



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Meeting Agenda Community Development Committee

Tuesday, March 23, 2021

3:00 PM

Via Video Conference

MEETING CALLED TO ORDER

ROLL CALL

PLEASE TAKE NOTICE

DUE TO THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDERS N-25-20 AND N-29-20 WHICH SUSPEND CERTAIN REQUIREMENTS OF THE BROWN ACT, AND THE ORDER OF THE HEALTH OFFICER OF THE COUNTY OF MENDOCINO TO SHELTER IN PLACE TO MINIMIZE THE SPREAD OF COVID-19, COMMITTEE MEMBERS, AND STAFF WILL BE PARTICIPATING BY VIDEO CONFERENCE IN THE COMMUNITY DEVELOPMENT COMMITTEE MEETING MARCH 23, 2021.

In compliance with the Shelter-in-Place Orders of the County and State no in-person meeting will be held and the public is invited to attend virtually. The meeting will be live-streamed on the City's website at city.fortbragg.com and on Channel 3. Public Comment regarding matters on the agenda may be made in any of the following ways: (1) By joining the Zoom video conference, (2) Through the City's online eComment agenda feature, (3) Emailed to Joanna Gonzalez, jgonzalez@fortbragg.com, (4) Written comments delivered through the drop-box for utility payments to the right of the front door at City Hall, 416 N. Franklin Street, or (5) Voice mail comments called in to (707) 961-2827 ext 111 by 2:00 PM on the day of the meeting.

Comments can be made at any time prior to the meeting, in real-time while the item is being considered by the Committee All eComments or emails received before or during the meeting that have not been published with the agenda packet will be read aloud into the record. Public comments are restricted to three minutes. Written comments on agenda matters and those exceeding three minutes will be included in the public record as part of the agenda packet the next business day after the meeting.

We appreciate your patience and willingness to protect the health and wellness of our community and staff. If you have any questions regarding this meeting, please contact Community Development at (707)961-2827 ext 111.

ZOOM WEBINAR INVITATION

You are invited to a Zoom webinar.

When: Mar 23, 2021 03:00 PM Pacific Time (US and Canada)

Topic: Community Development Committee

Please click the link below to join the webinar:

<https://zoom.us/j/92124810776>

Or iPhone one-tap :

US: +16699009128,,92124810776# or +12532158782,,92124810776#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

*US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or +1 312 626 6799 or +1 646 558 8656
or +1 301 715 8592*

Webinar ID: 921 2481 0776

International numbers available: <https://zoom.us/u/alzNewZG6>

1. APPROVAL OF MINUTES

- 1A. [21-124](#) Approve the Community Development Committee Minutes of February 23, 2021

Attachments: [02232021 CDC Minutes](#)

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

3. CONDUCT OF BUSINESS

- 3A. [21-125](#) Receive Report and Discuss Work Plan to Implement Economic Development Strategies, Focused on the Central Business District

Attachments: [03232021 CBD Work Plan](#)

[Att 1 - Public Comment](#)

- 3B. [21-118](#) Receive Report and Provide Direction to Staff on Developing an Application for the Rural Recreation and Tourism Grant Program Available from California State Parks

Attachments: [03232021 RRT Staff Report](#)

[ATT 1 - Public Comment](#)

- 3C. [21-114](#) Receive Report and Make Recommendations to Planning Commission and City Council on Commercial Cannabis Ordinances

Attachments: [03232021 Committee Item Memo Cannabis](#)

[ATT 1 - Chapter 9.30 Cannabis Businesses](#)

[ATT 2 - Chapter 9.32 Draft Cannabis Cultivation](#)

[ATT 3 - Draft Updates to ILUDC Section 18.22.020 and 18.24.020 Land Use Ta](#)

[ATT 4 - Draft 18.42.055 - Cannabis Cultivation](#)

[ATT 5 - 18.42.057 - Cannabis Retail Updates](#)

[ATT 6 - Title 18 Chapter 10 Glossary Draft Updates](#)

[ATT 7 - Staff Powerpoint Presentation](#)

[ATT 9 - Public Comment](#)

4. MATTERS FROM COMMITTEE / STAFF

ADJOURNMENT

STATE OF CALIFORNIA)
)ss.

COUNTY OF MENDOCINO)

I declare, under penalty of perjury, that I am employed by the City of Fort Bragg and that I caused this agenda to be posted in the City Hall notice case on Friday March 19, 2021.

Joanna Gonzalez

State of California)
) ss
County of Mendocino)

I declare, under penalty of perjury, that I am employed by the City of Fort Bragg in the Community Development Department and that I caused this agenda to be posted in the City Hall notice case on Friday March 19, 2021.

Joanna Gonzalez
Administrative Assistant, Community Development



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Text File

File Number: 21-124

Agenda Date: 3/23/2021

Version: 1

Status: Business

In Control: Community Development Committee

File Type: Committee Minutes

Agenda Number: 1A.

Approve the Community Development Committee Minutes of February 23, 2021



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Meeting Minutes Community Development Committee

Tuesday, February 23, 2021

3:00 PM

Via Video Conference

MEETING CALLED TO ORDER

Chair Norvell called the meeting to order at 3:00 PM.

ROLL CALL

Present: 7 - Bernie Norvell, Jessica Morsell-Haye, Sarah McCormick, Joanna Gonzalez, Chantell O'Neal, Heather Gurewitz and Tabatha Miller

1A. [21-078](#)

APPROVAL OF THE MINUTES

These Committee Minutes were approved for Council review

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

Public Comments received:

- *Tina Tyler-Oshea via Zoom
- *Jay McCubbrey via Zoom
- *Joanne via Zoom
- *Jacob Patterson via Zoom
- *Onalayah via Zoom
- *Mary Rose Kaczorowski

3. CONDUCT OF BUSINESS

3A. [21-068](#) Receive Report and Provide Direction to Staff Regarding the City's Pre-Approved Accessory Dwelling Unit (ADU) Program

Economic Development & Housing Coordinator McCormick presented the prepared report to the Committee. Committee members asked clarifying questions regarding cost, versatility and availability of the program.

This Staff Report was recommended for approval and will be presented for adoption to the City Council via resolution.

3B. [21-058](#) Receive Report and Make Recommendation to Planning Commission for Updates of Ordinances Related to Cannabis

Associate Planner Gurewitz presented the prepared report to the Committee. The Committee members asked clarifying questions.

Public Comment received by:

- * Simeon Evans via zoom
- * Nathan Maxwell-Can via email
- * Jean via email
- * Marie Head via email
- * Buffy Barroza via zoom
- * Anonymous via zoom
- * Jacob Patterson via zoom
- * Megan Caron

Committee member Norvell would like the paraphernalia discussion moved to Public Safety Committee. Norvell would like to keep commercial cultivation out of the CBD. Committee member Morsell-Haye also agrees with Norvell on having permitting start at Community Development and then routing to the Police Department. Staff will take the Committee recommendations and bring them back to the next meeting in March.

This Staff Report was continued to the next Community Development Committee meeting

4. MATTERS FROM COMMITTEE / STAFF

None.

ADJOURNMENT

Committee Member Norvell adjourned the meeting at 5:11 PM.



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Text File

File Number: 21-125

Agenda Date: 3/23/2021

Version: 1

Status: Business

In Control: Community Development Committee

File Type: Staff Report

Agenda Number: 3A.

Receive Report and Discuss Work Plan to Implement Economic Development Strategies,
Focused on the Central Business District



CITY OF FORT BRAGG

416 N. FRANKLIN, FORT BRAGG, CA 95437
PHONE 707/961-2823 FAX 707/961-2802

COUNCIL COMMITTEE ITEM SUMMARY REPORT

MEETING DATE: March 23, 2021
TO: Community Development Committee
FROM: Sarah McCormick, Housing & Economic Development
AGENDA ITEM TITLE: **Receive Report and Discuss Work Plan to Implement Economic Development Strategies, Focused on the Central Business District**

ISSUE:

City Council held two special meetings earlier this month – March 1 and March 16, 2021 to consider the topic of economic development. Over the course of these meetings, several potential investments were discussed regarding how the City might best invest resources to support the Central Business District (CBD). During this conversation, the Community Development Committee was tasked to develop a plan of action to bring recommendations to Council for consideration and action.

SUMMARY:

This following table lists specific economic development efforts for City Council’s consideration. Committee members are asked to review the list and provide direction to staff about how best to proceed. Detailed reports shall be drafted and presented to the responsible party in order to develop a recommendation to City Council. All efforts without dedicated/allocated funds shall include a presentation to the Finance and Administration Committee for review and recommendation.

F&A – Finance & Administration Committee
CDC – Community Development Committee

PS – Public Safety Committee
Bee – Bee City, USA Committee

PW&F - Public Works & Facilities
VFB – Visit Fort Bragg Committee

Economic Development Tool	Responsible Party	Notes
Create Public Gathering Space	CDC	Identify potential locations for an outdoor public gathering space (outdoor concerts?)

Economic Development Tool	Responsible Party	Notes
Improve Public Restrooms at Town Hall	PW&F	Remove interior hallway? Outdoor Lighting?
Increased Pedestrian/Gathering Dedications	CDD	Parklets? Street Closure?
Create Historical Walking Tour	VFB	Work with the Mendocino-Fort Bragg Historical Society and other community partners to develop a historical walking tour.
Create Mural Walk	CDD/VFB	Council recently directed staff to allocate \$18,000 from the FY20/21 budget to the AlleyWay Art Project for mural installations.
Public Art	CDD/VFB	Develop program to encourage installation of art (empty storefronts?)
Improve Business Directory & Directional Signage	VFB	Create seasonal banners to hang in existing kiosks? create new directional signage along sidewalks?
Install Trees, Planters and Landscaping	PW&F	Collaborate with Bee City to create public program for tree dedications, planting for planters and landscaping.
Install Bollards to Block Vehicular Traffic for Special Events	PW&F	Currently budgeted and included as part of a larger streets project programmed for construction in 2022.
Reconsider Allowable Land Uses	CDD	Evaluate current land use tables and permitting requirements.
Employ Code Enforcement Actions	CDD	Develop a comprehensive strategy to bring all properties into compliance with City regulations.
Establish Regular Walking Patrols in CBD	PS	Establish a regular, physical walking presence of

Economic Development Tool	Responsible Party	Notes
		uninformed officers - building positive public relations, while deterring nuisances.
Temporary Waiver of Water/Sewer Capacity Fees	F&A	Create a temporary waiver for water/sewer capacity fees in order to support new/expanding businesses.
Coordinate Downtown Business Conversation Regarding a Business Improvement District (BID)	CDD	Coordinate outreach to downtown businesses and assist in understanding how a Business Improvement District (BID) creates opportunities.
What Else?		

RECOMMENDATION:

Not applicable.

ATTACHMENTS:

None.

Gonzalez, Joanna

From: O'Neal, Chantell
Sent: Thursday, March 25, 2021 1:01 PM
To: Gonzalez, Joanna
Subject: FW: public input Community Development Committee meeting item 3a

Please update the agenda to include!

-C

-----Original Message-----

From: Annemarie [mailto:aweibel@mcn.org]
Sent: Tuesday, March 23, 2021 2:57 PM
To: Norvell, Bernie <Bnorvell2@fortbragg.com>; Morsell-Haye, Jessica <Jmorsellhay@fortbragg.com>
Cc: McCormick, Sarah <SMcCormick@fortbragg.com>; Gonzalez, Joanna <JGonzalez@fortbragg.com>; O'Neal, Chantell <COneal@fortbragg.com>; Miller, Tabatha <TMiller@fortbragg.com>
Subject: public input Community Development Committee meeting item 3a

Please read at the meeting and include in records.

Dear Committee members,

Reading the Report and Work Plan to Implement Economic Development Strategies focused on the Central Business District I want to add the following comments.

*Develop a comprehensive strategy to bring all properties into compliance with City regulations.

Will property owners be required to come into compliance with fire sprinklers?

*Establish a regular, physical walking presence of Economic Development Tool Responsible Party Notes uninformed officers - building positive public relations, while deterring nuisances.

In order to build positive public relations it would be important that the officers would still be uniformed, but that they would be chosen from the group of "cadets" that are not officers carrying guns.

Why is the franchise formula ordinance stalled? Who was chosen from the City Council to be a part of this subcommittee with the 2 Planning Commission members? The ordinance can be accepted without going through these extra steps. They can happen later. We have been waiting for 5 years. It is time before we get more chain stores. We will lose money with them, not gain.

Sincerely, Annemarie Weibel

--

This email has been checked for viruses by Avast antivirus software.
<https://www.avast.com/antivirus>



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Text File

File Number: 21-118

Agenda Date: 3/23/2021

Version: 1

Status: Business

In Control: Community Development Committee

File Type: Staff Report

Agenda Number: 3B.

Receive Report and Provide Direction to Staff on Developing an Application for the Rural Recreation and Tourism Grant Program Available from California State Parks



CITY OF FORT BRAGG

416 N. FRANKLIN, FORT BRAGG, CA 95437
PHONE 707/961-2823 FAX 707/961-2802

COUNCIL COMMITTEE ITEM SUMMARY REPORT

MEETING DATE: MARCH 23, 2021
TO: COMMUNITY DEVELOPMENT COMMITTEE
FROM: HEATHER GUREWITZ
AGENDA ITEM TITLE: PROVIDE DIRECTION TO STAFF ON PREPARING A GRANT APPLICATION FOR RURAL RECREATION AND TOURISM PROGRAM FROM THE STATE OF CA

BACKGROUND AND OVERVIEW:

The Rural Recreation and Tourism (RRT) Program is administered through California State Parks and intended to create new recreation opportunities within rural communities to support health-related and economic goals. This program is funded by Proposition 68 (2018 Bond Act), which is found in Public Resources Code §80090(a)(b).

