



AGENCY: City Council
MEETING DATE: May 23, 2022
DEPARTMENT: Community Development
PRESENTED BY: Marie Jones Consulting
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AGENDA ITEM SUMMARY

TITLE:

Conduct Continued Public Hearing, Receive Report, Consider Introducing by Title Only Ordinance 979-2022 Amending Sections 18.22.30, 18.24.30, 18.42.055, 18.42.057, 18.42.059 and 18.100.020 of Title 18 (Inland Land Use and Development Code) of the Fort Bragg Municipal Code, and Consider Adoption of City Council Resolution Certifying the Initial Study/Negative Declaration for Ordinance 979-2022

ISSUE:

The Planning Commission and City Council have held many meetings over the past year to discuss and provide direction regarding new regulations for cannabis cultivation and retail cannabis sales. The Planning Commission and City Council have from time to time provided different recommendations to staff regarding specific aspects of the proposed ordinance especially as it relates to allowable locations for retail sale of cannabis and whether the use should be by right or require a Minor Use Permit (MUP). Additionally, permit requests for retail cannabis sales have resulted in hearings with significant public input and concern. However, in March and April of 2022, the Planning Commission and City Council worked towards general agreement on policy issues regarding cannabis regulations, which resulted in the attached proposed ordinance (**Attachment 1**). Specifically:

- On March 9, 2022, the Planning Commission met and provided direction to staff to prepare a final draft of the ordinance, Inland Land Use and Development Code (ILUDC) amendments and to prepare a resolution from the Planning Commission transmitting its recommendations regarding the proposed ordinance to City Council.
- On March 23, 2022, the Planning Commission met and adopted Planning Commission Resolution PC05-2022, recommending adoption of Ordinance 979-2022. This staff report summarizes the Planning Commission's recommendation and the rationale for those recommendations. See **Attachment 2** for Resolution PC05-2022, and **Attachment 3** for Draft Ordinance 979-2022 (redline version).
- On March 28, 2022, the City Council met and provided directions to the consultant regarding necessary changes to the proposed Cannabis Ordinance, which are summarized in the analysis section of this report.
- On April 11, 2022, a noticed Public Hearing was opened and immediately continued to May 23, 2022.
- A Negative Declaration was prepared for the proposed ordinance and circulated for public review and is attached (**Attachment 4**).

ANALYSIS:

The proposed ILUDC amendment would establish land use regulations for commercial cannabis cultivation (cannabis cultivation) and includes modifications to existing regulations for retail cannabis regulations. Chapters 18.22, 18.42, and 18.100 of the ILUDC have been revised as follows per City Council's direction:

Chapter 18.22.30 and 18.24.30 – Use Tables

1. Requires Minor Use Permit approval for cultivation and retail sales of cannabis. The Minor Use Permit process would allow staff and/or the Planning Commission (if appealed) to develop special conditions, ensure compliance with the ILUDC, and allow the City to rescind a minor use permit if an applicant does not comply with special conditions.
2. Sets a limitation on the number of cannabis businesses by resolution not to exceed three (3) total in the Central Business District.
3. In Table 2-10 for industrial zoning districts, modifies "Cannabis Retail – Delivery" to become "Cannabis Accessory – Retail, Retail-Delivery."

Chapter 18.42.055 – Cannabis Cultivation

4. Inserts appropriate section heading and text regarding applicability, definitions and standards so that the ordinance form matches the rest of the ILUDC.
5. Sets various operation requirements for commercial cannabis cultivation regarding employees, visitors, utilities, environmentally friendly practices, odor, lighting and glare.
6. Allows accessory cannabis uses for commercial cultivation to include Cannabis Retail Delivery and Cannabis Retail with Minor Use Permit approval.

Chapter 18.42.057 – Cannabis Retail

7. Inserts appropriate section heading and text regarding applicability, definitions and standards so that the ordinance form matches the rest of the ILUDC.
8. Sets various operation requirements for Cannabis Retail, including adding regulations regarding odor, hours, screening, on-site consumption and drive through services.
9. Establishes location limitations for Cannabis Retail in order to minimize conflicts with uses that have a potential for incompatibility. Cannabis businesses cannot be located within 150 feet of a youth center, school, and/or day care facility.
10. Defines standards for cannabis accessory uses and requires an MUP for the addition of such uses to an existing cannabis business.
11. Limits the square footage of accessory uses such that they will individually not exceed the total square footage of the primary use.
12. Allows all of the following accessory uses in the Central Business District, Highway Serving Commercial and General Commercial districts: Office, Nursery (non-flowering) cultivation for on-site sales only; Retail Delivery; Craft Cannabis Manufacturing – no volatile solvents permitted, Distribution, Wholesale, and On-Site Distribution.
13. Requires fire suppression sprinklers in all buildings in commercial districts with cultivation.

