directly to on-site customers. Sales may also be conducted by delivery. Also known as a cannabis "dispensary." See also Chapter 9.30.

**Cannabis Retail – Dispensary Only.** A Cannabis Business that is closed to the public and conducts sales exclusively by delivery.

**Cannabis Dispensary.** Any facility or location where cannabis is made available to and/or distributed by or to 2 or more of the following: a primary caregiver, a qualified patient, or a person with an identification card, in strict accordance with California Health and Safety Code Section 11362.5 et seq. A "cannabis dispensary" shall not include the following uses, as long as the location of such uses are otherwise regulated by this Code or applicable law: a clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code, a health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code, a residential care facility for persons with chronic life threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health and Safety Code Section 11362.5 et seq.

**Cannabis Manufacturing.** A process where cannabis is transformed into a product (such as food, medicine, oil, clothing, textile, etc.), and the production, preparation, propagation, or compounding of cannabis or cannabis products, directly or indirectly.

**Manufacturing – Cannabis.** A process where cannabis is transformed into a product (such as food, medicine, oil, clothing, textile, etc.), and the production, preparation, propagation, or compounding of cannabis or cannabis products, directly or indirectly.

**Manufacturing/Processing - Heavy.** A facility accommodating manufacturing processes that involve and/or produce basic metals, building materials, chemicals, fabricated metals, paper products, machinery, textiles, and/or transportation equipment, where the intensity and/or scale of operations may cause significant impacts on surrounding land uses or the community. **Also includes cannabis manufacturing and processing facilities with similar operational characteristics to the examples below.** Examples of heavy manufacturing uses include the following.

1. **Chemical Product Manufacturing.** An establishment that produces or uses basic chemicals, and other establishments creating products predominantly by chemical processes. Examples of these products include: basic chemicals, including acids, alkalis, salts, and organic chemicals; chemical products to be used in further manufacture, including synthetic fibers, plastic materials, dry colors, and pigments; and finished chemical products to be used for ultimate consumption, including drugs/pharmaceuticals, cosmetics, and soaps; or to be used as materials or supplies in other industries including paints, fertilizers, and explosives. Also includes sales and transportation establishments handling the chemicals described above, except as part of retail trade.
2. **Concrete, Gypsum, and Plaster Product Manufacturing.** An establishment that produces bulk concrete, concrete building block, brick, and/or other types of precast and prefabricated concrete products. Also includes ready-mix concrete batch plants, lime manufacturing, and the manufacture of gypsum products, including plasterboard. A retail ready-mix concrete operation as an incidental use in conjunction with a building materials outlet is defined under "Building and Landscape Materials Sales."

3. Glass Product Manufacturing. An establishment that manufactures glass and/or glass products by melting silica sand or cullet, including the production of flat glass and other glass products that are pressed, blown, or shaped from glass produced in the same establishment. Artisan and craftsman type operations of a larger scale than home occupations are instead included under "Manufacturing - Light - Small-Scale Manufacturing."
4. Paving and Roofing Materials Manufacturing. The manufacture of various common paving and petroleum-based roofing materials, including bulk asphalt, paving blocks made of asphalt, creosote wood, and various compositions of asphalt and tar. Does not include the manufacture of wood roofing materials (shingles, shakes, etc.; see "Lumber and Wood Product Manufacturing").
5. Petroleum Refining and Related Industries. Industrial plants for purifying petroleum, and the compounding of lubricating oils and greases from purchased materials. Also includes oil or gas processing facilities, liquefied natural gas (LNG) facilities, the manufacture of petroleum coke and fuel briquettes, tank farms, and terminal facilities for pipelines. Does not include petroleum pipeline surge tanks and pump stations ("Public Utility Facilities"), or petroleum product distributors ("Petroleum Product Storage and Distribution").
6. Plastics, other Synthetics, and Rubber Product Manufacturing. The manufacture of rubber products including: tires, rubber footwear, mechanical rubber goods, heels and soles, flooring, and other rubber products from natural, synthetic, or reclaimed rubber. Also includes establishments engaged primarily in manufacturing tires; products from recycled or reclaimed plastics or styrofoam; molding primary plastics for other manufacturers, manufacturing miscellaneous finished plastics products, fiberglass manufacturing, and fiberglass application services. Does not include establishments engaged primarily in recapping and retreading automobile tires ("Vehicle Services - Major Repair/Body Work").
7. Primary Metal Industries. An establishment engaged in: the smelting and refining of ferrous and nonferrous metals from ore, pig, or scrap; the rolling, drawing, and alloying of metals; the manufacture of castings, forgings, stampings, extrusions, and other basic metal products; and the manufacturing of nails, spikes, and insulated wire and cable. Also includes merchant blast furnaces and by-product or beehive coke ovens.
8. Pulp and Pulp Product Manufacturing. An establishment that manufactures pulp, paper, or paperboard. Includes pulp, paper, and paperboard mills. Does not include establishments primarily engaged in converting paper or paperboard without manufacturing the paper or paperboard, including envelope manufacturing, converted paper products, paper coating and glazing, paper bags, assembly of paperboard boxes, wallpaper ("Manufacturing - Light - Paper Product Manufacturing").
9. Textile and Leather Product Manufacturing. An establishment that converts basic fibers (natural or synthetic) into a product, including yarn or fabric, that can be further manufactured into usable items ("Manufacturing - Light - Clothing and Fabric Product Manufacturing"), and industries that transform hides into leather by tanning or curing. Includes:
 

<ul style="list-style-type: none"> <li>• coating, waterproofing, or otherwise treating fabric</li> <li>• dressed and dyed furs</li> <li>• dyeing and finishing fiber, yarn, fabric, and knit apparel</li> <li>• leather - tanned, curried, and finished</li> <li>• manufacture of knit apparel and other finished products from yarn</li> <li>• manufacture of felt goods, lace goods, nonwoven fabrics and miscellaneous textiles</li> </ul>	<ul style="list-style-type: none"> <li>• manufacturing of woven fabric, carpets, and rugs from yarn</li> <li>• preparation of fiber and subsequent manufacturing of yarn, threads, braids, twine cordage</li> <li>• scouring and combing plants</li> <li>• upholstery manufacturing</li> <li>• yarn and thread mills</li> </ul>
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Manufacturing/Processing - Light. A facility accommodating manufacturing processes involving and/or producing: apparel; food and beverage products; electronic, optical, and instrumentation products; ice; jewelry; and musical instruments. Light manufacturing also includes other establishments engaged in the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community. **Also includes cannabis manufacturing and processing facilities with similar operational characteristics to the examples below.** Examples of light manufacturing uses include the following:

1. Clothing and Fabric Product Manufacturing. An establishment that assembles clothing, draperies, and/or other products by cutting and sewing purchased textile fabrics, and related materials including leather, rubberized fabrics, plastics and furs. Does not include custom tailors and dressmakers not operating as a factory and not located on the site of a clothing store (see "Personal Services"). See also "Manufacturing - Heavy - Textile and Leather Product Manufacturing."
2. Electronics, Equipment, and Appliance Manufacturing. An establishment that manufactures equipment, apparatus, and/or supplies for the generation, storage, transmission, transformation and use of electrical energy, including:

- appliances including stoves/ovens, refrigerators, freezers, laundry equipment, fans, vacuum cleaners, sewing machines
- aviation instruments
- computers, computer components, peripherals
- electrical transmission and distribution equipment
- electronic components and accessories,
- semiconductors, integrated circuits, related devices
- electrical welding apparatus
- lighting and wiring equipment such as lamps and fixtures, wiring devices, vehicle lighting
- industrial controls
- instruments for measurement, testing, analysis and control, associated sensors and accessories
- miscellaneous electrical machinery, equipment and supplies such as batteries, X-ray apparatus and tubes, electromedical and electrotherapeutic apparatus, electrical equipment for internal combustion engines
- motors and generators
- optical instruments and lenses
- photographic equipment and supplies
- radio and television receiving equipment
- surgical, medical and dental instruments, equipment, and supplies
- storage media, blank and pre-recorded, including magnetic, magneto-optical, and optical products such as compact disks (CDs), computer diskettes and hard drives, digital versatile disks (DVDs), magnetic tape products, phonograph records, etc.
- surveying and drafting instruments
- telephone and telegraph apparatus
- transformers, switch gear and switchboards
- watches and clocks

Does not include testing laboratories (soils, materials testing, etc.) (see "Business Support Service"), or research and development facilities separate from manufacturing (see "Research and Development").