The City recently applied for funds to renovate Bainbridge Park from the Prop 68 Statewide Parks Program (SPP). Announcements are expected in July 2021. The full Application guidebook can be accessed using the following link: https://www.parks.ca.gov/pages/1008/files/Rural_Rec_and_Tourism_%20Program_Final_Application_Guide_10.9.2020_Rev.%201_9_2021_1.8.21.pdf

The RRT program has a different focus than the SPP program and can be used for the following eligible projects and priorities:

- Regional Sports Complex
- Amphitheater/performing arts dance, music, and theater stage
- Athletic fields (soccer regulation or “futbol-rapido”, baseball, softball, football)
- Athletic courts (basketball, “futsal”, tennis, pickleball, etc.)
- Year round complexes
- Winter recreation features: skiing, snowboarding, snowshoeing, etc.
- Summer recreation features: hiking, mountain biking, equestrian, etc.
- Visitor, interpretive, cultural, historical structures
- Wildlife viewing structure or shade structure/COVERED PARK area
- Non-motorized trail, Equestrian trail, bikeways, pedestrian/bicycle bridge
- Botanical or demonstration gardens and orchards
- Recreation center/gymnasium
- Dog park

- Jogging and walking loop, par course, running track
- Gym exercise equipment (stations fixed into ground) or outdoor exercise equipment
- Disc Golf
- Open space and natural area for public recreation use
- Campground (developed or primitive campsites)
- Picnic/Bar-B-Que areas
- Playground and tot lot
- Plaza, zocalo, gazebo
- Public art (mosaic tiles, sculptures, murals)
- Skate park, skating, roller blading, or ice rink, and BMX or pump track (nonmotorized bike tracks)

The total amount available is \$23,125,000 and competitive grants will range from \$200,000 to \$3 million. There is no match requirement because the median household income for Fort Bragg is below \$56,982. The due date is November 5, 2021.

The former city pool building is still “vacant” and in need of structural repair. If this space were turned into a new recreation feature compatible with the above project, it would be eligible for funding. Other projects might include adding recreation features to the coast trail such as an inter-generational playground/exercise equipment or additional water access features.

RECOMMENDATION:

Provide direction to staff to move forward with the required public processes and prepare to apply for the grant and make recommendations on priority projects.

ALTERNATIVES:

Direct staff not to move forward with the public process and grant application; or

Direct staff not to move forward with grant funding at this time.

Gonzalez, Joanna

From: Lemos, June
Sent: Tuesday, March 23, 2021 11:00 AM
To: Gonzalez, Joanna
Subject: FW: a comment for Community Development meeting this afternoon - thank you!

Hello Joanna:

Here is a public comment for this afternoon's CDC meeting.

June Lemos, CMC
City Clerk
City of Fort Bragg
416 N Franklin St
Fort Bragg CA 95437
707.961.2823 ext. 104

From: Linda Jo Stern <lindajostern@gmail.com>
Sent: Tuesday, March 23, 2021 10:56 AM
To: Lemos, June <jlemos@fortbragg.com>
Subject: a comment for Community Development meeting this afternoon - thank you!

Good afternoon. Two suggestions regarding the rural recreation and tourism grants. We have a beautiful, vibrant natural environment here. I think we should do an improved job at protecting the land and the wildlife, rather than build more "things". The state parks land and the city trails and beaches could all use better signage, ones that clearly state where you can walk, bike, walk your dog/horse or shouldn't walk (and the signs should be engaging rather than saying Don't do this. They can say Help us preserve our wildlife by walking on the road, not on the beach.) Signs should be at every entry/path. We could have more informative/educational signage to help visitors learn about the flowers, the birds, etc. Another idea is to develop a flag (red, yellow, green) program for high surf, high winds or great day - to help prevent accidents or deaths to those visiting our beach and jetty areas. Thank you for your consideration. Linda Jo

Linda Jo

Linda Jo Stern, MPH
Coordinator - Coastal Street Medicine
lindajostern@gmail.com
sternlj@ah.org
617-435-8412 (mobile)

Gonzalez, Joanna

From: Jenny Shattuck <jenxvann@yahoo.com>
Sent: Tuesday, March 23, 2021 3:08 PM
To: Gonzalez, Joanna
Subject: cdc meeting

I know the bollards were not high on list in survey, but community safety wise it would be amazing if these had more support.
Thank you, Jenny Shattuck



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Text File

File Number: 21-114

Agenda Date: 3/23/2021

Version: 1

Status: Business

In Control: Community Development Committee

File Type: Staff Report

Agenda Number: 3C.

Receive Report and Make Recommendations to Planning Commission and City Council on Commercial Cannabis Ordinances



CITY OF FORT BRAGG

416 N. FRANKLIN, FORT BRAGG, CA 95437
PHONE 707/961-2823 FAX 707/961-2802

COUNCIL COMMITTEE ITEM SUMMARY REPORT

MEETING DATE: MARCH 23, 2021
TO: COMMUNITY DEVELOPMENT COMMITTEE
FROM: HEATHER GUREWITZ
**AGENDA ITEM TITLE: RECEIVE REPORT AND MAKE RECOMMENDATION TO
PLANNING COMMISSION ON THE UPDATES AND
ADOPTION OF ORDINANCES RELATED TO CANNABIS**

BACKGROUND AND OVERVIEW:

In 2016, the California voters approved the Adult Use of Marijuana Act (AUMA). In 2017, the California State Legislature passed Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), which merged AUMA with the Medical Marijuana Act. The state initially adopted emergency regulations in 2017 and has since updated them several times, and created a new agency, Bureau of Cannabis Control. MAUCRSA also established the authority of local jurisdictions to regulate cannabis activity.

In 1982, the Fort Bragg City Council passed Ordinance 575, §1 to prohibit the display and sale of drug paraphernalia which is currently in the City of Fort Bragg Municipal Code.

The Fort Bragg City Council passed Ordinance number 880, § 2, on January 26, 2009, which established Chapter 9.32 Medical Marijuana Cultivation in the City's Municipal Code. This was removed from the Municipal Code by Ordinance 9253-19 on November 21, 2019.

On November 23, 2016, the Fort Bragg City Council adopted Ordinance 927-16, which established Chapter 9.33 Cannabis Manufacturing of the City's Municipal Code.

On March 9, 2017, the Fort Bragg City Council adopted Ordinance 928-17, which amended Title 18 the Inland Land Use Development Code Chapter 18.24 Industrial Zoning Districts and 18.42 Standards for specific land uses and chapter 18.100 definitions of the Fort Bragg Municipal Code, to include and define cannabis manufacturing.

On November 21, 2019, the City of Fort Bragg adopted Ordinance 925 to amend Article 2 of the ILUDC, Article 4, and Article 10 of the ILUDC to make provisions for cannabis retail and Ordinance 953-19 repealing Chapter 9.32 and 9.33 and replacing with updated version of 9.30 Cannabis Businesses.

Because the framework for legal cannabis cultivation is very new in the State of California and the City of Fort Bragg, it is expected that there are going to be changes made as the legal framework continues to take shape. It is possible that if/when the federal government declassifies cannabis from being a Schedule One narcotic, there may be additional changes or requirements as well.

To date, the City of Fort Bragg has received five applications for cannabis businesses and issued three permits (two retail dispensaries and one manufacturer). Two applications are incomplete/pending. Processing these applications has helped identify areas of the code that require more clarity in order to facilitate a fair, streamlined, and transparent process.

At the last Community Development Committee meeting, committee member reviewed potential updates to the code and suggested changes and prioritization for sections of the code. The table below shows the changes made to incorporate the recommendations of the committee:

Community Development Committee Direction	Changes Made
Okay with recommended changes to 9.30 – READY for COUNCIL	Removed cannabis microbusiness definition, no other changes made, included for reference purposes.
Remove the suggested code language providing regulation of residential/non-commercial cultivation	Removed section from 9.32. Code (still says outdoor is illegal in the City and does not specify commercial or personal).
Move 9.28 to Public Safety Committee (work with Police Chief)	Section 9.28 went to public safety committee on March 17, 2021.
Prioritize editing and completing Commercial Cultivation and Microbusiness	Updated 9.32, Title 18 Chapter 2 Land Use Tables, and Specific Standards in Chapter 4, and updated definitions in Chapter 10 to incorporate direction.
No cultivation of mature plants in CBD	Added new section 18.42.055 and updated text in 18.42.057
Only small cultivation of non-mature for sale on site in CBD	Included provision for 500 ft ² of nursery cultivation as accessory use.

	Requesting additional direction on size from committee.
Maintain consistency with accessory use definition for non-retail activities in CBD/Commercial (microbusiness concept)	Kept “serve the property language” and enhanced the definition of 18.42.057E to provide more detail around accessory use. No standalone microbusiness option at this time (see analysis below).
Allow Full Commercial Cultivation in Industrial Zones but require own source of water and or holding tanks for Stage 1 water emergencies and possibly require solar to offset the demand on the grid for larger cultivations	Included language in both 9.32 and 18.42.055 for review.
Include a 1% tax on cannabis cultivation	Spoke with Finance and will collaborate on developing an appropriate ordinance.
Maybe allow cultivation in other (not CBD) commercial zones	Analyzed locations in the inland commercial general and highway/visitor districts with information for CDC to make a decision.

ANALYSIS:

Allowing Commercial Cannabis Cultivation

If the Council wishes to allow commercial cannabis cultivation in the industrial zone, the following steps would need to be taken:

#1 Adopt Chapter 9.32 Cannabis Cultivation

The purpose of this code is to codify the legal grounds for Commercial Cannabis Cultivation in the City. The current draft incorporates the changes requested by CDC:

- No requirements or language for non-commercial cultivation;
- Encourages practices that reduce the impacts on electricity, water, and wastewater;
- Allows for commercial cultivation in the City of Fort Bragg; and
- Clarifies the difference between commercial and non-commercial cannabis cultivation.

#2 Adopt new land use table to include cannabis cultivation in Industrial Zones

The land use tables provide the legal guidance on where it is allowable to conduct specific activities. Per direction of the CDC, cultivation would only be allowable in the Industrial Zones. The new land use table for Industrial would be amended to show the following under the Agricultural, Resource, and Open Spaces Uses, but it can also be moved to manufacturing as the activity allowed is more akin to light manufacturing:

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 § 18.71.060)	
	UP	Use Permit required (see § 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 AND OPEN SPACE USES

Indoor & Mixed Light Cannabis Cultivation up to 500 ft ²	P(3)	P(3)	18.42.055
Indoor & Mixed Light Cannabis Cultivation between 500 and 5,000 ft ²	MUP	MUP	18.42.055
Indoor & Mixed Light Cannabis Cultivation over 5,000 ft ²	UP	UP	18.42.055

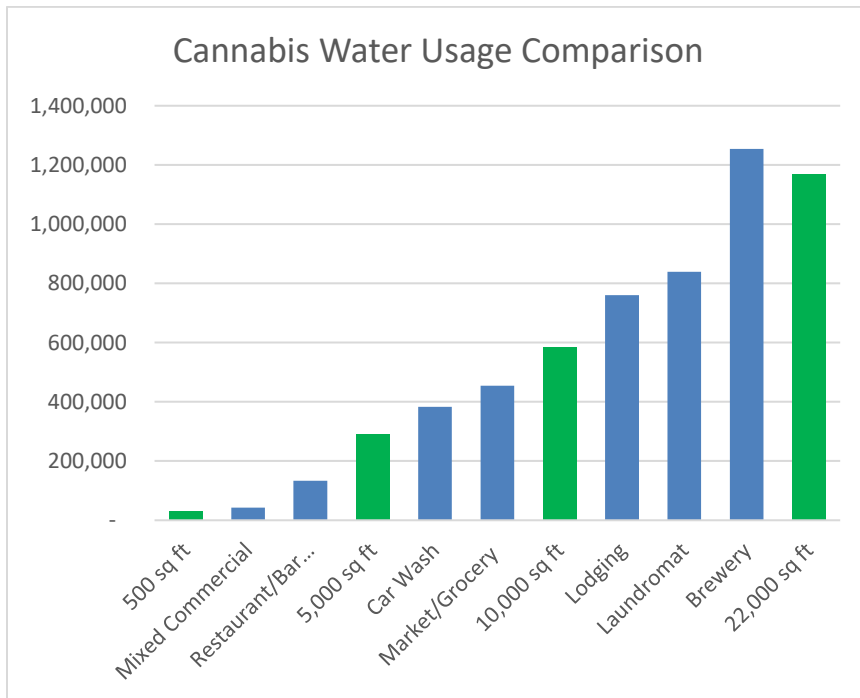
Notes:

(3) Permissible only with an approved cannabis business license from the City of Fort Bragg.

It is important to remember that the public safety concerns are addressed through the Cannabis Business Permit and that the permit will not be issued unless the business meets all the requirements of Chapter 9.30. Cannabis Cultivation is similar in intensity to other permissible industrial uses in both Industrial Light and Heavy:

- Fish processing
- Light Manufacturing which is defined as “a facility accommodating manufacturing process 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 operation characteristics of the manufacturing process and the materials used are unlikely to cause significant impacts on surrounding land uses or the community....” Examples in the definition include:
 - Brewery
 - Candy, sugar, confectionary products manufacturing
 - Fruit and vegetable canning, preserving, and related processing
 - Grain mill products and by-products
 - Meat, poultry, and seafood canning, curing, byproduct processing
 - Coffee roasting
 - Dairy product manufacturing
 - Soft drink production

A concern with cannabis cultivation is water usage and the City’s available water resources. After consulting with industry experts and other jurisdictions, efficient indoor cultivations with water recycling use approximately 50 gallons of water for every 500 ft² of cultivation per day. Compared to other water users, a 500 ft² cultivation uses a small amount of water, as can be seen in the comparison table below. Because a Cannabis Business Permit should address any potential public safety concerns, and the use is consistent with the industrial zone, and the water usage is minimal, it is reasonable to allow a 500 ft² cultivation without a land use permit in the industrial light and heavy.



#3 Adopt Section 18.42.055 Cannabis Cultivation

This section reiterates many of the requirements already stated in both 9.30 and 9.32. However, this section provides additional land use specific requirements such as permit requirements based on size and can include water provisions, buffer zones, or other specific requirements that the Committee may wish to include.