14. Requires nursery cultivation as an accessory use to comply with 18.42.055 commercial cannabis regulations.

Chapter 18.100

15. Defines multiple terms for Cannabis regulations. New definitions include Cannabis Accessory Use and Craft Cannabis Manufacturing.

Negative Declaration Process and Comments

Through the CEQA process, two additions were made to the ordinance to eliminate potentially significant impacts to the environment. These changes made the ordinance self-mitigating and therefore resulted in the preparation of a Negative Declaration rather than a Mitigated Negative Declaration. The additions to the ordinance are as follows:

1. Language was added to Cannabis cultivation to ensure that the use of fertilizers, insecticides and fungicides do not have a negative impact on the City's Wastewater Treatment System. The following addition was made to 18.42.055C2d:
Applicant shall provide a list of all fertilizers, insecticides and fungicides to the Municipal Services District and shall enter into an agreement with the Municipal Services District regarding use of fertilizers, insecticides and fungicides if required by the Director of Public Works.
2. Language was added to Cannabis cultivation to ensure that mixed-light cultivation facilities would not result in lights from the grow area illuminating the night sky or surrounding areas. The following addition was made to 18.42.055C2f:
Lighting and Glare. All cultivation projects shall use automatic shades or another equivalent measure to prevent light, from the cultivation area, from escaping the building at night.

The Negative Declaration was prepared and circulated for the required public review period from April 22, 2022 to May 12, 2022. The City received four comments regarding the Negative Declaration during the public review period. The primary concerns expressed by the commenter include the following:

1. The proposed draft ordinance includes "wholesale and distribution" in the list of potential accessory uses for cannabis retail. The commenter argued that the inclusion of wholesale and distribution as accessory uses would create an inconsistency with the Land Use Element of the Inland General Plan. The commenter noted that wholesale and distribution are not "customarily incidental to, related and clearly subordinate to a primary use on the same parcel".
2. The commenter notes that the "City is maintaining the MUPs for all commercial cannabis uses in the current proposed ordinance, there are no direct impacts/physical changes from the ordinance itself and the future direct impacts from individual projects will be reviewed on a project-by-project basis along with their associated MUP reviews." The commenter goes on to note that the City should analyze all "reasonably foreseeable indirect impacts." The commenter argues that the analysis in a few impact areas does not include a threshold of significance. The commenter notes specifically that the water impacts may be cumulatively considerable and were not well analyzed.

Marie Jones Consulting (MJC) has provided consideration of each of these prime points below.

1. The issue of Wholesale & Distribution.

City Council provided direction to staff toward the end of the Council meeting to include craft manufacturing within the CBD, HVC and CG zoning districts, consequently MJC revised the ordinance to allow for all accessory uses in all three districts. If the City Council would prefer to limit Wholesaling and Distribution to the CG and HVC zoning districts or to eliminate them as uses in their entirety that is easy to change.

Alternatively, if Council prefers to keep these as accessory uses in all three zoning districts in this ordinance, please consider the following relevant definitions:

Accessory Use. A use customarily incidental to, related and clearly subordinate to a primary use on the same parcel, which does not alter the primary use nor serve property other than the parcel where the primary use is located.

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.

Craft Cannabis Manufacturing – small scale, small batch manufacturing by hand, with or without the aid of small tools that may typically be found in other typical commercial businesses, including washing machines, blenders, cooking equipment, nursery tools, etc. Craft Cannabis Manufacturing does not involve volatile chemicals.

MJC reviewed the use tables for the commercial zoning districts and found just a few uses that have features of wholesaling and distribution (e.g. that sell goods/services primarily to other retailers, industrial or farm uses) namely: 1) Printing & Publishing, 2) Laboratory-Analytical and Testing and 3) Crop production, horticulture, orchard and vineyard. If Council decides to retain these use types as accessory cannabis uses with the Commercial zoning district it would not be the only such incidence, but it would be unusual.