3. Food and Beverage Product Manufacturing. Manufacturing establishments producing or processing foods and beverages for human consumption, and certain related products. Examples of these uses include:
  - bottling plants
  - fruit and vegetable canning, preserving, related processing
  - breweries
  - grain mill products and by-products

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- candy, sugar, confectionery products manufacturing
  - catering services separate from stores or restaurants
  - coffee roasting
  - dairy products manufacturing
  - fat and oil product manufacturing
  - meat, poultry, and seafood canning, curing, byproduct processing
  - soft drink production
  - miscellaneous food item preparation from raw product

Does not include: bakeries, which are separately defined.

4. Furniture and Fixtures Manufacturing. Manufacturers producing: wood and metal household furniture and appliances; bedsprings and mattresses; all types of office furniture and public building furniture and partitions, shelving, lockers and store furniture; and miscellaneous drapery hardware, window blinds and shades. Does not include wood workers and custom cabinet shops, which are separately regulated under "Artisan/Craft Product Manufacturing." Does not include sawmills or planing mills, which are instead included under "Manufacturing - Heavy."
5. Small-Scale Manufacturing. Includes manufacturing establishments producing small products not classified in another major manufacturing group, including: brooms and brushes; buttons, costume novelties; pens, pencils, and other office and artists' materials; sporting and athletic goods; toys; etc.
6. Metal Products Fabrication, Machine and Welding Shops. An establishment engaged in the production and/or assembly of metal parts, including the production of metal cabinets and enclosures, cans and shipping containers, doors and gates, duct work, forgings and stampings, hardware and tools, plumbing fixtures and products, tanks, towers, and similar products. Examples of these uses include:
  - blacksmith and welding shops
  - plating, stripping, and coatings shops
  - sheet metal shops
  - machine shops and boiler shops
7. Paper Product Manufacturing. An establishment that converts pre-manufactured paper or paperboard into boxes, envelopes, paper bags, wallpaper, etc., and/or that coats or glazes pre-manufactured paper. Does not include the manufacturing of pulp, paper, or paperboard (see "Manufacturing - Heavy - Pulp and Pulp Product Manufacturing").

Manufacturing/Processing - Medium Intensity. A facility accommodating manufacturing processes that involve and/or produce building materials, fabricated metal products, machinery, and/or transportation equipment, where the intensity and/or scale of operations is greater than those classified under "Manufacturing - Light," but where impacts on surrounding land uses or the community can typically be mitigated to acceptable levels. **Also includes cannabis manufacturing and processing facilities with similar operational characteristics to the examples below.** Examples of intensive manufacturing uses include the following.

1. Lumber and Wood Product Manufacturing. Manufacturing, processing, and sales involving the milling of forest products to produce rough and finished lumber and other wood materials for use in other manufacturing, craft, or construction processes. Includes the following processes and products:
  - containers, pallets and skids
  - manufactured and modular homes
  - milling operations
  - trusses and structural beams
  - wholesaling of basic wood products
  - wood product assembly
2. Machinery Manufacturing. An establishment that makes or processes raw materials into finished machines or parts for machines. Does not include the manufacture of electronics, equipment, or appliances ("Electronics, Equipment, and Appliance Manufacturing").
3. Motor Vehicles and Transportation Equipment. Manufacturers of equipment for transporting passengers and cargo by land, air and water, including motor vehicles, aircraft, spacecraft, ships, boats, railroad and

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other vehicles such as motorcycles, bicycles and snowmobiles. Includes manufacture of motor vehicle parts and accessories; trailers and campers for attachment to other vehicles; self-contained motor homes; and van conversions. Does not include mobile home and modular home assembly (listed under "Lumber and Wood Products").

4. Stone and Cut Stone Product Manufacturing. An establishment that cuts, shapes, and/or finishes marble, granite, slate, and/or other stone for construction and miscellaneous uses. Does not include establishments engaged primarily in buying or selling partly finished monuments and tombstones ("Artisan/Craft Manufacturing").
5. Structural Clay and Pottery Product Manufacturing. An establishment that produces brick and structural clay products, including pipe, china plumbing fixtures, vitreous china articles, and/or fine earthenware and porcelain products. Does not include artist/craftsman uses (see "Artisan/Craft Manufacturing," "Home Occupations").

Wholesaling and Distribution. An establishment engaged in selling merchandise to retailers; to contractors, industrial, commercial, institutional, farm, or professional business users; to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise, **including cannabis products**, to such persons or companies. Examples of these establishments include:

- agents, merchandise or commodity brokers, and commission merchants
- assemblers, buyers and associations engaged in the cooperative marketing of farm products
- merchant wholesalers
- stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment

Also includes storage, processing, packaging, and shipping facilities for mail order and electronic-commerce retail establishments.



**CHAPTER 9.30  
CANNABIS BUSINESSES**

Section

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**9.30.010      PURPOSE AND INTENT.**

It is the purpose and intent of this ordinance to regulate Cannabis Businesses in order to promote the health, safety, morals, and general welfare of the residents and businesses within the City.

**9.30.020      DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**APPLICANT.** A person who is required to file an application for a permit under this chapter, including an individual owner, managing partner, officer of a corporation, or any other operator, manager, employee, or agent of a Cannabis Business.

**CHIEF OF POLICE.** The Chief of Police of the City of Fort Bragg or the authorized representatives thereof.

**CANNABIS.** All parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any other strain or varietal of the genus *Cannabis* that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not, including the seeds thereof. “Cannabis” also means cannabis as defined by Section 11018 of the Health and Safety Code and by other state law. “Cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the Health and Safety Code.

**CANNABIS PRODUCT.** Cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients.

**CANNABIS BUSINESS.** An entity engaged in the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery or sale of cannabis and cannabis products for commercial purposes.

**CANNABIS OPERATOR or OPERATOR.**

The person or entity that is engaged in the conduct of any commercial Cannabis Business.

**CANNABIS RETAIL.** A Cannabis Business where cannabis or cannabis products are offered, either individually or in any combination, for retail sale directly to customers. The primary use of a Cannabis Retail Business is to sell products directly to on-site customers. Sales may also be conducted by delivery. Also known as a cannabis “dispensary.”

**CANNABIS RETAIL – DELIVERY ONLY.** A Cannabis Business that is closed to the public and conducts sales exclusively by delivery.

**COMMERCIAL CANNABIS CULTIVATION.** The planting, growing or harvesting, of cannabis plants that is intended to be transported, processed, distributed, dispensed, delivered or sold. Commercial Cannabis Cultivation is prohibited in the City.

**DELIVERY OF CANNABIS.** The commercial transfer of cannabis or cannabis products to a consumer. “Deliver” also includes the use of any technology platform owned and controlled by a Cannabis Business Operator that enables customers to arrange for or facilitate the commercial transfer by a permitted Cannabis Retail facility.

**EDIBLE CANNABIS PRODUCT.** A cannabis product that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501 of the Food and Agricultural Code).

**PERMITTEE.** The person to whom a cannabis business permit is issued by the City.

**PERSON WITH AN IDENTIFICATION CARD.** Shall have the same definition as Cal. Health and Safety Code §§ 11362.5 et seq., and as may be amended.

**PRIMARY CAREGIVER.** Shall have the same definition as Cal. Health and Safety Code §§ 11362.5 et seq., and as may be amended.

**QUALIFIED PATIENT.** Shall have the same definition as Cal. Health and Safety Code §§ 11362.5 et seq., and as may be amended.

**SCHOOL.** Any public or private school providing instruction in kindergarten or any grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.