#4 Update Article 10 Definitions

The City of Fort Bragg needs to codify its own definitions that are specific to the City’s needs. For example, the state calculates permit size based on the size of the mature canopy. This means that a business that has a license for a 500 ft² cultivation, could actually have 5,000 ft² under cultivation. This is problematic for local use because the major concern for size is water usage, therefore, the more important number at the local level is the total size, not the mature canopy.

There was additional discussion as to whether the city wishes to use the state definition of cannabis cultivation, which includes the drying, curing, grading or trimming of cannabis.

Given that cultivation (except very small nursery) is only allowed in industrial zone, there is not significant reason to change it because all activities are allowable in the industrial zone and in fact, several of these particular uses are currently permitted by right under light manufacturing.

Analysis of the “Cannabis Microbusiness” Use

On February 23rd 2021, the committee clarified their direction on the microbusiness activities. After a complete analysis, staff recommend that the council does not need to add “Cannabis Microbusiness” as a separate use based on the following reasons:

- In the Industrial Zone, all elements of the microbusiness are already permissible (retail delivery only) by right or with a conditional use permit and therefore it is not necessary
- The committee provided the direction that cultivation of flowering plants in the CBD should not be permissible and any non-retail uses in the CBD should be accessory to retail as the primary use to support retail sale onsite. Therefore, the ILUDC Section 18.42.057 with recommended updates should be sufficient
- The only zones where there was any lack of clarity were the Commercial Highway and the Commercial General. Staff analyzed these zones to determine whether the use of a “Cannabis Microbusiness” would meet the goals of these zones. Through the analysis below, it does not appear that a cannabis microbusiness would be consistent with the land use.

#1 Analysis of Appropriateness for Cannabis Microbusiness in General Commercial

The definition for General Commercial is as follows:

CG (General Commercial) zoning district. The CG zoning district is applied to areas of the City that are appropriate for less compact and intensive commercial uses than those accommodated within the CBD zone. Allowable land uses are typically more auto-oriented than pedestrian-oriented, and may include automotive and service-related uses, a wide range of retail stores, including those selling large products (appliances, home furnishings, building materials, etc.). The maximum allowable residential density within the CG district for the residential component of a mixed use project is 24 dwelling units per acre; the maximum floor area ratio (FAR) is 0.40. The CG zoning district implements and is consistent with the CG land use designation of the General Plan.

The following map of the General Commercial zone (below) shows the geographic location of the zone. The General Commercial borders the northern and southern end of the Central Business District. The northern section borders the industrial area. This zone has a number of historic residential properties and neighborhoods interspersed with commercial activity. There may be a few locations, such as 220 E. Bush or 546 S. Main that might be potential locations for a cannabis microbusiness. However, the proximity to residential would make a project in these locations questionable.



#2 Analysis of Appropriateness for Cannabis Microbusiness in Highway Commercial

The Highway Commercial Zone is defined as follows:

CH (Highway Commercial) zoning district. The CH zoning district is applied to sites along Highway 1 and arterials at the entry points to the community. Allowable land uses include lodging, restaurants, and retail stores. The maximum allowable residential density within the CH district for the residential component of a mixed use project is 24 dwelling units per acre; the maximum floor area ratio (FAR) is 0.40. The CH zoning district implements and is consistent with the CH land use designation of the General Plan.

The map below shows the geographic coverage of the Highway/Visitor Commercial. The Majority of the sites covered by this code already have a B&B, hotel/motel, or other visitor serving activity. However, there are some potential sites that may be attractive to someone who wants to start a microbusiness, such as 120 E Bush Street or 110 Manzanita. While there may be a few possible sites, in general, the industrial nature of the activity is not consistent with the intended use of this district either.



For the few sites that might be appropriate for industrial activity, a potential applicant could apply for a re-zone of that parcel to make it industrial. If successful, they would then be able to conduct all of the microbusiness activities as allowable in the Industrial Zone. This is a more reasonable option than creating a use that would allow industrial activity in commercial zones.

Update to Cannabis Accessory Use Definitions

The Committee expressed a desire to allow certain accessory uses on site as long as they conform with the code’s existing definition of accessory uses. In order to allow this the following changes should be considered.

#1 Update Chapter 18 Title 2 Land Use tables

In order to clarify and specify that accessory nursery (up to 500 ft²), processing, or manufacturing are allowable accessory uses, Chapter 18.22.020 Table 2-6 should be updated to reflect the following:

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	P Permitted use, Zoning Clearance required Minor Use Permit required (see MUP§ 18.71.060) UP Use Permit required (see § 18.71.060) Permit requirement set by Specific Use S Regulations — Use not allowed					
	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
LAND USE (1)	CN	CO	CBD	CG	CH	
AGRICULTURAL, RESOURCE AND OPEN SPACE USES						
Crop production, horticulture, orchard, vineyard	P	P	P	P	P	
Indoor Cannabis Nursery			MUP(3)	MUP(3)	MUP(3)	18.42.057
INDUSTRY, MANUFACTURING AND PROCESSING, WHOLESALING						
Laboratory - Analytical and testing	—	P	—	P	—	
Artisan/craft product manufacturing with retail sales	—	P(2)	P(2)	P(2)	P(2)	
Brewery/restaurant	—	—	UP	—	—	
Printing and publishing	—	—	P	P	—	
Research and development (R&D)	—	—	—	UP	—	
Recycling - Small facility	P	P	P	P	P	18.42.150
Recycling - Large facility	—	—	—	UP	—	18.42.150
Cannabis - Wholesale Distribution				MUP(3)		18.42.057
Cannabis - Manufacturing Level (non volatile)			MUP(3)	MUP(3)	MUP(3)	18.42.057
Cannabis - Processing			MUP(3)	MUP(3)	MUP(3)	18.42.057

(3) May be allowable only as an accessory use to a cannabis retail for retail sales on site. The retail must make up the primary use of the site in comparison with the combination of all other uses and are subject to section 18.42.057.

Even though these are listed as uses, the footnote and the reference to the Standards for Specific Land Uses clarify that they are not eligible for stand-alone operations and they are only allowable as accessory uses.

It is important to note that the size listed is the maximum. However, in the example of a 1,000 ft² commercial building, a nursery could not be 500 ft². The site plan would need to show that retail is the primary use. In the case of a retail dispensary selling nursery plants and possibly conducting other accessory uses, the retail space would have to take up a bare minimum of 510 ft². Thus, any other use would have to take up less than 490 ft². The committee may wish to provide direction on size and specifics around accessory uses.

#2 Update 18.42.057 to specify details on accessory uses.

The current Accessory Use Definition in Cannabis Retail says:

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

The following update was developed to convey the guidance provided by CDC at the last meeting. Highlighted sections are the portions of the code that require additional input:

E. Accessory uses. As defined in Article 10, 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.

1. In the **Central Business District and Highway Visitor Commercial Zones**, the following may be allowed as accessory uses to retail:
 - a. A cultivation of immature plants no larger than 500 ft² for retail sale on site
 - b. Processing of cannabis for retail sale on site
 - c. Non-volatile manufacturing of cannabis for retail sale on site
 - d. Retail delivery
 - e. Accessory office
2. In the **General Commercial Zone** the following may be allowed as accessory uses to retail:
 - a. A cultivation of immature plants no larger than 1,000 ft²
 - b. Processing of cannabis for **(retail and wholesale?)** sale on site
 - c. Non-volatile manufacturing of cannabis for **(retail and wholesale?)** sale on site
 - d. Retail delivery
 - e. Office space

3. The following are NOT allowed as accessory uses to cannabis retail in the commercial zone:
 - a. Cultivation of mature or flowering plants other than specified in D.5 of this section.
 - b. Cannabis manufacturing using volatile substances
 - c. Wholesale, warehousing, and distribution of cannabis
4. Cannabis Nursery. A cannabis nursery up to 500 ft² may be an allowable accessory and shall meet the following criteria:
 - a. Cultivation must follow all guidelines in 9.32 Cannabis Cultivation
 - b. The nursery must be in a fully secured and enclosed structure and not visible from the public right of way
 - c. All plants grown must be sold on site prior to development of “buds” or flowers.
 - d. Plants that are not sold shall be disposed of following the business’ cannabis waste plan.

POSSIBLE ACTIONS:

- Review, make changes, and recommend updates to Chapter 9.30 to City Council.
- Review, make changes, and recommend the addition of Chapter 9.32 Cannabis Cultivation to City Council.
- Review, make changes, and recommend updates to Land Use Tables in ILUDC Sections 18.22.020 and 18.24.020 to Planning Commission
- Review, make changes, and recommend adding Section 18.42.055 Cannabis Cultivation Specific Land Use Standards to Planning Commission
- Review, make changes, and recommend updates to Section 18.42.057 Cannabis Retail to Planning Commission
- Review, make changes, and recommend updates to Section 18.100.020 Definitions of Specialized Terms and Phrases to Planning Commission

ATTACHMENT

1. Draft updates to Municipal Code Chapter 9.30
2. Draft Municipal Code Chapter 9.32
3. Draft updates to Inland Land Use Development Code Section 18.22.020 and 18.24.020 Land Use Tables
4. Draft of Inland Land Use Development Code Chapter 18.42.055
5. Draft updates to Inland Land Use Development Code Chapter 18.42.057
6. Draft updates to Municipal Code Title 18 Article 10
7. Staff Power Point Presentation

Chapter 9.30 Cannabis Businesses with EDITS

Section

- 9.30.010 Purpose and intent
- 9.30.020 Definitions
- 9.30.030 Limitations on use
- 9.30.040 Cannabis businesses permit
- 9.30.050 Applications
- 9.30.060 Time limit for filing application for permit
- 9.30.070 Term of permits and renewals
- 9.30.080 Fees
- 9.30.090 Investigation and action on application
- 9.30.100 Grounds for rejection of application
- 9.30.110 Appeal from Chief of Police decision to reject application
- 9.30.120 Processing of cannabis business permit
- 9.30.130 Operating requirements
- 9.30.140 Minors
- 9.30.150 Display of permit
- 9.30.160 Registration of new employees
- 9.30.170 Transfer of permits
- 9.30.180 Suspension and revocation – notice
- 9.30.190 Suspension and revocation – grounds
- 9.30.200 Suspension and revocation – appeals
- 9.30.210 Suspension or revocation without hearing
- 9.30.220 Separate offense for each day
- 9.30.230 Public nuisance
- 9.30.240 Criminal penalties
- 9.30.250 Civil injunction
- 9.30.260 Administrative remedies
- 9.30.270 Severability

9.30.010 PURPOSE AND INTENT

It is the purpose and intent of this chapter to regulate cannabis businesses in order to promote the health, safety, morals, and general welfare of the residents and businesses within the City. **It sets forth the regulations for a cannabis business permit, herein after referred to as “the Permit”**

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. **In the event that there is no definition in the municipal code, the City may use the definition from the State of California Code of Regulations Title 3.Food and Agriculture Division 8. Cannabis Cultivation Chapter 1.**

**Cannabis Cultivation Program or BUSINESS AND PROFESSIONS CODE – BPC
DIVISION 10. Cannabis [26000 - 26250]:**

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.

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 § 11018 of the Health and Safety Code and by other state law. “Cannabis” does not mean “industrial hemp” as defined by § 11018.5 of the Health and Safety Code.

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 MANUFACTURING: The production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.

CANNABIS OPERATOR or OPERATOR. The person or entity that is engaged in the conduct of any commercial cannabis business.

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 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.

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

COMMERCIAL CANNABIS ACTIVITY. The cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis and cannabis products as provided for in this chapter.

COMMERCIAL CANNABIS CULTIVATION. The planting, growing, harvesting, **drying, curing, grading, or trimming** of cannabis plants that are intended to be transported, processed, distributed, dispensed, delivered or sold. ~~Commercial cannabis cultivation is permitted as an accessory use to a permitted cannabis business.~~

RETAIL CANNABIS – DELIVERY ONLY. The commercial transfer of cannabis or cannabis products to a consumer. “Delivery” 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 § 32501) of the Food and Agricultural Code.

FULLY ENCLOSED AND SECURE STRUCTURE. A space within a building that complies with the California Building Code, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors. Walls and roofs must be constructed of solid materials that cannot be easily broken through, Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement. If indoor grow lights or air filtration systems are used, they must comply with all applicable Building, Electrical, and Fire Codes.

PERMITTEE. A person who holds an effective and current permit under this chapter.

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.

D. Cannabis business permits are only valid for one year from date of issue and must be renewed.

E. Cannabis business permits are valid only for the cannabis business activities specified on the approved permit.

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 commercial cultivation, processing, manufacture, distribution or retail sale of cannabis unless the person first obtains and continues to maintain in full force and effect a cannabis business permit from the City and a license from the State of California as herein required.

B. Cannabis businesses shall be located in compliance with the requirements of the Inland Land Use and Development Code (ILUDC) and/or the Coastal Land Use and Development Code (CLUDC), 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 Article 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,” “Commercial Cannabis Cultivation,” are defined land uses specifically referenced in Article 2 and Article 4 of the Inland Land Use and Development Code (ILUDC). 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 Articles 2 and 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 cannabis license from the State of California, 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 **at the same time as a City Business License Application** with the **Community Development Department** and **may be filed concurrently with a conditional use permit**. 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. A copy of all the Applicant's valid state cannabis license(s) or copy of the complete pending cannabis application(s) related to the permit.
- 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;
- I. A security plan ensuring the safety of employees and visitors from criminal activity, including theft and unauthorized entry;
- J. 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;
- K. A diagram illustrating the use and coverage of security cameras, security lighting, and necessary access restrictions;

L. 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;

M. 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;
10. Projects that include commercial cultivation shall provide a detailed water usage plan that includes the total projected gallons/day, and the total number of immature and mature plants that will be cultivated simultaneously.