The Inland General Plan defines the purpose of each relevant commercial zoning district as follows:

Central Business District (CBD) This designation applies to the core of the downtown which is the civic, cultural, and commercial center of the community. Uses and site development patterns in the Central Business District are typically pedestrian-oriented. This designation is intended to accommodate government and professional offices, retail stores, theaters, and other similar uses. Residential uses on upper floors or on the ground floor at the rear of buildings are encouraged at a density of up to 40 units per net acre.

General Commercial (CG) The General Commercial designation is intended for a less compact and intensive type of development than found in the Central Business District. Typical land uses in this

designation depend more on vehicular than pedestrian access and include automotive and service-related outlets, retail sales, hardware, paint or carpeting sales, offices, apparel stores, and food stores. Shopping centers are allowed with approval of a conditional use permit. Residential uses are permitted above the ground floor or on the ground floor at the rear of buildings at a maximum density of up to 24 units per acre.

Highway Visitor Commercial (CH) This land use designation applies to land uses serving residents and visitors on sites which are located along Highway One and arterials at the entry points to the community. Typical uses allowed in this designation include motels and other lodging enterprises, restaurants, and retail outlets. Residential uses are permitted above the ground floor or on the ground floor at the rear of buildings at a maximum density of up to 24 units per acre.

All of these zoning districts are focused on providing goods and services to people and businesses on a retail basis. Arguably wholesale and distribution as a primary use is not permissible. It is a little less clear if it would be permissible as an accessory use to retail. If the primary use of a property is retail, it is still serving the primary purpose of the zoning district.

It is worth considering that “Wholesaling and Distribution” may be awkward additions to the accessory use list for retail commercial establishments. Especially as craft manufacturing, as an accessory use to retail, should result in products that are sold directly to retail customers. Wholesale and distribution uses may not actually be practical accessory uses to retail. The ordinance seems to recognize this already, as the cultivation of nursery plants is limited in the ordinance to on-site sales only. Therefore, the consultant recommends deleting Wholesaling and Distribution from the list of accessory uses. These uses can more appropriately be considered at a later date when Council considers adding a vertically integrated food products and edibles category to the ILUDC to include the whole array of potential activities in a cannabis microenterprise.

2. The issue of adequacy of CEQA document regarding “thresholds of significance,” “reasonably foreseeable indirect impacts,” and “cumulative impacts.”

The proposed ordinance is not a stand-alone ordinance, it rests within a much larger regulatory framework which includes the Inland Land Use and Development Code, the Inland General Plan and the Municipal Code. As noted throughout the Negative Declaration, all eventual cannabis project applications must go through a discretionary review process that includes a Minor Use Permit. The Minor Use Permit process requires each application to comply with the entirety of the ILUDC and the General Plan. As noted in the Negative Declaration, compliance with the regulations of the ILUDC, the policies of the General Plan and the necessity to obtain a CEQA document where required makes this ordinance essentially self-mitigating.

The commenter expressed specific concerns about water availability, which is and will continue to be a challenge for the City due to climate change and the multi-year severe drought facing the western United States. However, both the ILUDC and this ILUDC amendment are self-mitigating on this and many other issues. As noted in the Negative

Declaration there are a number of General Plan Policies which require adequate water service prior to approval of any new project as follows:

Public Facilities Goal PF-1 Ensure that new development is served by adequate public services and infrastructure.
Policy PF-1.1 Ensure Adequate Services and Infrastructure for New Development: Review new development proposals to ensure that the development can be served with adequate potable water; wastewater collection, treatment, and disposal; storm drainage; fire and emergency medical response; police protection; transportation; schools; and solid waste collection and disposal.
Policy PF-1.2 All new development proposals shall be reviewed and conditioned to ensure that adequate public services and infrastructure can be provided to the development without substantially reducing the services provided to existing residents and businesses.
Program PF-1.2.1: New development shall be responsible for any improvements or extensions of infrastructure or the service capacity necessary to serve the development.

Additionally, all cannabis applicants are required to develop a water budget and the City water utility must confirm that there is sufficient current capacity to serve the new use through the Minor Use Permit process. The Municipal Code requires a water budget and plan, as described below:

§9.30.050(O)(2) A water usage plan that indicates the planned source of water, month by month annual usage in gallons, and any plans for water conservation which may include water recycling, on-site water storage, development of a well, or use of reclaimed City water;

The proposed ILUDC amendment 18.42.055(C)(2)(c) requires water saving techniques for cannabis cultivation (primary or accessory) and encourages the use of alternative water sources (ground water) for cultivation:

c. Utilities. Commercial cannabis cultivation shall use the best available technologies for water systems and water recycling and are encouraged to use an alternate source of water from the City's potable water system.

