



Cannabis Cultivation Code and Cannabis Retail Updates

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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

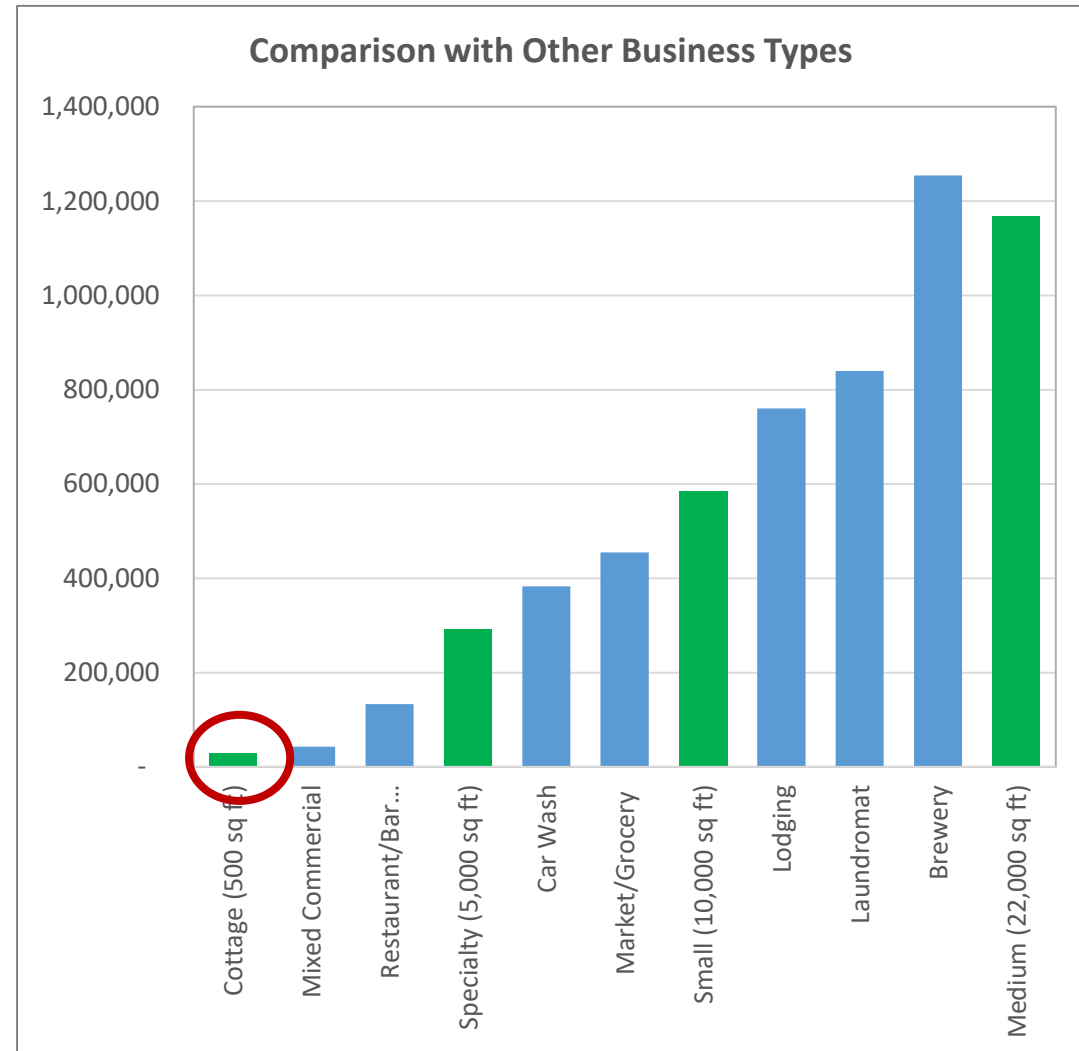
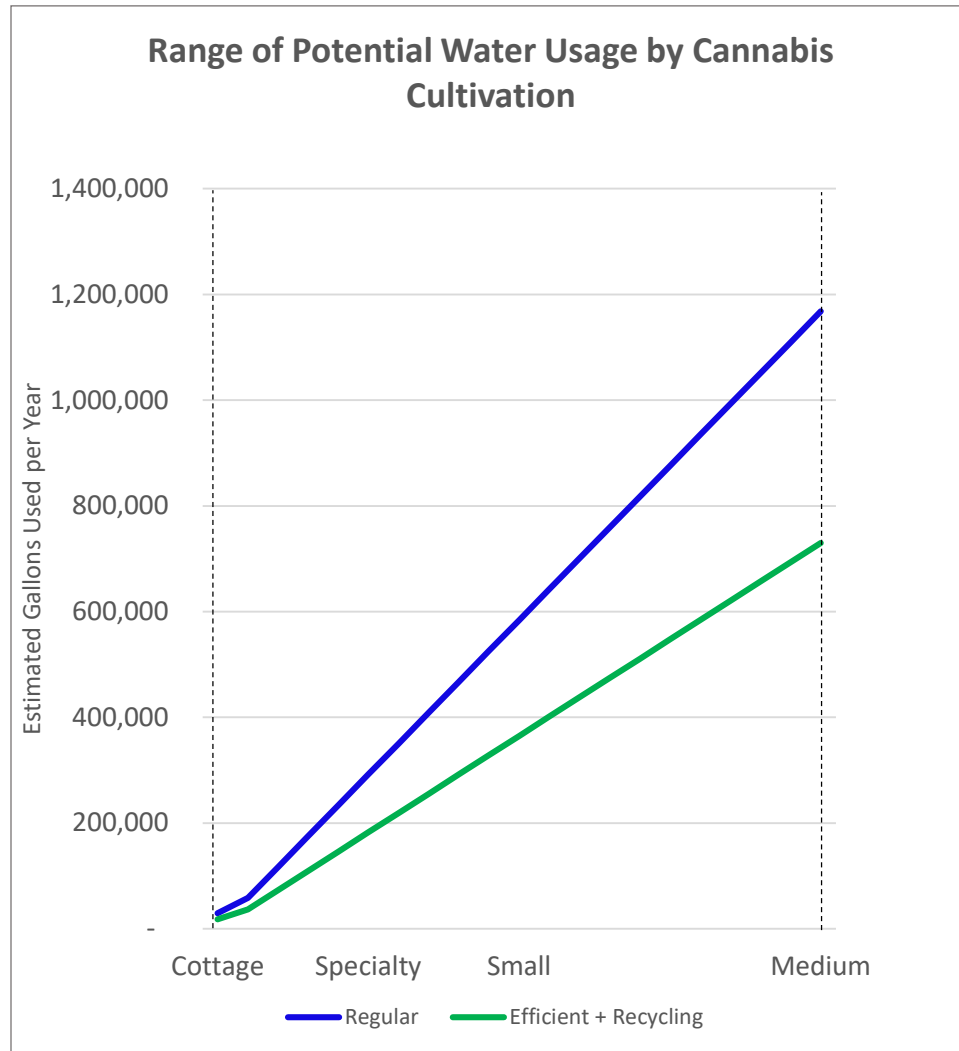
Cannabis Cultivation – 9.32

- 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?