N. Authorization for the City, its agents and employees to seek verification of the information contained within the application; and

O. 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 **Community Development Director** ~~Chief of Police~~ shall, within ~~40~~**30** 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 ~~40~~ 30 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 1 year following their issuance. Cannabis business permits may be renewed by the ~~Chief of Police~~ **Community Development Director** for additional 1-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 **recommend to 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~~ **Community Development Director's** ~~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.

A. The fee schedule is intended to allow recovery of all costs incurred by the City in processing permit applications to the maximum extent allowed by the law.

B. Timing of payment. No application shall be deemed complete, and processing shall not commence on any application until all required fees or deposits have been paid. Failure to timely pay supplemental requests for payment of required fees and/or deposits shall be a basis for denial or revocation of any permit.

C. Refunds and withdrawals. Application fees cover City costs for public hearings, mailings, staff time, and the other activities involved in processing applications. Therefore, no refund due to a disapproval shall be allowed. In the case of a withdrawal, the Director shall have the discretion to authorize a partial refund based upon the pro-rated costs to date and the status of the application at the time of withdrawal.

9.30.090 ~~INVESTIGATION~~ **PUBLIC SAFETY REVIEW** AND ACTION ON APPLICATION.

After the application is deemed complete and the fees or deposits have been collected, the Community Development Director will send the completed application to the Chief of Police for Public Safety review. The Chief of Police shall conduct a background check of the applicant and conduct a public safety review of the application. After the background checks and public safety review are complete, the Chief of Police shall either formally recommend approval or denial of the application.

If an application is recommended for denial by the Chief of Police, the Community Development Director cannot approve the application. The applicant will be notified by a letter sent by certified mail and will have 30 days to modify the existing application. If the application is not modified within 6 months, the applicant may request more time or it will be denied by the Community Development Director.

The Chief of Police may recommend conditional approval of an application with specific requirements that the applicant shall meet. The Community Development Director will require the fulfillment of the conditions prior to final issuance of the permit.

9.30.100 GROUNDS FOR ~~REJECTION~~ DENIAL OF APPLICATION.

The grounds for a ~~rejection~~ denial 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 17 (Coastal Land Use Development Code) or Title 18 Inland Land Use and Development Code;
- H. The required application or renewal fees have not been paid.

I. The applicants plan fails to comply with the 9.30.130.

9.30.110 APPEAL FROM ~~CHIEF OF POLICE~~ **COMMUNITY DEVELOPMENT DEPARTMENT OR PLANNING COMMISSION** DECISION TO ~~REJECT-DENY~~ APPLICATION.

The ~~Chief of Police~~ **Community Development Director** shall cause a written notice of decision to ~~deny~~ **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 decision to ~~reject~~ **deny** 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 **Community Development Director or Planning Commission's** ~~Chief of Police's~~ decision shall be final.

An appeal may be filed within 15 days of the decision and is subject to the procedures outlined in Chapter 1.08 Appeal of Administrative Decision.

9.30.120 PROCESSING OF CANNABIS BUSINESS PERMIT.

If an application is recommended for approval by the Chief of Police, it shall be reviewed by the Community Development Department. The review process will include identification of other required permits or licenses necessary prior to operation.

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 current owners and all current employees who will be on the premise.

C. Individuals not listed as employees, owners, or managers of the business, are not be permitted in non-public areas of the business.

D. 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.

E. No cannabis business shall hold or maintain a license from the State Department of Alcoholic 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 Department.

H. A cannabis cultivation business engaged in cultivation shall not use substantially more water than allowed in their permit.

9.30.140 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.

9.30.150 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 businesses in a conspicuous place so that the same may be readily seen by all persons entering the cannabis business use.

9.30.160 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 themselves to be fingerprinted by the Police Department for purposes of identification.

C. Failure to register each new employee within 5 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.

9.30.170 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 § 9.30.050, 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 § 9.30.090 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.

9.30.180 SUSPENSION AND REVOCATION – NOTICE.

A. Any permit issued under the terms of this chapter may be suspended or revoked by the Chief of Police or the **Community Development Director** when it appears to them 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 City. Written notice of the time and place of the hearing shall be served upon the person to whom the permit was granted at least 5 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.

9.30.190 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~~ denial 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.

9.30.200 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.

9.30.210 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.

9.30.220 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.

9.30.230 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.

9.30.240 CRIMINAL PENALTIES.

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

9.30.250 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.

9.30.260 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.

9.30.270 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.

~~(Ord. 953, § 2, passed 11-12-2019)~~

CHAPTER 9.32

CANNABIS CULTIVATION

- 9.32.010 Purpose
- 9.32.015 Definitions
- 9.32.020 Cultivation of Non-Commercial Cannabis
- 9.32.030 Cultivation of Commercial Cannabis
- 9.32.040 Public Nuisance
- 9.32.050 Enforcement
- 9.32.060 Penalty for Violation

9.32.010 PURPOSE

The purpose and intent of this Ordinance is to regulate Commercial Cannabis Cultivation to promote the health, safety, morals, and general welfare of the residents and businesses within the City.

9.32.015 DEFINITIONS

For purposes of this chapter, the following words shall have the following meaning, unless the context clearly indicates otherwise. Words not defined in this section or section 9.30 of the Municipal Code or Chapter 18 Inland Land Use Development Code will use the State of California Code of Regulations.

ABATEMENT. The removal of cannabis plants and the improvements that support cannabis cultivation which are in excess of the amount, type, or square footage allowed under this ordinance.

CANNABIS. As defined in Municipal Code 9.30.020, 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 § 11018 of the Health and Safety Code and by other state law. “Cannabis” does not mean “industrial hemp” as defined by § 11018.5 of the Health and Safety Code.

CANNABIS CULTIVATION. The planting, growing, harvesting, drying, curing, grading, or trimming of cannabis plants, or any part thereof.

CLONE. A portion of a stem that is cut from a parent plant and induced to form roots by chemical, mechanical, or environmental manipulations.

COMMERCIAL CANNABIS ACTIVITY. As defined in Municipal Code 9.30.020, the planting, growing or harvesting of cannabis plants that are intended to be transported, processed, distributed, dispensed, delivered or sold or bartered.

COMMERCIAL CANNABIS CULTIVATION. The planting, growing, harvesting, drying, curing, grading, or trimming of cannabis for the purpose of either wholesale distribution or retail sales.

CULTIVATION SITE. A location where commercial cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs.

FULLY ENCLOSED AND SECURE STRUCTURE. A space within a building that complies with the California Building Code, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more lockable doors. Walls and roofs must be constructed of solid materials that cannot be easily broken through. Flexible plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement. If indoor grow lights or air filtration systems are used, they must comply with the California Building, Electrical, and Fire Codes as adopted in the County of Mendocino.

GREENHOUSE. A completely enclosed structure whose structure members are made of pre-formed, rigid construction materials. The walls, roof, and ends are typically covered using a transparent material, often glass, that is fixed in place and which allows solar radiation to penetrate the surface and affect the growing environment of the plants inside.

HOOP HOUSE. A structure with structure members made of flexible and somewhat rigid construction materials, typically pvc pipe or similar material. The ends may be covered or left open and the material covering the structural members is readily removable and is typically removed and re-affixed frequently.

IMMATURE PLANT OR IMMATURE. A cannabis plant that has a first true leaf measuring greater than one half inch long from base to tip (if started from seed) or a mass of roots measuring greater than one half inch wide at its widest point (if vegetatively propagated), but which is not flowering.

INDOORS or INDOOR CULTIVATION. The cultivation of cannabis within a fully enclosed and secure structure.

MATURE PLANT OR MATURE. A cannabis plant that is flowering.

MIXED-LIGHT CULTIVATION. The cultivation of mature cannabis in a greenhouse, hoop-house, glasshouse, conservatory, hothouse, or other similar structure using a combination of (1) Natural light and light deprivation and artificial lighting

NONCOMMERCIAL CANNABIS. Cannabis for personal recreational or medicinal use as allowed by California State Law that shall not be sold or bartered.

NURSERY. All activities associated with producing clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis.

OUTDOOR or OUTDOOR CULTIVATION. Any location within the City of Fort Bragg that is not within a fully enclosed and secure structure including hoop houses and green houses that do not qualify as a fully enclosed and secure structures.

PARCEL. Property assigned a separate parcel number by the Mendocino County Assessor.

PROCESS AND PROCESSING. All activities associated with the drying, curing, grading, trimming, rolling, storing, packaging, and labeling of cannabis or non-manufactured cannabis products.

VOLATILE SOLVENT. Any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Examples of volatile solvents include, but are not limited to, butane, hexane, and propane.

09.32.020 COMMERCIAL CANNABIS CULTIVATION

A. Outdoor cultivation. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel within any zoning district in the City of Fort Bragg to cause or allow such parcel to be used for the outdoor cultivation of cannabis plants.

B. 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 the City's land-use development codes and all regulations governing building, grading, plumbing, septic, and electrical, fire, hazardous materials, nuisance, and public health and safety.

C. Compliance with State Laws and Regulations. Commercial Cannabis Cultivations 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 cultivations 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.

D. Compliance with California Environmental Quality Control Act. Commercial Cannabis Cultivations shall comply with the requirements of the California Environmental Quality Control Act unless the Lead Agency determines that they are exempt.

E. Indoor Cultivation, Mixed-Light Cultivation, and Nursery Cultivation of Cannabis. Cultivation of Cannabis within the City of Fort Bragg shall conform to the following standards.

1. It is unlawful for commercial cannabis to be grown on residential properties.
2. Commercial Cannabis shall be cultivated in a fully enclosed and secured structure.
3. Commercial Cannabis cultivation may be allowed in a greenhouse if it meets the criteria for a fully enclosed and secure structure and the cultivation is not visible from any public right of way.
4. A commercial cannabis cultivation shall have:
 - a. A Cannabis Cultivation License from the State of California or a Microbusiness License from the California Bureau of Cannabis Control,
 - b. A valid City of Fort Bragg Business License,
 - c. A valid City of Fort Bragg Cannabis Business Permit, per Municipal Code 9.30,
 - d. Zoning Clearance or Conditional Use Permits as required by the Chapter 17 Coastal Land Use Development Code or Chapter 18 Inland Land Use Development Code
 - e. Any other permissions, permits or licenses deemed necessary by any California State Agency, the County of Mendocino, or the City of Fort Bragg.
5. Cannabis cultivators shall provide a waste management plan for byproducts and waste generated by the cultivation of cannabis.
6. Commercial Cannabis cultivations should use environmentally friendly practices including Integrative Pest Management, waste reduction, water conservation, and energy conservation.
7. Cannabis cultivations shall not create a burden on the city's water, waste water, or electrical services.

09.32.040 PUBLIC NUISANCE.

It is hereby declared to be unlawful for any person owning, leasing, occupying, or having charge or possession of any parcel within the City of Fort Bragg to create a public nuisance in the course of cultivating cannabis plants or any part thereof for any purpose in any location. A public nuisance may be deemed to exist, if such activity produces:

1. Odors which are disturbing to people of normal sensitivity residing or present on adjacent or nearby property or areas open to the public;
2. Repeated responses (more than three times in a one year time period) to the parcel from law enforcement officers;
3. Repeated disruption (more than three times in a one year time period) to the free passage of persons or vehicles in the neighborhood;
4. Excessive noise which is disturbing to people of normal sensitivity on adjacent or nearby property or areas open to the public; or
5. Any other impacts on the neighborhood, which are disruptive of normal activity in the area.

9.32.050 ENFORCEMENT.

A. The violation of this ordinance is hereby declared to be a public nuisance. Any person violating any provision of this Chapter shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed \$1,000.00, by imprisonment in the County jail not to exceed six months, or by both a fine and imprisonment.

B. A violation of the ordinance may be abated by the City Attorney by the prosecution of a civil action for injunctive relief and by the abatement procedure set forth in Chapter 6.12 of the Municipal Code.

C. Abatement procedure. The Code Enforcement Officer and/or the Chief of Police, or his or her designee (hereafter, the "Enforcement Official"), are hereby authorized to order the abatement of any violation of this Chapter by following the abatement procedure as defined in the Municipal Code chapter 6.12. In addition, the Code Enforcement Officer may require the property owner or tenant to personally abate/remove all Cannabis plants and improvements to the property that exceed the limits set by this ordinance or that are allowed under the permitted use.

D. Commercial cannabis cultivation sites in violation of this ordinance may not be allowed to renew their cannabis business permit.

9.32.040 PENALTY FOR VIOLATION.

Cultivation of cannabis on parcels within the City that does not comply with this Chapter 9.32 is subject to the penalties and enforcement as provided in Chapter 1.12, Chapter 6.12, and Chapter 9.32.

The remedies and penalties provided herein are cumulative, alternative and non-exclusive. The use of one does not prevent the use of any others and none of these penalties and remedies prevent the City from using any other remedy at law or inequity, which may be available to enforce this section or to abate a public nuisance.

Title 18 Chapter 2 Land Use Tables Update Recommendations

Recommended updates to Chapter 18 Inland Land Use and Development Code to include lawful applications of MACURSA in the City of Fort Bragg.

