

Title 18 Chapter 4 Proposed New Sections

RECOMMENDATION: Add Commercial Cannabis Cultivation and Cannabis Microbusiness to Title 18 Article 4 Standards for Specific Land Use Codes AND/OR – Amend 18.42.55 [RESERVED] to create “Cannabis Business Activity” and add the following to that section.

18.42.55 Commercial Cannabis Cultivation Standards

In addition to the operating requirements set forth in Chapter 9.30 and 9.32, this Section provides location and operating requirements for commercial cannabis cultivation. Chapter 9.30 and Chapter 9.32 and Chapter 18.100.020 contains definitions of terms used herein.

- A. **Conditional Use.** A Conditional Use Permit may be required to cultivate cannabis in accordance with Table 2-6 and Table 2-10 of Article 2.
- B. **Cultivation as an Accessory Use.** Commercial cannabis cultivation may be an accessory use to retail cannabis activity.
 1. The owner/operator must have a cannabis business license for both the primary use of the business and a cultivation license from the State of California.
- C. **Outdoor Cannabis Cultivation.** Outdoor Cannabis Cultivation is prohibited within the City Limits.
- D. **Operational requirements.** In addition to project specific conditions of approval and the requirements set forth in Chapter 9.30 and 9.32, commercial cannabis cultivation shall comply with the following operational requirements:
 1. **Employees.** The cannabis operator shall maintain a current register of the names of all employees employed by the cannabis retailer, and shall disclose such register for inspection by any City officer or official for purposes of determining compliance with the requirements of this Section and/or any project specific conditions of approval prescribed in the Minor Use Permit.
 2. Only employees, managers, and owners are allowed in non-public areas of the business.
 3. **Recordkeeping.** Applicant shall participate in the California State Track and Trace Program
 4. **Water.**
 - a. Cannabis cultivation developments in a pre-existing structure should not use more water than historic or potential future uses.
 - b. Projects that use substantially more water than historic average or potential future uses shall provide a water analysis to demonstrate that the project will not exceed the capacity of Fort Bragg’s Water System or limit the ability of other future development in the City.
 - c. Cannabis cultivations over 10,000 sq ft may be required to provide their own source of agricultural water as permitted by FBMC 14.04.127. Cultivation size includes any square footage that will be used for the growing of nursery stock, immature, or mature cannabis plants. If cannabis is cultivated in more than one level, each level is counted as separate square footage. For example, if the grow size is 100 square feet and has three levels under cultivation, the total cultivation is 300 square feet.

- d. For cultivations that do not supply their own water, the City may impose a moratorium on growing activities during months when the city's water supply is low, typically August through November.
 - e. Cultivation projects should use environmentally friendly practices that may include integrative pest management, waste reduction, and water and energy conservation strategies.
- 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 cultivation may be allowable pursuant to the permitting requirements in Article 2. Accessory uses may include activities that require additional State cannabis licenses, including, but not limited to, processing, manufacturing, distribution, and retail-delivery.
 - F. California Environmental Quality Control Act. City staff will evaluate all discretionary use permit applications to determine if the project requires a CEQA analysis.
 - G. Six Hundred Foot Buffer from Schools. A cannabis cultivation site shall not be closer than 600 feet to the nearest school.

Option 1: Cannabis Microbusiness

In addition to the operating requirements set forth in Chapter 9.30 and Chapter 9.32, this Section provides location and operating requirements for cannabis microbusinesses. Chapter 9.30 and 9.32 contain definitions of terms used herein.

- A. A Cannabis Microbusiness shall have a valid Cannabis Microbusiness License issued by the state of California Bureau of Cannabis Control.
- B. A cannabis microbusiness shall comply with all applicable regulations set forth in Chapters 9.30 and 9.32 of the Municipal Code.
- C. A Cannabis Microbusiness shall not cultivate more than 10,000 ft² of canopy space.
- D. A Cannabis Microbusiness in the Central Business District (CBD), General Commercial (CG), or Highway Commercial (CH) shall have a retail component and shall maintain a pedestrian friendly retail storefront with a public entrance on the main thoroughfare and a separate entrance for all non-retail activities. The non-retail entrance shall be located in either the back of the building, alleyway, or side street.
- E. Conditional use. A Conditional Use Permit shall be required to operate a cannabis microbusiness in accordance with Table 2-6 and Table 2-10 of Article 2.
- F. A microbusiness which includes cultivation shall provide a water usage plan and the total number of plants and shall not create a strain on the City's water or wastewater systems.
- G. Cultivation activities associated with cannabis microbusinesses must comply with 18.42.55 Commercial Cannabis Cultivation Standards.

Option 2: Microbusiness.

A microbusiness, for the purposes of this code, is defined as a business that is less than 10,000 square feet and may include two or more of the following: retail, wholesale, distribution, manufacturing,

cultivation, or similar use. The 10,000 square feet may include more than one building as long as all buildings are located on the same parcel.

1. In the Central Business District (CBD), General Commercial (CG) and Highway Commercial (CH):
 - a. Microbusinesses in the CBD shall have a pedestrian accessible retail frontage along the main street that is open and accessible during regular business hours.
 - b. Allowable light manufacturing, processing, or low-impact non-retail activities may be allowable. Examples of allowable activities include but are not limited to:
 - Cannabis cultivation
 - Furniture and Woodworking with low-noise equipment
 - Indoor Crop production
 - Nursery Stock Production
 - 3D printing
 - Clothing manufacturing
 - Food & Beverage Product Manufacturing
 - Toys, novelties, etc.
 - c. Any manufacturing, production, wholesale, or similar shall not be visible or otherwise detectable from the public right of way.
 - d. Microbusinesses shall provide a detailed floor plan that clearly defines where each activity will take place.
 - e. A microbusiness may be required to provide an operations plan which details how the business:
 - i. Shall not create excessive noise.
 - ii. Shall not create odors that are disturbing to a person of normal sensitivity.
 - iii. Shall not create traffic issues.
 - iv. Shall operate a retail portion of a business that conforms with the allowable uses in the Inland Land Use Development Code.
 - v. Shall not be a nuisance as defined under 9.32.040.