Finally, each project is required to get a "will serve letter" from the Municipal Services District to show that the City's water infrastructure has sufficient capacity to serve the new project. Given this existing regulatory environment, as noted in the Negative Declaration, adoption of the new ordinance will have a less than significant impact on water resources.

If this ordinance is passed, proposed projects would be analyzed, through the Minor Use Permit process, to determine if the City has adequate water to serve the proposed project. If the project does not comply with all of the above requirements it would not be approved. This is true for the cumulative impacts of all projects on the water system as well: as each proposed project would be analyzed sequentially, as the applications are received, and if at any time the cumulative water demand begins to exceed capacity, projects would be denied.

Finally, it is important to note that the City's water situation is fluid and water availability has changed on multiple occasions over time. From 2000 to 2006 the City has a development

moratorium due to water availability issues and an extensive water conservation program was put in place. In the mid-teens, the City built a new water reservoir that addressed water availability for a time. More recently a desalination plant has been installed. The policies above allow the City to approve development based on the water situation at the time of proposal and the water needs of a specific business.

Similarly environmental impacts of the adopted ordinance within other sections of the Negative Declaration are also self-mitigating due to the need for each proposed project to obtain a Minor Use Permit, comply with all existing regulations, and prepare a CEQA document if necessary.

RECOMMENDED ACTIONS:

1. Introduce by title only Ordinance 979-2022 amending Sections 18.22.30, 18.24.30, 18.42.055, 18.42.057, 18.42.059 and 18.100.020 of Title 18 (Inland Land Use and Development Code) of the Fort Bragg Municipal Code.
2. Adopt a resolution adopting the Negative Declaration for Ordinance 979-2022.

ALTERNATIVE ACTION(S):

Provide additional direction to staff regarding additional modifications to the proposed ordinance or Negative Declaration.

FISCAL IMPACT:

The proposed amendment will not have a significant impact on the City's budget as the cost to process Minor Use Permits is paid for by the applicant per the fee structure for Minor Use Permits. Additionally, as no special taxes are proposed for these businesses, the City may experience only a modest increase in sales taxes and TOT (via cannabis related increases in tourism) if the businesses are successful.

GREENHOUSE GAS EMISSIONS IMPACT:

The use of electricity for cultivation of cannabis both for commercial and retail cannabis uses has the potential to result in significant Green House Gas (GHG) emissions. However, the ordinance requires the purchase of 100% renewable electricity and/or onsite photovoltaics to meet all power needs for cultivation, the potential GHG impact is thereby significantly reduced.

CONSISTENCY:

The following provides a consistency analysis between the proposed ILUDC amendment and the General Plan and ILUDC.

GENERAL PLAN ANALYSIS

The proposed ordinance will allow Commercial Cannabis Cultivation in Inland industrial zoning districts. The Inland General Plan (IGP), defines the purpose of these zoning district as follows

Heavy Industrial (IH) This designation is intended for a range of heavy industrial uses including manufacturing, assembly and processing, and the storage and distribution of raw materials,

aggregate plants, and related heavy industrial uses which are generally incompatible with and require locations removed from residential and visitor serving uses.

Light Industrial (IL) This designation is intended for a variety of commercial, manufacturing, wholesale and distribution, and industrial uses which do not generate a significant amount of on-site customer traffic or high levels of noise, dust, odors, or other potential off-site nuisance characteristics. Manufacturing uses are permitted provided they occur within an enclosed structure. Other uses permitted in this designation include offices ancillary to permitted uses, agricultural product sales and services, construction yards, and automobile repair shops.

Cannabis Cultivation can be found to be consistent with these definitions, as crop production and cannabis manufacturing are already allowable uses in these districts. While Cannabis Cultivation is not spelled out in the General Plan purpose definitions for this zoning districts, it can be inferred by the uses that are allowed.

Likewise, the ILUDC provides the following purposes for the General Commercial, Central Business District and Highway Commercial zoning districts; respectively:

Central Business District (CBD) This designation applies to the core of the downtown which is the civic, cultural, and commercial center of the community. Uses and site development patterns in the Central Business District are typically pedestrian-oriented. This designation is intended to accommodate government and professional offices, retail stores, theaters, and other similar uses. Residential uses on upper floors or on the ground floor at the rear of buildings are encouraged at a density of up to 40 units per net acre.