Commercial Zoning Districts 18.22.030

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts	P Permitted use, Zoning Clearance required Minor Use Permit required (see MUP § 18.71.060) UP Use Permit required (see § 18.71.060) Permit requirement set by Specific Use S Regulations — Use not allowed					
LAND USE (1)	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
	CN	CO	CBD	CG	CH	

AGRICULTURAL, RESOURCE AND OPEN SPACE USES

Crop production, horticulture, orchard, vineyard	P	P	P	P	P	
Indoor Cannabis Nursery			MUP(3)	MUP(3)	MUP(3)	18.42.057

INDUSTRY, MANUFACTURING AND PROCESSING, WHOLESALING

Laboratory - Analytical and testing	—	P	—	P	—	
Artisan/craft product manufacturing with retail sales	—	P(2)	P(2)	P(2)	P(2)	
Brewery/restaurant	—	—	UP	—	—	
Printing and publishing	—	—	P	P	—	
Research and development (R&D)	—	—	—	UP	—	
Recycling - Small facility	P	P	P	P	P	18.42.150
Recycling - Large facility	—	—	—	UP	—	18.42.150
Cannabis - Wholesale Distribution				MUP(3)		18.42.057
Cannabis - Manufacturing Level (non volatile)			MUP(3)	MUP(3)	MUP(3)	18.42.057
Cannabis - Processing			MUP (3)	MUP (3)	MUP (3)	18.42.057

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.
- (2) Use shall be entirely enclosed within a building, unless outdoor activities and/or storage are authorized by Use Permit.
- (3) **May be allowable only as an accessory use to a cannabis retail for retail sales on site. The retail must make up the primary use of the site in comparison with the combination of all other uses and are subject to section 18.42.057**

18.42.040 Industrial Zones

TABLE 2-10 Allowed Land Uses and Permit Requirements for Industrial Zoning Districts	PERMIT REQUIRED BY DISTRICT		
	IL	IH	Specific Use Regulations
	P Permitted use, Zoning Clearance required MUP Minor Use Permit required (see § 18.71.060) UP Use Permit required (see § 18.71.060) S Permit requirement set by Specific Use Regulations — Use not allowed		
LAND USE (1)	IL	IH	Specific Use Regulations

AGRICULTURAL, RESOURCE AND OPEN SPACE USES

Crop production, horticulture, orchard, vineyard	P	P	
Indoor & Mixed Light Cannabis Cultivation up to 500 square feet	P(3)	P(3)	18.42.XX
Indoor & Mixed Light Cannabis Cultivation between 500 and 5,000 square feet	MUP	MUP	18.42.XX
Indoor & Mixed Light Cannabis Cultivation over 5,000 square feet	UP	UP	18.42.XX

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 § 18.71.060)	
	UP	Use Permit required (see § 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	

INDUSTRY, MANUFACTURING AND PROCESSING, WHOLESALING

Agricultural product processing	UP	P	
Artisan/craft product manufacturing	P(2)	UP	
Brewery/restaurant	UP	UP	
Boat and ship construction, repair, maintenance	UP	P	
Cannabis Manufacturing - non volatile	MUP	P(3)	
Cannabis Manufacturing – volatile	-	UP	
Cannabis Microbusiness	P(3)	P(3)	
Cannabis Processing and Distribution	P(3)	P(3)	
Construction contractor base	P(2)	P(2)	
Fish processing	P(2)	P	
Lumber and wood product manufacturing	UP	UP	
Manufacturing/processing - Heavy	—	UP	
Manufacturing/processing - Light	P	P	
Manufacturing/processing - Medium intensity	UP	P(2)	
Media production	P	P	
Petroleum product storage and distribution	UP	P	
Printing and publishing	P	P	
Research and development (R&D)	P	P	
Recycling - Large facility	UP	UP	18.42.150

LAND USE (1)	PERMIT REQUIRED BY DISTRICT			Specific Use Regulations
	IL	IH		
	Recycling - Small facility	P	P	
Storage - Outdoor	UP	UP	18.42.140	
Storage - Personal storage facility (mini-storage)	UP	P		
Storage - Warehouse, indoor storage	P	P		
Wholesaling and distribution	P	P		

Key to Zoning District Symbols

IL	Light Industrial
IH	Heavy Industrial

Notes:

(3) Permissible only with an approved cannabis business license from the City of Fort Bragg.

18.42.055 - Cannabis Cultivation

In addition to the operating requirements set forth in Chapter [9.30](#), this Section provides location and operating requirements for cannabis cultivation. Chapter [9.30](#) contains definitions of terms used herein.

- A. Conditional use.** A Minor Use Permit or Use Permit may be required to cultivate cannabis in accordance with Table 2-6 of Article [2](#).
1. Commercial cannabis cultivations up to 500 square feet is permissible in the Industrial Light and Industrial Heavy Zones with a City of Fort Bragg Cannabis Business Permit.
 2. Commercial Cultivations over 500 square feet and up to 5,000 square feet are permissible in the Industrial Light and Industrial Heavy Zones with a Minor Use Permit and a City of Fort Bragg Cannabis Business Permit.
 3. Commercial Cannabis cultivations over 5,000 square feet require a Use Permit and a City of Fort Bragg Cannabis Business Permit
 4. A 500 square foot commercial cultivation of immature non-flowering cannabis plants may be allowable as an accessory use to retail and is covered under section 18.42.057.
- B. Requirements.**
- C. Size of cultivation.**
1. Commercial cannabis cultivations up to 5,000 square feet is permissible in the Industrial Light and Industrial Heavy Zones with a City of Fort Bragg Cannabis Business Permit.
 2. Commercial Cultivations over 5,000 square feet and up to 10,000 square feet are permissible in the Industrial Light and Industrial Heavy Zones with a Minor Use Permit and a City of Fort Bragg Cannabis Business Permit.
 3. Commercial Cannabis cultivations over 10,000 square feet require a Use Permit and a City of Fort Bragg Cannabis Business Permit
- D. Operational requirements.** In addition to project, specific conditions of approval and the requirements set forth in Chapter [9.30](#), cannabis retail and cannabis microbusiness 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 cultivator, 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 conditional use permit.
 2. **Recordkeeping.** The cannabis operator shall participate in the California Track and Trace Program in accordance with State law.
 3. **Hours of Operation.** Cannabis retail may operate between the hours of 9:00 a.m. to 9:00 p.m. up to 7 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.

4. **Onsite Consumption.** The onsite consumption of cannabis is not permissible at a commercial cannabis cultivation site.
5. **Retail Sales.** Direct to consumer retail sales are not allowed at a commercial cultivation site. Delivery only retail is permissible per section 18.42.057(B).
6. **Water Usage.** The cannabis cultivation **shall** use the most efficient water technology possible including water recycling. Cannabis cultivations over 5,000 square feet may be required to include a plan for alternate sources of water, water storage, or other water conservation measure for low water months of August through October.
7. **Energy Usage.** Cannabis cultivation sites shall incorporate the most energy efficient technology available to cultivate cannabis indoors. This may include LED lighting and or solar arrays to offset power usage.
8. **Fully Enclosed and Secure Structure.** Cannabis cultivations shall only take place in a fully enclosed and secure structure. It shall not be visible from the public right of way and shall not create significant traffic impacts on the surrounding neighborhood.
9. **Other Additions.** ????

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 business in accordance with Table 2-6 of Article [2](#).

B. 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 is allowable in accordance with Table 2-10 of Article 2** 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 forth in Chapter [9.30](#), this Section, and State law.

C. Drive-through services. Drive-through or walk-up window services in conjunction with cannabis retail are prohibited.

D. Operational requirements. In addition to project, specific conditions of approval and the requirements set forth in Chapter [9.30](#), cannabis retail and cannabis microbusiness 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 7 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.

5. Onsite Consumption. The onsite consumption, including the sampling of cannabis products is not permissible. Items must be packaged and sealed prior to payment.

E. Accessory uses. As defined in Article [10](#), 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.

1. In the **Central Business District and Highway Visitor Commercial Zones**, the following may be allowed as accessory uses to retail:
 - a. A cultivation of immature plants no larger than 500 square feet for retail sale on site
 - b. Processing of cannabis for retail sale on site
 - c. Non-volatile manufacturing of cannabis for retail sale on site
 - d. Retail delivery
 - e. Accessory office
2. In the **General Commercial Zone** the following may be allowed as accessory uses to retail:
 - a. A cultivation of immature plants no larger than 1,000 square feet
 - b. Processing of cannabis for **(retail and wholesale ?)** sale on site
 - c. Non-volatile manufacturing of cannabis for **(retail and wholesale?)** sale on site
 - d. Retail delivery
 - e. Office space
3. The following are NOT allowed as accessory uses to cannabis retail in the commercial zone:
 - a. Cultivation of mature or flowering plants
 - b. Cannabis manufacturing using volatile substances
 - c. Wholesale, warehousing, and distribution of cannabis

4. Cannabis Nursery. A cannabis nursery up to 500 square feet may be an allowable accessory and shall meet the following criteria:
 - a. Cultivation must follow all guidelines in 9.32 Cannabis Cultivation
 - b. The nursery must be in a fully secured and enclosed structure and not visible from the public right of way
 - c. All plants grown must be sold on site prior to development of “buds” or flowers.
 - d. Plants that are not sold shall be disposed of following the business’ cannabis waste plan.

18.100.020 - Definitions of Specialized Terms and Phrases

As used in this Inland Land Use and Development Code, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context in which they are used clearly requires otherwise:

A. Definitions, "A."

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.

Agricultural Accessory Structure. A structure for sheltering animals, or agricultural equipment, hay, feed, etc. Examples of these structures include barns, noncommercial greenhouses, coops, corrals, and pens. May also include the storage of petroleum products for an on-site agricultural use allowed by the applicable zoning district. Does not include pasture fencing, which requires no City approval when in compliance with § 18.30.050 (Fences, Walls, and Screening). **Agricultural Accessory Structures shall not be used for commercial cannabis cultivation.**

Agricultural Product Processing. The processing of harvested crops to prepare them for on-site marketing or processing and packaging elsewhere. Examples of this land use include the following:

- custom milling of flour, feed and grain
- pre-cooling and packaging of fresh or farm-dried fruits and vegetables
- dairies (but not feedlots, see instead "Livestock Operations, Sales Yards, Feedlots, Stockyards")
- sorting, grading and packing of fruits and vegetables
- drying of corn, rice, hay, fruits and vegetables
- tree nut hulling and shelling
- grain cleaning and custom grinding
- wineries
- hay baling and cubing
- **cannabis processing**

Artisan Shop. A retail store selling art glass, ceramics, jewelry, paintings, sculpture, and other handcrafted items, where the store includes an area for the crafting of the items being sold.

B. Definitions, "B." – No changes to definitions in section B.

C. Definitions, "C."

Cannabis. The following terms and phrases are defined for the purposes of Chapters 18.20 and Chapter 18.40

1. **Cannabis.** As defined in Municipal Code 9.30.
2. **Cannabis Cultivation.** The planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
 - a. **Indoor Cultivation.** The cultivation of cannabis within a fully enclosed and secure permanent structure using exclusively artificial light or within any type of structure using artificial light at a rate above twenty-five watts per square foot.
 - b. **Mixed Light Cultivation.** The cultivation of mature cannabis in a greenhouse, hoop-house, glasshouse, conservatory, hothouse, or other similar structure using a combination of (1) Natural light and light deprivation and artificial lighting
 - c. **Nursery.** All activities associated with producing clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis. Nursery size is based on actual square footage, not on canopy size. A nursery shall not have mature plants. A nursery selling plants directly to consumers shall have a cultivation and retail license from the state.
 - d. **Outdoor Cultivation.** The cultivation of cannabis that is not within a fully enclosed and secure structure. Outdoor cultivation is unlawful in the city of Fort Bragg per Municipal Code 9.32.
3. **Cannabis Manufacturing.** The production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.
4. **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.
5. **Cannabis Retail. Delivery Only.** A cannabis business that is closed to the public and conducts sales exclusively by delivery.
6. **Clone.** A portion of a stem that is cut from a parent plant and induced to form roots by chemical, mechanical, or environmental manipulations.
7. **Cultivation Site.** A location where commercial cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs.
8. **Fully enclosed and secure structure.** A space within a building that complies with the California Building Code, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, a foundation, slab or equivalent base to which the floor is secured by bolts or similar attachments, is secure against unauthorized entry, and is accessible only through one or more

lockable doors. Walls and roofs must be constructed of solid materials that cannot be easily broken through. If indoor grow lights or air filtration systems are used, they must comply with all applicable Building, Electrical, and Fire Codes.

9. **Greenhouse.** A completely enclosed structure whose structure members are made of pre-formed, rigid construction materials. The walls, roof, and ends are typically covered using a transparent material, often glass, that is fixed in place and which allows solar radiation to penetrate the surface and affect the growing environment of the plants inside.
10. **Hoop House.** A structure with structure members made of flexible and somewhat rigid construction materials, typically pvc pipe or similar material. The ends may be covered or left open and the material covering the structural members is readily removable and is typically removed and re-affixed frequently. Hoop houses are not permitted in the city of Fort Bragg.
11. **Immature plant or immature.** A cannabis plant that has a first true leaf measuring greater than one half inch long from base to tip (if started from seed) or a mass of roots measuring greater than one half inch wide at its widest point (if vegetatively propagated), but which is not flowering.
12. **Mature Plant or Mature.** A cannabis plant that is flowering.
13. **Noncommercial Cannabis Cultivation.** The cultivation of cannabis for recreational or medicinal use solely by the cultivator that meets the state guidelines for noncommercial cultivation.
14. **Non-Manufactured Cannabis Product.** Flower, shake, leaf, pre-rolls, and kief that is obtained from accumulation in containers or sifted from loose, dry cannabis flower or leaf with a mesh screen or sieve. Cannabis product derived from cannabis processing.
15. **Process or processing.** All post-harvest activities associated with the drying, curing, grading, rolling, storing, packaging, and labeling of cannabis or non-manufactured cannabis products.
16. **Volatile solvent.** Any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Examples of volatile solvents include, but are not limited to, butane, hexane, and propane.