**YOUTH CENTER.** Shall have the same definition as California Health and Safety Code 11353.1, meaning any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenager club facilities, video arcades, or similar amusement park facilities, but does not include small family day care homes, as defined in ILUDC Section 18.100.020(D).

#### **9.30.030      LIMITATIONS ON USE.**

- A. Compliance with City Code. Cannabis Businesses shall only be allowed in compliance with this Chapter and all applicable regulations set forth in the City Code, including but not limited to all regulations governing building, grading, plumbing, septic, electrical, fire, hazardous materials, nuisance, and public health and safety.
- B. Compliance with State laws and regulations. Cannabis Businesses shall comply with all applicable state laws and regulations, as may be amended, including all permit, approval, inspection, reporting and operational requirements, imposed by the state and its regulatory agencies having jurisdiction over cannabis and/or Cannabis Businesses. All Cannabis Businesses shall comply with the rules and regulations for cannabis as may be adopted and as amended by any state agency or department including, but not limited to, the Bureau of Cannabis Control, the Department of Food and Agriculture, the Department of Public Health, the Department of Pesticide Regulation, and the Board of Equalization.
- C. Cannabis Businesses shall provide copies of state, regional and local agency permits, approvals or certificates upon request by the City to serve as verification for such compliance.

#### **9.30.040      CANNABIS BUSINESSES PERMIT.**

- A. It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the City the operation of a Cannabis Business unless the person first obtains and continues to maintain in full force and effect a Cannabis Business Permit from the City as herein required, in addition to a license issued by the State for the cannabis business.

- B. Cannabis Businesses shall be located in compliance with the requirements of the Inland Land Use and Development Code and/or the Coastal Land Use and Development Code, as applicable.
- C. Cannabis Businesses that are subject to the standards in this Chapter shall not be established or maintained except as authorized by the land use permit required by Division 2 of the Inland Land Use and Development Code and/or the Coastal Land Use and Development Code, as applicable. Cannabis Retail and Cannabis Retail – Delivery Only are defined land uses specifically referenced in Article 2 of the Inland Land Use and Development Code (ILUDC). Commercial Cannabis Cultivation is prohibited in the City. The Director shall classify other Cannabis Businesses, including, but not limited to those that involve manufacturing, distribution, processing, storing, laboratory testing, packaging, labeling, and/or transportation for commercial purposes as existing land uses already established by Article 2 and Article 10 of the ILUDC, based on the characteristics of the proposed use. For example, a Cannabis Business proposing to engage in activities requiring a Cannabis Distribution license from the State may be classified as “Wholesaling and Distribution,” and allowable based on the permit and district requirements for the “Wholesaling and Distribution” use in Article 2 of the ILUDC.
- D. Dual Licensing. State law requires dual licensing at the state and local level for Cannabis Businesses. All Cannabis Operators shall therefore be required to obtain a state cannabis license, and shall comply at all times with all applicable state licensing requirements and conditions. Cannabis Businesses shall not be allowed to commence operations until the Cannabis Business can demonstrate that all necessary state licenses and agency permits have been obtained.
- E. Failure to demonstrate dual licensing in accordance with this Chapter shall be grounds for revocation of City approval. Revocation of a local permit and/or a state license shall terminate the ability of the Cannabis Business to operate until a new permit and/or state license is obtained.

#### **9.30.050 APPLICATIONS.**

Any application for a Cannabis Business Permit shall be filed with the Chief of Police. The application shall be made under penalty of perjury. Any application for a Cannabis Business permit shall include the following information:

- A. The full name, present address, and telephone number of the applicant;
- B. The address to which notice of action on the application and all other notices are to be mailed;
- C. Previous addresses for the past 5 years immediately prior to the present address of the applicant;
- D. Written proof that the applicant is over 21 years of age;

- E. Photographs for identification purposes (photographs shall be taken by the Police Department);
- F. The cannabis business history of the applicant, including whether the applicant, in previously operating in any city, county, or state under permit, has had a permit revoked or suspended and, if so, the reason therefor;
- G. The name or names of the person or persons having the management or supervision of applicant's business;
- H. Whether the person or persons having the management or supervision of applicant's business have been convicted of a crime(s), the nature of the offense(s), and the sentence(s) received therefor;
- J. A security plan ensuring the safety of employees and visitors from criminal activity, including theft and unauthorized entry;
- K. A sketch or diagram showing the interior configuration of the premises, including a statement of the total floor area occupied by the Cannabis Business and the purpose and security of each room or area of operation;
- L. A diagram illustrating the use and coverage of security cameras, security lighting, and necessary access restrictions;
- M. A notarized statement by the property owner certifying under penalty of perjury that he or she has given consent to the applicant to operate a Cannabis Business at the location, or providing proof that the applicant owns the property.
- N. Detailed operating procedures, which shall include the following:
  - 1. Proposed hours of operation;
  - 2. How the business will comply with applicable state regulations;
  - 3. Product safety and quality assurances;
  - 4. Record keeping procedures;
  - 5. Product recall procedures;
  - 6. A solid waste disposal plan, with certification that waste transport entities and disposal facilities have agreed to haul and receive solid waste produced by the Cannabis Business;
  - 7. Product supply chain information (cultivation, testing, transportation, manufacturing, packaging and labeling, etc.);

8. An odor prevention plan, illustrating how the Cannabis Business will be consistent with §17.30.080(J) and/or §18.30.080(J). The odor prevention plan may include an odor absorbing ventilation and exhaust system or other measures to ensure the use does not produce odors which are disturbing to people of normal sensitivity residing or present on adjacent or nearby property or areas open to the public; and
  9. Other information as required by the Chief of Police as necessary to ensure the project's compliance with local, state and federal regulations;
- O. Authorization for the City, its agents and employees to seek verification of the information contained within the application; and
- P. A statement in writing by the applicant that he or she certifies under penalty of perjury that all the information contained in the application is true and correct.

#### **9.30.060 TIME LIMIT FOR FILING APPLICATION FOR PERMIT.**

If the applicant has completed the application improperly, or if the application is incomplete, the Chief of Police shall, within 10 days of receipt for the original application, notify the applicant of the fact and, on request of the applicant, grant the applicant an extension of time of 10 days or more to submit a complete application.

#### **9.30.070 TERM OF PERMITS AND RENEWALS.**

Cannabis Business Permits issued under this chapter shall expire one year following their issuance. Cannabis Business Permits may be renewed by the Chief of Police for additional one-year periods upon application by the permittee, unless the permit is suspended or revoked subject to §9.30.190. Applications for renewal shall be made at least 45 days before the expiration date of the permit and shall be accompanied by the nonrefundable fee referenced in §9.30.080. When made less than 45 days before the expiration date, the expiration of the permit will not be stayed. Applications for renewal shall be acted on as provided herein for action upon applications for permits. The Chief of Police may deny an application for renewal based on any of the grounds referenced in §9.30.100 and 9.30.190. An applicant aggrieved by the Chief of Police's decision to deny a renewal of a cannabis business permit may appeal pursuant to § 9.30.110.

#### **9.30.080 FEES.**

Every application for a Cannabis Business Permit or renewal shall be accompanied by a nonrefundable fee, as established by resolution adopted by the City Council from time to time. This application or renewal fee is in addition to fingerprinting, photographing, and background check costs and shall be in addition to any other permit fee imposed by this code or other governmental agencies. Fingerprinting, photographing, and background check fees will be as established by resolution adopted by the City Council from time to time.

### **9.30.090 INVESTIGATION AND ACTION ON APPLICATION.**

After the making and filing of the application for the Cannabis Business Permit and the payment of the fees, the Chief of Police shall conduct a background check of the applicant and conduct an investigation of the application. After the background checks and investigation are complete, the Chief of Police shall either formally accept or reject the application in accordance with the provisions of this chapter.