General Commercial (CG) The General Commercial designation is intended for a less compact and intensive type of development than found in the Central Business District. Typical land uses in this designation depend more on vehicular than pedestrian access and include automotive and service-related outlets, retail sales, hardware, paint or carpeting sales, offices, apparel stores, and food stores. Shopping centers are allowed with approval of a conditional use permit. Residential uses are permitted above the ground floor or on the ground floor at the rear of buildings at a maximum density of up to 24 units per acre. Highway Visitor

Commercial (CH) This land use designation applies to land uses serving residents and visitors on sites which are located along Highway One and arterials at the entry points to the community. Typical uses allowed in this designation include motels and other lodging enterprises, restaurants, and retail outlets. Residential uses are permitted above the ground floor or on the ground floor at the rear of buildings at a maximum density of up to 24 units per acre.

Cannabis Retail and Cannabis Retail-Delivery can be found to be consistent with the purpose of these three zoning districts as both are retail uses, and the regulations as proposed would mitigate any potential impacts due to the nature of the products for sale.

As analyzed below, the proposed ordinance may be found to be consistent with the Inland General Plan as it does not conflict with any Policies in the Inland General Plan. In particular, the proposed ordinance is consistent with the following:

General Plan Consistency Analysis	
<i>Policy LU-1.1 Implementation of the Land Use Designations Map: Implement the Land Use Designations Map by approving development and conservation projects consistent with the land use designations and ensure consistency between the Inland General Plan and the Inland Land Use and Development Code.</i>	CONSISTENT – commercial cannabis cultivation is less intensive than other allowed and conditionally allowable industrial uses including fish processing, agricultural processing, and light, medium, and heavy manufacturing. Only indoor commercial cannabis cultivation would be allowed which is similar to these activities and also similar to crop production which is a permitted use.
<i>Policy LU-3.1 Central Business District: Retain and enhance the small-scale, pedestrian friendly, and historic character of the Central Business District (CBD).</i>	CONSISTENT – the proposed ordinance would require a typical retail store front for Cannabis Retail uses in the CBD. Cannabis retail-Delivery would not be permitted in the CBD. Additionally, the maximum number of dispensaries in the Central Business District may be restricted by resolution to limit any potential inconsistencies which could result from over concentration.
<i>Policy LU-4.3 Standards for Commercial Uses in Residential Areas: Commercial uses in and adjacent to residential areas shall not adversely affect the primarily residential character of the area.</i>	CONSISTENT – All commercial buildings in commercial areas are allowed to have retail businesses. The proposed regulations would limit Cannabis Retail businesses to the area west of the Centerline of Redwood Street in order limit potential conflicts with residential areas located within and close to the CBD, CG and Ch zoning districts. Additionally, the proposed regulations would prohibit cannabis businesses within 150 feet of youth centers, churches, schools and day care facilities.
<i>Land Use Goal LU-5 Policy LU-5.2 Industrial Land Use Standards: Require that industrial development avoid or minimize creating substantial pollution, noise, glare, dust, odor, or other significant adverse impacts.</i>	CONSISTENT – the City’s existing codes, General Plan, and the environmental review process all protect against projects that would contribute to substantial pollution, noise, glare, dust, or other adverse impacts. Additionally, §18.42.055 Cannabis Cultivation provides protections for odor.
<i>Policy PF-2.2 Program PF-2.2.5 Continue to encourage water conservation techniques and water conserving fixtures in all new development projects</i>	CONSISTENT – Proposed Section 18.42.055(B)(3)(a) requires that commercial cannabis cultivations use the best available technologies for water systems and water recycling and encourages proposed projects to use alternate sources of water from the City’s potable water system.
<i>Policy S-2.5 Use of Local and Renewable Energy: Buildings and infrastructure that create and/or use locally and renewably generated energy are encouraged. Photovoltaic and wind energy systems are encouraged. The installation of solar panels or other clean energy power generation sources over parking areas is preferred</i>	CONSISTENT – Proposed ILUDC §18.42.055(B)(3)(C) requires that electricity be exclusively provided by a renewable energy source.
<i>Policy S-3.1 Reduce Water Use: Minimize the use of potable water in new and existing development.</i>	CONSISTENT - Proposed ILUDC §18.42.055(B)(3)(a) requires that commercial cannabis cultivations use the best available technologies for water systems and water recycling and

encourages proposed projects to use alternate sources of water from the City’s potable water system.
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There are many additional Inland General Plan policies that would apply to future applications for permits. Specifically, the policies that regulate noise, odor, community design, and environmental impacts. Additionally, all future projects are discretionary as they require a Minor Use Permit and therefore would also require review under CEQA and licensing through the State’s Department of Cannabis Control.