Crop Production, Horticulture, Orchard, Vineyard. Commercial agricultural production field and orchard uses, including the production of the following, primarily in the soil on the site and not in containers, other than for initial propagation prior to planting in the soil on the site:

- field crops
- ornamental crops
- flowers and seeds
- tree nuts
- fruits
- trees and sod
- grains
- vegetables
- melons
- wine and table grapes

Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, crop processing and retail sales in the field, not including sales sheds, which are instead defined under “Produce Stand.” Does not include greenhouses which are instead defined under “Plant Nursery,” and “Residential Accessory Use or Structure,” or containerized crop production, which is instead defined under “Plant Nursery.” Does not include noncommercial home gardening, which is allowed as an accessory use in all zoning districts without City approval. **Does not include cannabis cultivation or processing which is covered under the definition for Cannabis and regulated under Municipal Code 9.30, 9.32, and for which specific land use regulations are provided in Chapter 18.42.**

D. Definitions, “D.” – No change

E. Definitions, “E.” – No change.

F. Definitions, “F.” – No change.

G. Definitions, “G.” – No change.

General Retail. Stores and shops selling many lines of merchandise. Examples of these stores and lines of merchandise include:

- antique stores
- art galleries
- art supplies
- bicycles
- books, magazines, and newspapers
- clothing, shoes, and accessories
- collectibles (cards, coins, comics, stamps, etc.)
- consignment stores
- department stores
- dry goods
- fabrics and sewing supplies
- florists and houseplant stores (indoor sales only; outdoor sales are “Building and Landscape Materials Sales”)
- hardware (not including building or landscape materials)
- health care supplies
- hobby materials
- jewelry
- luggage and leather goods
- musical instruments, parts and accessories
- religious goods
- small wares
- specialty shops
- sporting goods and equipment
- stationery
- toys and games
- variety stores

Does not include adult-oriented businesses, second hand stores, or cannabis retail which are separately defined.

Groceries, Specialty Foods. A retail business where the majority of the floor area, open to the public, is occupied by food products for preparation and consumption away from the store. Includes retail bakeries, where any on-site baking is only for on-site sales. **As allowable by the State of California under BUSINESS AND PROFESSIONS CODE –**

BPC DIVISION 10. Cannabis [26000 - 26260], grocery and specialty food stores may sell manufactured cannabidiol products without a state license or city permit as long as the manufactured products are purchased from a licensed manufacturer or distributor and do not contain psychoactive components, kief, or trichomes (THC).

H. Definitions, "H." – No changes

I. Definitions, "I."

Incidental Agriculture. Noncommercial crop production, horticulture, and orchard uses; and private, noncommercial stables and corrals. **Does not include non-commercial cannabis cultivation which is regulated under Municipal Code 9.32.**

L. Definitions, "L."

Laboratory - Analytical, Testing. A facility for testing and analysis, and/or research. Examples of this use include soils and materials testing labs, medical service labs and forensic labs, and **cannabis testing labs**. See also "Research and Development (R&D)."

M. Definitions, "M."

~~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. See above definition under Cannabis, Cannabis Manufacturing.~~

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 **Level 2 Cannabis Manufacturing** ~~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/Processing - 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 “Manufacturing/Processing - Medium Intensity - 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 Facility”), 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/Processing - 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/Processing - Light - Clothing and Fabric Product Manufacturing”), and industries that transform hides into leather by tanning or curing. Includes:

- coating, waterproofing, or otherwise treating fabric
- manufacturing of woven fabric, carpets, and rugs from yarn
- dressed and dyed furs
- preparation of fiber and subsequent manufacturing of yarn, threads, braids, twine cordage
- dyeing and finishing fiber, yarn, fabric, and knit apparel
- leather - tanned, curried, and finished
- scouring and combing plants
- manufacture of knit apparel and other finished products from yarn
- upholstery manufacturing
- manufacture of felt goods, lace goods, nonwoven fabrics and miscellaneous textiles
- yarn and thread mills

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 non-volatile cannabis manufacturing and processing. ~~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/Processing - 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
- motors and generators
- optical instruments and lenses
- photographic equipment and supplies
- aviation instruments
- radio and television receiving equipment
- computers, computer components, peripherals
- surgical, medical and dental instruments, equipment, and supplies
- electrical transmission and distribution equipment
- 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.
- 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
- surveying and drafting instruments
- telephone and telegraph apparatus
- transformers, switch gear and switchboards
- industrial controls
- instruments for measurement, testing, analysis and control, associated sensors and accessories
- watches and clocks
- miscellaneous electrical machinery, equipment and supplies such as batteries, X-ray apparatus and tubes, electromedical and electrotherapeutic apparatus, electrical equipment for internal combustion engines

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

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/Processing - 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 coating 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/Processing - 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/Processing - 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 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 Product Manufacturing”).
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 Product 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 Product Manufacturing,” “Home Occupation”).

N. Definitions, “N.” – No changes recommended

O. Definitions, “O.” – No changes recommended

P. Definitions, “P.”

Plant Nursery. A commercial agricultural establishment engaged in the production of ornamental plants and other nursery products, grown under cover either in containers or in the soil on the site, or outdoors in containers. The outdoor production of ornamental plants in the soil on the site is instead included under “Crop Production, Horticulture, Orchard, Vineyard.” Also includes establishments engaged in the sale of these products (e.g., wholesale and retail nurseries) and commercial-scale greenhouses (home greenhouses are included under “Residential Accessory Use or Structure”). The sale of house plants or other nursery products entirely within a building is also included under “General Retail.” **Cannabis Nursery is defined separately under cannabis cultivation and is subject to Municipal Code 9.30 and 9.32.**

Primary Use. The main purpose for which a site is developed and occupied, including the activities that are conducted on the site a majority of the hours during which activities occur.

Q. Definitions, “Q.” – No changes recommended

R. Definitions, “R.” – No changes recommended

S. Definitions, “S.” – No changes recommended

T. Definitions, “T.” – No changes recommended

U. Definitions, “U.” – No changes recommended

V. Definitions, “V.” – No changes recommended

W. Definitions, “W.”

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.

X. Definitions, "X." – No changes recommended

Y. Definitions, "Y." – No changes recommended

Z. Definitions, "Z." – No changes

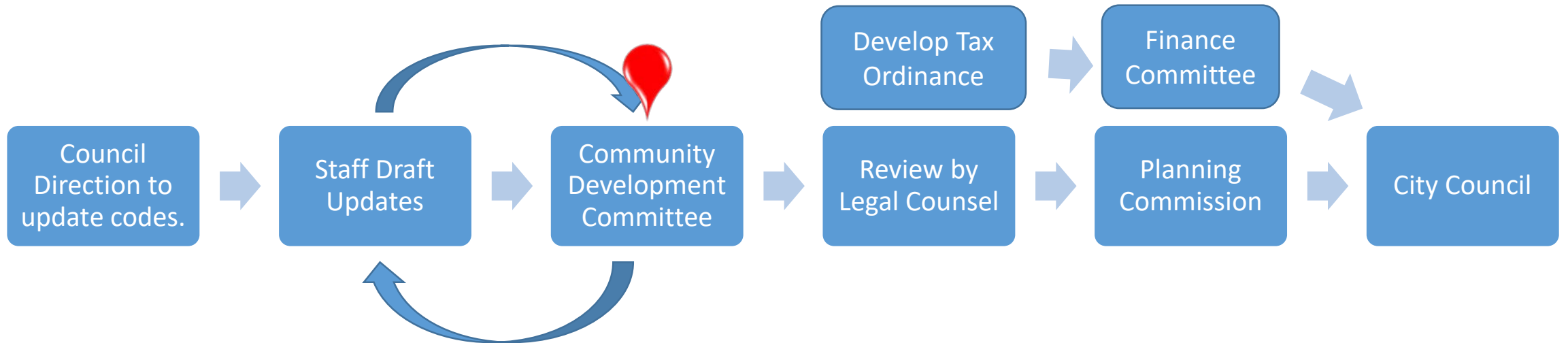
DRAFT



Cannabis Cultivation Code and Cannabis Retail Updates

Heather Gurewitz, MCRP
Associate Planner
City of Fort Bragg

Process Revisited



Directions from last meeting

- Okay with recommended changes to 9.30
- Remove the suggested code language providing regulation of residential/non-commercial cultivation
- Move 9.28 to Public Safety Committee (work with Police Chief)
- Prioritize Commercial Cultivation and Microbusiness Ordinance
 - No cultivation of mature plants in CBD
 - Demonstration size cultivation of non-mature only in CBD/Commercial
 - Maintain accessory nature of non-retail activities in CBD/Commercial (only for what is sold/distributed on site)

Direction continued

- Full Commercial Cultivation in Industrial zones
 - Require own source of water and or holding tanks for Stage 1 water emergencies
 - Possibly require solar to offset the demand on the grid for larger cultivations
- Include a 1% tax on cannabis cultivation
- Maybe places in other commercial zones?

Summary of Staff Action

- Minor changes to 9.30
- Connected with PD regarding 9.28 Drug Paraphernalia
- Connected with Finance regarding 1% Tax
- Updated 9.32 to reflect requested changes
- Updated Land Use Tables
- Removed microbusiness and enhanced accessory definition in 18.42.057 Cannabis Retail
- Added chapter 18.42.055 for Cannabis Cultivation
- Minor updates to definitions in Article 10

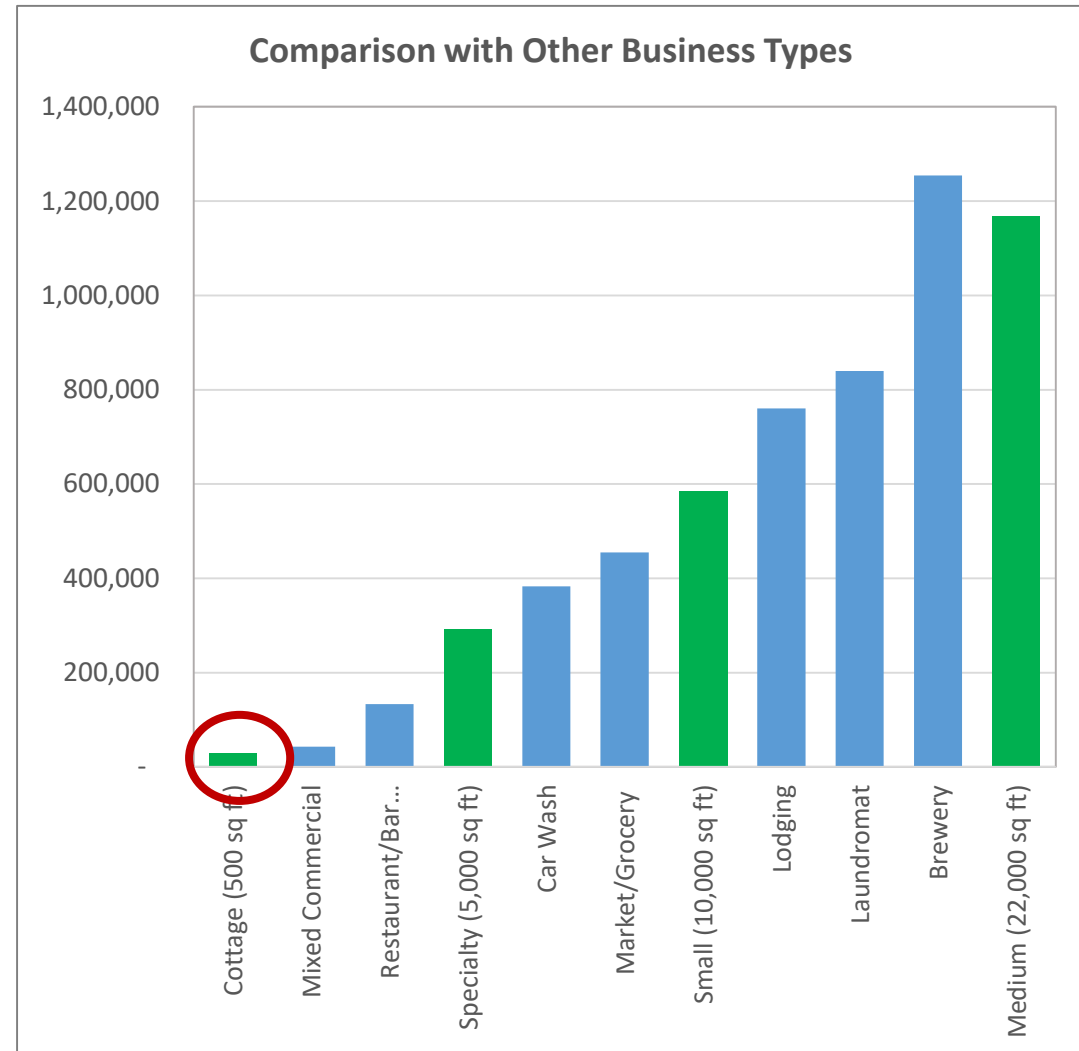
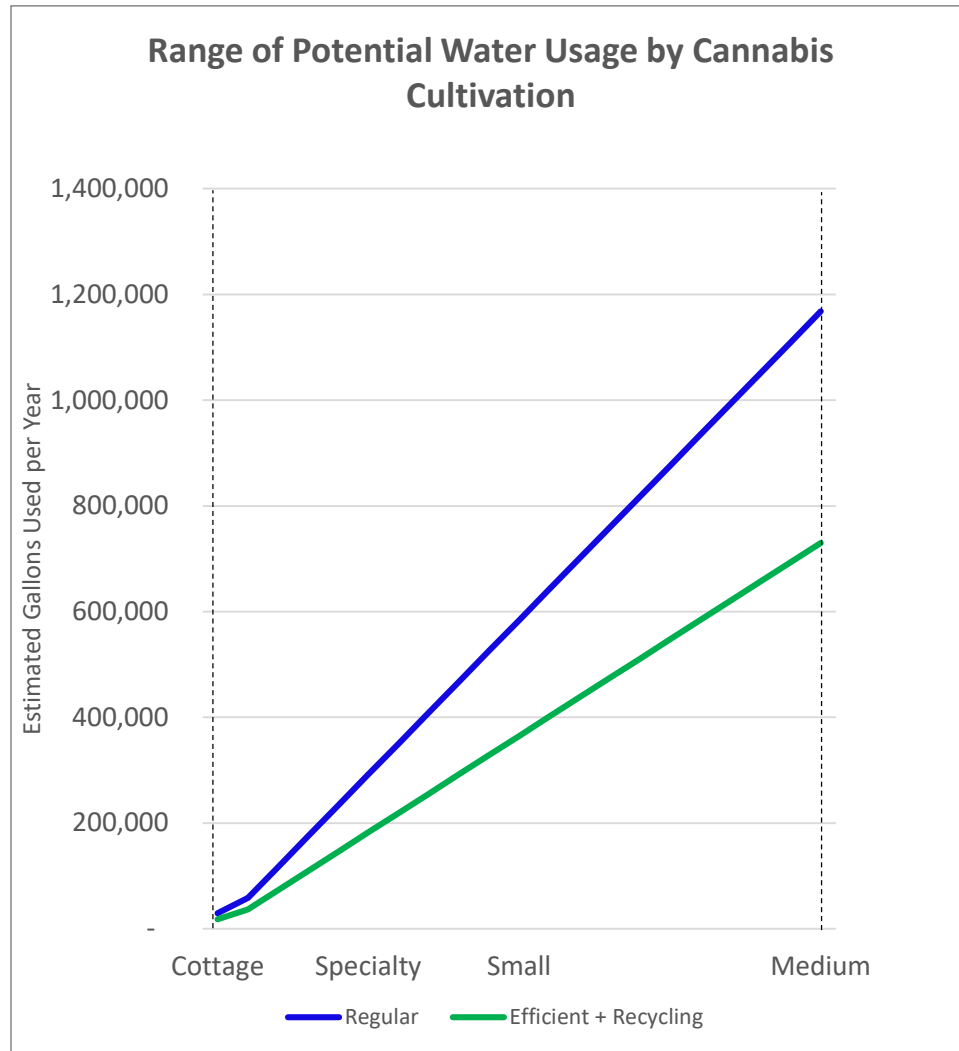
Cannabis Cultivation – 9.32