### **9.30.100 GROUNDS FOR REJECTION OF APPLICATION.**

The grounds for rejection of a Cannabis Business Permit application shall be one or more of the following:

- A. The business or conduct of the business at a particular location is prohibited by any local or state law, statute, rule, or regulation;
- B. The applicant has violated any local or state law, statute, rule, or regulation respecting a Cannabis Business;
- C. The applicant has knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application for a permit;
- D. The applicant, his or her agent, or any person who is exercising managerial authority on behalf of the applicant has been convicted of a felony, or of a misdemeanor involving moral turpitude, or the illegal use, possession, transportation, distribution, or similar activities related to controlled substances, with the exception of cannabis related offenses for which the conviction occurred prior to passage of Proposition 215. A conviction within the meaning of this section means a guilty plea or verdict or a conviction following a plea of nolo contendere;
- E. The applicant has engaged in unlawful, fraudulent, unfair, or deceptive business acts or practices;
- F. The applicant is under 21 years of age;
- G. The Cannabis Business does not comply with Title 18 (Land Use and Development Code); and/or
- H. The required application or renewal fees have not been paid.

### **9.30.110 APPEAL FROM CHIEF OF POLICE DECISION TO REJECT APPLICATION.**

The Chief of Police shall cause a written notice of his or her decision to reject a Cannabis Business Permit application to be mailed to the applicant by certified U.S. mail, postage prepaid, return receipt requested, to the address provided by the applicant for sending of notices. An applicant aggrieved by the Chief of Police's decision to reject an application may appeal the

decision in accordance with the procedures described in Chapter 1.08. If an appeal is not taken within such time, the Chief of Police's decision shall be final.

### **9.30.120 PROCESSING OF CANNABIS BUSINESS PERMIT.**

If an application is not rejected by the Chief of Police, it shall be forwarded to the Community Development Department for processing using the same permit process and requirements for required for the proposed Cannabis Business as defined in Title 17 (Coastal Land Use and Development Code) and/or Title 18 (Land Use and Development Code), as applicable.

### **9.30.130 OPERATING REQUIREMENTS.**

A Cannabis Business shall meet the following operating requirements for the duration of the use:

- A. The design, location, size and operating characteristics of the Cannabis Business shall comply with the findings and conditions of any applicable discretionary permit obtained for its operation.
- B. A Cannabis Business use shall maintain a current register of the names of all employees currently employed by the use.
- C. The building entrance to a Cannabis Business shall be clearly and legibly posted with a notice indicating that persons under the age of 21 are precluded from entering the premises unless they are a qualified patient or a primary caregiver and they are in the presence of their parent or legal guardian.
- D. No cannabis shall be grown or cultivated on the premises of the Cannabis Business.
- E. No Cannabis Business shall hold or maintain a license from the State Department of Alcohol Beverage Control to sell alcoholic beverages, or operate a business that sells alcoholic beverages. In addition, alcohol shall not be provided, stored, kept, located, sold, dispensed, or used on the premises of the cannabis Business use.
- F. A Cannabis Business shall provide adequate security on the premises, including lighting and alarms, to ensure the safety of employees and visitors from criminal activity, including theft and unauthorized entry.
- G. A Cannabis Business shall provide the Chief of Police and Fire Chief with the name, phone number, and facsimile number of an on-site community relations staff person to whom one can provide notice if there is an emergency or there are operating problems associated with the Cannabis Business. The Cannabis Business management shall make every good faith effort to encourage residents to call this person to try to solve operating problems, if any, before any calls or complaints are made to the police or planning departments.



- H. A Cannabis Business shall not be located within a 600-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued.

**9.33.140 MINORS.**

- A. It shall be unlawful for any permittee, operator, or other person in charge of any Cannabis Business to employ any person who is not at least 21 years of age.
- B. Persons under the age of 21 shall not be allowed on the premises of a Cannabis Business unless they are a qualified patient or a primary caregiver and they are in the presence of their parent or legal guardian.

**9.33.150 DISPLAY OF PERMIT.**

Every Cannabis Business shall display at all times during business hours the permit issued pursuant to the provisions of this chapter for cannabis business in a conspicuous place so that the same may be readily seen by all persons entering the cannabis business use.

**9.33.160 REGISTRATION OF NEW EMPLOYEES.**

- A. As a further condition of approval of every Cannabis Business Permit issued pursuant to this chapter, every owner or operator shall register every employee with the Police Department within five business days of the commencement of the employee's period of employment at the Cannabis Business, in order to provide necessary information to conduct background checks.
- B. Each employee shall be required to provide two recent color passport quality photographs and, at the discretion of the Chief of Police, shall allow himself or herself to be fingerprinted by the Police Department for purposes of identification.
- C. Failure to register each new employee within five days of the commencement of employment or to maintain a current register of the names of all employees shall be deemed a violation of the conditions of the permit and may be considered grounds for suspension or revocation of the permit.

**9.33.170 TRANSFER OF PERMITS.**

- A. A permittee shall not operate a Cannabis Business under the authority of a Cannabis Business Permit at any place other than the address of the Cannabis Business stated in the application for the permit.
- B. A permittee shall not transfer ownership or control of a Cannabis Business or transfer a Cannabis Business Permit to another person unless and until the transferee obtains an amendment to the permit from the Chief of Police stating that the transferee is now the permittee. The amendment may be obtained only if the transferee files an application with the Chief of Police in accordance with § 9.33.050, accompanies the application with

a transfer fee in an amount set by resolution of the City Council, and the Chief of Police determines in accordance with § 9.33.080 that the transferee would be entitled to the issuance of an original permit.

- C. No permit may be transferred when the Chief of Police has notified the permittee that the permit has been or may be suspended or revoked.
- D. Any attempt to transfer a permit either directly or indirectly in violation of this section is hereby declared void, and the permit shall be deemed revoked.

**9.33.180 SUSPENSION AND REVOCATION – NOTICE.**

- A. Any permit issued under the terms of this chapter may be suspended or revoked by the Chief of Police when it appears to him or her that the permittee has committed any one or more of the acts or omissions constituting the grounds for suspension or revocation under this chapter.
- B. No permit shall be revoked or suspended by virtue of this section until a hearing has been held by the Chief of Police. Written notice of the time and place of the hearing shall be served upon the person to whom the permit was granted at least five days prior to the date set for the hearing. The notice shall contain a brief statement of the grounds to be relied upon for revoking or suspending the permit. Notice may be given either by personal delivery to the permittee or by depositing it in the U.S. mail in a sealed envelope, postage prepaid, addressed to the permittee at the address provided by the permittee for sending of notices.

**9.33.190 SUSPENSION AND REVOCATION – GROUNDS.**

It shall be a ground for suspension or revocation of a permit if any permittee or person, his or her agent, or employee:

- A. Does any act which violates any of the grounds set forth in § 9.30.100, which sets forth the grounds for rejection of an application for a permit for the Cannabis Business;
- B. Violates any other provision of this chapter or any local or state law, statute, rule, or regulation relating to his or her permitted activity;
- C. Conducts the permitted business in a manner contrary to the peace, health, or safety of the public;
- D. Fails to take reasonable measures to control the establishment's patrons' conduct resulting in disturbances, vandalism, or crowd control problems occurring inside of or outside the premises, traffic control problems, or creation of a public or private nuisance, or obstruction of the business operation of another business;
- E. Violates any provision of Title 15; or

- F. Violates or fails to comply with the terms and conditions of any required discretionary permit.

#### **9.33.200 SUSPENSION AND REVOCATION – APPEALS.**

Any permittee aggrieved by the decision of the Chief of Police in suspending or revoking a permit may, within 10 calendar days, appeal the decision in accordance with the procedures described in Chapter 1.08. If a decision of the Chief of Police to suspend or revoke a permit is not appealed within 10 calendar days, the decision of the Chief of Police shall be final.

#### **9.33.210 SUSPENSION OR REVOCATION WITHOUT HEARING.**

If any person holding a permit or acting under the authority of the permit under this chapter is convicted of a misdemeanor in any court for the violation of any law which relates to his or her permit, the Chief of Police shall revoke the permit forthwith without any further action thereof, other than giving notice of revocation to the permittee. If a permit is summarily revoked pursuant to the provisions of this section, a permittee may, within 10 calendar days, appeal the revocation in accordance with the procedures described in Chapter 1.08. During the pendency of the appeal, the permit shall be deemed suspended. If the appeal is not taken within 10 days, the decision of the Chief of Police shall be final.