ILUDC ANALYSIS

The proposed ordinance adds a new use to two Industrial zoning districts. In the ILUDC, the industrial zoning districts are defined as follows:

IL (Light Industrial) zoning district. The IL zoning district is applied to areas of the City that are appropriate for a variety of commercial, manufacturing, wholesale and distribution, and industrial uses that do not generate significant customer traffic or high levels of noise, dust, odors, or other potential off-site nuisance characteristics. Allowable manufacturing uses and activities must be entirely within enclosed structures. The maximum floor area ratio (FAR) is 0.40. The IL zoning district implements and is consistent with the IL land use designation of the General Plan.

IH (Heavy Industrial) zoning district. The IH zoning district is applied to areas of the City that are appropriate for a range of heavy industrial including manufacturing, assembly and processing, the storage and distribution of raw materials, aggregate plants, and related industrial uses that are generally compatible with and require locations removed from residential and visitor serving uses. The maximum floor area ratio (FAR) is 0.40. The IH zoning district implements and is consistent with the IH land use designation of the General Plan.

Commercial Cannabis Cultivation

Cannabis cultivation is consistent with other uses currently allowed in Table 2-10 Allowed Land Uses and Permit Requirements for Industrial Zoning. The following table shows the current permit requirements for some of the uses in the inland industrial zones:

Allowed Land Uses and Permit Requirements for Industrial Zoning

Land Use Type	Light Industrial Permit Requirements	Heavy Industrial Permit Requirements
Agricultural Product Processing	Conditional - Use Permit	Permitted Use
Brewery/Restaurant	Conditional - Use Permit	Conditional - Use Permit
Fish Processing	Permitted Use	Permitted Use
Manufacturing/Processing Light	Permitted Use	Permitted Use
Manufacturing/Processing Medium intensity	Conditional - Use Permit	Permitted Use
Manufacturing/Processing – Heavy	Not allowed	Conditional – Use Permit
Cannabis Cultivation	Conditional - MUP	Conditional - MUP

Indoor commercial cannabis cultivation is similar to other uses that are currently allowed uses in the industrial zoning districts. It would be compatible with other allowable uses in the industrial zoning districts because:

- Potential impacts of Commercial Cannabis Cultivation have been significantly mitigated with existing and proposed regulations for water, energy, and odor control in the Municipal Code and the Inland Land Use and Development Code.
- The proposed ordinances would only allow for indoor cultivation of cannabis in a fully enclosed and secured structure.
- Cannabis Cultivation would require a discretionary MUP and would undergo review to determine if the project would conflict with surrounding land uses.

Cannabis Retail

The existing ordinance, §18.42.057, would be updated to address any potential use compatibility issues, with additional standards for operations (odor, hours, lighting, screening and on-site consumption) and additional requirements around location and accessory use. Taken together the proposed amendment will significantly reduce the potential for incompatibility between Cannabis Retail, Cannabis Retail-Delivery and other uses in the CBD, CG and CH zoning districts. The proposed amendments also require a MUP for both uses, which will allow staff, and if appealed the Planning Commission, the opportunity to place additional special conditions on a specific proposed project, if warranted.

IMPLEMENTATION/TIMEFRAMES:

With introduction of the Ordinance on May 23, 2022 and adoption of the Ordinance on June 13, 2022, it would become effective July 13, 2022.

ATTACHMENTS:

1. Ordinance 979-2022 Amending Section 18.22.30, 18.24.30, 18.42.055, 18.42.057, 18.42.059 and 18.100.020 of Title 18 (Inland Land Use and Development Code) of the Fort Bragg Municipal Code
2. Planning Commission Resolution PC05-2022
3. Draft Ordinance 979-2022 – Redline version
4. Initial Study - Negative Declaration for ILUDC Amendment 1-22 Regulating Commercial Cannabis Cultivation and Amending Existing Regulations for Cannabis Businesses in Commercial Zones
5. Resolution of the City Council Adopting Negative Declaration for ILUDC Amendment 1-22 Regulating Commercial Cannabis Cultivation and Amending Existing Regulations for Cannabis Businesses in Commercial Zones
6. Public Comments on Cannabis IS/ND

NOTIFICATION:

1. Cannabis Legislation “Notify Me” Subscribers