- Outdoor cultivation is not permissible in the City
- With all required licenses and permits indoor, mixed light cultivation, and nursery are allowable (restrictions on location are in Title 18)
- Includes recommendations for water and energy
- No size limit in this chapter
- Includes nuisance language and enforcement language

REMINDER: 9.30 ALWAYS APPLIES

- The long list of requirements for all cannabis businesses in 9.30 applies to all business activity regardless of whether it is permitted by right or requires a Use Permit.
- One Cannabis Business Permit may cover multiple uses at one location as long as they are stated on the permit.
- For small cultivations in industrial zones, they still have to get the cannabis business permit in 9.30
- Will confirm with our legal council, but business permit is discretionary

Water Usage and what is small?



Commercial Cultivation

- Outdoor is prohibited
 - Includes plastic sheeting green houses or hoop houses
- Indoor allowable in the industrial zone
 - Up to 500 sq ft permitted by right in industrial with required cannabis business permit
 - Over 500 sq ft requires MUP and over 5,000 requires UP



Cultivation in Industrial

LAND USE (1)	PERMIT REQUIRED BY DISTRICT		Specific Use Regulations
	IL	IH	
AGRICULTURAL, RESOURCE AND OPEN SPACE USES			
Crop production, horticulture, orchard, vineyard	P	P	
Indoor & Mixed Light Cannabis Cultivation up to 5,000 square feet	P(3)	P(3)	18.42.XX
Indoor & Mixed Light Cannabis Cultivation between 5,000 and 10,000 square feet	MUP	MUP	18.42.XX
Indoor & Mixed Light Cannabis Cultivation over 10,000 square feet	UP	UP	18.42.XX

(3) Permissible only with an approved cannabis business license from the City of Fort Bragg.

MUST COMPLY WITH 9.30 AND 9.32

Cannabis Accessory Uses

LAND USE (1)	PERMIT REQUIRED BY DISTRICT					Specific Use Regulations
	CN	CO	CBD	CG	CH	
AGRICULTURAL, RESOURCE AND OPEN SPACE USES						
Crop production, horticulture, orchard, vineyard	P	P	P	P	P	
Indoor Cannabis Nursery			MUP(3)	MUP(3)	MUP(3)	18.42.57
INDUSTRY, MANUFACTURING AND PROCESSING, WHOLESALING						
Laboratory - Analytical and testing	—	P	—	P	—	
Artisan/craft product manufacturing with retail sales	—	P(2)	P(2)	P(2)	P(2)	
Brewery/restaurant	—	—	UP	—	—	
Printing and publishing	—	—	P	P	—	
Research and development (R&D)	—	—	—	UP	—	
Recycling - Small facility	P	P	P	P	P	18.42.150
Recycling - Large facility	—	—	—	UP	—	18.42.150
Cannabis - Wholesale Distribution				MUP(3)		18.42.57
Cannabis - Manufacturing Level (non-volatile)			MUP(3)	MUP(3)	MUP(3)	18.42.57
Cannabis - Processing			MUP (3)	MUP (3)	MUP (3)	18.42.57

(3) May be allowable only as an accessory use to a cannabis retail for retail sales on site. The retail must make up the primary use of the site in comparison with the combination of all other uses and are subject to section 18.42.57

Current Text for Accessory Uses in Retail

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

18.42.057 Updates to Accessory Uses

E. Accessory uses. As defined in Article [10](#), 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.

1. In the Central Business District and Highway Visitor Commercial Zones, the following may be allowed as accessory uses to retail:

- a) A cultivation of immature plants no larger than 500 square feet for sale on site
- b) Processing of cannabis for sale on site
- c) Non-volatile manufacturing of cannabis for sale on site
- d) Retail delivery
- e) Accessory office

2. In the General Commercial Zone the following may be allowed as accessory uses to retail:

- a) A cultivation of immature plants no larger than 1,000 square feet
- b) Processing of cannabis for sale on site
- c) Non-volatile manufacturing of cannabis for sale on site
- d) Retail delivery
- e) Office space

3. The following are NOT allowed as accessory uses to cannabis retail in the commercial zone:

- a) Cultivation of mature or flowering plants other than specified in D.5 of this section.
- b) Cannabis manufacturing using volatile substances
- c) Wholesale and distribution

No Cannabis Microbusiness Category

- Not necessary in **INDUSTRIAL** because all uses are allowable except retailing on site (retail delivery okay)
- Not allowable in CBD
- Very limited potential in Inland General Commercial and Inland Highway Visitor Commercial

Inland
Highway
Visitor
Commercial



CH - Applied to sites along Highway 1 and arterials at the entry points to the community. Allowable land uses include lodging, restaurants, and retail stores.

Example of Potential (not necessarily recommended) sites in Highway Comm.



120 E Bush



110 Manzanita

Inland
General
Commercial



Less compact and intensive commercial uses than those accommodated within the CBD zone... more auto-oriented than pedestrian-oriented, and may include automotive and service-related uses, a wide range of retail stores, including those selling large products

Example of Potential (not necessarily recommended) Sites in General Comm.



220 E. Bush



546 S. Main St.

Summary of Cannabis Uses and Zoning

Activity	Permitted by Right	Minor Use Permit	Use Permit	Not Allowed
Cannabis Retail	-	CBD, CG, CH	-	Industrial & Residential
Cannabis Retail – Delivery Only (accessory only)	-	CBD, CG, CH IL & IH	-	Residential
Accessory nursery, processing, manufacturing	-	CBD, CG, CH	-	Residential
Cannabis Indoor /mixed light cultivation up to 500 sq ft	IL and IH	-	-	Residential & commercial
Cannabis Indoor/mixed light 501-5,000 sq ft.	-	IL & IH	-	Residential & commercial
Cannabis Indoor/mixed light OVER 5,000 sq ft.	-	-	IL & IH	Residential & Commercial
Outdoor Cannabis Cultivations	-	-	-	All zones
Cannabis Manufacturing (non-volatile), processing, wholesale, distribution	IL & IH			Residential & Commercial

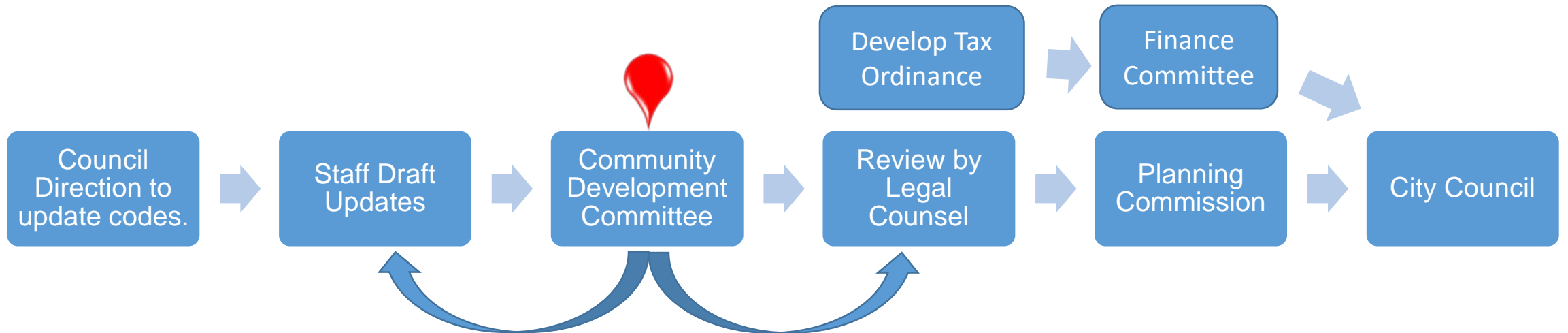
Next Steps?

CDC changes/recommendations for:

- Chapter 9.32 Cannabis Cultivation
- Title 18 Article 2 Land Use Tables
- Section 18.42.057 Cannabis Retail
- Section 18.42.055 Cannabis Cultivation
- Refer details of 1% cannabis tax on cultivation to finance committee
- Provide additional direction

Next Steps

- Return with updated drafts?
- Move to next step?



Gonzalez, Joanna

From: Jacob Patterson <jacob.patterson.esq@gmail.com>
Sent: Monday, March 22, 2021 2:22 PM
To: Norvell, Bernie; Morsell-Haye, Jessica
Cc: Gonzalez, Joanna
Subject: Re: Some comments about the revised draft cannabis ordinances

I have an additional comment concerning the Use Permit / Minor Use Permit distinction. It is assumed that CEQA will be performed on a project-by-project basis for commercial cannabis projects. That is baked into the assumptions presented in the staff reports for this draft ordinance. Please note the following from the City's ILUDC:

"18.71.060 - Use Permit and Minor Use Permit

...

2. Minor Use Permits. Minor Use Permits shall be approved or disapproved by the Director.
 - a. The Director may choose to refer any Minor Use Permit application to the Commission for hearing and decision.
 - b. A Minor Use Permit application shall only be issued if there is evidence that the project is eligible for a California Environmental Quality Act (CEQA) exemption in compliance with State law and Chapter 18.72 (Environmental Impact Assessment and Mitigation Monitoring). **Projects that are otherwise eligible for a Minor Use Permit, but are not eligible for a CEQA exemption, shall be processed as a Use Permit.**"

This means that all MUPs that involve CEQA analysis rather than a categorical exemption will necessarily be processed as Use Permits and require a public hearing before the Planning Commission. However, based on staff work for the most recent cannabis permit application, staff may try to apply a categorical exemption, which would keep those at the MUP level and avoid a public hearing altogether. Let's avoid the situation where shortcutting the CEQA review is incentivized and just require normal use permits for commercial cannabis projects in the CBD.

On Mon, Mar 22, 2021 at 10:51 AM Jacob Patterson <jacob.patterson.esq@gmail.com> wrote:
Bernie and Jessica,

You should probably move this items along to the Planning Commission soon so the City can meet the deadlines for this project to be exempt from CEQA review or be prepared to fund a full EIR for the ordinance. More rounds of CDC discussion, which isn't necessary for an ordinance like this, could delay this a lot and the Planning Commission will likely need several meetings for their review process, which is required before it can go to the City Council for the first and second readings.

The revisions are still too permissive concerning the CBD and should be tightened up because they actually increase ambiguity in some instances rather than reducing it. Nursery cultivation is too big at 500 square feet, and should be limited to 100 square feet rather than 500 square feet, in line with your discussion last time (at least within the CBD). Any commercial cannabis permit in the CBD should either require a full Use Permit or

at least preclude a staff-level approval without a public hearing. The current use table doesn't do that and there are significant fees that any concerned neighbor or business owner would potentially need to pay in order to have a public review process. That shouldn't be the case for proposals in the CBD involving anything more than cannabis retail without more intense accessory uses. Anything with a cultivation, manufacturing, or processing accessory use in the CBD should require a Use Permit reviewed and approved by the Planning Commission rather than a staff-level review that is available for a Minor Use Permit. We need a transparent public process for all more complex cannabis business proposals in the CBD.

On a different note, I think the limitations in General Commercial are too strict and should be relaxed to permit more commercial cannabis activity in that zone. Retail is changing and we probably don't need all of the general commercial zoning we have in the City. It should either be considered for offices and light industrial uses or the use table for General Commercial should allow larger cannabis businesses with a broader mix of potentially permitted uses. Specifically, the size limits on some uses are too small in General Commercial and should be expanded. We should also prohibit conversion of residential structure within commercial zoning districts into cultivation operations and require such uses to happen in existing commercial or industrial buildings, new buildings, or accessory structures. We need that restriction to protect potential housing from conversion into grow houses. That said, cannabis cultivation should probably be permitted in the General Commercial zoning district, not just in Industrial Zoning. (I wouldn't permit it in any other commercial zoning districts except as an accessory use to cannabis retail in the Highway Visitor Commercial zoning district.

The structure of the use tables is problematic and should be revised to improve clarity. For example, all use types should have a row in all use tables even if that use is not permitted in the particular zoning districts (i.e., something shouldn't only be listed in the Industrial district use table and should also have a line in the residential and commercial zoning use tables even if it is not permitted in any of those other zoning districts. The lines for uses that are only permitted as accessory uses to cannabis retail should be removed or moved to indented subentries under the primary use or cannabis retail. Including them even with a footnote indicating that restriction in the use tables for zoning districts that don't permit those uses as primary uses was a major contributor to the confusion about the use tables discussed at your last meeting.

We should consider removing the prohibition on outdoor cultivation in residential zoning districts to discourage the damage to our housing stock due to indoor grow rooms or explicitly permit it in residential accessory structures like greenhouses (at least 100% natural light greenhouses). That requires an amendment to Chapter 9.32, which also has issues with incorrect references and section numbering errors that should be corrected as well.