#### **9.33.220 SEPARATE OFFENSE FOR EACH DAY.**

Any person that violates any provision of this chapter shall be guilty of a separate offense for each and every day during any portion of which any such person commits, continues, permits, or causes a violation thereof, and shall be penalized accordingly.

#### **9.33.230 PUBLIC NUISANCE.**

Any use or condition caused or permitted to exist in violation of any of the provisions of this chapter shall be and is hereby declared a public nuisance and may be abated by the City pursuant to Chapter 6.12.

#### **9.33.240 CRIMINAL PENALTIES.**

Any person who violates, causes, or permits another person to violate any provision of this chapter commits a misdemeanor.

#### **9.33.250 CIVIL INJUNCTION.**

The violation of any provision of this chapter shall be and is hereby declared to be a public nuisance and contrary to the public interest and shall, at the discretion of the City, create a cause of action for injunctive relief.

#### **9.33.260 ADMINISTRATIVE REMEDIES.**

In addition to the civil remedies and criminal penalties set forth above, any person that violates the provisions of this chapter may be subject to administrative remedies, as set forth by City ordinance.

**9.33.270 SEVERABILITY.**

If any section, subsection, sentence, clause, or phrase of this chapter is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, the decision shall not affect the validity of the remaining portions of this chapter. The City Council of the City hereby declares that it would have passed the ordinance codified in this chapter and each section, subsection, sentence, clause, and phrase thereof irrespective of the fact that 1 or more sections, subsections, sentences, clauses, or phrases may be held invalid or unconstitutional.



## CITY OF FORT BRAGG

Incorporated August 5, 1889  
416 North Franklin Street  
Fort Bragg, California 95437  
tel. 707.961.2823  
fax. 707.961.2802  
www.fortbragg.com

### 1. PROJECT TITLE

Inland Land Use and Development Code Amendment 1-19

### 2. LEAD AGENCY NAME AND ADDRESS

City of Fort Bragg  
416 North Franklin Street  
Fort Bragg, CA 95437  
707-961-2823

### 3. CONTACT PERSON AND PHONE NO.

Scott Perkins  
Public Works Manager  
Public Works Department  
707-961-2823

### 4. PROJECT LOCATION

The Inland Land Use and Development Code (ILUDC) regulates all areas of Fort Bragg located east of Highway 1 and north of Walnut Street, that are outside the California Coastal Zone. **Figure 1 (Location Map)** illustrates the jurisdiction of the ILUDC.

### 5. PROJECT SPONSOR'S NAME AND ADDRESS

City of Fort Bragg  
416 North Franklin Street  
Fort Bragg, CA 95437  
707-961-2823

### 6. GENERAL PLAN DESIGNATION

Central Business District (CBD), General Commercial (CG), Highway Visitor Commercial (CH), Light Industrial (IL), and Heavy Industrial (IH)

### 7. ZONING

Central Business District (CBD), General Commercial (CG), Highway Visitor Commercial (CH), Light Industrial (IL), and Heavy Industrial (IH)

### 8. DESCRIPTION OF PROJECT

The State of California has passed the Medical Marijuana Regulation and Safety Act (MMRSA, 2015) and the Adult Use of Marijuana Act (AUMA, 2016) since the City's cultivation and dispensary ordinances became effective (2009 and 2005, respectively). Each State law places various levels of regulatory responsibility on local jurisdictions. In response of the new legislation, both the Public Safety Committee and the City Council have discussed the regulation of cannabis uses in the City of Fort Bragg.

This amendment to the Municipal Code involves changes to Chapter 18, the Inland Land Use and Development Code (ILUDC). Proposed Sections 18.42.057 and 18.42.059 would apply to retail cannabis businesses (dispensaries) and delivery-only cannabis retail businesses (respectively), and changes are proposed to the land use tables of ILUDC Article 2 to specify where retail cannabis businesses are allowable with discretionary permits. The land use tables in Article 2 would also be amended to remove cannabis manufacturing as a use type. Instead, cannabis manufacturing uses will be regulated under the existing policies for manufacturing/processing use types. Changes are proposed to the definitions in Article 10, and the specific use regulations for cannabis manufacturing in Article 4 would be rescinded. A table summarizing the proposed amendments is below:

<b>Ordinance Amendments for Cannabis Businesses</b>	
<b>Municipal Code Section</b>	<b>Proposed Change(s)</b>
<b>Chapter 18.22</b>	<ul style="list-style-type: none"> <li>■ Revise Commercial Land Use Table 2-6 to include Cannabis Retail as a land use, and indicate its allowance in the CBD, CG and CH districts with Minor Use Permit approval and subject to the Specific Use Regulations in Chapter 18.42.057 and 9.30.</li> <li>■ Revise Commercial Land Use Table 2-6 to include Cannabis Retail – Delivery Only as a land use, and indicate its allowance in CG and CH districts with Minor Use Permit approval and subject to the Specific Use Regulations in Chapter 18.42.059 and 9.30.</li> </ul>
<b>Chapter 18.24</b>	<ul style="list-style-type: none"> <li>■ Revise Industrial Land Use Table 2-10 removing Manufacturing/processing – Cannabis as a land use type.</li> <li>■ Revise Industrial Land Use Table 2-10 to include Cannabis Retail – Delivery Only as a land use, and indicate its allowance in IH and IL districts with Minor Use Permit approval, subject to the Specific Use Regulations in Chapter 18.42.059 and 9.30, and add a footnote indicating the use is only allowable as accessory to an approved cannabis business engaged in manufacturing, distribution and/or processing.</li> </ul>
<b>Chapter 18.42</b>	<ul style="list-style-type: none"> <li>■ Add Section 18.42.057 – Cannabis Retail to provide Specific Use Regulations for retail cannabis uses.</li> <li>■ Add Section 18.42.059 – Cannabis Retail – Delivery Only to provide Specific Use Regulations for delivery only retail cannabis uses.</li> <li>■ Rescind Section 18.42.055 – Cannabis, Manufacturing.</li> </ul>
<b>Chapter 18.100</b>	<ul style="list-style-type: none"> <li>■ Revise definition of Cannabis Dispensary to Cannabis Retail.</li> <li>■ Add definition of Cannabis Retail – Delivery Only</li> <li>■ Rescind definition of Cannabis Manufacturing.</li> <li>■ Revise definitions of Wholesaling and Distribution, Manufacturing-Heavy, -Medium, and -Light to include industrial cannabis uses.</li> </ul>

