

Title 18 Chapter 4 DRAFT Updates

18.42.055 Commercial Cannabis Cultivation

In addition to the operating requirements set forth in Chapter 9.30 of the Municipal Code, this Section provides location and operating requirements for commercial cannabis cultivation. Chapter 9.30 and Chapter 18.100.020 contains definitions of terms used herein.

- A. **Conditional use.** A Minor Use Permit shall be required to commercially cultivate mature or flowering cannabis plants in accordance with Table 2-10 of Section 18.24.030.
- B. **Operational requirements.** In addition to project specific conditions of approval and the requirements set forth in Chapter 9.30, commercial cannabis cultivation 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. **Visitors.** Only employees, managers, owners, and government agency representatives are allowed in non-public areas of the business. Any other visitors to non-public areas must be documented in a log.
 3. **Utilities.** Cannabis cultivations can have a heavy impact on the City's infrastructure systems. To ensure that cultivations do not overburden the City's water and sewer systems or the electrical grid, dispensaries:
 - a. Shall not overburden the City's water or wastewater system. Whenever possible a commercial cannabis cultivation shall find an alternate source of water from the City's potable water system and recycle water internally.
 - b. Commercial cannabis cultivations shall use the energy efficient lighting and equipment. A cannabis cultivation shall not overburden the existing electrical grid or negatively impact the utility provider's ability to provide reliable power to the City of Fort Bragg.
 - c. Cultivation projects shall use environmentally friendly practices including integrative pest management and waste reduction.
 4. **Odor.** Cannabis cultivations shall use the best available technology to ensure odors are not disturbing to a person of normal sensitivity residing or present on adjacent or nearby property or areas open to the public.
- C. **Accessory uses to commercial cultivation.** 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. Accessory uses may include activities that require additional State cannabis licenses including processing, manufacturing, distribution and retail. A cannabis cultivation with more

than one accessory use shall be considered a microbusiness and subject to Chapter 18.42.058.

- D. Nursery Cultivation in Commercial Zones.** A commercial cannabis nursery may be allowable as an accessory use or as part of a microbusiness with a licensed and permitted retail cannabis business in accordance with Section 18.42.057, provided that the following criteria are met:
- a. Nursery plants cultivated on sites are only sold as retail on-site.
 - b. No flowering or mature plants are cultivated on-site.
 - c. The square footage of the nursery is clearly subordinate and accessory to the retail business.
 - d. The cultivation takes place in a fully enclosed and secure structure as defined in Chapter 9.30.020.

18.42.057 Cannabis Retail

- A. Cannabis Business Permit Required.** A retail cannabis business shall obtain a cannabis business permit subject to Chapter 9.30 of the Municipal Code and any required state licenses prior to operation.
- B. Permitted Use.** A cannabis retail business is a permitted use in the Central Business District, General Commercial, and Highway Visitor Commercial Zones subject to the limitations imposed in Table 2-6, the requirements of this section, and the requirements of Chapter 9.30 of the Municipal Code.
- C. Accessory uses.** As defined in Article 10, an accessory use is customarily incidental to, related and clearly subordinate to a primary use on the same parcel, which does not alter the primary use. A cannabis business with more than one accessory use, or with a secondary use that does not qualify as accessory, shall be considered a microbusiness and subject to section 18.42.058. A state distribution license obtained for the purpose of facilitating an accessory use is not an accessory use unless the business engages in “Wholesaling and Distribution” as defined in Article 10.
1. The following uses are allowable as accessory uses to cannabis retail:

Zone	Allowable Accessory Uses
Central Business District	Nursery (non-flowering) cultivation; Artisan/craft manufacturing of cannabis products; Retail Delivery;
Highway Visitor Commercial	Nursery (non-flowering) cultivation; Processing; Manufacturing (non-volatile); Distribution and Wholesale; Retail Delivery;
General Commercial	Nursery (non-flowering) cultivation; Processing;

	Distribution and Wholesale; Manufacturing (non-volatile); Retail Delivery;
Industrial Zones	Retail cannabis and retail cannabis – delivery only are allowable accessory uses in the Light Industrial and Heavy Industrial Zones

2. In no instance shall cannabis manufacturing using volatile solvents be allowable as an accessory use to cannabis retail.

18.42.058 Cannabis Microbusiness

A cannabis microbusiness, as [will be] defined in Article 10 is a cannabis business that cultivates cannabis on an area less than 10,000 square feet and acts as a licensed distributor, Level 1 manufacturer, and/or retailer. In addition to the operating requirements set forth in Chapter 9.30, this Section provides location and operating requirements for cannabis microbusinesses.

A. General Commercial Zone (CG) and Visitor Highway Commercial Zone (CH) requirement for a cannabis microbusiness:

1. A cannabis microbusiness in the CH or CG zones shall include a retail business with a storefront.
2. A cannabis microbusiness in the CH or CG zones shall meet the operating requirements for Cannabis Retail Section 18.42.057(B)
3. A microbusiness that includes nursery cultivation shall meet the requirements of Section 18.42.055 Cannabis Cultivation.
4. Allowable microbusiness activities in the CH or CG zones may include Retail Cannabis, Retail Delivery, cannabis processing, non-volatile manufacturing, wholesale and distribution of cannabis, and nursery cannabis cultivation.
5. The cultivation of mature or flowering cannabis plants is not allowed in commercial zones.
6. Manufacturing of cannabis using volatile chemicals is prohibited in commercial zones.
7. Non-retail cannabis activities in commercial zones shall not be visible from the public right of way.
8. A cannabis microbusiness shall not create significant noise, odor, traffic, or other public nuisance.

B. A cannabis microbusiness in the industrial zone shall meet the following requirements:

1. Conditional use. A **Minor Use Permit** shall be required to operate a cannabis microbusiness in accordance with Table 2-10 of Article 2.
2. A microbusiness that includes cultivation shall meet the requirements set forth in Section 18.42.055.

3. A microbusiness that includes retail shall meet the operating requirements in Section 18.42.057(B)
4. A microbusiness that includes volatile manufacturing shall require a Use Permit.

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