Regards,

--Jacob

Gonzalez, Joanna

From: Jay Koski <jaynscout95@gmail.com>
Sent: Monday, March 22, 2021 5:43 PM
To: Gonzalez, Joanna
Subject: Community development meeting

This letter is to be read during public comment at the community development meeting on Tuesday March 23rd. Once again staff has not listened to or paid attention to the meetings she is supposed to follow up on with recommendations. After reading the new agenda packet and proposals for the new cannabis zoning regulations she is not even close to the recommendations suggested by Jessica and Bernie. Her square footage for certain allowances is way off compared to what was recommended. Allowing nursery, manufacturing and processing with just a minor use permit is totally unacceptable. If that were to be the case all city staff would have to do is throw a stamp on it and let it go through with no public hearing whatsoever. The people of this town deserve more. Our city staff seems like they're just taking their own direction without considering the public's opinion on these issues or city council who they are actually supposed to be following their suggestions. I've said it before and I'll say it again the CBD of Fort Bragg is not a place to grow or process cannabis that should be restricted to industrial commercial only, that is what it is created for to protect the people and other business owners. So please pull the rains back on these suggested proposals before you ruin are beautiful downtown business district with these unneeded make a quick easy buck businesses.

Jay Koski

Gonzalez, Joanna

From: Brandy Moulton <brandy@sovereign707.com>
Sent: Tuesday, March 23, 2021 10:06 AM

Good Morning Councilmembers, City clerk and Staff,

I'm writing to you this morning in response to an individual being denied employment at "The Bakery" for a felony cannabis charge.

I inquired with Captain O'neal and Chief Naulty as to if this was TRULY happening and Captain O'neal promptly responded with "9.30.100 FBMC requires that we reject the application if *"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"*."

I would argue that with the passage of Prop 64, it was California's intent to end the war on drugs, yet here we are in Fort Bragg, preventing people that were negatively impacted by the war on drugs to pursue gainful employment at the discretion of the local police department. The County of Mendocino does not interfere with employment, the state of California does not interfere with employment, so why is it that the City of Fort Bragg has chosen to in an area that was deemed to be ONE OF THE MOST disadvantaged areas as it pertains to cannabis persecution.

I don't know if any of you ever had your house raided, been pulled out of the shower and thrown in the dirt, dogs shot or house trashed as a direct result of the Mendocino County Task force violating the protections under prop 215 but I do. This continuation of cannabis persecution under prop 64 needs to stop and I would encourage the discussion to remove this provision entirely. Let the judges and probation officers decide where convicted felons can and cannot work. This is not the job of the police department and it's a great disservice to the community as a whole.

My contact information is below if any of you would like to discuss further. Thank you for your time and consideration on this matter.

--

Thank you,
Brandy Moulton
Chief Executive Officer,
Sovereign
(707)223-1129

Gonzalez, Joanna

From: Brandy Moulton <brandy@sovereign707.com>
Sent: Tuesday, March 23, 2021 12:07 PM
To: Gonzalez, Joanna
Subject: Re:
Attachments: LocalEquityProgramManual10.pdf

Oh man. Thanks for the heads up about the meeting.

Sure you can add it.

Perhaps also add as a supporting document, the information regarding the equity program in Mendocino County. Two rounds of equity funding was awarded to Mendocino County totaling almost 3 million dollars.
<https://elevateimpactmendo.com/>

On Tue, Mar 23, 2021, 12:05 PM Gonzalez, Joanna <JGonzalez@fortbragg.com> wrote:

Brandy,

I have forwarded your email to the appropriate parties do you want me to add this as a public comment on the agenda for CDC today?

-Joanna

From: Brandy Moulton <brandy@sovereign707.com>
Sent: Tuesday, March 23, 2021 10:06 AM
Subject:

Good Morning Councilmembers, City clerk and Staff,

I'm writing to you this morning in response to an individual being denied employment at "The Bakery" for a felony cannabis charge.

I inquired with Captain O'neal and Chief Naulty as to if this was TRULY happening and Captain O'neal promptly responded with "9.30.100 FBMC requires that we reject the application if *"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"*."

I would argue that with the passage of Prop 64, it was California's intent to end the war on drugs, yet here we are in Fort Bragg, preventing people that were negatively impacted by the war on drugs to pursue gainful employment at the discretion of the local police department. The County of Mendocino does not interfere with employment, the state of California does not interfere with employment, so why is it that the City of Fort Bragg has chosen to in an area that was deemed to be ONE OF THE MOST disadvantaged areas as it pertains to cannabis persecution.

I don't know if any of you ever had your house raided, been pulled out of the shower and thrown in the dirt, dogs shot or house trashed as a direct result of the Mendocino County Task force violating the protections under prop 215 but I do. This continuation of cannabis persecution under prop 64 needs to stop and I would encourage the discussion to remove this provision entirely. Let the judges and probation officers decide where convicted felons can and cannot work. This is not the job of the police department and it's a great disservice to the community as a whole.

My contact information is below if any of you would like to discuss further. Thank you for your time and consideration on this matter.

--

Thank you,

Brandy Moulton

Chief Executive Officer,

Sovereign

(707)223-1129

Email correspondence with the City of Fort Bragg (and attachments, if any) may be subject to the California Public Records Act, and as such may therefore be subject to public disclosure unless otherwise exempt under the Act.

Mendocino County Cannabis Local Equity Program Manual V3. 10/7/2020

Purpose of Cannabis Equity Grants Program for Local Jurisdictions – Administered by The Governor’s Office of Business and Economic Development (GO-Biz)

The purpose of the Cannabis Equity Grants Program for Local Jurisdictions is to advance economic justice for populations and communities impacted by cannabis prohibition and the War on Drugs (WoD) by providing support to local jurisdictions as they promote equity in California and eliminate barriers to enter the newly regulated cannabis industry for equity program applicants and licensees. By issuing these grants to local jurisdictions, The Governor’s Office of Business and Economic Development (GO-Biz) aims to advance the well-being of populations and communities that have been negatively or disproportionately harmed by cannabis prohibition and the WoD.

The term “equity” recognizes that because different individuals or groups have different histories and circumstances, they have different needs and unequal starting points. Using an equity approach, individuals and groups receive different resources, opportunities, support, or treatment based on their specific needs. By providing what each individual or group needs, they can have equitable or fair outcomes.

Local jurisdictions can help further the purpose and intent of Proposition 64, the Control, Regulate, and Tax Adult Use of Marijuana Act (AUMA) by fostering equitable access to licensure and employment in the regulated cannabis industry, ensuring that persons most harmed by cannabis criminalization and poverty are offered assistance to enter the multibillion-dollar cannabis industry as entrepreneurs or as employees with high-quality, well-paying jobs, and ensuring the cannabis industry is representative of the state’s population.

Mendocino County’s Cannabis Equity Program

The Mendocino County Cannabis Equity Assessment (2020) established that Mendocino has been hit hard by the criminalization of cannabis, and a targeted, data-driven and well-funded equity program can help certain populations and neighborhoods, particularly small growers and those impacted from past policies that may be left behind, into a legal, sustainable economic future.

The purpose of this manual is to describe the qualifications for, and services to be provided by, the Mendocino County Cannabis Local Equity Program (LEP).

A. Qualifications

1. **Program Eligibility:** A local equity applicant must be eligible for a cannabis related application, permit, and/or license to operate a cannabis business in unincorporated Mendocino County, whose activities are specific to cultivation, nurseries, processing, manufacturing, laboratory analysis, distribution or retail of cannabis; have a household income as defined as "very low income" or "extremely low income" for Mendocino County in the [2020 State Income Limits](#) produced by the California Department of Housing and Community Development and meet one of the following qualifications within Mendocino County’s LEP to become eligible for consideration for funding in all service categories offered:
 - a. Have lived within a 5-mile radius of the location of raids conducted by the Campaign Against Marijuana Planting (CAMP) program;

Mendocino County Cannabis Local Equity Program Manual V3. 10/7/2020

- b. Have a parent, sibling or child who was arrested for or convicted of the sale, possession, use, manufacture or cultivation of cannabis (including as a juvenile);
- c. Any individual who has obtained or applied for a cannabis permit in Mendocino County, or who has worked in or currently works in the cannabis industry, and was arrested and/or convicted of a non-violent cannabis-related offense, or was subject to asset forfeiture arising from a cannabis-related event;
- d. Are a person who experienced sexual assault, exploitation, domestic violence, and/or human trafficking while participating in the cannabis industry;
- e. Have become homeless or suffered a loss of housing as a result of cannabis enforcement.

B. Services

Services to be provided by the Mendocino County Cannabis Equity Program may include, depending on need and the availability of funds from grants or other sources:

Grants

1. Grant Fee waiver of County fees for cannabis-related permits, including fees for Application Assistance Meetings of up to four hours, with the Cannabis Program of the Department of Planning & Building Services;
2. Grants for purposes of assuring compliance with regulatory requirements of local or state permits or licenses that mitigate adverse environmental effects of cannabis cultivation. This includes categories such as regulatory compliance, capital improvement, fixtures or equipment to address the following activities including, but not limited to:
 - a. Water storage for irrigation during forbearance periods of surface water diversion required by state or local regulations;
 - b. Remediation and relocation of cannabis facilities located within streamside setbacks required by state or local regulation;
 - c. Installation of solar electrical systems to replace diesel or gasoline generator power for off-grid cannabis facilities where connecting to the grid is economically infeasible.
 - d. Road remediation, watershed mitigation, culverts or infrastructure needed to meet state or local regulations.
3. Grants for the purpose of employment skill training for eligible equity participants employed or seeking employment in licensed cannabis operations in Mendocino County

Direct Technical Assistance

“**Direct Technical Assistance**” refers to support to help cannabis equity applicants and licensees acquire the knowledge and/or skills necessary in order to gain entry to, and to successfully operate in, the regulated cannabis marketplace. Direct technical assistance includes:

One-on-one consulting and training, including direct interactions in group settings, to provide equity applicants and licensees the technical knowledge and expertise necessary to facilitate business ownership and employment in the cannabis industry.

Mendocino County Cannabis Local Equity Program Manual V3. 10/7/2020

Small business support services, professional mentorship services, training and education regarding state cannabis licensing and regulatory requirements, manufacturing assistance, financial management, and business resilience such as emergency preparedness.

Direct Technical Assistance is provided as follows:

1. Direct Technical Assistance for Cannabis and Small Business Development Assistance including business planning, loan application preparation, site location services, human resource management, capital procurement services, bookkeeping and accounting practices and systems, etc.
2. Direct Technical Assistance regarding legal regulations for Cannabis Cooperative associations pursuant to Business and Professions Code sections 26220 -26231.2, and educational information regarding the process of forming Cannabis cooperatives.

C. Program Administration

1. No more than ten percent (10%) of any funding from the Governor's Office of Business and Economic Development Cannabis Local Equity Program Grant Funds may be utilized for program administration;
2. Principal Administration and Coordination of Services shall be performed by the Mendocino County Department of Planning & Building Services - Cannabis Program Division or a contractor selected through the County's procurement process.
3. Mendocino County Department of Planning and & Building Services shall promulgate any policies, procedures, grant funding caps per category, grant agreements/execution deadlines, application windows, and forms necessary for program administration.
4. Mendocino County Department of Planning & Building Services shall monitor and report on all program services provided through the LEP, as directed by the State grant agreement.
5. Mendocino County Department of Planning and Building Services or contractor(s) selected in the County's procurement process may be designated to receive and process applications to determine eligibility and grant funding of equity program participants.

D. Provision of Services

1. Staff in the Mendocino County Department of Planning & Building Services- Cannabis Program or Administration Services contractor selected in the County's procurement process shall serve as the liaison between equity applicants/licensees who receive grant funding and the selected agency(ies) that provides an eligible service. Agencies include, but are not limited to:
 - a. Technical Assistance Service Contractor selected in the County's procurement process
 - b. Mendocino County Departments
2. Mendocino County Department of Planning & Building Services may enter into a contract agreement in line with the County's procurement process with qualifying internal or external agencies/vendors capable of providing the services described in SB 1294, business and professional codes and Mendocino County Local Equity

Mendocino County
Cannabis Local Equity Program Manual
V3. 10/7/2020

Program Manual. These services may include:

- a. Direct Technical Assistance Services
- b. Assistance in Administration of the Local Equity Program

E. Budget Allocation

Available program funds shall be allocated for Program Services specified in Section B., above, as follows:

Grants	80%
Direct Technical Assistance (not to exceed)	10%
Administration (not to exceed)	10%

Gonzalez, Joanna

From: noreply@granicusideas.com
Sent: Tuesday, March 23, 2021 4:21 PM
To: Gonzalez, Joanna
Subject: New eComment for Community Development Committee on 2021-03-23 3:00 PM



New eComment for Community Development Committee on 2021-03-23 3:00 PM

Brandy Moulton submitted a new eComment.

Meeting: Community Development Committee on 2021-03-23 3:00 PM

Item: 3C. 21-114 Receive Report and Make Recommendations to Planning Commission and City Council on Commercial Cannabis Ordinances

eComment: Limiting Distribution to serve only the on site retail is not lucrative and prohibits profitability considering you are not allowing cultivation or larger nurseries. There would be nothing to distribute and no options to distribute outside of your own facility. Consider limiting distribution to "self distribution" which applies only to products processed/cultivated on site. The County of Mendocino has a Micro business/accessory use/home occupation chart that may be of some use to city staff.

[View and Analyze eComments](#)

This email was sent from <https://granicusideas.com>.

[Unsubscribe](#) from future mailings

Gonzalez, Joanna

From: Jenny Shattuck <jenxvann@yahoo.com>
Sent: Tuesday, March 23, 2021 4:34 PM
To: Gonzalez, Joanna; Norvell, Bernie; Morsell-Haye, Jessica

I agree allowing these uses in areas like industrial allows business options outside cbd.
Jenny