**9. SURROUNDING LAND USES AND SETTING:**

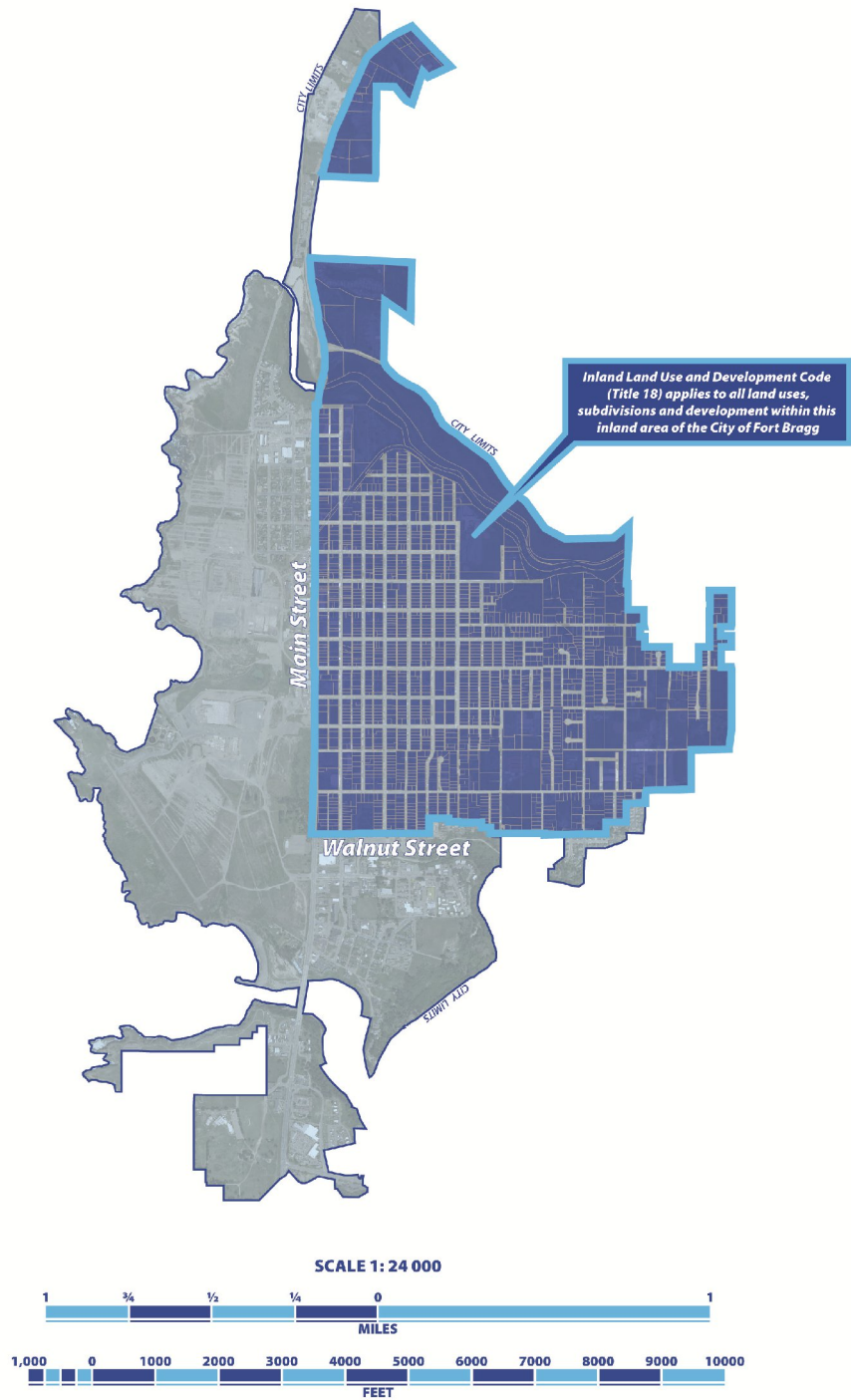
Citywide—the ILUDC regulates all areas of Fort Bragg outside the California Coastal Zone.

**10. OTHER AGENCIES REQUIRING APPROVAL**

The ILUDC Amendment does not require other agencies' approval.

**PROJECT LOCATION**

The project is located in the portion of Fort Bragg east of Main Street and North of Walnut Street, as shown in **Figure 1 (Location Map)**. The Inland Land Use and Development Code regulates land use, subdivisions and development for the eastern portion of the City outside the California Coastal Zone.



**Figure 1: Location Map**

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages:

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                      | <input type="checkbox"/> Agricultural Resources             | <input type="checkbox"/> Air Quality              |
| <input type="checkbox"/> Biological Resources            | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology/Soils            |
| <input type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality            | <input type="checkbox"/> Land Use/Planning        |
| <input type="checkbox"/> Mineral Resources               | <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population/Housing       |
| <input type="checkbox"/> Public Services                 | <input type="checkbox"/> Recreation                         | <input type="checkbox"/> Transportation/Traffic   |
| <input type="checkbox"/> Utilities/Service Systems       | <input type="checkbox"/> Mandatory Findings of Significance | <input type="checkbox"/> Greenhouse Gas Emissions |

## DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Printed Name*



I. Aesthetics

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?				✓
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				✓
c. Substantially degrade the existing visual character or quality of the site and its surroundings?				✓
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				✓

**Impacts a-d:** *No impact*

The ILUDC boundaries do not include areas that are part of a scenic vista, per the City’s General Plan. There are no Caltrans-designated state scenic highways in Mendocino County; therefore, this ILUDC update will not impact these thoroughfares.

Although some scenic resources—such as open space, trees, waterways and historic buildings—are present within the ILUDC plan area, the proposed ordinance amendment does not include changes that would impact scenic resources. New businesses under the proposed ordinance could occupy existing buildings, which would have no impact on scenic vistas. The development of new structures to accommodate the cannabis businesses would be subject to a Minor Use Permit and Design Review, and during permit review, the review authority would ensure that the development would be consistent with zoning requirements for site planning and design standards (ILUDC Article 3) and the Citywide Design Guidelines to mitigate impacts to the scenic qualities of the specific development.

## II. Agricultural Resources

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				✓
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓
c. Conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?				✓
d. Result in the loss of forest land or conversion of forest land to non-forest use?				✓
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				✓

**Impacts a-e:** *No impact*

The plan area does not include agricultural lands or forest land, nor are there agriculturally-zoned parcels in the ILUDC plan area. The California Department of Conservation Farmland Mapping and Monitoring Program designates the majority of the plan area as "Urban and Built-Up Land." Other designations include "Vacant or Disturbed Land" and "Nonagricultural or Natural Vegetation." The ILUDC amendment would not convert farmland to non-agricultural use, would not conflict with the existing zoning for forest land and would not affect any property subject to a Williamson Act contract. Due to the limited amount of agricultural resources in the City, the proposed amendment would not impact agricultural resources.

### III. Air Quality

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?				✓
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				✓
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?				✓
d. Expose sensitive receptors to substantial pollutant concentrations?				✓
e. Create objectionable odors affecting a substantial number of people?				✓

**Impacts a-e:** *No impact*

The Clean Air Act, as amended in 1990, is the federal law governing air quality. Its counterpart in California is the California Clean Air Act of 1988. These laws set standards for the quantity of pollutants permitted in the air. At the federal level, these are National Ambient Air Quality Standards (NAAQS). Standards have been established for six criteria pollutants linked to potential health concerns; the criteria pollutants are: carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), ozone (O<sub>3</sub>), particulate matter (PM), lead (Pb), and sulfur dioxide (SO<sub>2</sub>).

The ILUDC boundaries are located in Mendocino County within the North Coast Air Basin (NCAB) and the plan area is under the jurisdiction of the Mendocino County Air Quality Management District (MCAQMD). The MCAQMD reviews CEQA documents and has established quantitative thresholds of significance for environmental documentation. These thresholds are consistent with those developed by the Bay Area Air Quality Management District.

Mendocino County is non-attainment for the State PM-10 standard (particulate matter less than 10 microns in size). The primary manmade sources of PM-10 pollution in the area are wood combustion (woodstoves, fireplaces, and outdoor burning), fugitive dust, automobile traffic, and industry. The MCAQMD maintains full-time monitoring equipment in the City of Fort Bragg. Development within Mendocino County must comply with all applicable provisions of the Particulate Matter Attainment Plan adopted by the Mendocino County Air Quality Management District on March 15, 2005.

The ILUDC amendment proposes to allow the establishment of new retail cannabis uses in the commercial zoning districts with an approved Minor Use Permit, and regulate cannabis manufacturing uses consistent with current manufacturing/processing use types. Future cannabis businesses would be individually subject to environmental review, and any project impacts would require mitigation at that time.

#### IV. Biological Resources

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?				✓
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				✓
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				✓
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				✓
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				✓
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				✓

**Impacts a-f:** *No impact*

The majority of the ILUDC plan area is comprised of urban development; however, small patches of open space, wetlands and bishop cone forest remain in the inland plan area.

The ILUDC contains numerous policies aimed at the preservation and protection of biological resources, specifically ILUDC Article 5, Resource Protection. This amendment does not seek to modify or eliminate these regulations. These existing policies would apply to future cannabis business uses. Additionally, future cannabis businesses would be individually subject to environmental review, where any project-specific impacts would require mitigation.

No preservation, protection or adopted conservation plans apply to the ILUDC plan area.

## V. Cultural Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<i>Would the project:</i>				
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				✓
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?				✓
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				✓
d. Disturb any human remains, including those interred outside of formal cemeteries?				✓

**Impacts a-d:** *No impact*

The proposed amendment retains all of the 2014 ILUDC update regulations protecting cultural resources (specifically, Section 18.50.030 *Archaeological Resource Preservation*). The existing policies will continue to apply to new development, including any new cannabis businesses, and as a result, there will be no significant impacts to cultural resources.

## VI. Geology and Soils

<i>Would the project:</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: <ul style="list-style-type: none"> <li>i. Rupture of known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?</li> <li>ii. Strong seismic ground shaking?</li> <li>iii. Seismic-related ground failure, including liquefaction?</li> <li>iv. Landslides?</li> </ul>				✓
b. Result in substantial soil erosion or the loss of topsoil?				✓
c. Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				✓
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code creating substantial risks to life or property?				✓
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.				✓

**Impacts a-e:** *No impact*

ILUDC Chapter 18.60, Site Development Regulation, provides existing policy to ensure new development will not be located on unstable, expansive, or otherwise inadequate soils, and would not be affected by this ILUDC amendment. The California Building Code also regulates construction to protect building occupants from exposure to hazards from structures. This amendment proposes no modifications to the existing policies designed to keep geologic impacts at less than significant levels for individual projects.

## VII. Greenhouse Gas Emissions

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<i>Would the project:</i>				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				✓
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				✓

**Impacts a-b:** *No impact*

The City of Fort Bragg has adopted a greenhouse gas (GHG) emission reduction target of 7% by 2020, and has prepared a Climate Action Plan and Greenhouse Gas inventory. The proposed Green Building and Energy Conservation measures in the *Sustainability Element* of the General Plan are intended to help achieve the City's GHG reduction goal. The proposed amendment does not conflict with the Climate Action Plan or the Sustainability Element of the General Plan nor does it propose any changes to the existing policies.

### VIII. Hazards and Hazardous Materials

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				✓
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				✓
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				✓
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				✓
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				✓
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				✓
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✓
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				✓

**Impacts a-h:** *No impact*

There are no known locations in the ILUDC plan area on the Department of Toxic Substances Control Hazardous Waste and Substances list.

A private airstrip exists north of the City boundary, and a helipad operates at the Mendocino Coast District Hospital. Both facilities are outside of the ILUDC plan area, and no impacts will result from the proposed amendment.

The ILUDC plan area is not located within a wildland fire hazard area. It is located in an urbanized portion of the City of Fort Bragg.

The City's Emergency Operations Plan (EOP) has been developed to provide a comprehensive emergency management program for the City. It mitigates the effects of hazards and includes measures to be taken to preserve life and minimize damage, enhance response during emergencies, provide necessary assistance, and establish a recovery system, in order to return the City to its normal state of affairs in case of an emergency. The plan defines preparations and mitigations to respond to the effects of natural disasters including wildfire, technological accidents, nuclear incidents, and other major incidents/hazards. The proposed amendment has no impact on this plan.



## IX. Hydrology and Water Quality

<i>Would the project</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?				✓
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table (e.g. the production rate of a pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				✓
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				✓
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?				✓
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				✓
f. Otherwise substantially degrade water quality?				✓
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				✓
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				✓
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				✓
j. Inundation by seiche, tsunami, or mudflow?				✓

### Impacts a-j: *No impact*

Development entitled through compliance with the ILUDC would increase stormwater flows in the plan area; however, the existing ILUDC includes numerous regulations requiring stormwater infiltration, treatment and improved conveyance. The proposed amendment will have no impact on hydrology or water quality, and future projects in reliance on this amendment would be individually subject to environmental review.

The proposed amendment will not alter any existing standards designed to reduce or eliminate impacts relating to flooding, seiche, tsunami or mudflow. All new development will be subject to the existing standards and will produce no new impacts, and will be individually subject to environmental review.

## X. Land Use and Planning

<i>Would the project</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Physically divide an established community?				✓
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				✓
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				✓

**Impacts a-c:** *No impact*

This amendment does not propose any physical development, and will not divide or have any other impact on an established community. Future proposals to develop cannabis business uses, in reliance on this proposed amendment, would be reviewed for consistency with the applicable plans, policies and regulations. Project-specific environmental analysis will occur during project review, and any future impacts would require mitigation as part of that project's review.

## XI. Mineral Resources

<i>Would the project</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✓
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				✓

**Impacts a-b:** *No impact*

The ILUDC plan area does not have locally important mineral resources. Therefore, development in compliance with the ILUDC would not result in the loss of known mineral resources, nor conflict with mineral resource recovery or processing facilities. The proposed revisions will have no impacts on mineral resources.

## XII. Noise

<i>Would the project</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				✓
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				✓
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				✓
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				✓
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✓
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				✓

**Impacts a-f: No impact**

Chapter 9.44 of the Fort Bragg Municipal code regulates noise in the City of Fort Bragg. The ILUDC amendment would have no impact on this chapter. However, future uses in compliance with the proposed ILUDC have the potential to create noise. Future uses would be subject to the existing regulations, and should impacts be significant, project-specific mitigation would be required to reduce impacts to an insignificant level.

A private airstrip exists north of the City boundary, and a helipad operates at the Mendocino Coast District Hospital. Both facilities are outside of the ILUDC plan area, and no impacts will result from the proposed amendment.

### XIII. Population and Housing

<i>Would the project</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				✓
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				✓
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				✓

**Impact a:** *No impact*

This ILUDC amendment will not directly induce substantial population growth, as it does not propose new homes, businesses or any other physical development such as roads or other infrastructure.

This project does not propose physical development, nor does it amend the ILUDC in such a way as to displace existing housing or people.

#### XIV. Public Services

*Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:*

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Fire protection?				✓
b. Police protection?				✓
c. Schools?				✓
d. Parks?				✓
e. Other public facilities?				✓

**Impacts a-e:** *No impact*

The ILUDC amendment retains all regulations addressing public services in the 2014 ILUDC, which was found to have a less than significant impact on public services. The amount of development that could potentially be accommodated in the ILUDC plan area can be served by the existing unused service capacity for fire, police, schools, parks, libraries and other public service facilities. The adoption of the ILUDC amendment will have no impact on public services.

**XV. Recreation**

<i>Would the project</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				✓
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				✓

**Impacts a-b:** *No impact*

The ILUDC plan area has adequate parks to serve the existing and future population. The proposed ILUDC amendment does not convert any existing park or open space area to a new use, and affects no policies requiring the development of future parks or open space areas. There will be no impacts to recreation resulting from the ILUDC amendment.

## XVI. Transportation/Traffic

<i>Would the project</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				✓
b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				✓
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				✓
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				✓
e. Result in inadequate emergency access?				✓
f. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				✓

**Impacts a-f:** *No impact*

The ILUDC amendment is consistent with the Inland General Plan policies pertaining, but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle access, and transit. Future projects in compliance with the ILUDC will be subject to additional permit and environmental review, and would require mitigation for any impacts associated with specific projects.

The ILUDC amendment does not conflict with the *Mendocino Council of Government Regional Transportation Plan* because the ILUDC plan area does not have regional serving roads. Additionally, development pursuant to the ILUDC would not change air traffic patterns, increase air traffic levels or result in a change in location that would produce substantial safety risks.

Most of the street infrastructure in the ILUDC area is already installed. Existing streets are generally wide and interconnect in a grid pattern to facilitate emergency vehicle access. This ILUDC amendment does not alter or affect existing circulation; however, future land uses in compliance with this code would be subject to project-specific permit and environmental review, which may require mitigation measures if impacts are found to be significant.

The ILUDC amendment does not conflict with the Bicycle Master Plan, Inland General Plan, or any other plans.



## XVII. Utilities and Service Systems

<i>Would the project</i>	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				✓
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				✓
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				✓
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				✓
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				✓
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				✓
g. Comply with federal, state, and local statutes and regulations related to solid waste?				✓

**Impacts a-g:** *No Impact*

Development consistent with this amendment would increase sewer flows only marginally, due to the limited infill development opportunities. The City's sewer treatment plant can accommodate all additional flows from the inland area. Additionally, adoption of the amendment will have less than significant impacts on the need for additional stormwater conveyance facilities.

Development pursuant to the ILUDC would increase water use and solid waste generation slightly, and would place few additional demands on existing water service capacities or storage. The Inland General Plan includes additional policies and programs to reduce water use, reduce solid waste generation, and this amendment would not affect the existing policies.

### XVIII. Mandatory Findings of Significance

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
<i>Would the project</i>				
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				✓
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				✓
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				✓

**Impacts:** *No Impact*

Several plant and animal species listed as threatened by the state or federal government are known to exist in the area. Protection of sensitive communities and species are important for long-term ecological diversity and sustainability. The ILUDC includes regulations to protect and preserve valuable resource areas, and these existing policies are not affected by the proposed ILUDC amendment.

## **RESOLUTION NO. PC 06-2019**

### **RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL ADOPT A NEGATIVE DECLARATION AND ADOPT THE AMENDMENT TO THE INLAND LAND USE AND DEVELOPMENT CODE ILUDC 1-2019.**

**WHEREAS**, the City of Fort Bragg ("City") adopted an Inland General Plan and certified an Environmental Impact Report Addendum for the General Plan on December 2, 2012; and

**WHEREAS**, the City adopted an Inland Land Use and Development Code (ILUDC) and Negative Declaration on June 12, 2017; and

**WHEREAS**, the adoption of an Inland Land Use and Development Code is necessary to: 1) provide a regulatory framework for implementation of the Inland General Plan; 2) to implement new state planning and land use requirements; and 3) update zoning regulations in accordance with the City Council policy direction; and

**WHEREAS**, the City Council and the Public Safety Committee held a total of six public meetings to discuss and provide direction regarding changes to the ILUDC to permit and regulate cannabis businesses.

**WHEREAS**, a Negative Declaration has been prepared as the CEQA document for the amendment to the ILUDC, and the City circulated a Notice of Determination for the required public review period from June 20, 2019 to July 9, 2019; and

**WHEREAS**, no comments on the Negative Declaration were received during the public review period; and

**WHEREAS**, based on the Negative Declaration, the Planning Commission finds that the adoption of the ILUDC would not have a significant effect on the environment; and

**WHEREAS**, the Planning Commission considered the Negative Declaration and the ILUDC at a noticed public hearing on July 10, 2019, at which time all interested parties had the opportunity to be heard.

**NOW THEREFORE BE IT RESOLVED** that the Planning Commission of the City of Fort Bragg does hereby find that the foregoing recitals are true and correct and made a part of this resolution; and the Planning Commission has reviewed and considered the Negative Declaration and the Inland Land Use and Development Code and hereby recommends that the City Council adopt the Negative Declaration and the Inland Land Use and Development Code based on the following findings as required by Section 18.94.060(B):

- a. The proposed amendment is consistent with the General Plan and any applicable specific plan; and
- b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and
- c. The proposed amendment is internally consistent with other applicable provisions of the Development Code.

The above and foregoing Resolution was introduced by Planning Commissioner \_\_\_\_\_, seconded by Planning Commissioner \_\_\_\_\_, and passed and adopted at a regular meeting of the Planning Commission of the City of Fort Bragg held on the 10th day of July 2019, by the following vote:

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**  
**RECUSED:**

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**Nancy Rogers**  
**Planning Commission Chair**

**ATTEST:**

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**Joanna Gonzalez**  
**Admin Assistant**

**From:** [Perkins, Scott](#)  
**To:** [Gonzalez, Joanna](#)  
**Cc:** [Jones, Marie](#)  
**Subject:** FW: Public Comment on Cannabis Ordinance NegDec  
**Date:** Monday, July 08, 2019 8:29:14 AM  
**Attachments:** [image001.png](#)

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Joanna,

I received the public comment below for this week's Planning Commission. Please add it to the packet, or handle in whatever way is standard for receiving comments prior to a hearing.

Thanks!  
Scott

**SCOTT PERKINS**, PUBLIC WORKS MANAGER  
**CITY OF FORT BRAGG**, PUBLIC WORKS  
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web <http://www.city.fortbragg.com>



**From:** Jacob Patterson <jacob.patterson.esq@gmail.com>  
**Sent:** Sunday, July 7, 2019 5:00 PM  
**To:** Perkins, Scott <SPerkins@fortbragg.com>  
**Subject:** Public Comment on Cannabis Ordinance NegDec

Scott,

In my opinion, the draft Planning Commission ("PC") resolution for Wednesday will require amendment because you are receiving this email public comment and will receive another on Tuesday with more detailed comments and objections to the CEQA review for the cannabis ordinance amendments. The draft resolution also contains purported findings that I believe are inadequate because they are mere assertions of unsupported conclusions concerning the required findings.

In line with my prior oral comments, the NegDec defers required CEQA analysis of the potentially significant impacts of the ordinance itself until the future reviews of project applications for cannabis dispensaries that aren't permitted under the current code but will be if and when the code changes are adopted. In my opinion, that is impermissible deferral of required CEQA analysis of the regulatory changes from the ordinance itself.

Cannabis dispensaries have unique environmental concerns relating to potential odor exposure from cannabis on site, hence the requirement for an odor control plan, as well as secondary nuisance conditions due to patrons and other visitors to the dispensaries (e.g., graffiti, property damage/deterioration, and the like that may result from crime impacting surrounding

properties). These concerns about potentially significant environmental impacts are among the reasons some jurisdictions restrict or ban dispensaries.

Moreover, this NegDec improperly segments or "piecemeals" the CEQA analysis of the overall project concerning cannabis ordinance updates. The City Council has already directed staff to develop draft ordinance amendments permitting cannabis cultivation in conjunction with microbusinesses that include cannabis retail--contrary to the assertion in the staff report and my prior public comments at the last City Council meeting highlighting this issue--so that aspect of the related ordinance update is a foreseeable consequence of the current proposed use table updates permitting cannabis retail in the identified zoning districts under review at this week's PC meeting.

For these reasons and those raised during oral public comments, I object to the City adopting the proposed code changes concerning cannabis retail without first conducting a proper CEQA review, which may require an MND or EIR but at least requires a NegDec that includes analysis of the proposed code changes. This will likely require a new public review period of a CEQA document covering a project definition that isn't (arguably) improperly segmented.

Regards,

--Jacob

July 2, 2019

Topic: Cannabis Cultivation Ordinance (8a) 19-309

Dear Fort Bragg City Council Members and Fort Bragg Planning Commission Members,

My name is Terry Clark and I am the owner of the parcel of land to the east of the site that RootOne Botanicals is proposing for a cannabis cultivation business. My APN number is 069-242-1800, and my home address is 32820 Airport Road, Fort Bragg. I would be the most impacted of all of the neighbors, if this were approved.

I have owned this property for over 17 years. When I bought my home it was a fixer upper, and I have put a great deal of time and energy into upgrading and maintaining it! I am self employed and have managed to hold on to the property through some challenging economic times. This home is my only investment for retirement.

Now, with it legal to cultivate cannabis in the city limits and with the expansion of the FAR, I have concerns about how this proposed project will affect the value of my home. My greatest concern is for water usage. Water is very fragile in this area and if they tap into our aquifer on Airport Road, many residents could be left without water in our wells. An additional concern is the smell that this facility will emit. If not kept indoors and air filtered (as was discussed at the June 24, 2019 City Council Meeting) the smell of marijuana in our neighborhood would be a great nuisance.

I realize that our town is in need of new jobs and revenue and I am glad that the Council Members are looking for new ways to support our economy. We do need this. I am very disappointed with the owners of this proposal. At the meeting they talked about building community, yet made no attempt to contact me before proposing this project. If they were, in fact, interested in building community, they would have contacted me, the closest neighbor, to discuss this proposal!

In closing, I ask that all aspects be examined very closely, for this business and especially for the residents of this area.

Thank you,  
Terry Clark